



**TOWN OF MILLIKEN  
TOWN BOARD OF TRUSTEES AND  
PLANNING & ZONING COMMISSION  
AGENDA MEMORANDUM**

<b>To:</b> Mayor, Town Board of Trustees and Planning Commissioners  <b>From:</b> Martha Perkins, Community Development Director  <b>Via:</b> Kent Brown, Town Administrator	<b>Application Date:</b> Monday, March 28, 2016  <b>Trustee or Commission Objection Deadline:</b> Monday, May 2, 2016		
<b>Agenda Item #</b>	<b>Action:</b>	<b>Discussion:</b>	<b>Information:</b> <b>X</b>
<b>Agenda Title:</b> Minor Subdivision request to split one parcel consisting of approximately of 4.4 acres into 2 parcels consisting of approximately 2 acres each with the proposed split at the Big Thompson Ditch, addressed as 23176 Highway 257 in Milliken Colorado. The parcel is currently owned by KLC Properties, LLC and Texo, LLC with Tomm Owens as the agent.			
<b>Attachments:</b> Application for a Minor Subdivision - a proposed lot split			

**PURPOSE**

To consider a request to split a parcel of land consisting of approximately 4.402 acres through a minor subdivision process into two parcels consisting of approximately 2 acres each with the split at the Big Thompson Ditch. The parcel is legally known as part of the Cap Farm Annexation located in Section 2, Township 4, Range 67 and is addressed as 23176 Highway 257 in the Town of Milliken, Weld County, Colorado. The parcel is currently owned by KLC Properties, LLC and Texo, LLC with Tomm Owens as the agent.

**BACKGROUND**

<b>Type of Application:</b>	Lot Split – Minor Subdivision
<b>Location:</b>	23176 Highway 257 in the Town of Milliken, Weld County, Colorado
<b>Applicant:</b>	Tomm Owens as the agent for KLC Properties, LLC and Texo, LLC
<b>Existing Land Use:</b>	Residential

<b>Surrounding Land Use:</b>	North: Residential and agricultural West: Agricultural South: Industrial East: Agricultural and industrial
<b>Zoning:</b>	Medium Industrial (I-2)
<b>Comprehensive Plan:</b>	The Comprehensive Plan designates the site neighborhood as industrial
<b>Notice:</b>	Notice was mailed to Surrounding Property Owners within 300' of the proposed development on April 11, 2016. The hearing was published in the <i>Johnstown Breeze</i> on April 7, 2016. Referral notices were mailed/emailed on April 8, 2016. Legal notice was posted on April 8, 2016.



## **STAFF RECOMMENDATION**

Staff recommends approval of the petition to administratively split approximately 4.042 acres through a minor subdivision process into two parcels consisting of approximately 2 acres each contingent upon the Commissioners and Trustees not raising an issue with the proposed lot split. Staff needs to know if any Trustee or Commissioner opposes or wishes to hear this case in a public hearing by Monday, May 2, 2016. If there is an objection, then this case is scheduled for a public hearing before the Planning & Zoning Commission on Wednesday, May 4, 2015.

## **COMPLIANCE WITH THE LAND USE CODE**

KLC Properties, LLC and Texo, LLC as the property owners with Tomm Owens as their agent are requesting a lot split through the Town's minor subdivision process. The applicant wishes to split an approximately 4.4 acre parcel into two approximately 2 acre parcels. The parcel will be split at the Big Thompson Ditch. The parcel is zoned I-2 "Medium Industrial" and the land has been for sale for some time. The applicant believes that by splitting the parcel, the land may be more attractive for industrial development.

Staff has included the most relevant sections of the Code for the Planning and Zoning Commission's and Town Board's review of this application. The Planning & Zoning Commission and the Board of Trustees is asked to review this application based on Section 16-4-130 "Minor Subdivision" which allows a parcel to be subdivided. Recently, this Section was amended with Ordinance No. 699.

The Town Board of Trustees and Commissioners can object to staff's recommendation. Any Trustee or Commissioner has the right to object to staff's recommendation by close of business on Wednesday, May 4, 2016. If an objection is filed, then this application will then be reviewed for approval at a Planning and Zoning Commission's public hearing on May 4, 2016.

