



## FINAL PLATS AND REPLATS APPLICATION & REVIEW PROCEDURES

### 3.6 Final Plats and Replats

#### 3.6.1 Intent and Applicability

##### A. Intent

These procedures are intended to create a formal process for final platting of land in the City of Douglas and to establish criteria for processing and approving such applications. These procedures shall also apply to all replatting actions that are not defined by this Code as a major or minor amendment of a final plat. These procedures are intended to achieve the following objectives:

- Creating an accurate public record for the legal transfer of platted lots;
- Ensuring proper legal description, monumentation, and recording of property boundaries;
- Ensuring that all lots are buildable pursuant to zoning and environmental regulations and are developed safe from fire, floods, and other hazards;
- Providing adequate traffic circulation;
- Establishing adequate and appropriate legal access;
- Ensuring proper installation of necessary utilities and public improvements, such as roads, water, wastewater, drainage facilities, and pedestrian improvements.
- Complying with Wyoming State Statutes, including but not necessarily limited to, W.S. §§ 34-12-101 – 34-12-115.

##### B. Applicability

Any subdivision that creates property boundaries or interests in real property, as defined by this Code, and any replats that are not defined by this Code as either a major or minor amendment, shall conform to the procedures of this Chapter. If an applicant has not obtained preliminary plat approval prior to making an application for approval of a final plat, then the applicant shall prepare a final plat application that combines and complies with the submittal and procedural requirements of both a preliminary plat application, pursuant to Section 3.5 above, and a final plat application, pursuant to this Section 3.6.

#### 3.6.2 Pre-Application Conference

A pre-application conference with the City Community Development Director or his/her designee may be required, at the discretion of the Community Development Director, prior to making a formal application for approval of a final plat or replat. The purpose of the pre-application conference is to work with the Community Development Department to identify any major issues or potential problems that may arise during the process of subdividing a particular piece of property. The conference should also serve as an initial collaboration with City staff to begin developing appropriate strategies for mitigating and/or offsetting the impacts of the development and any identified major issues or problems.

#### 3.6.3 Application Submittal Requirements

A formal application for approval of a final plat or replat shall include the plat map, a completed subdivision application form, payment of the appropriate application fee, letters from all necessary utility companies stating the service capacity and intent to serve the proposed subdivision (as determined by the Community Development Director), and documentation sufficient to address the standards and review criteria of this Section 3.6. The submittal requirements and appropriate quantity of each submittal requirement, including electronic copies, shall be established by the Community Development Department at or following the pre-application conference or following a determination that a pre-application conference is not required, as applicable, but prior to formal

application for approval of a final plat or replat. The submittal requirements are necessary to address the functional and physical characteristics of the subdivision and proposed uses within the subdivision in relation to the influences of, but not limited to, the following:

- Site topography, landforms, and geology
- Existing soils and vegetation on the site
- Surface and subsurface drainage patterns and characteristics
- Physical and visual impacts
- Site accessibility
- Parcel configuration
- Vehicular and pedestrian circulation patterns
- Utility location and capacities
- Fire and police protections
- School district capacity
- Related public improvements
- Accessibility to community services

#### **3.6.4 Final Plat and Replat Mapping Standards**

All final plat and replat drawings shall be drawn in black waterproof ink on Mylar of good quality and shall depict the proposed layout of the subdivision based upon the requirements of this Section 3.6 and shall comply with the zoning requirements of Chapter 4 and the subdivision requirements of Chapter 7 of this Code. All of the following requirements may be combined onto a single sheet if approved by the Community Development Director.

##### **A. General Requirements**

Each sheet of a final plat or replat shall comply with each of the following:

- The plat map shall be 24 inches in height by 36 inches in width and depicted as a scale of one inch equals 200 feet (1" = 200'), or at an alternative scale approved by the Community Development Director;
- Include a title, which shall state the proposed name of the subdivision or addition and the words "Final Plat", or for replats shall instead include the word "Replat";
- Include a legal description of the location of the addition or subdivision, including a description of the addition or subdivision as part of a larger subdivision or tract of land, and including basis of bearings and designation of any section, quarter section, and sixteenth section lines;
- Include a scale commensurate with the final plat or replat drawing, but not less than 200 feet to an inch (200' = 1");
- Include the date of preparation; and
- Include a north arrow.

