

TOWN OF KERSEY LAND USE CODE

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ARTICLE 4- SUBDIVISION REGULATIONS

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4.1 General Provisions

The provisions of this Article, the Subdivision Regulations, in conjunction with the *Zoning Code*, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with the *Zoning Code*. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the *Zoning Code*.

Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

These Regulations in conjunction with the *Zoning Code*, establish procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the *Kersey Comprehensive Plan* and with adopted regulations, policies and other guidelines.

4.2 Intent

- A. This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
1. Encouraging new subdivision developments to relate to Town's historic development pattern.
 2. Promoting compact, well-defined, sustainable neighborhoods that enhance Town's character.
 3. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
 4. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring streets facilitate safe, efficient and pleasant walking, biking and driving.
 5. Providing a variety of lot sizes and housing types in every neighborhood.

6. Protecting sensitive natural and historic areas and Town's environmental quality.
7. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light and air and for the avoidance of congestion of population.
8. Providing open spaces for adequate storm water management.
9. Providing adequate spaces for educational facilities.
10. Providing protection from geologic hazards and flood prone areas.
11. Ensuring compliance with the *Zoning Code*, the *Kersey Comprehensive Plan* and the Community Design Principles and Development Standards (Article 2 of this Code).
12. Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interest of the public.

4.3 Administration

All plans of streets or highways for public use, and all plans, plats, plots and replats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Board of Trustees. Acceptance of proposed dedications by the public shall be given by separate action of the Board of Trustees.

4.4 Types of Subdivisions

A. Major Subdivisions. A major subdivision is permitted when the resultant subdivision will produce more than four (4) lots.

1. Major Subdivision Process. The major subdivision process is as follows (for more details refer to Sections 4.5 – 4.7):

- a. *Outline Development Plan (ODP).*
 - i. Pre-Application Conference.
 - ii. Planning Commission Visioning Meeting.
 - iii. Technical Advisory Committee Meeting.
 - iv. Application Submittal.
 - v. Staff Certifies Application is Complete.
 - vi. Staff Review and Recommendations.
 - vii. Planning Commission Review & Recommendation.
 - viii. Applicant Addresses Planning Commission Conditions of Approval.
 - ix. Board of Trustees Action.

- b. *Preliminary Plat.*
 - i. Pre-Application Conference.
 - ii. Technical Advisory Committee Meeting.
 - iii. Application Submittal.
 - iv. Staff Certifies Application is Complete.
 - v. Applicant Submits Letters of Support and Commitment to Serve.
 - vi. Town Schedules Public Hearing and Completes Public Notification Process.
 - vii. Applicant Posts Signs on Property and Provide Signed Affidavit (see *Workbook*) to Town.
 - viii. Staff Refers Application to Interested Parties.
 - ix. Staff Reviews Application and Prepares Comments.
 - x. Applicant Addresses Staff Comments.
 - xi. Final Staff Review and Report to Planning Commission.
 - xii. Planning Commission Public Hearing and Recommendation.
 - xiii. Applicant Addresses Planning Commission Conditions of Approval.
 - xiv. Final Staff Review.
 - xv. Board of Trustees Action.

- c. *Final Plat.*
 - i. Application Submittal.
 - ii. Staff Certifies Application is Complete.
 - iii. Town Schedules Public Hearing and Completes Public Notification Process.
 - iv. Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town.
 - v. Staff Refers Application to Interested Parties.
 - vi. Staff Reviews Application and Prepares Comments.
 - vii. Applicant Addresses Staff Comments.
 - viii. Final Staff Review and Report to Planning Commission.
 - ix. Planning Commission Public Hearing and Recommendation.
 - x. Applicant Addresses Planning Commission Conditions of Approval.
 - xi. Town Schedules Public Hearing and Completes Public Notification Process.
 - xii. Applicant Posts Signs on Property and Provide Signed Affidavit (see *Workbook*) to Town.
 - xiii. Staff Notifies Interested Parties.
 - xiv. Final Staff Review.
 - xv. Board of Trustees Public Hearing and Action.
 - xvi. Record Final Plat.
 - xvii. Post Approval Actions.

- 2. Concurrent Preliminary/Final Plat Process. After an ODP has been approved, major subdivisions may also choose to submit a preliminary and final plat concurrently (for more details refer to Section 4.8):

- a. *Preliminary/Final Plat.*
 - i. Pre-Application Conference.
 - ii. Technical Advisory Committee Meeting.
 - iii. Application Submittal.
 - iv. Staff Certifies Application is Complete.
 - v. Applicant Submits Letters of Support and Commitment to Serve.
 - vi. Town Schedules Public Hearing and Completes Public Notification Process.
 - vii. Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town.
 - viii. Staff Refers Application to Interested Parties.
 - ix. Staff Reviews Application and Prepares Comments.
 - x. Applicant Addresses Staff Comments.
 - xi. Final Staff Review and Report to Planning Commission.

- xii. Planning Commission Public Hearing and Recommendation.
- xiii. Applicant Addresses Planning Commission Conditions of Approval.
- xiv. Town Schedules Public Hearing and Completes Public Notification Process.
- xv. Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town.
- xvi. Staff Notifies Interested Parties.
- xvii. Final Staff Review.
- xviii. Board of Trustees Public Hearing and Action.
- xix. Record Final Plat.
- xx. Post Approval Actions.

B. Rural Subdivision.

1. Intent. The intent of the rural subdivision process is to provide an incentive for landowners to preserve open space in Kersey's planning area and to encourage development patterns that promote more efficient use of land to protect and enhance environmentally sensitive areas, agricultural resources and the unique features of a property.
2. Process. The rural subdivision process is as follows (for more details refer to Section 4.9):
 - a. *Outline Development Plan (ODP).*
 - i. Pre-Application Conference.
 - ii. Site Visit with Town Representative (optional).
 - iii. Planning Commission Visioning Meeting.
 - iv. Technical Advisory Committee Meeting.
 - v. Application Submittal.
 - vi. Staff Certifies Application is Complete.
 - vii. Staff Review and Recommendations.
 - viii. Planning Commission Review & Recommendation.
 - ix. Applicant Addresses Planning Commission Conditions of Approval.
 - x. Final Staff Review.
 - xi. Board of Trustees Action.
 - b. *Preliminary Plat/Final Plat.*
 - i. Pre-Application Conference.
 - ii. Technical Advisory Committee Meeting.
 - iii. Application Submittal.
 - iv. Staff Certifies Application is Complete.