## **COMPREHENSIVE PLAN GOALS IMPLEMENTED**

The Town of Milliken's Comprehensive Plan "Envision Milliken: An Update to the Town of Milliken's 2016 Comprehensive Plan and Disaster Resiliency Update" ("the Plan") was adopted by the Town Board on February 10, 2016. The Plan is intended to provide guidance on where and how the community will grow and evolve over the next 10 to 20 years. Milliken's vision is based on eight "guiding principles", which serve as an organizing framework for the comprehensive plan and for supporting goals, policies, and recommended actions to help the community implement its vision over time.

One of the Plan's guiding principles for Milliken is creating a strong, diversified economic base. "Milliken will maintain a clear focus on the need to diversify jobs, services, and businesses and to transition from being a bedroom community, to one with a more balanced economic base." This land is zoned medium industrial and has been on the market for some time. It is on Highway 257, which allows for an orderly, predictable pattern of growth with access to utilities and other infrastructure at a minimum cost, which supports another guiding principle of the Comprehensive Plan to strive for fiscally sustainable pattern of development.

The property owners believe that by splitting the parcel at the Big Thompson Ditch that the land will be more attractive to potential buyers. Thus, the application supports the Comprehensive Plan's focus on the need to diversify and strengthen Milliken's economic base while supporting a fiscally sustainable pattern of development.

### REVIEW CRITERIA

The Planning & Zoning Commission and the Board of Trustees is asked to review this application based on Section 16-4-130 "Minor Subdivision" which allows a parcel to be subdivided. Recently, this Section was amended with Ordinance No. 699. The Ordinance references Section 16-4-410(c) (2) through (6), which does not include the minor subdivision plat review criteria. It does say that:

- a. the creation of a minor subdivision will be either consistent with the surrounding land uses and lot sizes; or
- b. the creation of a minor subdivision has become an appropriate land use based upon a changed circumstances which, in conformance with applicable best planning practices, would dictate that this minor subdivision would create a significantly improved land usage.

The surrounding land uses are agricultural, residential and industrial. The land is zoned I-2 "Medium Industrial", which allows agricultural, commercial, and industrial uses. Most of the land is being used for industrial or agricultural uses. A few old farm houses exist, which were grandfathered in before the industrial zoning took place.

The parcel adjacent to this property on the north is one acre. The parcel adjacent to this property to the south is 4 acres. Another parcel across Highway 257 to the east of this parcel is 1.6 acres. The smaller parcels tend to front the highway. Huge parcels exist in the vicinity as well with their primary use as agricultural. Boulder Scientific Mining Company's land across the highway is over 80 acres, is zoned medium industrial and sits vacant. Thus, staff believes overall, the creation of the minor subdivision is consistent with the surrounding land uses and lot sizes.

The approximately 4.4 acre parcel of land is split by the Big Thompson Ditch. The applicant believes that by splitting the parcel into two 2 acre parcels, that the land will appeal to potential buyers interested in smaller parcels of commercial or land. The owners have attempted to market the parcel without any success. Thus, the creation of a minor subdivision has become an appropriate land use based upon a changed circumstances which, in conformance with applicable best planning practices, would allow significantly improved marketing of the property and land usage by allowing the commercial development on two smaller parcels rather than one on larger parcel broken up by the Big Thompson Ditch.

In summary, based on the Ordinance No. 699, the applicant's proposal to split this parcel is consistent with the surrounding land uses, lot sizes, and is provides for an appropriate use of land using best planning practices and supports the Milliken's Comprehensive Plan's intent to encourage economic development.

**FINDINGS OF FACT**

1. KLC Properties, LLC and Texo, LLC with Tomm Owens as the agent are requesting a lot split through the Town of Milliken’s minor subdivision process for a parcel addressed as 23176 Highway 257 in the Town of Milliken, Weld County, Colorado.
2. The applicant plans to split the approximately 4.402 acres into two parcels consisting of approximately 2 acres each with the proposed lot split at the Big Thompson Ditch.
3. The land is currently zoned I-2 “Medium-Industrial”, which allows for agricultural, commercial and medium industrial uses.
4. The Planning & Zoning Commission and the Board of Trustees are asked to review this application based on Ordinance 699, amending the Town of Milliken’s Land Use Code Section 16-4-130(2) allowing for an administrative process to split lots administratively.

**ADMINISTRATIVE APPROVAL**

Staff recommends approval of the petition to administratively split approximately 4.402 acres through a minor subdivision process into two parcels consisting of approximately 2 acres each for a parcel owned by KLC Properties, LLC and Texo, LLC with Tomm Owens as the agent. The parcel to be split is addressed as 23176 Highway 257 in the Town of Milliken, Weld County, Colorado.

