

**PLANNING AND ZONING COMMISSION ACTION ITEM  
STAFF SUMMARY  
OCTOBER 6, 2021 PLANNING AND ZONING COMMISSION MEETING**

**DATE:** October 1, 2021

**AGENDA ITEM NUMBER:** 5

**ACTION TO BE CONSIDERED:**

Consideration of Resolution No. PZ 18-21, Series of 2021. **(PUBLIC HEARING)**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE  
AMENDING THE FORM PLAT CERTIFICATES SET FORTH IN  
APPENDIX 17-A OF CHAPTER 17 OF THE DILLON MUNICIPAL  
CODE.**

**BACKGROUND / TIME FRAME:**

- June 2, 2021: Planning Commission review and approval of Resolution PZ 09-21, series of 2021 recommending approval of an ordinance to amend Chapter 17 “Subdivisions” of the Dillon Municipal Code
- July 7, 2021: Town Council Work Session discussion of proposed ordinance to amend Chapter 17 “Subdivisions” of the Dillon Municipal Code recommended by the Planning Commission
- July 20, 2021: Town Council First Reading of Ordinance 09-21, Series of 2021 amending Chapter 17 “Subdivisions” of the Dillon Municipal Code
- August 3, 2021: Town Council Public Hearing and approval of Ordinance 09-21, Series of 2021 amending Chapter 17 “Subdivisions” of the Dillon Municipal Code

**SUMMARY:**

When the Code was amended changing certain processes and criteria for subdivisions, there were unintended implications to the standard Plat Certificate (signature blocks). For instance, Class S-3 Subdivisions were changed to a Development Review Committee level of approval rather than requiring public hearings before both the Planning Commission and the Town Council. Given this, there is no need for the Planning Commission and Town Council Plat Certificates on plats not reviewed by these entities. This proposed Code amendment cleans-up this situation providing for the Town Manager to sign the Town of Dillon Plat Certificate, rather than the Mayor in the case of Class S-3 Subdivisions. In such Class S-3 subdivisions, the Planning Commission Plat Certificate would not need to be attached to the plat.

**BUDGET IMPACT:** None

**STAFF RECOMMENDATION:** Town staff recommends approval of Resolution PZ 18-21, Series of 2021 with conditions as presented in the resolution.

**MOTION FOR APPROVAL:**

I move we approve Resolution PZ No. 18-21, Series of 2021.

**ACTION REQUESTED:** Motion, Second, Roll Call Vote.

Resolutions require the affirmative vote of a majority of the members present.

**DEPARTMENT HEAD RESPONSIBLE:** Scott O'Brien, Public Works Director

**RESOLUTION NO. PZ 18-21**  
**Series of 2021**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE  
AMENDING THE FORM PLAT CERTIFICATES SET FORTH IN  
APPENDIX 17-A OF CHAPTER 17 OF THE DILLON MUNICIPAL  
CODE.**

**WHEREAS**, pursuant to Section 2-6-70 of the Dillon Municipal Code (“Town Code”), the Planning and Zoning Commission of the Town of Dillon (“Planning Commission”) has the sole and exclusive initial jurisdiction (except as limited by state statutes) over the subdivision platting of land within the Town, regulations for which are contained in Chapter 17 of the Town Code (“Subdivision Code”); and

**WHEREAS**, there has been prepared a draft ordinance that, if approved by the Town Council, would amend the form plat certificates contained in Appendix 17-A of Chapter 17 of the Dillon Municipal Code; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on the draft ordinance, at which hearing evidence and testimony were entered into the record; and

**WHEREAS**, based on the advice of Town staff and the documents made part of the record of the public hearing, the Planning Commission recommends the Town Council adopt the draft ordinance amending the form plat certificates contained in Appendix 17-A of Chapter 17 of the Dillon Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:**

**Section 1.** Pursuant to Section 2-6-70 of the Dillon Municipal Code, the Planning Commission hereby recommends that the Town Council adopt the amendments to the plat certificate standards contained in Appendix 17-A of Chapter 17 of the Dillon Municipal Code proposed in the draft Ordinance attached to this resolution as Exhibit A.

**APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF OCTOBER, 2021, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.**

**PLANNING AND ZONING COMMISSION,  
TOWN OF DILLON**

By: \_\_\_\_\_  
Alison Johnston, Chairperson

ATTEST:

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Michelle Haynes, Secretary to the Commission

9/13/21 5:00 PM [ncb] R:\Dillon\Planning Commission\Rec Adopt of Amendments to Plat Certificates.PZreso.docx

**EXHIBIT A**

**ORDINANCE NO. \_\_\_-21**  
**Series of 2021**

**AN ORDINANCE AMENDING THE FORM PLAT CERTIFICATES SET FORTH IN APPENDIX 17-A OF CHAPTER 17 OF THE DILLON MUNICIPAL CODE**

**WHEREAS**, the Planning and Zoning Commission studied a draft of this Ordinance in a public hearing at its October 6, 2021 meeting, at which public hearing evidence and testimony were received, and after such public hearing recommended that the Town Council adopt the same by Resolution No. PZ \_\_\_-21, Series of 2021; and

**WHEREAS**, the Town Council held a public hearing on this Ordinance on \_\_\_\_\_, 2021, at which evidence and testimony were received, and after such public hearing finds that the Ordinance should be adopted.

**NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:**

**Section 1.** Appendix 17-A of Chapter 17 of the Dillon Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

***APPENDIX 17-A Plat Certificates***

Unless otherwise approved by the Town Attorney, the following certificates and notices shall be shown on the face of the final plat. Any other certificates or notices that are deemed necessary for the purposes of the particular plat shall also be included at the time of its submission.



**DILLON PLANNING AND ZONING COMMISSION CERTIFICATE**

Approved by the Town of Dillon Planning and Zoning Commission

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson

**TOWN OF DILLON CERTIFICATE**

Approved by the Town Council of Dillon, Colorado

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Mayor for Class S-1 and S-2; Town Manager for Class S-3]

ATTEST: \_\_\_\_\_

Town Clerk

**NOTICE**

Public notice is hereby given that acceptance of this platted subdivision by the Town of Dillon does not constitute an acceptance of the roads and rights-of-way reflected hereon for maintenance by said Town.

Until such roads and rights-of-way meet Town road specifications and are specifically accepted by the Town, the maintenance, construction and all other matters pertaining to or affecting said roads and rights-of-way are the sole responsibility of the owners of the land embraced within this subdivision.

**CLERK'S CERTIFICATE**

I hereby certify that this instrument was filed in my office at \_\_\_ o'clock, \_\_\_\_\_, 20\_\_, and is duly recorded.

\_\_\_\_\_  
Town Clerk

**SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, being a registered land surveyor in the State of Colorado, do hereby certify that this Plat of \_\_\_\_\_ was prepared by me and under my supervision from a survey made by me and under my supervision, that both this Plat and the survey are true and accurate to the best of my knowledge and belief and that the monuments were placed pursuant to CRS 38-51-101, *et seq.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name



**ENGINEER'S CERTIFICATE**

All road, drainage, and other public improvements are to be constructed according to plans that have been approved for construction by the Dillon Town Engineer.

\_\_\_\_\_  
[Name], Town Engineer, Town of Dillon

**TITLE COMPANY CERTIFICATE**

\_\_\_\_\_ does hereby certify that we have examined the title to all lands shown hereon and all lands herein dedicated by virtue of this Plat and title to all such lands is in the dedicator free and clear of all liens, taxes and encumbrances, except as follows:

\_\_\_\_\_

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Agent

**CLERK AND RECORDER'S CERTIFICATE**

State of Colorado        )  
  ) ss.

County of Summit        )

I hereby certify that this instrument was filed in my office at \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_, 20\_\_, and filed under Reception No. \_\_\_\_\_.

\_\_\_\_\_  
Summit County Clerk and Recorder

**CERTIFICATE OF TAXES PAID**

I, the undersigned, do hereby certify that the entire amount of all taxes due and payable as of \_\_\_\_\_, 20\_\_, upon parcels of real estate described on this plat are paid in full.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Summit County Treasurer or designee

**MORTGAGE HOLDER CERTIFICATE**

(To be added and filled in if applicable)

The undersigned, as legal holder of a Deed of Trust or Mortgage, recorded [insert date recorded], at Reception No. \_\_\_\_\_, in the records of the Summit County Clerk and Recorder, does hereby approves and consents to the plat herein contained.

Signed this \_\_\_\_ day of 20\_\_.

By: \_\_\_\_\_

Lender: [Print name, title, and name of Company]

The foregoing certification was acknowledged before me

By: \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

State of \_\_\_\_\_ )

)ss.

County of \_\_\_\_\_ )

My commission expires: \_\_\_\_\_

Notary Public

\_\_\_\_\_

Witness my hand and seal.

**Section 2.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 4.** The repeal or modification of any provision of the Municipal Code of the Town of Dillon by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any prior penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 5.** Effective Date. This Ordinance shall take effect five days after publication following final passage.

**INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY  
TITLE ONLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

**TOWN OF DILLON,**  
a Colorado municipal corporation

\_\_\_\_\_  
Carolyn Skowyra, Mayor

**ATTEST:**

\_\_\_\_\_  
Adrienne Stuckey, Town Clerk