- v. Applicant Submits Letters of Support and Commitment to Serve.
- vi. Town Schedules Public Hearing and Completes Public Notification Process.
- vii. Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town.
- viii. Staff Refers Application to Interested Parties.
- ix. Staff Reviews Application and Prepares Comments.
- x. Applicant Addresses Staff Comments.
- xi. Final Staff Review and Report to Planning Commission.
- xii. Planning Commission Public Hearing and Recommendation.
- xiii. Applicant Addresses Planning Commission Conditions of Approval.
- xiv. Town Schedules Public Hearing and Completes Public Notification Process.
- xv. Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town.
- xvi. Staff Notifies Interested Parties.
- xvii. Final Staff Review.
- xviii. Board of Trustees Public Hearing and Action.
- xix. Record Final Plat.
- xx. Post Approval Actions.

C. Minor Subdivisions.

1. Intent: The intent of the minor subdivision plat is to simplify the permitting process for creating eight (8) or fewer lots. For example, if a property had been platted for a large commercial use and the landowner wishes to create several lots for smaller commercial users, the applicant could utilize this process. The minor subdivision process is not meant for consecutive minor subdivisions. For example, if a landowner divides a 100-acre property into five lots, he/she may not use this process to continue to divide the property in the future to avoid having to comply with the major subdivision process.
2. A minor subdivision plat shall not be approved if the property is within any parcel or lot, any part of which has been subdivided by a minor subdivision within three (3) years preceding the date of the current application.
3. Process. The minor subdivision process is as follows (for more details refer to Section 4.10):
 - a. Pre-Application Conference.
 - b. Application Submittal.
 - c. Staff Certifies Application is Complete.
 - d. Applicant Submits Letters of Support and Commitment to Serve (if Staff deems necessary).

- e. Town Schedules Public Hearing and Completes Public Notification Process.
- f. Applicant Posts Signs on Property and Provides Signed Affidavit (see Workbook) to Town.
- g. Staff Notifies Interested Parties.
- h. Staff Reviews Application and Prepares Comments.
- i. Applicant Responds to Staff Comments.
- j. Planning Commission Public Hearing and Recommendation.
- k. Applicant Responds to Planning Commission Conditions of Approval.
- l. Final Staff Review.
- m. Board of Trustees Action.
- n. Post Approval Actions.

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4.5 Outline Development Plan

- A. Outline Development Plan (ODP) Purpose.** The ODP process is *collaborative* from the onset. The purpose of the ODP is two-fold. First, it provides the Town the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and Town Board early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision before significant engineering takes place.
- B. ODP Application Process.**
1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit an ODP application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:
 - a. Applicant's goals for the property.
 - b. Town vision and expectations.
 - c. *Community Design Principles and Development Standards.*
 - d. The character and quality of development the Town is seeking.
 - e. Town regulations and standards.
 - f. The application and review process.
 - g. Submittal requirements.
 - h. Schedule.
 2. Step 2: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:
 - a. How the proposed project is consistent with the *Community Design Principles and Development Standards* (Article 2 of this Code), the *Kersey Comprehensive Plan* and the *Subdivision Regulations* (Article 4 of this Code).

- b. The developer's goals and vision for the project.
- c. How the proposed development incorporates variety in the type, design and siting of buildings.
- d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
- e. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
- f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
- g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
- h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
- i. Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map – which shows the proposed development in relation to the surrounding area (see Section 4.5 for details).
 - ii. Base Map – which shows the site features (such as topography, ditches, drainageways, wildlife habitat, oil and gas facilities, trees and view corridors).
 - iii. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - a) important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - b) proposed architectural styles;
 - c) ideas for landscaping features such as a xeriscape garden entryway;
 - d) streetscape components which contribute to the project's character;
 - e) a special tree on the property;
 - f) examples of signs that promote the development's identity; and
 - g) anything else that illustrates what the developer is trying to create.

3. Step 3: Technical Advisory Committee Meeting. If deemed necessary, Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, Platte Valley RE-7 School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Kersey Post Office, Kersey Police Department, Platte Valley Fire Protection District, Greeley Gas Company , Xcel, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.

4. Step 4: ODP Application Submittal. The applicant shall submit one (1) copy of the complete ODP application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The ODP application package shall include the following items:
 - a. *Land Use Application Form.*
 - b. *Subdivisions - Technical Criteria Form (see Workbook).*
 - c. *Application Fee and Fee Agreement (see Workbook).* A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - d. *Title Commitment.* The title commitment must be current and the date must be no more than thirty (30) days from the date of ODP application submittal.
 - e. *Context/Vicinity Map.* The context/vicinity map shall show the proposed development in relation to the surrounding area (one [1] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) -- label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the *Kersey Comprehensive Plan*.
 - viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.

- f. *ODP*. The ODP shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free hand drawing in a legible medium that clearly shows:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 200') and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description.
 - v. Acreage of property.
 - vi. USGS topographic contours.
 - vii. Location and approximate acreage of proposed land uses.
 - viii. Proposed layout of lots, streets, parks and open space.
 - ix. Existing easements and rights-of-way on or adjacent to the property
 - x. Existing streets on or adjacent to the property (show and label street name).
 - xi. Note indicating how the eight (8) percent public dedication will be met (per Section 2.14).
 - xii. Proposed collector and arterial streets.
 - xiii. General locations of existing utilities on or adjacent to the property.
 - xiv. Graphic and/or verbal explanation of how the property will be served with utilities.
 - xv. Location of any proposed sewer lift stations.
 - xvi. Trails - show how the development will tie into the regional trails network.
 - xvii. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. Geologic hazard areas.
 - xix. Existing and proposed zoning on and around the property.
 - xx. Land use table - the table shall include: land uses, approximate acreage of each land use, percentage of each land use proposed, and density or floor area ratio.
 - xxi. All existing and proposed oil and gas facilities and the required setback, including existing flow lines and proposed relocations of flow lines.
 - xxii. Archaeological or historic sites or structures that merit preservation.
- g. *Conceptual Landscape Plan*. Refer to Section 2.16 of the *Community Design Principles and Development Standards* (Article 2 of this Code) for the conceptual landscape plan requirements.
- h. *Conceptual Open Space and Ecological Characterization Plan*. Refer to Section 2.13 of the *Community Design Principles and Development Standards* (Article 2 of this Code) for the conceptual open space plan and ecological characterization requirements. This plan may be combined with the landscape plan.
- i. *General Development Information*. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