TOWN OF MILLIKEN

\_\_\_\_\_  
Kent Brown – Town Administrator

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Town Clerk, Cheryl Powell

Recorded: \_\_\_\_\_

Proposed Replat Attached

**APPLICABLE LAND USE CODE SECTIONS**

**Sec. 16-1-50. Purpose.**

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town of Milliken's character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

- (1) Encourage the most appropriate use of land through the Town;
- (2) Encourage innovative, quality site design, architecture and landscaping;

- (3) Encourage new developments to relate to Milliken's historic development pattern;
- (4) Promote compact, well-defined, sustainable neighborhoods that enhance Milliken's character;
- (5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- (6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- (7) Provide a variety of lot sizes and housing types in every neighborhood;
- (8) Protect sensitive natural and historic areas and Milliken's environmental quality;
- (9) Integrate a high-quality natural environment into the developed portions of the community;
- (10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- (11) Provide protection from geologic, flood and fire hazards and other dangers; and
- (12) Promote the health, safety, morals and general welfare of Milliken residents. (Ord. 480 §1.5, 2003)

**Sec. 16-1-60. Interpretation.**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern. (Ord. 480 §1.6, 2003)

**Sec. 16-1-150. Definitions.**

Terms used in this Code are defined as follows:

*Easement* means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

*Lot* means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

*Parcel* means a tract or plot of land.

*Plat* means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

*Principal use* means the main use of land or of a structure as distinguished from a subordinate or accessory use.

*Property* means all real property subject to land use regulation by the Town of Milliken.

*Property line* means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which

said lot, parcel or tract abuts.

*Public* means (when used as modifying a structure, activity or purpose) a structure, activity or purpose owned or operated by a government agency or by a nonprofit corporation with tax-exempt status under the Federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all the members of the public without regard to membership status.

*Public areas* mean streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town of Milliken and fee title is vested in the Town of Milliken, other public body or a special district as defined in Section 32-1-103, C.R.S.

*Public facilities* mean those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

## **ARTICLE IV**

### **Subdivision Regulations**

#### *Division 1 General*

#### **Sec. 16-4-10. General provisions.**

- (a) The provisions of this Article, in conjunction with Article III, Zoning, of this Chapter, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the Zoning Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code.
- (b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
- (c) These Regulations, in conjunction with the Zoning Code, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive

Plan and with adopted regulations, policies, plans, standards and other guidelines. (Ord. 480 §4.1, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-20. Intent.**

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

- (1) Encouraging new subdivision developments to relate to the Town's historic development pattern.
- (2) Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character.
- (3) Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
- (4) Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets are safe, efficient and pleasant for walking, biking and driving.
- (5) Providing a variety of lot sizes and housing types in every neighborhood.
- (6) Protecting sensitive natural and historic areas and the Town's environmental quality.
- (7) Providing for adequate and convenient open space for traffic, utilities, access of fire apparatus, recreation, light, air and for the avoidance of congestion of population.
- (8) Providing open spaces for adequate storm water management.
- (9) Providing adequate spaces for educational facilities.
- (10) Providing protection from geologic hazards and flood-prone areas.
- (11) Ensuring compliance with the Zoning Code, the Comprehensive Plan and all other adopted plans, and the community design principles and development standards contained in Article II of this Chapter.
- (12) Encouraging development to utilize green building techniques and ideas and alternative sources of energy.
- (13) Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public. (Ord. 480 §4.2, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-30. Administration.**

- (a) All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and/or Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and/or Board of Trustees. Acceptance of proposed dedications by the public shall be given by separate action of the Board of Trustees.
- (b) If final approval of a land use application is done by the Planning Commission, the Planning Commission may forward the application to the Board of Trustees if they deem necessary or the Board of Trustees so requests. (Ord. 480 §4.3, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-550. Subdivision improvements and development agreements.**

- (a) A subdivision improvement agreement stating the developer agrees to construct any required public improvements shown in the final plat documents, together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the

completion of said improvements in accordance with design and time specifications, will be required. No subdivision plat shall be signed by the Town or recorded at the office of the County Clerk and Recorder, and no building permit shall be issued for development until a subdivision improvement agreement between the Town and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A subdivision improvement agreement shall run with and be a burden upon the land described in the agreement.