##### **B. Cover Sheet Requirements**

In addition to the General Requirements above, the cover sheet of a final plat or replat shall also include each of the following details:

- Vicinity Map, which shall depict the location of the subject property in relation to the nearest major roadways and existing subdivisions;
- Signature blocks, including blocks for the property owner(s) and developer(s), found in Appendix A;
- A certificate for the land surveyor of record found in Appendix A of this Code, which shall include the land surveyor's (L.S.) number and signature;
- Signature block for the engineer of record, as applicable, including location for stamping;
- An owner's dedication statement found in Appendix A of this Code;

- Certificates for City Council, Planning and Zoning Commission, City Engineer, and County Clerk and Recorder approval found in Appendix A of this Code;
- A key diagram, if more than three (3) sheets are used, showing the areas covered by each sheet of the final plat or replat;
- Statements detailing the providers of water supply, sewage disposal, and electrical and/or gas service to the proposed subdivision.

### C. Mapping Sheet Requirements

In addition to the General Requirements above, any sheet that depicts or otherwise maps the configuration of the proposed subdivision of the subject property shall also include the following:

- A depiction of the following:
  - Sufficient data meeting the requirements of Chapter 7 of this Code in order to readily determine the bearing and length of every lot line, block line, and boundary line. No ditto marks shall be used. All lots containing three-fourths (3/4) of an acre or more shall be labeled in acreage to the nearest hundredth. All length, radius, delta and appropriate curve data shall be shown. For lots fronting onto curved street right(s)-of-way, all non-radial sides lot lines shall be labeled “NR”;
  - Lot and Block numbering in a logical order. Lot numbering shall begin at number one (1) in each block. For staged or phased development, the block numbering of a subsequent stage or phase shall begin with the next highest number following the highest number used on the plat or latest replat of the immediately preceding stage or phase;
  - Easements, including widths, lengths, and line bearings, to which the proposed lots are subject. Easements for storm drains, surface drainage, sewer, building lines and other purposes shall be depicted by fine dashed lines;
  - Location and delineation of all nearby and included section, quarter section, and sixteenth section lines;
  - Location of all existing monuments with an appropriate explanation in the plat legend and all new monuments meeting the requirements of Chapter 7 of this Code;
  - Location, name, width, length, bearings and curve data on centerlines of all proposed streets;
  - Location and width of all adjoining rights-of-way;
  - Location, purpose, width, length, bearings and curve data on centerlines of all proposed alleys and easements;
  - Location and width of all proposed sidewalks;
  - Location and dimensional data labels for the boundaries, widths, lengths, bearings and curves of all street right-of-ways, alleys, easements, parks, recreation areas, and other public facilities shown on the preliminary plan, as applicable, that are intended to be dedicated for public use and a statement of dedication thereof. A depiction of any future street right-of-way dedication or reservations thereof may be required as part of the approval by the City Council;
  - Location of existing watercourses and direction of flow;
  - Delineation of any one hundred (100)-year floodplain and any land located therein;
  - Location, name, layout, and zoning of all adjoining subdivisions;
  - A plan for managing the drainage of storm water, including necessary improvements to established watercourses, detention and retention facilities, canals, and ditches;
  - Existing and approved sewer and water mains, including alignment and diameter;
  - Location and detailed plans for constructing street lighting utilizing underground facilities;
  - Location and identification of all existing and proposed underground and aboveground utilities, including, but not limited to, gas, telephone, electric, cable television, and fiber optic lines;
  - Location and delineation of easements for postal service facilities;
  - Location and delineation of areas for snow removal storage and for the siting of solid waste disposal containers, pursuant to the requirements of Chapters 5 and 6 of this Code; and

- Any other features required to be depicted by the Community Development Director.
- Accurate survey data to one one-hundredth of a foot;
- Contours, which shall be based upon the United States Geologic Survey datum at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent;
- A statement that all expenses for the following shall be provided by the applicant, developer, or owner: utilities, street and alley improvements, sidewalk and other pedestrian improvements, regulatory and street name signs and signalization, sight screening and sound barriers, grading, landscaping, parking lot and street lighting, and drainage facilities.
- A statement or statements outlining the intent to dedicate and the maintenance responsibilities of all proposed common and/or public spaces, including, but not limited to, roads, alleys, sidewalks, parks, and open spaces.

### 3.6.5 Review and Referral Process

All final plat or replat applications under this Section 3.6 shall be processed pursuant to the following:

#### A. Application Submittal, Cursory Completeness Review, and Referral Procedures

All final plat applications shall be submitted to the Community Development Department for review pursuant to the requirements established by the Department at or following the pre-application meeting. If a pre-application conference is not required by the Community Development Director, the Department shall provide the applicant with a list of submittal requirements for making a formal final plat or replat application.