- i. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the *Community Design Principles and Development Standards* (Article 2 of this Code). If it is not consistent with the *Community Design Principles and Development Standards* section, explain how the intent of the criteria in the section is met.
 - ii. Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the ODP).
 - iii. General description of plan for drainage and storm water management. Refer to the *Town of Kersey Storm Drainage Design Criteria and Construction Specifications*.
 - iv. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town (consistent with the Central Weld County Water District [CWCWD] policy, if applicable) and the source of the water (if part of annexation, source of raw water). Refer to Article 2, Section 13 of the *Kersey Municipal Code* for details.
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the ODP map).
 - vii. Show how the proposed development complies with the *Kersey Comprehensive Plan*.
- j. *Soils Report and Map*. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
 - k. *Geologic Report*. This report is required only for areas that have the potential for expansive soils as deemed necessary by the Town.
 - l. *Electronic Copy of Application Package*. Provide an Adobe pdf file of the complete application package.
5. Step 5: Staff Certifies Application is Complete. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the *ODP Technical*

Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

6. Step 6: Staff Review and Recommendations. Staff will complete a review of the ODP based on the ODP review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.
 7. Step 7: Planning Commission Review and Recommendation. At the next available meeting, the Planning Commission shall review the ODP application and provide input regarding how well the project addresses the ODP review criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.
 8. Step 8: Applicant Addresses Planning Commission Conditions of Approval. The applicant shall revise the ODP based on the Planning Commission's conditions of approval and submit it to the Town.
 9. Step 9: Board of Trustees Action. The Board of Trustees shall review the ODP at its next available meeting, and shall approve, conditionally approve or deny the application based on how well the application addresses the ODP review criteria.
- C. **ODP Review Criteria.** The Town shall use the following criteria to evaluate the applicant's ODP application:
1. The land use mix within the project conforms to *Kersey's Zoning District Map* and *Land Use and Public Facilities Map* and furthers the goals and policies of the *Kersey Comprehensive Plan* including:
 - a. The proposed development promotes Kersey's small town, rural character;
 - b. Proposed residential development adds diversity to Kersey's housing supply;
 - c. Proposed commercial development will benefit Kersey's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
 2. The ODP represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code including the *Community Design and Development Standards* and the *Kersey Comprehensive Plan*.

3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Town, according to Town's goals.

4.6 Preliminary Plat

- A. **Preliminary Plat Purpose.** The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.
- B. **Preliminary Plat Application Process.**
 1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:
 - a. Town regulations and standards;
 - b. The application and review process;
 - c. Submittal requirements; and
 - d. Schedule.
 2. Step 2: Technical Advisory Committee Meeting. If deemed necessary, Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, Platte Valley RE-7 School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Kersey Post Office, Kersey Police Department, Platte Valley Fire Protection District, Greeley Gas Company , Xcel, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.
 3. Step 3: Preliminary Plat Application Submittal. Upon approval or conditional approval of the ODP, the applicant shall submit one (1) copy of the complete preliminary plat application to the Town Clerk. The application must be submitted not more than twelve (12) months after approval of the ODP unless otherwise approved by the Board of Trustees. The preliminary plat application package shall include the following items:
 - a. *Land Use Application Form.*
 - b. *Subdivisions - Technical Criteria Form (from Workbook).*

- c. *Application Fee and Fee Agreement* (see *Workbook*). A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- d. *Title Commitment*. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.
- e. *Surrounding and Interested Property Ownership Report*. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- f. *Context/Vicinity Map*. The context/vicinity map shall show the proposed development in relation to the surrounding area (one [1] mile radius around the property). The map shall be eleven (11) inches high by seventeen (17) inches wide and provide the following information:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) - label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the *Kersey Comprehensive Plan*.
 - viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.
- g. *Preliminary Plat*. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 100') and date of preparation.
 - iii. Vicinity map.
 - iv. Names and addresses of owners, applicant, designers, engineers and surveyors.
 - v. Legal description.
 - vi. Total acreage of property.

- vii. Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - x. Consecutive numbering of all lots and blocks.
 - xi. Existing and proposed rights-of-way and easements on and adjacent to the property.
 - xii. Existing and proposed street names for all streets on and adjacent to the property.
 - xiii. Existing and proposed zoning on and adjacent to property.
 - xiv. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - xv. Existing and proposed curb cuts on and adjacent to subject property.
 - xvi. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
 - xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
 - xix. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
 - xx. Location, function, ownership and manner of maintenance of any private open space.
 - xxi. Land use table - the table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how eight [8] percent public requirement will be met).
 - xxii. Total number of lots.
 - xxiii. Number of each type of dwelling unit proposed.
 - xxiv. Location of all existing and proposed oil and gas facilities and their required setbacks, including existing flow lines and the proposed relocation of flow lines, name of owner and facility.
 - xxv. Location of archaeologically significant or historic sites that merit preservation.
- h. *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items:
- i. Explanation of how the preliminary plat is consistent with the ODP, and if there are any differences, what they are and how the plan is still consistent with the community's vision.

- ii. Explanation of how the items of concern expressed by the Planning Commission and Board of Trustees, at the time of ODP review, have been addressed.
 - iii. Explanation of how the plan is consistent with the *Kersey Land Use Code* and *Kersey Comprehensive Plan*.
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- i. *Preliminary Grading and Drainage Plan and Report*. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. The plan must comply with the *Town of Kersey Storm Drainage Design Criteria and Construction Specifications*. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
 - j. *Master Utility Plan*. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
 - k. *Preliminary Landscape Plan*. Refer to Section 2.16 of the *Kersey Land Use Code* for the preliminary landscape plan requirements.
 - l. *Preliminary Open Space and Ecological Characterization Plan*. Refer to Section 2.13 of the *Kersey Land Use Code* for the preliminary open space plan and ecological characterization requirements. This information may be included in the Preliminary Landscape Plan if it is legible.
 - m. *Traffic Study*. This study must be prepared by a professional traffic engineer.
 - n. *Draft of Proposed Covenants and Architectural Design Guidelines*.
 - o. *Mineral, Oil and Gas Rights Documentation*. Evidence that the surface owner has provided notice to all mineral interest owners at least thirty (30) days before the date of the initial public hearing on the application of development as required by Article 65.5 title 24 Colorado Revised Statutes.
 - p. *Soils Report and Map*. A copy of the soils report and map provided at the time of ODP must be provided to some of the review agencies (see *Letters of Support and Commitment to Serve Table* in the *Workbook*)
 - q. *Geologic Report*. If a geologic report was prepared at the time of ODP must be provided to some of the review agencies (see *Letters of Support and Commitment to Serve Table* in the *Workbook*). It must be prepared by either a registered professional engineer or professional geologist and the professional must have experience in mine subsidence. The report shall address:

- i. Site conditions;
 - ii. Geologic conditions;
 - iii. Engineering and geologic considerations; and
 - iv. Limitations and any necessary additional investigations.
- r. *Colorado Historical Society Records Search.* At the discretion of the Town Staff or Board of Trustees, an applicant may be required to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
- i. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.
- If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.
- s. *Public Hearing Notification Envelopes.* Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- t. *Proposed Surface Use Agreement.* The proposed surface use agreement describing all oil and gas facilities on the property, their present use, changes

which will be made to such facilities, relocation of any facilities, screening, noise control, and any other information either required by the Town or relevant to the effect of such facilities on the developed property.