- (b) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
- (c) As improvements are completed, the subdivider shall apply to the Board of Trustees for inspection of improvements. Upon inspection and approval, the Board of Trustees shall notify the subdivider that there is a two-year guarantee period before release of funds. If the Board of Trustees or respective special district determines that any of the required improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure such compliance. If the Board of Trustees determines that the subdivider will not construct any or all of the improvements or remedy the deficiencies in accordance with all the specifications, the Board of Trustees may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements or remedy deficiencies in accordance with the specifications.
- (d) The following improvements shall be constructed unless waived by the Board of Trustees:
  - (1) Road grading and surfacing.
  - (2) Curbs.
  - (3) Streetlights.
  - (4) Sidewalks.
  - (5) Sanitary sewer collection system.
  - (6) Storm sewers or storm drainage system, as required.
  - (7) Potable water distribution, including fire hydrants.
  - (8) Utility distribution system for public parks and open space.
  - (9) Street signs at all street intersections.
  - (10) Permanent reference monuments and monument boxes.
  - (11) Underground telephone, electricity and gas lines.
  - (12) Berm or fence along major arterial and collector streets.
  - (13) Required landscaping.
  - (14) Street trees.
  - (15) Underdrains.
  - (16) Required floodway improvements.
  - (17) Required irrigation ditch improvements.
- (e) Time for Completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final map or plat. However, the Board of Trustees may extend such time for completion upon request from the subdivider. Upon completion of such improvements within the required time and approval thereof by the Board of Trustees, the Town shall cause the cash or letter of credit to be released within thirty (30)

days of the Town's acceptance of such improvements and receipt of the required as-built drawings. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to complete the required improvements.

- (f) **Warranty.** All workmanship and materials for all required improvements shall be warranted by the subdivider for a period of two (2) years from the date of the Town's acceptance of the required improvement; provided that any defects which are the result of public abuse, misuse or acts of God are not the responsibility of said subdivider. For perimeter fences that abut collector and arterial streets, the warranty period shall be two (2) years. The total amount of the guarantee shall be calculated as ten percent (10%) of the total estimated cost, including labor and materials, of all public improvements to be constructed. The Town shall not release the improvement guarantee until the Town has granted final acceptance of the improvements. In the event that any other provision of this Code or specifications adopted pursuant thereto requires a warranty of workmanship or materials for a different period of time, that provision requiring the longer period shall govern. The inspection or acceptance of any required improvement by the Town shall not relieve the subdivider of his or her warranty of workmanship and materials. (Ord. 480 §4.17, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-130. Minor subdivision.**

- (a) **Definition.** A minor subdivision is permitted under the following circumstances:

(1) Option 1:

- a. The property has previously been platted within the Town;
- b. There is no public right-of-way dedication;
- c. The resulting subdivision will produce five (5) or fewer lots; and
- d. There will be no exceptions to the Subdivision Design Standards.

(2) Option 2:

- a. The creation of a minor subdivision will be either consistent with the surrounding land uses and lot sizes; or
- b. The creation of a minor subdivision has become an appropriate land use based upon changed circumstances which, in conformance with applicable best planning practices, would dictate that this minor subdivision would create a significantly improved land usage.
- c. Upon compliance with Section 16-4-410(c)(1), the pre-application conference, the planning staff shall make its written recommendation as to the approval or denial of the minor subdivision. The Town Administrator shall, generally within ten (10) business days, accept or reject the recommendation of the Town's planning staff by the approval or rejection of the minor subdivision plat.
- d. The recommendation of the planning staff and the Town Administrator shall be provided in summary form to both the Board of Trustees and the Planning Commission within five (5) business days after approval or rejection. In order to ensure that the creation of minor subdivisions is public knowledge, each of these bodies shall have twenty (20) business days in which to provide any written objection to the determination made by the Town Administrator. If neither the Board of Trustees, nor the Planning Commission makes any written objection to staff's approval or denial, the applicant, if approval has been given, shall submit

documentation to comply with Section 16-4-410(c)(2) through (6), as deemed applicable by staff.