The Community Development Department shall conduct a cursory completeness review at the point of intake to ensure that all applications include the appropriate documentation prior to formal acceptance. If an application is determined to be complete, the Department shall accept the application and distribute it for review by appropriate internal City reviewers and applicable external review agencies. If an application is determined to be incomplete, the Department shall notify the developer of the deficiencies of the application and the developer shall be responsible for rectifying all deficiencies prior to attempting resubmittal of the application for formal acceptance.

#### B. Technical Review and Resubmittal Procedures

The review and referral period for a final plat depends upon the complexity of the application and the workloads of the respective reviewers.

Following the review and referral period, the Community Development Department shall provide the applicant with all comments from the Community Development Department, other internal City reviewers, and the applicable external review agencies. It shall be the applicant's responsibility to review all comments and provide revisions to the application, including supporting documentation.

Upon resubmittal of the application and supporting documentation, the Community Development Department shall re-distribute the materials for review to all agencies having unresolved issues following the initial review. The re-review and re-referral period depends upon the complexity of the outstanding issues on the application, and supporting documentation, and the workloads of the respective reviewers. If the applicant is unable to resolve all outstanding technical issues associated with the application following review of the resubmittal, additional resubmittals and re-reviews may be required and shall generally follow the same resubmittal and review procedures identified above.

#### C. Determination of Technical Completeness and Scheduling for Hearing

The Community Development Department shall make a determination of technical completeness for a final plat application once the applicant has adequately addressed all outstanding issues and shall schedule the application for the next available Planning and Zoning Commission hearing.

### 3.6.6 Notice Requirements

#### A. Published and Mailed Notice Requirements for Hearings

i. Published Notice

At least fifteen (15) days prior to Planning and Zoning Commission review of the final plat or replat, the Community Development Department shall cause notice to be published in a newspaper of general circulation. The notice shall indicate the date, time, and location of the Planning and Zoning Commission hearing. The notice shall also indicate the date, time, and location of the City Council hearing and include the language “or as soon thereafter as possible.” The notice shall provide a brief summary of the proposal, including, but not limited to, the legal description of the subject property, the acreage of land included in the final plat or replat, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the final plat or replat application shall be responsible for reimbursing the City for costs incurred in providing the required published notice.

ii. Mailed Notice

At least fifteen (15) days prior to Planning and Zoning Commission review of a final plat or replat application, the Community Development Department shall provide first class mailed notice to the owner or owners of all properties located within one hundred-forty (140) feet, excluding all public streets and alleys, of the boundaries of the final plat or replat area of the Planning and Zoning Commission hearing. The notice shall indicate the date, time, and location of the Planning and Zoning Commission hearing. The notice shall also indicate the date, time, and location of the City Council hearing and include the language “or as soon thereafter as possible.” The notice shall include a brief summary of the proposal, including, but not limited to, the legal description of the subject property, the acreage of land included in the final plat or replat, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the final plat or replat application shall pre-pay the City for the cost of providing the required first class mailed notice.

### 3.6.7 Approval Criteria and Public Hearings

#### A. Approval Criteria

In approving a final plat or replat, the following shall be found:

- i. The proposed final plat or replat is consistent with the City Master Plan, as amended;
- ii. The proposed final plat or replat is in compliance with the requirements of this Code;
- iii. The proposed final plat or replat is in compliance with the design and layout of the approved sketch plan, planned unit development, and preliminary plat, as applicable, including any conditions and/or modifications of the applicable sketch plan, planned unit development, and preliminary plat;
- iv. The proposed final plat or replat is in compliance with State law;
- v. Necessary services and amenities, including police protection, emergency response, fire protection, recreational facilities, utilities, open spaces, and transportation systems, are or will be available and will be able to adequately serve the proposed subdivision.

#### B. Planning and Zoning Commission Hearing

The Planning and Zoning Commission shall evaluate the final plat or replat application subject to the review criteria of this section and shall take one of the following actions:

- i. Recommend to the City Council that the application be approved;
- ii. Recommend to the City Council that the application be approved with specific conditions or modifications;
- iii. Recommend to the City Council that the application be denied based upon failure to comply with the specific review criteria of this section;
- iv. Postpone final action on the application to collect additional information pertinent to compliance with the specific review criteria of this section. Upon an action to postpone, the Community Development Department may elect to provide new posted and published notice. Under no circumstances shall

postponement of an application occur more than once without the applicant's consent and no single postponement action may result in more than a 60-day delay.