- u. *Water Information.* Provide a statement regarding the historic use of water on the property and a description of the water currently on or attached to the property.
 - v. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.
4. Step 4: Staff Certifies Application is Complete: Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the *Preliminary Plat Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 5. Step 5: Applicant Submits Letter of Support and Commitment to Serve. Within fourteen (14) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to the Letters of Support and Commitment to Serve table in the *Workbook*).
 6. Step 6: Town Schedules Public Hearing and Complete Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the preliminary plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising.
 7. Step 7: Applicant Post Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.
 8. Step 8: Staff Refers Application to Interested Parties. Not less than thirty (30) days before the date scheduled for the initial public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.

9. Step 9: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat based on the preliminary plat review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.
 10. Step 10: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
 11. Step 11: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
 12. Step 12: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the application.
 13. Step 13: Applicant Addresses Planning Commission Conditions. The applicant shall revise the preliminary plat based on the Planning Commission's conditions of approval and submit it to the Town.
 14. Step 14: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.
 15. Step 15: Board of Trustees Action. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.
- C. **Preliminary Plat Review Criteria.** The Town shall use the following criteria to evaluate the applicant's request:
1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the *Kersey Comprehensive Plan*.

2. The application is consistent with the approved ODP and incorporates the Planning Commission's recommendations and conditions of approval.
3. The land use mix within the project conforms to *Kersey's Zoning District Map* and *Land Use and Public Facilities Map* and furthers the goals and policies of the *Kersey Comprehensive Plan* including:
 - a. The proposed development promotes Kersey's small town rural character;
 - b. Proposed residential development adds diversity to Kersey's housing supply;
 - c. Proposed commercial development will benefit Kersey's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Kersey, according to Kersey's goals.

4.7 Final Plat

- A. **Final Plat Purpose.** The purpose of the final plat is to complete the subdivision of land consistent with the technical standards.
- B. **Final Plat Application Process.**
 1. Step 1: Final Plat Application Submittal. The final plat application shall conform with the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Board of Trustees. If there are significant changes on the proposed final plat from the form of the approved preliminary map, a new preliminary map shall be submitted in accordance with Section 4.6. Significant changes include, but are not limited to, modifications of street patterns, lot layout or the number of lots proposed to be created, drainageways, or design elements. The final plat application for the first phase of development must be submitted not more than twelve (12) months after approval of the preliminary plat unless otherwise approved by the Board of Trustees. The applicant shall

submit one (1) copy of the complete final plat application package to the Town Clerk. The final plat application shall include:

- a. *Land Use Application Form.*
- b. *Subdivisions - Technical Criteria Form* (from *Workbook*).
- c. *Application Fee and Fee Agreement* (see *Workbook*). A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; notice and publication expenses; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- d. *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal.
- e. *Surrounding and Interested Property Ownership Report.* Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- f. *Final Plat.* The final plat drawing shall comply with the following standards:
 - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - ii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

- vi. All signatures shall be made in black drawing ink.
- vii. The final plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
 - a) Title of project.
 - b) North arrow, scale (not greater than 1"=100') and date of preparation.
 - c) Vicinity map.
 - d) Legal description.
 - e) Basis for establishing bearing.
 - f) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - g) Total acreage of subdivision.
 - h) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - i) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
 - j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Existing and proposed rights-of-way in and adjacent to subject property (labeled and dimensioned).
 - l) Existing and proposed street names for all streets on and adjacent to the property.
 - m) Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
 - n) Location and description of monuments.
 - o) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
 - p) All existing and proposed oil and gas facilities and the required setback, including existing flow lines and proposed relocations of flow lines, name of owner and facility.
 - q) Archaeological or historic sites or structures that merit preservation.
 - r) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
 - s) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk (see *Workbook* for sample).
 - t) Signature blocks for utility providers (see *Workbook* for sample).
 - u) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).

- g. *General Development Information.* Provide a written description confirming that the final plat conforms to the preliminary plat and explains how preliminary plat conditions of approval have been addressed. In addition, the description shall address how the proposed development conforms to the *Community Design Principles and Development Standards* (Section 2.16 of this Code).
- h. *Complete Engineering Plans and Specifications.*
- i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
- a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - b) Minimum horizontal scale: 1"=100'.
 - c) Minimum vertical scale: 1"=10'.
 - d) The typical road geometric and structural cross-section is to be shown on each plan sheet.
 - e) The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies [i.e. gas, electric, telephone, cable]).
 - f) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - g) Signature blocks for all utility providers unless otherwise provided in agreement form.
- ii. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
- iii. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by

a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.

- iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.

- v. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).

- vi. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).

- vii. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with Excel Energy and the Town. The plan must specify the number, kind and approximate location of street lights.

- viii. Final Master Utility Plan. The Master Utility Plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and a 1"=100' scale and shall include: all existing and proposed easements and rights-of-way, block and lot numbers, street names, length, size and type of all pipes, all proposed manholes (sanitary and storm sewer), all fittings and thrust blocks (water) and fire hydrants. Plan must also include a summary sheet that shows the utilities for the entire site on one (1) sheet (paper size may vary).

- i. Final Landscape Plan - Refer to Section 2.16 of this Code for the final landscape plan requirements.

- j. Final Open Space and Ecological Characterization Plan -Refer to Section 2.13 of this Code for the final open space and ecological characterization plan requirements.
- k. Special Documents (as Needed)
 - i. Special improvement district documents.
 - ii. Maintenance bonds.
 - iii. Special agreements (as may be required by the Town).
 - iv. Work in Right-of-Way Permit (from Town).
 - v. Floodplain Use Permit (from Town).
 - vi. Grading Permit (from Town).
 - vii. State Highway Utility Permit (from Colorado Department of Transportation).
 - viii. State Highway Access Permit (from Colorado Department of Transportation).
 - ix. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
 - x. 404 Permit (from Army Corps of Engineers).
 - xi. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
 - xii. Work in Ditch Right-of-Way Permit (from individual ditch companies).
 - xiii. Certification from U.S. Fish and Wildlife Service that there is no habitat for threatened/endangered species or that there is an approved habitat mitigation plan in place.
 - xiv. Subdivision Improvements Agreement (required) - This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized, and the document shall be recorded by the Town Clerk with the Weld County Clerk and Recorder.
 - xv. General Warranty Deed - This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
 - xvi. Improvements Guarantee - Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the Subdivision Improvements Agreement or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
 - xvii. Approved Adjudication of Water Rights and a Plan of Augmentation (if applicable).
 - xviii. Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.