- (b) Process. The minor subdivision process is as follows (for more details refer to Section 16-4-410 of this Article):
  - (1) Preapplication conference.
  - (2) Technical Advisory Committee meeting.
  - (3) Application submittal.
  - (4) Staff certifies application is complete.
  - (5) Staff refers application to parties of interest.
  - (6) Staff reviews application and prepares comments.
  - (7) Applicant responds to Staff comments.
  - (8) Town schedules Planning Commission public meeting and completes public notification process.
  - (9) Planning Commission public meeting.
  - (10) Applicant addresses Planning Commission conditions.
  - (11) Final Staff review.
  - (12) Board of Trustees action.
  - (13) Record minor subdivision plat. (Ord. 480 §1.6, 2003)

**Sec. 16-4-410. Minor subdivision plat.**

- (a) Purpose. The purpose of the minor subdivision plat is to complete the subdivision of land consistent with the technical standards when:
  - (1) The resulting subdivision will produce five (5) or fewer lots, or
  - (2) The resulting subdivision is less than fifteen (15) acres.
- (b) Intent. The intent of the minor subdivision plat is to simplify the permitting process for creating five (5) or fewer lots. For example, if a property had been platted for a large commercial use and the landowner wishes to create several lots for smaller commercial users, the applicant could utilize this process. The minor subdivision process is not meant for consecutive minor subdivisions. For example, if a landowner divides a 100-acre property into five (5) lots, he or she may not use this process to continue to divide the property in the future to avoid having to comply with the major subdivision process.
- (c) Application Process
  - (1) Step 1: Preapplication Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
    - a. Town regulations and standards.
    - b. The application and review process.
    - c. Submittal requirements.
    - d. Schedule.
  - (2) Step 2: Minor Subdivision Plat Application Submittal. The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the Town and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The minor subdivision plat application shall include:
    - a. Land Use Application Form.
    - b. Minor Subdivisions - Technical Criteria Form (from Workbook).

- c. Application Fee and Fee Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Staff and notice and publication expenses. A deposit and fee agreement is necessary to cover costs for review of any other expert whom the Town may wish to employ. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.
- d. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
- e. Mineral, Oil and Gas Rights Documentation. Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- f. Legal Notice Form. The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord™ format.
- g. Minor Subdivision Plat. The minor subdivision plat drawing shall comply with the following standards:
  - 1. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.
  - 2. Noncontiguous parcels shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
  - 3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
  - 4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
  - 5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
  - 6. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
    - a) Title of project.
    - b) North arrow, scale (not greater than 1" = 100') and date of preparation.
    - c) Vicinity map.
    - d) Legal description.
    - e) Basis for establishing bearing.
    - f) Names and addresses of owners, applicant, designers, engineers and surveyors.
    - g) Total acreage of subdivision.

- h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter, and all lots, blocks, rights-of-way and easements.
  - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
  - j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
  - k) Existing and proposed rights-of-way in and adjacent to the subject property (labeled and dimensioned).
  - l) Existing and proposed street names for all streets on and adjacent to the property.
  - m) Existing easements and their type in and adjacent to subject property (labeled and dimensioned).
  - n) Location and description of monuments.
  - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
  - p) Signature block for the registered land surveyor certifying to accuracy of boundary survey and plat. Town will provide format.
  - q) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk. Town will provide format.
  - r) Signature blocks for utility providers. Town will provide format.
  - s) Certification of ownership and dedication of streets, rights-of-way, easements and public sites. Town will provide format.
- h. General Development Information. Provide a written description addressing how the proposed development conforms to this Land Use Code (including the community design principles and development standards, the Zoning Code and the subdivision regulations), the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan, the Transportation Plan and the Comprehensive Plan.
- i. Surrounding and Interested Property Ownership Report. Provide the Town Clerk with a copy of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- j. Block Diversity Plan. Refer to Section 16-2-40 of this Chapter for the plan requirements.
- k. Public Hearing Notification Envelopes. Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the mailing address and return address, and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the preapplication conference).
- (3) Step 3: Application Certification of Completion. Within a reasonable period of time, Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any

deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

- (4) Step 4: Application Certification of Completion. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.
- (5) Step 5: Refer Application to Parties of Interest. Not less than thirty (30) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by regular mail to: adjacent municipalities, Weld County, mineral interest owners of record, mineral and oil and gas lessees for the property, ditch companies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.
- (6) Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.
- (7) Step 7: Applicant Addresses Staff Comments. The applicant shall address the Staff's comments then submit the following to the Town:
  - a. Letter explaining how all of the comments have been addressed; and
  - b. Revised maps and other documents.
- (8) Step 8: Schedule Minor Subdivision Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation and send notice to neighboring property owners within three hundred (300) feet. The meeting may be held no less than twelve (12) days from the date of advertising.
- (9) Step 9: Staff Review. Staff will complete a review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
- (10) Step 10: Planning Commission Public Meeting and Decision. The Planning Commission shall hold a public meeting to review the application based on the minor subdivision plat review criteria. The Planning Commission shall then approve, deny or approve with conditions the application. If approved, the Town shall request two (2) original Mylars of the final plat ready for the Mayor and Clerk to sign and then record. Please note the Planning Commission may forward an application to the Town Board of Trustees if they deem it necessary.
- (11) Step 11: Record Minor Subdivision Plat. One (1) original Mylar of the minor subdivision plat shall be recorded by the Town in the office of the County Clerk and Recorder. The recording fee shall be paid by the developer.

