



MINOR SUBDIVISION

User's Guide

NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 7 OF THE
UNIFIED DEVELOPMENT CODE

**Town of Erie
Planning & Development – Planning Division
645 Holbrook Street
PO Box 750
Erie, Colorado 80516**

Tel - 303.926.2770

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10/28/2019



Purpose

The purpose of the Minor Subdivision review process is to ensure compliance with the subdivision standards and requirements set forth in Chapter 6, *Subdivision Design and Improvements*, of the Unified Development Code (Municipal Code Title 10 -UDC), while encouraging quality development consistent with the goals, policies, and objectives found in the Town of Erie Comprehensive Master Plan for applicants creating four or fewer lots. The process requires detailed planning and engineering work.

Parcels are eligible for Minor Subdivision only once, and further subdivisions or newly created parcels shall follow Preliminary and Final Plat procedures.

Applicability

1. General

The procedure for Minor Subdivisions, set forth in Municipal Code Title 10 – UDC Chapter 7, shall apply to subdivisions that create four or fewer lots. Parcels are eligible for Minor Subdivision only once, and further subdivisions or newly created parcels shall follow Preliminary and Final Plat procedures.

Process Summary

The following is a summary of the Minor Subdivision and Minor Subdivision Amendment review process. Detailed step by step instructions may be found in Chapter 7, *Review and Approval Procedures* of the Municipal Code Title 10 -UDC.

*Typical Time Shown, Actual Time Up to Applicant

Pre-Application Conference w/Town Staff:

An Applicant is required to schedule a pre-application conference with Planning & Development before making a formal minor subdivision application submittal. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by Town Staff to discuss with the Applicant the application process, submittal requirements, and applicable standards in the Municipal Code.

The Applicant is responsible for bringing to the meeting a description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models. The Applicant is also responsible for providing a summary of the meeting when the formal application materials are submitted to the Town.

The informal evaluation by the Town at the conference are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application. After a pre-application conference has been held, a complete formal application must be submitted within six months. If an application is not submitted within six months, a new pre-application conference will be required.

Optional Planning Commission Conference:

At the Applicant's request, Planning & Development will schedule at the next available Planning Commission meeting an application conference with the Planning Commission, which shall be in addition to the required pre-application conference. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by the Planning Commission. Noticing of the Planning Commission Conference is not required.

The applicant is required to submit one paper copy and one PDF file of the Applicant's presentation materials to Planning & Development 16 days before the scheduled Planning Commission meeting. The presentation materials should contain at a minimum a written description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models.

The Planning Commission conference will be conducted by the Town of Erie Planning Commission. The order of the proceedings at the conference shall be as follows:

1. The Planning Commission shall announce the agenda item to be heard.
2. The Project Planner will present a brief summary of the property location and current zoning.
3. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
4. The Planning Commission may ask questions of the Applicant and Staff.
5. The Planning Commission will make comments on the Applicant's proposal for development. No decision or consensus is made at the Planning Commission conference and the comments made are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application.

Development Application Submittal:

The applicant shall submit to Planning & Development one copy of the application submittal packet that includes a completed application form, fees and support documents as specified in the **Submittal Requirements** section below.

Determination of Application Completeness:

The assigned Community Development Project Planner will review the application submittal packet for completeness. The Project Planner will determine whether an application submittal packet is complete and can continue forward to **Applicant Submits Referral Packets** or is not complete and moves back in the process to **Application Returned to Applicant**.

Application Returned to Applicant - "Not Complete":

An application submittal packet that is not complete in terms of submitting the documents required or adequacy of the information provided or fees required will not be accepted by the Town for further review. The Project Planner will return the application submittal packet to the Applicant, so the Applicant can address the elements of the application submittal packet that are not complete. Once the Project Planner's review for completeness items are addressed, the Applicant resubmits the application submittal materials as described in **Development Application Submittal**.