- xix. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xx. Documentation showing who will own and maintain the open space (refer to Section 2.13.C.6 for details).
- xxi. Documentation for dedication of public sites for open space or other civic purposes (refer to Section 2.14).

I. *"Clean" Final Plat with Addressing Plan.*

- i. Title of project.
 - ii. North arrow, scale (not greater than 1"=100') and date of preparation.
 - iii. Vicinity map.
 - iv. Lot and block numbers, numbered in consecutive order.
 - v. Rights-of-way and street names.
 - vi. Property boundary.
 - vii. Street names.
 - viii. Lot addresses.
- m. *Public Hearing Notification Envelopes.* Provide the Town Clerk with two (2) sets of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property, and the appropriate referral agencies (as discussed in pre-application conference).
- n. *Block Diversity Plan.* Refer to Section 2.19 for the plan requirements.
- o. *Mineral, Oil and Gas Rights Documentation.* Evidence that the surface owner has provided notice to all mineral interest owners at least thirty (30) days before the date of the initial public hearing on the application of development as required by Article 65.5 title 24 Colorado Revised Statutes.
- p. *Signed Surface Use Agreement.* The signed surface use agreement describing all oil and gas facilities on the property, their present use, changes which will be made to such facilities, relocation of any facilities, screening, noise control, and any other information either required by the Town or relevant to the effect of such facilities on the developed property.
- q. *Water Information.* Provide a statement regarding the historic use of water on the property and a description of the water currently on or attached to the property.
- r. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.

2. Step 2: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the *Final Plat Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
3. Step 3: Town Schedules Public Hearing and Complete Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising.
4. Step 4: Applicant Post Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.
5. Step 5: Staff Refers Application to Interested Parties. Not less than thirty (30) days before the date scheduled for the initial Planning Commission public hearing, Staff shall send information about the application by certified mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
6. Step 6: Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forward this report to the applicant.
7. Step 7: Applicant Addresses Staff Comments. The applicant shall address all of the Staff comments then submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
8. Step 8: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
9. Step 9: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. They shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the final plat application.

10. Step 10: Applicant Addresses Planning Commission Conditions. The applicant shall revise the final plat based on Planning Commission's conditions of approval and submit it to the Town.
11. Step 11: Town Schedules Public Hearing and Complete Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising.
12. Step 12: Applicant Post Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing, the Town's phone number and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.
13. Step 13: Staff Notifies Interested Parties. Not less than fourteen (14) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
14. Step 14. Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.
15. Step 15: Board of Trustees Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized Subdivision Improvements Agreement for the applicant to sign.
16. Step 16: Record Final Plat. One (1) original mylar of the final plat shall be recorded by the Town Clerk in the office of the Weld County Clerk and Recorder. The recording fee shall be paid by the developer.
17. Step 17: Post Approval Actions. The applicant shall submit the following documentation to the Town Clerk:
 - a. *List of Contractors.* List of all contractors that will be performing the improvements.

- b. *Proof of Insurance.* Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. *Open Space.* Areas designated as open space will be set forth as open space on the plat. If the open space is to be dedicated to the Town, the Town may require additional restrictions including dedication by deed and deed restrictions at the town's option. If open space is to be owned by a private entity, the town may require additional restrictions on the plat.
 - d. *Other Certificates, Affidavits, Enforcements or Deductions.* As required by the Planning Commission or Board of Trustees.
- C. **Final Plat Review Criteria.** The Town shall use the following criteria to evaluate the applicant's request:
- 1. The final plat conforms with the approved preliminary plat and incorporates recommended changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board of Trustees.
 - 2. The development will substantially comply with the *Community Design Principles and Development Standards* as set forth in Article 2 of this Code.
 - 3. All applicable technical standards have been met.

4.8 Concurrent Preliminary/Final Plat
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- A. Concurrent Preliminary/Final Plat Purpose.** The purpose of the concurrent preliminary/final plat is to provide the Town with an overall master plan for the proposed development and to complete the subdivision of land consistent with Town's technical standards. The final plat may be reviewed concurrently with the preliminary map provided that the concurrent applications are agreed to by the applicant and the Town Manager during the pre-application review period. In no case shall a final plat be approved before a preliminary plat map is processed and approved.
- B. Concurrent Preliminary/Final Plat Application Process.**
1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a concurrent preliminary/final plat application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:
 - a. The applicant's goals for the property.
 - b. Town's vision and expectations.
 - c. *Community Design Principles and Development Standards.*
 - d. The character and quality of development the Town is seeking.
 - e. Town regulations and standards.
 - f. The application and review process.
 - g. Submittal requirements.
 - h. Schedule.
 2. Step 2: Technical Advisory Committee Meeting. If deemed necessary, Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, Platte Valley RE-7 School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Kersey Post Office, Kersey Police Department, Platte Valley Fire Protection District, Greeley Gas Company , Xcel, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.
 3. Step 3: Concurrent Preliminary/Final Plat Application Submittal. The applicant shall submit one (1) complete copy of the preliminary/final plat application to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The preliminary/final plat application package shall include the following items:

- a. *Land Use Application Form* (from *Workbook*).
- b. *Subdivisions - Technical Criteria Form* (from *Workbook*).
- c. *Application Fee and Fee Agreement* (see *Workbook*). A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- d. *Title Commitment*. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary/final plat application submittal.
- e. *Surrounding and Interested Property Ownership Report*. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- f. *Context/Vicinity Map*. The context/vicinity map shall show the proposed development in relation to the surrounding area (one [1] mile radius around the property). The map shall be eleven (11) inches high by seventeen (17) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) - label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the *Kersey Comprehensive Plan*.
 - viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.
- g. *Preliminary Plat*. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 100') and date of preparation.
 - iii. Vicinity map.
 - iv. Names and addresses of owners, applicant, designers, engineers

- and surveyors.
- v. Legal description.
 - vi. Total acreage of property.
 - vii. Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - x. Consecutive numbering of all lots and blocks.
 - xi. Existing and proposed rights-of-way and easements on and adjacent to the property.
 - xii. Existing and proposed street names for all streets on and adjacent to the property.
 - xiii. Existing and proposed zoning on and adjacent to property.
 - xiv. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - xv. Existing and proposed curb cuts on and adjacent to subject property.
 - xvi. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
 - xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
 - xix. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
 - xx. Location, function, ownership and manner of maintenance of any private open space.
 - xxi. Land use table - the table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how eight [8] percent public requirement will be met).
 - xxii. Total number of lots.
 - xxiii. Number of each type of dwelling unit proposed.
 - xxiv. Location of all existing and proposed oil and gas facilities and their required setbacks, including existing flow lines and the proposed relocation of flow lines, name of owner and facility.
 - xxv. Location of archaeologically significant or historic sites that merit preservation.
- h. *Final Plat.* The final plat drawing shall comply with the following standards:
- i. The plat shall be twenty-four (24) inches high by thirty-six (36) inches wide.

