



# **PRELIMINARY PLAT**

## **User's Guide**

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

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# PRELIMINARY PLAT

## Purpose

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The purpose of the Preliminary Plat review process is to ensure compliance with the subdivision standards and requirements set forth in Municipal Code, Title 10, Chapter 6, *Subdivision Design and Improvements*, of the Unified Development Code (UDC), while encouraging quality development consistent with the goals, policies, and objectives found in the Town of Erie Comprehensive Plan.

Prior to Preliminary Plat review the applicant must complete Sketch Plan review.

## Applicability

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### 1. General

The Sketch Plan and Preliminary Plat process, and the standards and requirements set forth in Chapter 6, *Subdivision Design and Improvements*, of the UDC shall apply to all subdivisions or re-subdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions or re-subdivisions created by an exercise of the power of eminent domain by an agency of the State or Town, unless specifically excluded by State law.

### 2. Subdivision Approval is Prerequisite to Other Approvals

- a. No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:
  - i. A plan for the subdivision has been approved and all required dedications of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of the UDC; or
  - ii. A plan for the subdivision of land has been approved and a Development Agreement has been executed that provides for future improvements pursuant to Section 7.18 of the UDC.
- b. The Town shall not accept or maintain any street and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a plat for the subdivision has been approved and recorded in accordance with the requirements set forth in the UDC.

### 3. Restriction on Sale or Transfer of Subdivided Land Without Approved Plat

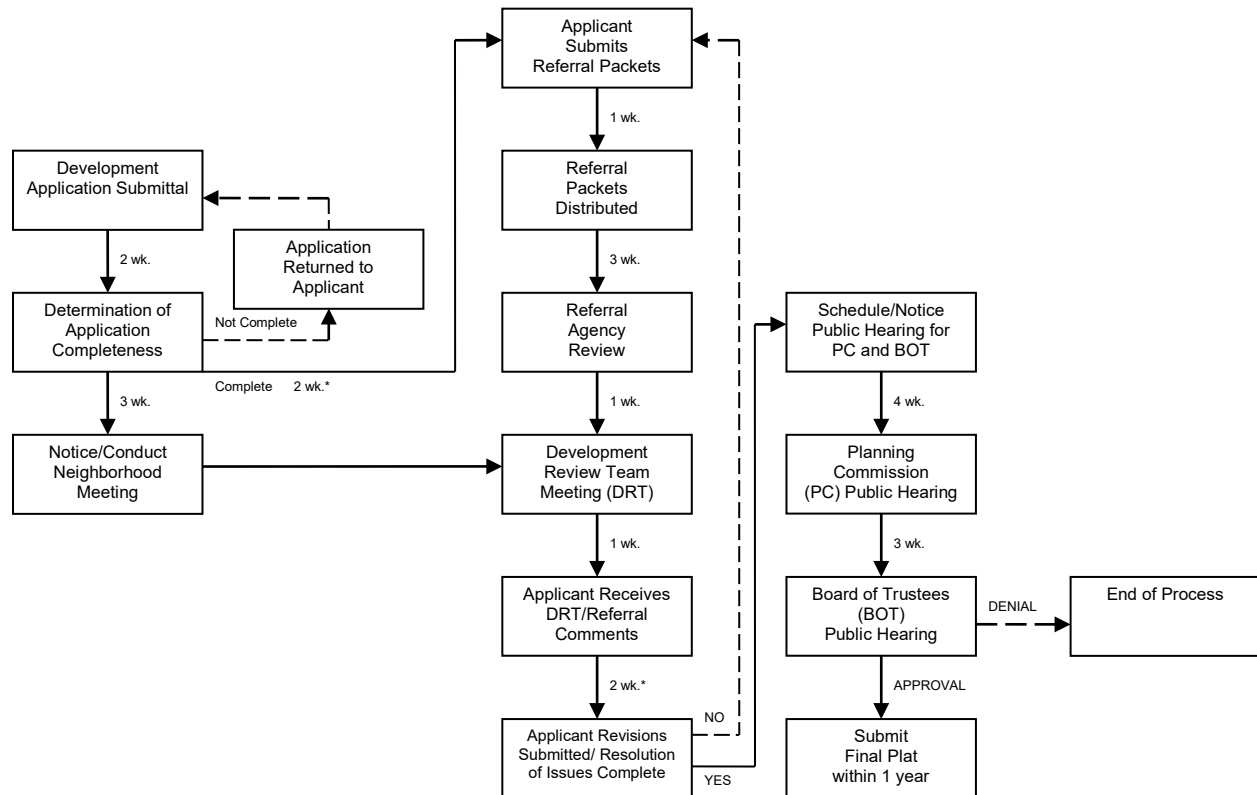
Any person who transfers or sells any land located within the Town by reference to a plat that has not been approved by the Town and recorded by the appropriate County shall be guilty of a violation of the UDC. The Town also may enjoin such transfer or sale by filing an action for an injunction.