Applicant Submits Referral Packets - "Complete":

An application submittal packet that is deemed to be complete by the Project Planner will continue on into the review process. The first step of the application review process is for the Applicant to submit to Planning & Development copies of the application submittal packet for review by Town staff, Town consultants and outside referral agencies. The Project Planner will give the Applicant a list of the referral agencies in which to make referral packets for. Referral packets shall be submitted in unsealed Tyvek envelopes, addressed to the referral agencies identified by the Project Planner, containing all submittal information properly folded and compiled.

Referral Packets Distributed:

Once Planning & Development has received the referral packets from the Applicant, Planning & Development will distribute the referral packets to the appropriate Town staff, Town consultants and outside referral agencies.

Referral Agency Review:

Referral agencies will have approximately three weeks to review the application submittal packets. Referral agency written comments will be due to the Planning & Development before the **Development Review Team Meeting (DRT)** is held so that any issues a referral agency may have can be discussed at the DRT meeting. The Project Planner will collect and coordinate all referral comments. The applicant is required to pay fees assessed by referral agencies for their review.

Development Review Team Meeting (DRT):

The Project Planner will schedule a Development Review Team Meeting (DRT) after the referral agency review period is over. At the DRT meeting the Project Planner discusses the review comments from all review agencies and discusses the neighborhood meeting comments with the DRT attendees. The DRT meeting typically includes Planning & Development Staff, Public Works staff, the Building Official, Town consultants, and the Fire Marshall. The DRT Meeting does not include the Applicant. If the applicant would like to explain the application to the Project Planner before the DRT meeting they should contact the Project Planner to set up a separate meeting before the DRT meeting is held. After the DRT meeting, the Project Planner will compile all of the staff and referral comments for distribution to the applicant.

Applicant Receives DRT/Referral Comments:

The Project Planner will provide the Applicant with a copy of all the staff and referral comments from the review of the application submittal packet. A meeting between staff and the applicant may be held to review the staff and referral comments. The applicant may also meet directly with the agency(ies) that have expressed concerns with the application. The Project Planner should be included in meeting or correspondence with referral agencies.

Applicant Revisions Submitted/Resolution of Issues Complete:

The Applicant shall address, in writing, all issues and deficiencies identified in the staff and referral comments. To continue the process in a timely fashion, the applicant must complete the requested

revisions and resubmit the revised application submittal packet for a second review by the Project Manager and any applicable referral agencies as quickly as possible. If an Applicant fails to submit required information for a period of more than six months from the initial request, the applicant shall become void and the resubmittal of a new application and fees will be required.

The revised application submittal packet will be reviewed by Project Planner at a DRT meeting after any further referral agency comments are received on the revised application submittal packet. The Project Planner shall provide the Applicant with a copy of the staff and referral comments from the second review and will indicate whether or not the application has resolved all of the issues raised in the comments. If the issues have not been resolved then the application goes back to the **Applicant Submits Referral Packets** portion of the process for another round of reviews. Additional fees may be charged for resubmittals that do not address comments. If the issues have been resolved then the application goes forward to the **Planning & Development Director/PW Director Review/Approval** portion of the process.

Planning & Development Director/PW Director Review/Approval:

The Planning & Development Director shall review the application relative to the approval criteria listed below. If the Planning & Development Director finds the application materials do not comply with the requirements of the Municipal Code, the Director can refer it back to the Applicant for modification or further study. All construction plans for subdivision related public improvements shall be referred to the Public Works Director for review and approval. Based on the results of those reviews, the Planning & Development Director makes the final decision on the application and shall act to approve, approve with conditions, or deny the application, based on the criteria listed below.

Applicant Submit Final Plat Documents/Payment:

The Applicant shall submit, within 60 days of approval, to Planning & Development the approved Plat Mylar, AutoCAD disk of plat, all associated documents, guarantees and payments due. If the documents and payments are not submitted within 60 days the plat approval becomes null and void and shall automatically lapse.

The Town shall be responsible for sending the appropriate documents to the County Clerk for recordation. The Applicant shall be billed for the cost to record the documents.