- ii. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
- iii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
- iv. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- v. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
- vi. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vii. All signatures shall be made in black drawing ink.
- viii. The final plat shall also provide the following information:
 - a) Title of project.
 - b) North arrow, scale (not greater than 1" = 100') and date of preparation.
 - c) Vicinity map.
 - d) Legal description.
 - e) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - f) Total acreage of subdivision.
 - g) Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - h) Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - i) Lots, blocks, and street layout with dimensions and square footage for each lot.
 - j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Consecutive numbering of all lots and blocks.
 - l) Existing and proposed rights-of-way and easements on and adjacent to the property.
 - m) Existing and proposed street names for all streets on and adjacent to the property.

SECTION 4.8 CONCURRENT PRELIMINARY/FINAL PLAT

- n) Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
- o) Existing and proposed zoning on and adjacent to property.
- p) Location and size of existing and proposed water and sewer lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
- q) Existing and proposed curb cuts on and adjacent to subject property.
- r) Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
- s) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
- t) Location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
- u) Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
- v) Location, function, ownership and manner of maintenance of any private open space.
- w) Land use table - the table shall include: land uses; approximate acreage of each land use, percentage of each land use, and proposed density or floor area ratio.
- x) Total number of lots.
- y) Number of each type of dwelling unit proposed.
- z) All existing and proposed oil and gas facilities and the required setback, including existing flow lines and proposed relocations of flow lines, name of owner and facility.
- aa) Archaeological or historic sites or structures that merit preservation.
- bb) Basis for establishing bearing.
- cc) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
- dd) Location and description of monuments.
- ee) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
- ff) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk (see *Workbook* for sample).
- gg) Signature blocks for utility providers (see *Workbook* for sample).
- hh) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).

- i. *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
 - i. Design rationale (discuss how development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the *Community Design Principles and Development Standards* section of this Code [Article 2]);
 - ii. Proposed number of residential lots and dwelling units, typical lot width and depth, and rice ranges;
 - iii. Water supply information including: the number of water taps needed; the amount of raw water that will be turned over to the Town (consistent with Central Weld County Water District policy);
 - iv. Statement indicating whether or not any commercial mineral deposits are located on the site;
 - v. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the preliminary/final plat map);
 - vi. Explanation of how the plan is consistent with the *Kersey Land Use Code* and *Kersey Comprehensive Plan*;
 - vii. Explanation of how items of concern expressed by the Planning Commission and Board of Trustees at the plan review have been addressed; and
 - viii. Explanation of how the combined preliminary/final plat is consistent with the ODP and an explanation of any differences.
- j. Complete Engineering Plans and Specifications.
 - i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - b) Minimum horizontal scale: 1"=100'.
 - c) Minimum vertical scale: 1"=10'.
 - d) The typical road geometric and structural cross-section is to be shown on each plan sheet.

- e) Right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice.
 - f) Water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
 - g) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - h) Signature blocks for all utility providers unless otherwise provided in agreement form.
- ii. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
- iii. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
- a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans.

- v. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
- vi. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
- vii. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with Excel Energy and the Town. The plan must specify the number, kind and approximate location of street lights.
- viii. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- k. *Final Landscape Plan.* Refer to Section 2.16 of this Code for the final landscape plan requirements.
- l. *Final Open Space and Ecological Characterization Plan.* Refer to Sections 2.13 of this Code for the final open space plan and ecological characterization requirements.
- m. *Traffic Study.* This study must be prepared by a professional traffic engineer.
- n. *Mineral, Oil and Gas Rights Documentation.* Evidence that the surface owner has provided notice to all mineral interest owners at least thirty (30) days before the date of the initial public hearing on the application of development as required by Article 65.5 title 24 Colorado Revised Statutes.
- o. *Signed Surface Use Agreement.* The signed surface use agreement describing all oil and gas facilities on the property, their present use, changes which will be made to such facilities, relocation of any facilities, screening, noise control, and any other information either required by the Town or relevant to the effect of such facilities on the developed property.
- p. *Colorado Historical Society Records Search.* At the discretion of the Town Staff or Board of Trustees, an applicant may need to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
 - i. Site identification:

- a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
- ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.

If, in coordination with the applicant, the Board of Trustees decides it is necessary to protect an historic resource, the applicant must devise a protection plan.

q. Special Documents (as needed)

- i. Special improvement district documents.
- ii. Maintenance bonds.
- iii. Special agreements (as may be required by the Town).
- iv. Work in Right-of-Way Permit (from Town).
- v. Floodplain Use Permit (from Town).
- vi. Grading Permit (from Town).
- vii. State Highway Utility Permit (from Colorado Department of Transportation).
- viii. State Highway Access Permit (from Colorado Department of Transportation).
- ix. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
- x. 404 Permit (from Army Corps of Engineers).
- xi. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).
- xii. Work in Ditch Right-of-Way Permit (from individual ditch companies).
- xiii. Certification from U.S. Fish and Wildlife Service that there is no habitat for threatened/endangered species or that there is an approved habitat mitigation plan in place.
- xiv. Subdivision Improvements Agreement (required) - This agreement ensures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be

notarized, and the document shall be recorded by the Town Clerk with the Weld County Clerk and Recorder.