### 4. Existing Lots of Record

No provision of this Section 7.7 or Chapter 6 of the UDC applies to any lot in a subdivision legally created and filed of record before the effective date of the UDC, unless the lot is further subdivided.

## Process Summary

The following is a brief summary of the typical Preliminary Plat review process. Detailed step by step instructions may be found in Chapter 7, *Review and Approval Procedures* of Title 10 of the Municipal Code.



\*Typical Time Shown, Actual Time Up to Applicant

### 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 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 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.

**Notice/Conduct Neighborhood Meeting:**

The Applicant is required to conduct a neighborhood meeting to provide an informal opportunity to inform residents and landowners surrounding the application area about the details of the proposed application. The applicant should engage the public to comment on the proposal during the meeting. The neighborhood meeting should be held after the Project Planner determines the application is complete and before the Town holds the **Development Review Team Meeting (DRT)**. The Applicant is required to submit a written summary of the neighborhood meeting to the Project Planner before the **Development Review Team Meeting (DRT)**.

The applicant is required to mail notice of the neighborhood meeting to landowners within 500 feet of the application area and to post the property. The letters must be sent and the property must be posted at least 15 days before the meeting is held.

The Applicant is responsible for providing the list of property owners within 500 feet, for mailing the letters and for composing the letter to include all of the required notice content identified in Municipal Code Title 10 Section 7.2 F.1. that includes:

1. Identify the date, time, and place of the meeting.
2. Describe the property involved in the application by street address or by legal description and nearest cross street.
3. Describe the nature, scope, and purpose of the meeting.
4. Indicate that interested parties can come to the meeting and speak on the matter.
5. Indicate where additional information on the matter can be obtained.

The Town will provide the signs to be posted on the property. The applicant is responsible for filling out the signs, posting the signs, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the Planning Commission public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

**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 **Schedule/Notice Public Hearing for PC and BOT** portion of the process.

**Schedule/Notice Public Hearing for PC and BOT:**

The Project Planner shall notify the Applicant when the application is ready for public hearing with the Planning Commission and Board of Trustees (BOT). The Project Planner will schedule the first available Planning Commission hearing date based on public hearing notification requirements and room on the PC agenda. The BOT public hearing date will be scheduled by the Project Planner for the first available hearing date that is a minimum of 20 days after the PC hearing.

Both the PC and BOT public hearings require public hearing notification in the form of notice published in the newspaper, notice mailed, and notice posted on the property by sign. Full detail of the notice process can be found in Municipal Code Title 10 Unified Development Code Section 7.2 F.

Planning & Development shall have the public notice published in the newspaper at least 15 days before the public hearing. The Applicant is responsible for providing the correct legal description of the property to the Town before the notice is sent to the newspaper for publication.

The Applicant shall provide Planning & Development with a current (prepared within 30 days of the scheduled public hearing) list of property owners within 500 feet of the application property area and any associated homeowners associations. Additionally, the Applicant shall provide a stamped and addressed envelopes for each entity identified on the list for each public hearing. Planning & Development shall mail the public notice at least 15 days prior to the public hearing.

Planning & Development shall provide the Applicant with signs to be posted on the property for public hearing notice. The applicant is responsible for posting the signs at least 15 days before the public hearing, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

### **Planning Commission (PC) Public Hearing:**

The Applicant is required to submit all required public hearing documents at least 3 weeks before the public hearing so that the Project Planner has adequate time to write the staff report and draft resolutions for the Planning Commission. The Project Planner shall identify the items the Applicant is to include in the public hearing documents. The public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Planning Commission review. The staff report and draft resolution shall be forwarded to the Applicant by the Project Planner when the PC agenda packets are sent to the Planning Commission for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

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

1. The Planning Commission shall open the public hearing.
2. The Project Planner will present the staff report and draft resolution.
3. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
4. Public testimony is heard by the Planning Commission.
5. The Planning Commission will ask questions of the Applicant and Staff, and for clarification on any issues raised during public testimony.
6. The Planning Commission will close the public hearing.
7. The Planning Commission will make a recommendation to the Board of Trustees on the application by resolution. The recommendation will recommend either approval, approval with conditions, or denial of the application, based on the criteria listed below.

