



## PRELIMINARY PLATS

### APPLICATION & REVIEW PROCEDURES

### 3.5 Preliminary Plats

#### 3.5.1 Intent and Applicability

##### A. Intent

These procedures are intended to create a formal process for preliminary platting of land in the City of Douglas and to establish criteria for processing and approving such applications. 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; and
- Compliance with Wyoming State Statutes, including but not necessarily limited to, W.S. §§ 34-12-101 – 115, 15-4-310,

##### B. Applicability

Any person proposing to subdivide real property within the incorporated boundaries of the City of Douglas may elect to make an application for approval of a preliminary plat, which shall include adequate development details as outlined below in this Section 3.5, in order to obtain approval of the basic concepts of the development without incurring the costs commonly associated with preparing and filing a final plat application. Any subdivision that creates property boundaries or interests in real property, as defined by this Code, shall follow these procedures for preliminary plat approval if such approval is sought by the applicant prior to making a formal final plat application.

If preliminary plat approval is not sought, then the applicant shall prepare a final plat application that combines and complies with the procedural requirements of both a preliminary plat, pursuant to this Section 3.5, and a final plat, pursuant to Section 3.6 below of this Chapter.

#### 3.5.2 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 preliminary plat. 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.

#### 3.5.3 Application Submittal Requirements

A formal application for approval of a preliminary plat shall include the preliminary plat map, a completed subdivision application form, payment of the appropriate application fee, and documentation sufficient to address the standards and review criteria of this Section 3.5. 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 preliminary plat. 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 protection
- School district capacity
- Related public improvements
- Accessibility to community services

### **3.5.4 Preliminary Plat Mapping Standards**

All preliminary plats shall depict the proposed layout of the subdivision based upon the requirements of this Section 3.5 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 preliminary plat shall comply with each of the following:

- The preliminary plat 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 "Preliminary Plat";
- Include a 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 a reference to permanent survey monuments with a tie to a section corner or quarter section corner;
- 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 preliminary plat 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), developer(s), engineer(s) of record, and land surveyor(s), as applicable; and
- Statements summarizing the methods of providing adequate water supply and sewage disposal 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 physical features, including the following:
  - Location and delineation of all nearby and included section lines;
  - Location and principal dimensions of all existing, platted, and proposed streets and alleys;
  - Location and width of all existing, platted, and proposed sidewalks;
  - Location and principal dimensions of all existing, platted, and proposed lots and lot lines, easements, and any lands reserved for public use;
  - Watercourses and direction of flow;
  - Delineation of any one hundred (100)-year floodplain and any land located therein;
  - 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 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; and
- 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.

### 3.5.5 Review and Referral Process

All preliminary plat applications shall be processed pursuant to the following:

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

All preliminary 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 preliminary plat 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 preliminary 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 preliminary 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.

**3.5.6 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 preliminary plat, 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 preliminary plat, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the preliminary plat 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 preliminary plat 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 preliminary plat 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 preliminary plat, the proposed number of lots and tracts, and the proposed total acreage of right-of-way. The applicant requesting approval of the preliminary plat application shall pre-pay the City for the cost of providing the required first class mailed notice.

**3.5.7 Approval Criteria and Public Hearings**

**A. Approval Criteria**

In approving a preliminary plat, the following shall be found:

- i. The proposed preliminary plat is consistent with the City Master Plan, as amended;
- ii. The proposed preliminary plat is in compliance with the requirements of this Code;
- iii. The proposed preliminary plat is in compliance with any applicable sketch plan and mixed-use planned unit development, including any conditions and/or modifications of the applicable sketch plan or mixed-use planned unit development;
- iv. The proposed preliminary plat 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 preliminary plat 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. Continue the application to collect additional information pertinent to compliance with the specific review criteria of this section. Upon an action to continue, the Community Development Department may elect to provide new posted and published notice. Under no circumstances shall continuance of an application occur more than once without the applicant's consent and no single continuance action may result in more than a 60-day delay without the applicant's consent.

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

The City Council shall evaluate the preliminary plat application subject to the review criteria of this section and shall take one of the following actions:

- i. Approval of the preliminary plat;
- ii. Approval of the preliminary plat with specific conditions or modifications;
- iii. Denial of the preliminary plat 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.

### **3.5.8 Post Hearing Requirements**

Preliminary plats and the respective resolution of approval are not typically recorded in the records of the Converse County Clerk and Recorder's Office, but shall be maintained in the records of the City of Douglas Community Development Department.

### **3.5.9 Amendments and Appeals**

#### **A. Major Preliminary Plat Amendments**

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

- A change to legal description of the land included within the preliminary plat;
- An increase in the number of approved lots;
- A decrease in the amount of approved open space; 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.

All major preliminary plat amendments shall conform to the application and review requirements of this section including the requirements for hearings before the Planning and Zoning Commission and City Council.

#### **B. Minor Preliminary Plat Amendments**

Any proposed amendment to an approved preliminary plat that would not result in a major preliminary 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 preliminary plat amendment. The Director shall also have the authority to determine whether a proposed minor preliminary plat amendment should be reviewed and approved administratively by the Community Development Department or whether such amendment should be elevated for review and recommendation by the Planning and Zoning Commission and review and final action by the City Council.

**C. Appeals**

The City Council shall have final review and appeal authority of all preliminary plat applications. Any interpretation made or administrative action taken by the 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.

**3.5.10 Scope, Limitations, and Expiration**

A preliminary plat 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 preliminary plat to be in non-compliance with the scope and limitations of the approval, as established by the action of the City Council on the preliminary plat application, shall be subject to the enforcement provisions of Chapter 9 and all other legal remedies.

An approved preliminary plat shall automatically expire after one (1) year from the date of City Council approval unless a formal application for final plat approval is submitted for review.