- a. Prior to recording the plat, the applicant must demonstrate that all conditions of approval have been met.
  - b. The applicant must also present evidence that all review fees have been paid to the Town in the form of a final invoice that is marked paid in full by the Town.
  - c. Notice of approval of the Minor Subdivision Plat shall be submitted to the Town Board.
- (d) Minor Subdivision Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:
- (1) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:
    - a. The proposed development promotes the Town's small-town rural character;
    - b. Proposed residential development adds diversity to the Town's housing supply;
    - c. Proposed commercial development will benefit the Town's economic base;
    - d. Parks and open space are incorporated into the site design;
    - e. The proposed project protects the Town's environmental quality; and
    - f. The development enhances cultural, historical, educational and/or human service opportunities.
  - (2) The minor subdivision plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the Milliken Comprehensive Plan, the Transportation Plan, the Johnstown/Milliken Parks, Trails, Recreation and Open Space Master Plan and the Community Design Principles and Development Standards in Division 2 of the Milliken Land Use Code.
  - (3) The utility and transportation design is adequate, given existing and planned capacities of those systems.
  - (4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
  - (5) There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals. (Ord. 480 §4.10, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-510. Amendments to recorded plats.**

- (a) Minor amendments which are filed with the County Clerk and Recorder to correct minor survey or drafting errors on a recorded plat shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State. All affidavits or corrected plats shall be reviewed and may be approved by the Town Staff. Notice of the minor amendment shall be given to the Planning Commission and Board of Trustees.
- (b) Amendments to a recorded plat which do not increase the number of lots or relocate or add roads or do not create more than five (5) total lots shall be submitted as a minor subdivision plat. The minor subdivision plat shall be prepared and submitted in compliance with the minor subdivision plat requirements at Section 16-4-410 of this Article. (Ord. 480 §4.13, 2003; Ord. 620 §1, 2010)

**Sec. 16-4-520. Resubdivision.**

The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for a minor subdivision as set forth

in this Article. In the event any dedicated streets are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective prior to the approval of the final plat. Vacation of right-of-way shall conform to the requirements of Section 16-4-540 of this Article. (Ord. 480 §4.14, 2003; Ord. 620 §1, 2010)



Legend  
Parcels

THIS MINOR SUBDIVISION APPLICATION'S PURPOSE IS TO SPLIT A 4.402 AC. PARCEL INTO 2-2 ACRE PARCELS. PROPOSED SPLIT TO BE THE BIG THOMPSON DITCH.

PROPOSED Lot 1

PROPOSED Lot 2

RECEIVED  
MAR 20 2016  
TOWN OF MILLIKEN

1: 3432



572.0 0 285.98 572.0 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Weld County Colorado