Board of Trustees Accept Dedications/Development Agreement:

The Board of Trustees must accept any public dedications of easements or public road right of ways for plats. Additionally, a plat with public dedications then typically a development agreement is required that also must be accepted by the Board of Trustees. Development Agreements are drafted by Town staff using a standard template document that is available for the Applicant to review. Once the Plat is approved by the Planning & Development Director and the Development Agreement is in final form Planning & Development will place the acceptance of the dedications and development agreement on the consent agenda of the next available Board of Trustees meeting. A presentation by Planning & Development and Applicant is not required unless the Board of Trustees moves the agenda item from the consent agenda to the general agenda. The Applicant should attend the BOT meeting in case the BOT moves the agenda item to the general agenda and has questions that need to be addressed before accepting the dedication and development agreement.

Approval Criteria

A Minor Subdivision or Minor Subdivision Amendment may be approved only if the Planning & Development Director finds that all of the following criteria have been met:

1. The Minor Subdivision is consistent with the Town's Comprehensive Master Plan;

2. The Minor Subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
3. As applicable, the Minor Subdivision is consistent with the terms and conditions of any previously approved development plan;
4. The Minor Subdivision complies with all applicable use, development, and design standards set forth in the Municipal Code Title 10 -UDC; and
5. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

Step 1: Submittal Requirements

One copy of the following information shall be submitted to Planning & Development – Planning Division, unless waived by the Planning & Development Director in order to perform a completeness review. All information shall be submitted in a three ring binder with dividers and all 24" x 36" exhibits shall be folded to fit into pockets within the binder. All 24" x 36" exhibits shall be reduced to 11" x 17" in size and included with the submission. **Applications will not be accepted for review unless all information is present.**

1. **Completed application.**
2. **Application fee.**
3. **Written narrative**, describing the proposed development which at a minimum provides the following information:
 - a. General project concept and purpose of the request;
 - b. The total land area to be subdivided;
 - c. The total number of lots, and if residential the proposed density;
 - d. If non-residential, the total square footage of floor area proposed;
 - e. The total land area to be preserved as open space;
 - f. A brief description regarding the phasing of the proposed subdivision;
 - g. A brief description regarding the availability and adequacy of existing infrastructure and other necessary services including schools, fire protection, water/sewer service, and utility providers;
 - h. A brief description regarding the location, function and ownership/ maintenance of public and private open space, parks, trails, common areas, common buildings; and
 - i. A brief description regarding the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision.
4. **Proof of ownership** that includes an updated or current title insurance policy or title commitment issued no more than thirty days prior to the date of application.
5. **A notarized letter of authorization** from the landowners permitting a representative to process the application, when the landowner is not the applicant.
6. **Copies of any special agreements**, oil/gas surface use agreements, conveyances, restrictions, or covenants that will govern the use and/or maintenance of the proposed development, or statement that no such agreements exist.
7. **Copy of an ALTA/ACSM Land Title Survey**, for the entire property of the proposal.
8. **Minor Subdivision Final Plat Exhibit(s)** shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado for recording with the appropriate County Clerk and Recorder. The exhibit shall accurately display the following information:

- a. The plat exhibit shall be prepared on 24" x 36" paper at a scale that best conveys the detailed survey, engineering and design of the subdivision, not to exceed 1"=100'. If a proposal requires multiple sheets, a composite, on 24" x 36" paper, shall be provided that delineates the boundaries and identifies each sheet number. A 1" margin on all sheets shall be left blank on all sides;
- b. A title shall be placed at the top/center of the sheet along the long dimension of each sheet and shall include the name of the proposed subdivision, general aliquot legal description with county, the total acreage, number of lots proposed, and project file number. The name of the subdivision shall not duplicate existing subdivision names;

EXAMPLE: (Insert Subdivision Name, Aliquot Description, Proposed Acres/Lots/Tracts and Project Number. See example below)

ERIE VALLEY MINOR SUBDIVISION
 A PORTION OF THE N ½ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH
 PRINCIPLE MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, COLORADO
 10 ACRES – 4 RESIDENTIAL LOTS
 MS__-__