### **C. City Council Hearing**

The City Council shall, within sixty (60) days of the date of Planning and Zoning Commission recommendation, evaluate the final plat or replat application subject to the review criteria of this section and shall take one of the following actions:

- i. Approval of the final plat or replat;
- ii. Approval of the final plat or replat with specific conditions or modifications;
- iii. Denial of the final plat or replat based upon failure to comply with the specific review criteria of this section;
- iv. Postpone final action on the application to collect additional information pertinent to compliance with the specific review criteria of this section. Upon an action to postpone, the Community Development Department may elect to provide new posted and published notice. Under no circumstances shall postponement of an application occur more than once without the applicant's consent and no single postponement action may result in more than a 60-day delay.

### **3.6.8 Post Hearing Requirements**

The resolution of approval or approval with conditions or modification of a final plat or replat by the City Council shall be recorded by the City in the records of the Converse County Clerk and Recorder's Office. All approved final plats or replats and associated agreements (e.g., subdivision improvement agreements and maintenance agreements) shall be recorded by the Community Development Department in the records of the Converse County Clerk and Recorder's Office. The applicant shall pay in full upon billing from the City the cost of filing fees and produce a minimum of one (1) twenty-four (24) inch by thirty-six (36) inch Mylar copy and an electronic copy of the subdivision plat or replat.

### **3.6.9 Amendments and Appeals**

#### **A. Major Final Plat Amendments**

Any proposed amendment to an approved final plat that would result in any of the following shall be considered a major final plat amendment:

- A change to legal description of the land included within the final plat;
- An increase in the number of approved lots;
- A decrease in the amount of approved open space;
- A request to add or remove a plat note or restriction; or
- A change in the provision of public improvements or a material change to the design of such improvements, as determined by the Community Development Director.

The Community Development Director shall have the authority to determine whether a proposed major final plat amendment should be reviewed and approved administratively by the Community Development Director or whether such major final plat amendment should be elevated for review and recommendation by the Planning and Zoning Commission and final action by the City Council. Any final plat amendment elevated for review and recommendation by the Planning and Zoning Commission and final action by the City Council shall follow the hearing and notification requirements for a final plat in this Section 3.6.

Examples of a major plat amendment include, but are not limited to, amendments to a vacation and re-plat of an approved final plat, which would also include amendments to add or remove a plat note or restriction.

The requirements for a major plat amendment shall be as outlined in Section 3.7 below.

#### **B. Minor Final Plat Amendments**

Any proposed amendment to an approved final plat that would not result in a major final plat amendment, as outlined above, shall be considered a minor amendment. The Community Development Director shall have

the authority to determine the appropriate application and review requirements for a minor final plat amendment. The Community Development Director shall also have the authority to determine whether a proposed minor final plat amendment should be reviewed and approved administratively by the Community Development Department or whether such minor final plat amendment should be elevated for review and recommendation by the Planning and Zoning Commission and final action by the City Council. Any final plat amendment elevated for review and recommendation by the Planning and Zoning Commission and final action by the City Council shall follow the hearing and notification requirements for a final plat.

### **C. Appeals**

The City Council shall have final review and appeal authority of all final plat applications. Any interpretation made or administrative action taken by the City Administrator or Community Development Director may be appealed directly to the City Council for review and final action. All appeal requests shall be submitted in writing to the Community Development Director and shall be scheduled for the next available City Council hearing. The written request for an appeal of an administrative interpretation or decision shall include the following:

- A statement identifying the specific interpretation or decision made by the Community Development Director;
- A statement detailing the basis for appealing the interpretation or decision; and
- Language and/or supporting documentation that justifies approval of the appeal request.

There are no notification requirements for a City Council hearing to review and take final action on an appeal of an administrative interpretation or decision.

#### **3.6.10 Scope, Limitations, and Expiration**

A final plat or replat shall be limited in scope to the specific limitations and allowances of the plat as approved by the City Council, including the limitations and allowance of any conditions of approval or required modification. Any action by the land owner or developer that causes the approved final plat or replat to be in non-compliance with the scope and limitations of the approval, as established by the action of the City Council on the final plat or replat application, shall be subject to the enforcement provisions of Chapter 9 and all other legal remedies.

An approved final plat or replat shall automatically expire after sixty (60) calendar days from the date of City Council approval unless such plat is recorded in the records of the Converse County Clerk and Recorder's Office. It shall be the responsibility of the applicant to pay the applicable filing fees to the City Finance Department for the final plat or replat and associated agreement(s). Once the required filing fees have been paid, the Community Development Department shall be authorized to file the plat amendment in the records of the Converse County Clerk and Recorder's Office.