### **Board of Trustees (BOT) Public Hearing:**

If the Planning Commission requires any changes to the application, the Applicant shall submit all revised public hearing documents at least 13 days before the public hearing so that the Project Planner has adequate time to write the staff report and draft resolutions for the Board of Trustees. The revised public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Board of Trustees review. The staff report and draft resolution shall be forwarded to the Applicant by the Project Planner when the BOT agenda packets are sent to the Board of Trustees for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Board of Trustees. The order of the proceedings at the public hearing shall be as follows:

8. The Board of Trustees shall open the public hearing.
9. The Project Planner will present the staff report, draft resolution and provide a brief overview of the application.
10. The Applicant will present any relevant information the Applicant deems appropriate for the hearing. The Applicant will also be available for any questions the Board of Trustees may have.
11. Public testimony is heard by the Board of Trustees.
12. The Board of Trustees may ask questions of the Applicant and Staff before making their findings and final decision on the application.
13. The Board of Trustees will close the public hearing.
14. The Board of Trustees will make a final decision on the application by resolution. The decision will be to approve, approve with conditions, or deny the application, based on the criteria listed below. If the application is denied you move to **End of Process**. If the application is approved, you move to **Submit Final Plat within 1 Year**.

**End of Process:**

The applicant cannot make a final plat application with denial of the preliminary plat from the Board of Trustees. In order for the Applicant to move forward with the platting process, the applicant must submit a new preliminary plat application and associated fees. No new application for the same or substantially the same preliminary plat can be accepted by the Planning & Development Director within one year of denial of the original application.

**Submit Final Plat within 1 Year:**

Approval of the preliminary plat by the BOT shall be effective for one year. In order for the Applicant to move forward with the platting process, the applicant must submit to Planning & Development a full final plat application and fees within one year of the preliminary plat approval. If the preliminary plat was approved with conditions, the final plat and support documents must comply with those conditions.

If a full final plat application and fees are not submitted within one year of the preliminary plat, then the preliminary plat shall lapse and be of no further force. The Applicant would then have to start over with the platting process at the Sketch Plan.

**Approval Criteria**

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A Preliminary Plat may be approved only if the Board of Trustees finds that all of the following criteria have been met:

1. The subdivision is consistent with the Town of Erie Comprehensive Plan;
2. The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
3. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision are designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the UDC;
4. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of the UDC that have not otherwise been modified or waived pursuant to this Chapter. Applicants shall refer to the Development Standards in Chapter 5 of the UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
5. The subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.
6. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
7. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
8. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

9. 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.
10. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

### **Step 1: Submittal Requirements**

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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**, see Application for fees.
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 a statement that no such agreements exist.



7. **Copy of an ALTA/ACSM Land Title Survey**, for the entire property of the proposal.
8. **Preliminary 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 exhibits 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 PRELIMINARY PLAT  
 A PORTION OF THE N ½ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6<sup>TH</sup>  
 PRINCIPLE MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, COLORADO  
 100 ACRES - 200 LOTS/8 TRACTS  
 PP\_\_-\_\_

- 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. 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;
- k. 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;
- l. 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;
- m. Provide a "Land Summary Chart" that accounts for all of the land area within the subdivision as follows:

<b>LAND SUMMARY CHART</b>		
<b>TYPE</b>	<b>AREA</b>	<b>% OF TOTAL AREA</b>
Residential Lots		
Tracts		
Public ROW		
<b>TOTAL</b>		

- n. 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

- 9. **Development Reports and Plans:** The following development reports, studies and construction plans shall be prepared to adequately portray the physical characteristics of the property.
  - a. Phase II Drainage Report and Plans showing the final proposed drainage system, design details and calculations.
  - b. Preliminary Erosion Control Study and Construction Plans prepared in accordance with the Town’s clearing, grading and land disturbance standards.
  - c. Preliminary Area Grading Plan prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements.
  - d. Preliminary Utility Plan and Utility Study prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements and the UDC.
  - e. Preliminary Road Construction Plan prepared in accordance with Town of Erie Standards and Specifications for Design and Construction of Public Improvements.
  - f. A Threatened and Endangered Species, Habitat, and Wetlands report.
  - g. A Cultural, Archaeological, and Historical Resource Report and Protection Plan.
  - h. A Native Tree and Vegetation Survey and Protection Plan in accordance with Section 6.2.C of the UDC.
  - i. Preliminary Landscape Plans prepared in accordance with the Town of Erie Standards and Specifications for Design and Construction of Public Improvements, UDC, and Town of Erie Parks and Trails Master Plan.
  - j. A Geological Report 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. (Examples: floodplain, floodway, subsidence, etc.)
  - k. Environmental Hazards Report.
  - l. A Soils Report prepared by a registered engineer, including any potential hazards which would have an impact on the proposed development and a determination of what effect such factors would have and proposed corrective or protective measures.

- m. 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.