- c. A block in the lower right hand corner shall include the following: the preparation date and revision date chronology; a north arrow designated as true north; a written and graphic scale; name and address information for the applicant, developer, registered engineer or surveyor preparing the exhibits; and the number of the sheet and total number of sheets;
- d. A scaled vicinity map that depicts the area to be subdivided and the area that surrounds the proposal within a 1-mile radius;
- e. A written metes and bounds legal description of the subdivision boundary with a map showing all information as required by State Statutes. The names and locations of all abutting subdivisions, the location of all abutting unplatted parcels and public lands shall be depicted. All lines, names and descriptions on the plat which do not constitute a part of the subdivision shall be screened back or shown as dashed lines. Any area enclosed by the subdivision, but not part thereof shall be labeled "Not a Part of this Subdivision";
- f. Display ties to aliquot section corners and to the State grid which shows dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the cases of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts and parcels shall have a closure accuracy of 0.01';
- g. Depict all lots, blocks, tracts, and when appropriate, building envelopes, providing accurate dimensions with linear, bearing, and curve data. All lots and tracts shall be shown in their entirety on one sheet. Lots and blocks shall be numbered consecutively, tracts shall be lettered alphabetically. Include the acreage within each lot to the nearest 0.01 of an acre. In residential subdivisions, tracts shall be used exclusively for non-residential property and uses;
- h. Depict all road names, right-of-way widths at each leg of an intersection, at point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with

accurate distance and bearings, central angles and radii of all curves. If any road in the subdivision is a continuation or approximately a continuation of an existing road, the conformity or the amount of conformity of the new road to the existing road shall be accurately shown;

- i. Depict the purpose, width and location of all easements and abutting easements with fine dashed lines. The widths of all easements and sufficient data to definitely locate the same with respect to the subdivision and each lot must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference shall be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate. A plat note may be necessary to provide complete information of the purpose of the easement;
- j. Note: The owners of the lands described herein are responsible for the maintenance and operation of drainage easements shown hereon and related facilities, as provided in the Town of Erie Engineering Standards and Specifications, as amended. The owner(s) grant the Town of Erie a perpetual right of ingress and egress from and to adjacent property to inspect, maintain, operate and reconstruct the drainage easements and related facilities covered by the Town of Erie Municipal Code, as amended; and to inspect, maintain, operate and reconstruct the drainage easements and related facilities, when the owner(s) fail to adequately maintain such drainage easements and related facilities, which maintenance, operation and reconstruction shall be at the cost of the owner(s).
- k. Accurately locate 100-year floodplains, all existing/proposed watercourses, retention and detention areas, wetlands and riparian areas, streams, lakes, ditches and laterals on the effected property;
- l. Depict existing subdivision lot lines or metes and bounds property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back;
- m. Identify the land use and zone district information of all adjacent property. When an adjacent property is not within the Town's boundary, the respective jurisdictions' land use and zone district information shall be identified;
- n. Provide a "Land Summary Chart" that accounts for all of the land area within the subdivision as follows:

LAND SUMMARY CHART		
TYPE	AREA	% OF TOTAL AREA
Residential Lots		
Tracts		
Public ROW		
TOTAL		

- o. If applicable, include a "Tract Summary Chart" and plat notes that adequately explain information pertinent to the execution, ownership and maintenance of the tracts within the subdivision:

TRACT SUMMARY CHART				
TRACT	AREA	USE	OWNERSHIP	MAINTENANCE

p. Provide the following plat notes:

i. A Basis of Bearings Statement;

ii. NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

iii. Use the following note only if the property lies with the Airport Influence Area

DUE TO THE PROXIMITY OF THE PROPERTY TO THE ERIE MUNICIPAL AIRPORT, THERE WILL BE AIRCRAFT PASSING OVER THE PROPERTY. AIRCRAFT PASSAGE MAY RESULT IN NOISE AND OTHER IMPACTS ON THE PROPERTY. AIRCRAFT MAY CROSS PROPERTY AT LOW ALTITUDE IN ACCORDANCE WITH FAA REGULATIONS. THE FREQUENCY OF AIRCRAFT PASSING OVER THE PROPERTY MAY INCREASE IN THE FUTURE. THE OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS SPECIFICALLY ACKNOWLEDGE THE RIGHT OF PASSAGE OVER THE PROPERTY FOR AIRCRAFT AND AGREE TO HOLD HARMLESS THE TOWN OF ERIE FOR AIRCRAFT OPERATIONS

q. Include the following certifications on the title sheet as needed:

TITLE VERIFICATION CERTIFICATE (BY TITLE COMPANY)

WE (NAME OF TITLE INSURANCE COMPANY) , DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE OF ALL LAND PLATTED HEREON AND THAT TITLE TO SUCH LAND IS IN THE DEDICATOR(S) FREE AND CLEAR OF ALL LIENS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

COMPANY NAME

BY: (NOTARIZED SIGNATURE) (DATE)
 (NAME OF AUTHORIZED OFFICIAL)

TITLE: _____

ATTEST: (IF CORPORATION)

SECRETARY/TREASURER

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20__ BY _____ AS _____.

WITNESS MY HAND AND OFFICIAL SEAL

 NOTARY PUBLIC (SEAL)

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I, _____ (SURVEYOR'S NAME) _____, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON _____ (DATE OF SURVEY) _____, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 (SECOND ORDER); AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE TOWN OF ERIE UNIFIED DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 20____.

_____ (SIGNATURE) _____
(SURVEYOR'S NAME)

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR # _____ (SEAL)

BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS PLAT IS TO BE KNOWN AS _____ IS APPROVED AND ACCEPTED BY RESOLUTION NO. _____, PASSED AND ADOPTED AT A MEETING OF THE BOARD OF TRUSTEES OF ERIE, COLORADO, HELD ON THE _____ DAY OF _____ 20__.

MAYOR

ATTEST _____
TOWN CLERK

PLANNING & DEVELOPMENT APPROVAL CERTIFICATE

THIS PLAT IS HEREBY APPROVED BY THE TOWN OF ERIE PLANNING & DEVELOPMENT DIRECTOR ON THIS _____ DAY OF _____, 20____.

PLANNING & DEVELOPMENT DIRECTOR

DEDICATION AND OWNERSHIP STATEMENT

KNOW BY ALL MEN THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, OR LIEN HOLDERS OF CERTAIN LANDS IN THE TOWN OF ERIE, COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE (INSERT LEGAL DESCRIPTION)...TO THE POINT OF BEGINNING, CONTAINING _____ ACRES;

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS, BLOCKS, TRACTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF _____. THE (STREETS, TRACTS, EASEMENTS – INDICATE THOSE APPLICABLE) SHOWN HEREON ARE DEDICATED TO THE TOWN AND THE PUBLIC, FOR PUBLIC USES AND PURPOSES AS SHOWN HEREON.

OWNER/MORTGAGEE/LIEN HOLDER SIGNATURE (SEPARATE SIGNATURE BLOCK FOR EACH)

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 20__ A.D. AND WAS RECORDED AT RECEPTION NUMBER _____.

(SIGNATURE)

COUNTY CLERK AND RECORDER

9. **Development Reports/Studies/Construction Plans:** The following development reports, studies and construction plans shall be prepared to adequately portray the physical characteristics of the property.
 - a. Phase III Drainage Report and Construction Plans showing the final proposed drainage system, design details and calculations.
 - b. Final Erosion Control Study and Construction Plans prepared in accordance with the Town's clearing, grading and land disturbance standards.
 - c. Final Area Grading Plan prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.
 - d. Final Road Construction Plans prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.
 - e. Final Utility Construction plans prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.
 - f. Final Landscape Construction Plans prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements, Municipal Code Title 10, and Town of Erie Parks and Trails Master Plan.
 - g. A Geological Report may be required detailing the geological characteristics of the site prepared by a registered engineer, including any potential natural or man-made hazards which would have a significant influence on the proposed development and a determination of what effect such factors would have and proposed corrective or protective measures.
 - h. A Traffic Impact Study or narrative may be required detailing the transportation network establishing the availability and adequacy of the system consistent with the Town of Erie's Comprehensive Master Plan and Transportation Plan.
10. Any additional information or referral documents as required by the Planning & Development Director, in order to thoroughly review the impacts of the proposed development.