

CLUSTER SUBDIVISION APPLICATION

Please Attach "Letter of Request" to this Application

PLEASE READ NOTE AND SIGN BELOW:

THE SUBMITTED APPLICATION PACKAGE REQUIRES SPECIFIC REPORTS/INFORMATION WHICH MAY NOT BE ADEQUATE AS DETERMINED THROUGH THE REVIEW PROCESS. ADDITIONAL INFORMATION MAY BE REQUIRED. ALSO, THE ACCEPTANCE OF THE APPLICATION PACKAGE DOES NOT MEAN THE SPECIFIC INFORMATION HAS BEEN APPROVED AND IN FINAL FORM. REVISIONS TO THE INFORMATION AND/OR REPORTS MAY BE REQUIRED. REQUESTS FOR WAIVERS OF ANY OF THESE REQUIREMENTS MUST BE ACCOMPANIED BY A LETTER OF JUSTIFICATION. THE PROWERS COUNTY PLANNING COMMISSIONERS WILL HEAR THE WAIVER REQUEST CONCURRENTLY WITH THE APPLICATION. DENIAL OF THE WAIVER REQUEST SHALL RENDER THIS APPLICATION INCOMPLETE AND RESULT IN THE REQUIREMENT FOR A NEW SUBMITTAL ACCEPTANCE DATE AND REVIEW PERIOD. YOUR SIGNATURE BELOW INDICATES ACCEPTANCE OF THESE CONDITIONS.

Date: _____
Applicant's / Representative's Signature

Tax parcel number of property (County Assessor's Records) _____

Is there a Deed of Conservation Easement Attached to this property? ____ Yes ____ No
If YES, attach copy

1. **Please list the name, address, and telephone number of the following (some may not be applicable):**

• Applicant(s) _____

Address: _____

Telephone Numbers: _____

• Property Owner (s): _____

Address: _____

Telephone Numbers: _____

• Applicant's Representative: _____

Address: _____

Telephone Numbers: _____

• **Address of Property** _____

2. Zone District _____

3. Legal description of the property (if lengthy, please attach) _____

4. Please list any previous applications (e.g., map amendments, zoning variances, special use permits, subdivision variances) in connection with this property _____

CLUSTER SUBDIVISION APPLICATION CHECKLIST
THE FOLLOWING ITEMS MUST BE SUBMITTED ALONG WITH THE APPLICATION:

Please include this checklist with your application

- _____ 1 A letter of request (6 copies) that contains:
 - _____ Date of application
 - _____ Owner and representative (address and phone number)
 - _____ Site location and present zoning
 - _____ Request and reason for the Cluster Subdivision
 - _____ General Project concepts, including possible impacts on adjoining properties and impacts of county services (roads, fire services etc.)
 - _____ Existing and proposed facilities, structures, roads, etc.
 - _____ Statement of Compatibility with the Master Plan
 - _____ Signature of owner or representative*
 - * Letter of consent authorizing representative to act in owner's behalf **must be included**
- _____ 2. Proof of ownership by deed (1 copy)
Deed of Conservation Easement—If Applicable (1 Copy)
- _____ 3. Proof of water availability if applicable (1 copy)
 - _____ Letter from Water District
 - _____ Copy of well permit
- _____ 4. Method of wastewater treatment if applicable (1 copy)
 - _____ Letter from Sanitation District
 - _____ Septic Permit or report of preliminary investigation
- _____ 5. Plot plan (drawn to scale) of the subject property (6 copies) that contains:
 - _____ Parcel dimensions
 - _____ Parcel acreage
 - _____ Existing or proposed structures with dimensions from the structures to the property Lines, If applicable
 - _____ North Arrow
 - _____ Street Names
 - _____ Scale
 - _____ Name of access road to site (s)
 - _____ Easement(s) (Please submit 3 copies of document)
 - _____ Public/Private Road
 - _____ Indicate major drainage ways affecting the site and designation of any one-hundred (100) year flood plain on, or adjacent to the site and any existing flood control or water retaining structure.
- _____ 6. Vicinity Map (does not have to be to scale) (6 copies)
- _____ 7. Notification of Fire Districts for suggestions on a fire mitigation plan and review of ingress and egress.
- _____ 8. List of all property owners, including addresses, whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the subject property.
- _____ 9. List of all Mineral estate owners entitled to notice pursuant to section 24-65.5-103 or 31-23-215 C.R.S., prepared by an attorney licensed to practice law in the state of Colorado, a title insurance company licensed to do business in the state of Colorado, a certified professional landman certified by the American Association of Professional Landmen, or a title insurance agent licensed in such capacity by the state of Colorado,
- _____ 10. A nonrefundable application fee of \$ 100.00 / Preliminary Plat \$100.00 plus \$50.00 per lot / Final Plat \$100.00 plus \$50.00 per lot

THE ABOVE CHECKLIST IS PROVIDED FOR THE CONVENIENCE OF THE APPLICANT AND SHOULD NOT BE USED TO DETERMINE COMPLETENESS OF AN APPLICATION. UPON STAFF REVIEW, ADDITIONAL INFORMATION MAY BE REQUIRED.