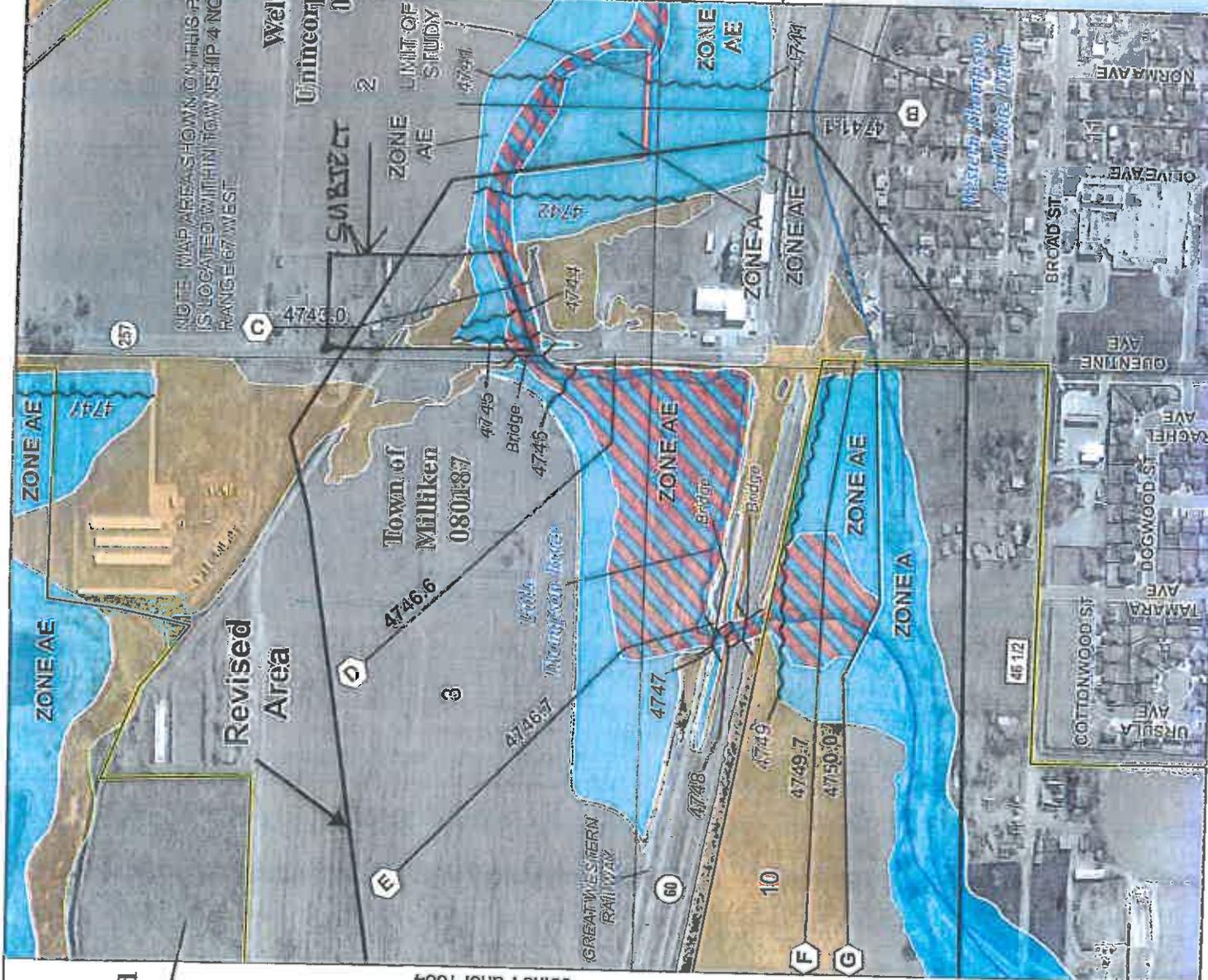
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes  
Enter Map Description

Weld County  
Unincorporated  
Areas  
080266

RECEIVED  
MAR 26 2016  
TOWN OF MILLIKEN  
Joins Panel 1684

Weld  
County  
Unincorporated  
Areas  
080266



NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 4 NORTH, RANGE 67 WEST

Weld County  
Unincorporated Areas  
080266

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone X, X-1, X-2
- With BFE or Depth Zone AE, AH, AI, VE, AP
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2 % Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee See Notes, Zone F

**SCALE**

Map Projection: NAD 83 UTM Zone 13N  
Water Elevation: Vertical Datum: MGS 88

0 250 500 1,000 Feet  
0 62.5 125 250 Meters

**FEMA**

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP  
WELD COUNTY, COLORADO  
and Incorporated Areas  
Panel, 1703 of 2250

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
MILLIKEN, TOWN OF	080187	3703	E
WELD COUNTY	080266	3703	E

**REVISED TO REFLECT LOMR EFFECTIVE: May 4, 2016**

VERSION NUMBER 1.1.1.0  
MAP NUMBER 0802301703E  
EFFECTIVE DATE JANUARY 20, 2016

The intended use of this map will be to administer floodplain management practices for properties only located within the Town of Milliken. All future annexations into the Town of Milliken will be required to follow the Town of Milliken Floodplain Regulations. The unincorporated Weld County areas identified on this map are not subject to the Town of Milliken Floodplain Regulations.



