Colorado Springs v. Securcare Self Storage, 10 P.3d 1244 (Colo. 2000), p. 100

Site Plan Review

- Case-by-case review
- Permitted Use v. Conditional Use
- Compatibility

Subdivision Regulation

- Defining Subdivision
  - Loftin v. Langsdon
- Project Approval Process
  - Garipay v. Town of Hanover
  - Burrell v. Lake County Plan Commission
Subdivision Regulation

• Substantive Review
  • Environmental
  • Infrastructure
• Procedural Review
  • Early v. late vesting

Subdivision Regulation Cont’d

• Administrative
  • Decision based on findings supported by substantial evidence
  • Reasons for denial to be communicated clearly
  • Arbitrary and capricious or in violation of the law
Jurisdiction and Definitions

- What is a “subdivision”?
- What developments are subject to regulation?
  - New street construction
  - New utilities construction
- Safety
- Fairness

Evasion or Business Strategy

- Manning v. Fox
- Pratt v. Adams
- Subjective intent
- Protecting the purchasers and neighbors
Garipay v. Town of Hanover, 351 A.2d 64 (N.H. 1976), p. 115

The Project Approval Process

• Scattered or premature development
• On-site/off-site criteria
• Ripe for some, ripe for all?

Garipay v. Town of Hanover cont’d

Permissible Reasons for Denial

• Off-site infrastructure (narrow, steep, and winding road)?
• Inadequate schools?
• Lack of affordable housing?

**Subdivision Development Standards**

- Compliance with comprehensive plan, ordinance, and regulations
- Findings based on substantial evidence?
- Standard of review
- Judicial competence