- xv. General Warranty Deed - This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
- xvi. Improvements Guarantee - Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the Subdivision Improvements Agreement or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
- xvii. Approved Adjudication of Water Rights and a Plan of Augmentation.
- xviii. Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
- xix. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xx. Documentation showing who will own and maintain the open space (refer to Section 2.13.C.6 for details).
- xxi. Areas designated as open space will be set forth as open space on the plat. If the open space is to be dedicated to the Town, the Town may require additional restrictions including dedication by deed and deed restrictions at the Town's option. If open space is to be owned by a private entity, the Town may require additional restrictions in the deed transferring the property to the private entity, or may require additional restrictions on the plat.

r. *"Clean" Final Plat with Addressing Plan.*

- i. Title of project.
- ii. North arrow, scale (not greater than 1"=100') and date of preparation.
- iii. Vicinity map.
- iv. Lot and block numbers, numbered in consecutive order.
- v. Rights-of-way and street names.
- vi. Property boundary.
- vii. Street names.
- viii. Lot addresses.

s. *Block Diversity Plan.* Refer to the *Workbook* for the plan requirements.

t. *Public Hearing Notification Envelopes.* Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners

(within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

- u. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.
4. Step 4: Staff Certifies Application is Complete. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the ODP/Preliminary Plat *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 5. Step 5: Applicant Submits Letters of Support and Commitment to Serve. Within fourteen (14) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the *Workbook*).
 6. Step 6: Town Schedules Public Hearing and Completes Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the preliminary/final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising.
 7. Step 7: Applicant Posts Signs on Property and Provides Signed Affidavit (see *Workbook*) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing, Town Hall's phone number and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.
 8. Step 8: Staff Refers Application to Interested Parties. Not less than fourteen (14) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
 9. Step 9: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary/final plat based on the preliminary/final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.

10. Step 10: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
11. Step 11: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary/final plat review criteria.
12. Step 12: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary/final plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the application.
13. Step 13: Applicant Addresses Planning Commission Conditions of Approval. The applicant shall revise the preliminary/final plat based on the Planning Commission's conditions of approval and submit it to the Town.
14. Step 14: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising. This step can be completed in conjunction with Step 6.
15. Step 15: Applicant Posts Signs on Property and Provides Signed Affidavit (*see Workbook*) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing, Town Hall's phone number and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.
16. Step 16: Staff Notifies Interested Parties. Not less than fourteen (14) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. This step can be completed in conjunction with Step 8.
17. Step 17: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.

18. Step 18: Board of Trustees Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized Subdivision Improvements Agreement for the applicant to sign.
 19. Step 19: Record Final Plat. One (1) original mylar of the final plat shall be recorded by the Town Clerk in the office of the Weld County Clerk and Recorder. The recording fee shall be paid by the developer.
 20. Step 20: Post Approval Actions. The applicant shall submit the following documentation to the Town Clerk:
 - a. *List of Contractors.* List of all contractors that will be performing the improvements.
 - b. *Proof of Insurance.* Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. *Open Space Deed Restriction.* Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
 - d. *Other Certificates, Affidavits, Enforcements or Deductions.* As required by the Planning Commission or Board of Trustees.
- C. **Concurrent Preliminary/Final Plat Review Criteria.** The Town shall use the following criteria to evaluate the applicant's concurrent preliminary/final plat application:
1. The land use mix within the project conforms to *Kersey's Zoning District Map* and *Land Use and Public Facilities Map* and furthers the goals and policies of the *Kersey Comprehensive Plan* including:
 - a. The proposed development promotes Kersey's small town rural character;
 - b. Proposed residential development adds diversity to Kersey's housing supply;
 - c. Proposed commercial development will benefit Kersey's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and

- f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The application is consistent with the approved ODP and incorporates the Planning Commission's recommendations and conditions of approval.
3. The preliminary/final plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the *Kersey Comprehensive Plan* and, the *Community Design Principles and Development Standards* (Article 2 of this Code).
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Kersey, according to Kersey's goals.

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4.9 Rural Subdivision

A. Rural Subdivision Purpose.

1. To preserve open areas in the Kersey Planning Area and promote the goal of contiguous open space and agricultural preservation.
2. To provide flexible land use regulations which encourage innovative site design techniques and improve the character and quality of new development.
3. To further the goals and policies set forth in the *Kersey Comprehensive Plan*.
4. To encourage development patterns which promote more efficient use of land to protect and enhance environmentally sensitive areas and the unique features of a property.
5. To promote creative and economical residential layout and street design to provide a more efficient and aesthetic use of open space and to reduce infrastructure cost.
6. To recognize and respect both individual rights and community interests and values when development is proposed.

B. Rural Subdivision General Policies and Guidelines.

1. Areas Where Rural Subdivisions are Encouraged. Rural subdivisions are encouraged on properties with environmentally sensitive areas, natural areas, lands with historic or agricultural values and near the perimeter of Kersey's planning area.
2. Location of Building Lots.
 - a. The building lots shall be located to minimize the impact on any environmental or open space resource area on the property. They shall be sited in areas that are compatible with the special characteristics of the parcel and the surrounding area. In the case of undermining, the recommendations made in the geotechnical report must be followed.
 - b. The lots shall be clustered to make efficient use of land resources and infrastructure. The lots shall also be clustered with respect to dwellings on surrounding properties. However, if clustering detracts from the natural characteristics of the parcel, the lots may be dispersed if approved by the Board of Trustees.
 - c. The lots shall be located nearest to utilities and roads to minimize the amount of construction unless this directly conflicts with other preservation goals.
 - d. Lot sizes and spacing will depend on the specific site and technical and environmental factors.
 - e. Additional factors which shall be considered in siting the building lots include:

- i. Type of development in the surrounding area;
 - ii. Amount of land being preserved;
 - iii. Owner's desires for utilization of the land;
 - iv. Impact on infrastructure;
 - v. Internal road impacts and vehicular and pedestrian circulation, including connections to existing and planned roads and trails;
 - vi. Surface and ground water quality;
 - vii. View corridors from and into the development; and
 - viii. Proximity to existing utilities.
3. Density. The maximum density in a rural subdivision shall be consistent with the residential density and dimensional standards unless otherwise approved by the Town Board of Trustees.
4. Determining Lot Sizes. The minimum lot size allowed in a rural subdivision is determined by whether the property will use septic systems or tie into a sanitary sewer system.
- a. *Septic System Developments.*
 - i. One (1) acre minimum lot size or the Weld County Department of Public Health and the Environment standard (whichever is greater).
5. Septic System Requirements.
- a. If public sewer is not available, a development can have up to twenty (20) lots. If available, the property must be served by public sewer.
 - b. The type of septic systems allowed shall utilize the most environmentally sensitive technology available at the time of installation.
 - c. The developer must require the homeowners' association or another Town-approved group to ensure all of the septic systems are inspected and maintained on an annual basis. The homeowners' association or other Town-approved group must keep records of when and who completes the inspections and maintenance.
- C. Conservation Density Bonus.**
- 1. Approval Standards. A conservation density bonus that raises the maximum net density in a rural subdivision may be approved by the Board of Trustees if the Board determines that the proposed development complies with each provision of this Section C.