**ICON** ENGINEERING, INC.  
**Milliken Flood Boundary Map**  
February 5, 2014





Town Hall, 1101 Broad St., Drawer 290 Milliken, CO 80543  
 (970) 587-4331 Fax: (970) 587-2678

## PROJECT REFERRAL

PROJECT NAME: KLC-Texas Minor Subdivision

PROJECT TYPE: Minor Subdivision – Lot Split

DESCRIPTION OF PROJECT: Minor Subdivision to split one 4.402 acre parcel into approximately 2 acre parcels along the Big Thompson Ditch located at 23176 Highway 257 in the Town of Milliken, County Weld Colorado. The parcel is currently owned by KLC Properties, LLC and Texo, LL with Tomm Owens as the agent.

Acreage: 4.4 acres+/- Zoning: I-2 Present Use(s): Residential/Agricultural

NAME OF APPLICANT: Tomm Owens

FOR FURTHER INFORMATION, CONTACT: Martha Perkins, (970) 660-5046

The Town of Milliken has received the above project application for review. **Please check the appropriate response below or send a letter.** Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file at the Milliken Town Hall. If you have any questions regarding this application, please contact Martha Perkins (970) 660-5046

- We have reviewed the proposal and have no concerns.
- See attached letter for comments or regulations/requirements that must be met before approval regarding this proposal.
- A summary of our comment(s) follows: \_\_\_\_\_

Signature of Reviewer and Title \_\_\_\_\_

**PLEASE RETURN THIS SHEET AND ALL ATTACHEMENTS (IF YOU DO NOT NEED THEM) TO THE TOWN OF MILLIKEN**

**COMMENTS DUE BY: April 29, 2016**

- |  |   |
|--|---|
| <input type="checkbox"/> TOWN ADMINISTRATOR<br><input type="checkbox"/> TOWN ATTORNEY<br><input type="checkbox"/> TOWN PLANNER<br><input type="checkbox"/> TOWN ENGINEER – KBN Engineers<br><input type="checkbox"/> PUBLIC WORKS DIRECTOR/WATER<br><input type="checkbox"/> MILLIKEN POLICE<br><input type="checkbox"/> CENTURY LINK<br><input type="checkbox"/> XCEL ENERGY<br><input type="checkbox"/> BAJA CABLE<br><input type="checkbox"/> MILLIKEN FIRE PROTECTION DIST<br><input type="checkbox"/> WELD COUNTY DISTRICT RE5J | <input type="checkbox"/> WELD COUNTY HEALTH DEPT<br><input type="checkbox"/> WELD COUNTY PLANNING<br><input type="checkbox"/> WASTE MANAGEMENT<br><input type="checkbox"/> COLORADO DEPT HIGHWAYS<br><input type="checkbox"/> TOWN OF JOHNSTOWN<br><input type="checkbox"/> THOMPSON RIVER PARKS & REC<br><input type="checkbox"/> US POST OFFICE<br><input type="checkbox"/> TOWN PARKS DIRECTOR<br><input type="checkbox"/> BUILDING OFFICIAL<br><input type="checkbox"/> LANDSCAPE ARCHITECT<br><input type="checkbox"/> CO OIL & GAS CONSERVATION |
|--|---|

04-27-16

Big Thompson and Platte River Ditch Co  
PO Box 181  
Milliken, CO 80543

Martha Perkins  
Town of Milliken  
1101 Broad Street  
Milliken, CO 80543

RE: Project Referral, KLC-Texas Minor Subdivision

Dear Ms Perkins,

The Board of Directors of the Big Thompson and Platte River Ditch Co. have no objections to the proposed split of this property. However, please make it widely known that the ditch company owns a prescriptive easement in this property and that it is vitally important to us to have the cooperation of the land owner in our access to our easement for the purposes of maintenance and operation of the ditch.

Regular cleaning of the trash grate at the mouth of our siphon located at the bank of the Little Thompson River is necessary. We will frequently need more working room than the 25 feet to each side of center line of the ditch which we have tried to limit ourselves to.

There are already numerous encroachments on our right-of-way by several oil industry service companies as the ditch travels to the east side of town. We have numerous oil tanks stored right at the ditch bank. We have no knowledge of the flammability of the contents of those tanks and weed burning as a part of ditch cleaning has become an issue. Even a chain link fence has been built across the ditch without our permission. The construction of a fence which crosses over our ditch on our right-of-way blocks access to the ditch by the Ditch Rider and is a clear trespass.

We are happy to see the economic growth in our community. However, we are asking for the cooperation from the town in granting building permits to make sure that the new property owners understand the presence of the ditch easement and our rights that easement grants to us.

Thank You,



Gene Kammerzell  
President, Big Thompson and Platte River Ditch Co.