GUIDELINE FOR A "LETTER OF REQUEST"

Where applicable, please provide the following information, in a letter format, to serve as a "Letter of Request" to accompany your application for Cluster Subdivision:

1. Date of Application.
2. Owner and Owner's Representative or Consultant (Addresses and telephone numbers).
3. Site location, dimensions and size of property (in feet and acres), and present zoning.
4. Action requested and the reason/purpose for the request (Incorporate answers to the factors considered by the Commissioners).
5. Existing and proposed facilities, structures, roads, etc.
6. **WAIVER OF ANY REQUIRED INFORMATION/REPORTS AND JUSTIFICATION FOR THE WAIVER MUST BE INCLUDED IN THIS LETTER.**

CLUSTER SUBDIVISION **SUPPLEMENTAL INFORMATION**

The submittal deadline is 2:00 p.m. on the 21st day of each month, or if the 21st is a weekend or Holiday the following Monday. Complete applications will be scheduled before the Prowers County Planning Commission normally on the second (2) Wednesday of the following month. The Planning Commission will consider making recommendation on the Cluster Subdivision at the monthly meeting.

At such time as the Planning Commission schedules the request for a Cluster Subdivision for public hearing, notice of the public hearing will be sent to property owners whose property abuts or is within three hundred feet (300 ft.) of the exterior boundaries of the subject property along with publication in the newspaper.

After hearing the request at public hearing, the Planning Commission considers the following factors in reaching its decision:

Cluster Subdivision

- A *Definition* - A Cluster Subdivision is any division of land that creates parcels containing less than 35 acres each, for single-family residential purposes only, where the tract is being divided pursuant to the procedures set forth in this Section. This exemption from the standard subdivision procedure is authorized pursuant to C.R.S. Section 30-28-101(10)(c)(X) and 30-28-401, et seq. C.R.S.
- (1) To be eligible for review and approval as a Cluster Subdivision pursuant to this Section, the proposed subdivision must:
 - (a) Be created for single-family residential purposes only;
 - (b) Reserve at least two-thirds (2/3) of the total area of the tract for the preservation of contiguous open space;
 - (c) Contain residential density not in excess of two (2) residential dwelling units for each thirty-five (35)-acre increment, or an average residential density of no greater than one (1) dwelling unit per 17.5 acres.
- B Review Procedure for Cluster Subdivision:
- (1) The applicant shall submit a site plan and Subdivision Plat containing the information required by Section VIII-2.

- (2) The application shall be reviewed by the Planning Commission at a public hearing in the manner set forth at Section VIII-2.
- (3) The Board of County Commissioners shall review the application at a public hearing in the manner set forth at Section VIII-2.
- (4) After the hearing, the Board of County Commissioners shall act to approve, approve with conditions, or deny the application. In the event the application is approved, with or without conditions, the Cluster Subdivision Plat, when executed, shall be filed for record with the County Clerk and Recorder in the same manner as a Final Subdivision Plat.

C Standards for Review of Cluster Subdivisions - The Planning Commission and Board of County Commissioners shall be guided by the following criteria in reviewing cluster development subdivision applications:

- (1) The application meets all of the minimum requirements of this Section;
- (2) The application fulfills the goals of the county to preserve open space, protect wildlife habitat and critical areas, and enhance and maintain the rural character of lands with contiguity to agricultural lands suitable for long-range farming and ranching operations;
- (3) The application preserves common open space;
- (4) The application reduces the extension of roads and utilities to serve the proposed development;
- (5) The application permits landowners to implement smart growth on land that is otherwise exempt from subdivision regulation;
- (6) Approval of the application would preserve existing agricultural uses;
- (7) Approval of the application would protect existing view sheds of benefit to present and future residents and visitors to the County;
- (8) A water court-approved plan for augmentation shall be required and shall accompany any approved Cluster Subdivision development when water usage in the development would exceed an annual withdrawal rate of one (1) acre-foot for each thirty-five (35) acres within the development, provided, however, that this requirement shall not apply in the event the development will be served by the use of treated domestic water provided by any public or private entity.

D Permitted Incentives for Application and Approval of Cluster Subdivisions - The Planning Commission may recommend, and the Board of County Commissioners may consider, the following incentives which may be spent in connection with approval of the application:

- (1) Density bonuses, not to exceed a total built density of one (1) unit for each one hundred (100)-acre increment;
- (2) Transfer of development rights, to the extent permitted by the County.

E Conditions of Approval - The Planning Commission may recommend, and the Board of County Commissioners may impose, any or all of the following conditions upon the approval of a Cluster Subdivision:

- (1) That the Cluster Subdivision development plan set aside land to preserve open space, wildlife habitat or critical areas;
- (2) That Cluster Subdivision development plan not permit development of any open land for not less than forty (40) years from the date the plan is approved.