2. Open Space. In rural subdivisions with a conservation density bonus at least seventy-five (75) percent of the property must be preserved as open space in a designated conservation area. All land within the conservation area shall be protected by a perpetual conservation easement. Areas which must be included within the conservation area include land within the 100-year floodplain (as defined by the Board of Trustees, the Colorado Water Conservation Board or FEMA), wetlands (as determined by an ecological characterization), valuable habitat areas (as determined by an ecological characterization, refer to Section 2.22) and natural geologic hazard areas (as defined by the Colorado Geological Survey).
 - a. *Location of Open Space*
 - i. To the maximum extent possible, the conservation area shall include one hundred (100) foot buffers around natural areas and floodplains and all or part of the following: aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, prime farm and ranch land, historic archaeological or cultural features, ridgelines and scenic view corridors.
 - ii. The conservation area shall be designated as a single outlot unless an existing ditch, physical feature or road separates the preserved area in such a way as to make creating a single outlot infeasible. The existence of an historic site, wildlife habitat or other resource would also allow for the platting of separate outlots.
 - iii. Areas set aside for trail easements and peripheral roads may be considered part of the outlot.
 - iv. To the maximum extent feasible, the conservation area shall be connected with other conservation areas or open space parcels on adjacent land.
3. Development Area. In rural subdivisions with a density bonus, up to twenty-five (25) percent of the property may be developed.
4. Conservation Area Previously Subject to Conservation Easement. Property subject to a conservation easement recorded in the county clerk and recorder's office prior to the date an application for a rural subdivision is submitted may be considered to satisfy the seventy-five (75) percent open space requirement if the Board of Trustees determines on a case by case basis that such property and conservation easement both comply with this Section C and the following criteria:
 - a. The conservation easement has been located on the property to maximize the preservation of open space, including but not limited to, agricultural areas, existing trees and vegetation, wildlife habitat and sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains; and

- b. To the extent feasible given the topography and features of the property, the property subject to the conservation easement is contained in contiguous parcels and is not bisected by the proposed development.

D. Rural Subdivision Incentives and Benefits.

1. Landowner Incentives for Developing Rural Subdivisions:

- a. Process is easier/faster.
- b. Possible increase in land value by creating open space.
- c. Flexibility in site design.
- d. Rural subdivision applications receive priority.
- e. Rural subdivision review process is abbreviated - the sketch plan and preliminary plat applications are submitted and reviewed concurrently.

2. Community and Landowner Benefits:

- a. Preserves Kersey's agricultural lands, rural character and view corridors.
- b. Maintains wetlands, wildlife habitat and other environmental resources.
- c. Maintains land contiguous with adjacent open space.
- d. May allow public access to open space.

E. Rural Subdivisions Open Space Ownership Standards. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to approval by the Town Board of Trustees.

1. Common Areas. Ownership and maintenance of common areas designated for the enjoyment of residents of the rural subdivision shall be the responsibility of a homeowners' association, unless a different arrangement is determined to be adequate. Membership in the association shall be automatic for all purchasers of lots therein and their successors. The association members shall share equitably in the costs of maintaining the open space. However, the Board of Trustees may agree to accept and maintain the common areas for the enjoyment of residents of Kersey.
2. Dedication of Easements. The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land provided the following requirements are met:
 - a. The title shall remain in ownership by the homeowners' association unless otherwise approved by the Board of Trustees;
 - b. The land is accessible to the public;

- c. There is no acquisition cost other than any costs incidental to the transfer of ownership, such as title insurance; and
 - d. A satisfactory maintenance agreement is reached between the developer, homeowners' association and the Town.
3. Management Plan. In all cases, a management plan which defines the roles and responsibilities for managing open space shall accompany and be approved as part of the final plat (refer to Section 2.13).
 4. Failure to Properly Maintain Open Space. Failure to adequately maintain the open space in reasonable condition constitutes a violation of this ordinance. The Town of Kersey is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, of any violation, directing the owner to remedy the violation within twenty (20) days. Please refer to Article 6 of this Code for further information.
- F. **Outline Development Plan (ODP) Purpose.** The ODP process is *collaborative* from the onset. The purpose of the ODP is two-fold. First, it provides the Town the opportunity to describe the community's vision to the applicant. Second, it gives the applicant an opportunity to discuss his/her development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and Town Board early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision before significant engineering takes place.
- G. **ODP Application Process.**
1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit an ODP application. The purpose of the meeting is to allow the applicant to discuss his/her ideas for developing the property and to give the Town the opportunity to communicate the Town's vision. Topics to be discussed will include:
 - a. Applicant's goals for the property.
 - b. Town vision and expectations.
 - c. *Community Design Principles and Development Standards.*
 - d. The character and quality of development the Town is seeking.
 - e. Town regulations and standards.
 - f. The application and review process.
 - g. Submittal requirements.
 - h. Schedule.
 2. Step 2: Site Visit with Town Representative (optional).

3. Step 3: Planning Commission Visioning Meeting. This is intended to be a collaborative meeting between the Planning Commission and the developer to ensure that all new development is consistent with the community's goals and that issues are identified early in the development process. Topics that may be addressed in this meeting include:
- a. How the proposed project is consistent with the *Community Design Principles and Development Standards* (Article 2 of this Code), the *Kersey Comprehensive Plan* and the *Subdivision Regulations* (Article 4 of this Code).
 - b. The developer's goals and vision for the project.
 - c. How the proposed development incorporates variety in the type, design and siting of buildings.
 - d. How the proposed subdivision will be connected to and integrated with surrounding natural and developed areas.
 - e. How the project will impact neighboring properties (i.e., water drainage, traffic circulation, environmental impacts, view corridors).
 - f. How the design is cost-effective and environmentally responsive to site features and constraints and how potential impacts to natural systems will be mitigated.
 - g. How the design capitalizes on natural and cultural assets on and around the site to build a positive and distinctive identity.
 - h. How the proposal promotes the efficient use of land and public streets, utilities and governmental services.
 - i. Applicants should bring the following items to the meeting:
 - i. Context/Vicinity Map – which shows the proposed development in relation to the surrounding area (see Section 4.5 for details).
 - ii. Base Map – which shows the site features (such as topography, ditches, drainageways, wildlife habitat, trees, oil and gas facilities, historic/archaeological sites and view corridors).
 - iii. Images (such as photographs, sketches and/or plans) which illustrate the project intention. For example, an applicant might bring pictures of:
 - a) important architectural elements (such as a porch, vertical windows, mother-in-law units);
 - b) proposed architectural styles;
 - c) ideas for landscaping features such as a xeriscape garden entryway;
 - d) streetscape components which contribute to the project's character;
 - e) a special tree on the property;
 - f) examples of signs that promote the development's identity; and
 - g) anything else that illustrates what the developer is trying to create.

4. Step 4: Technical Advisory Committee Meeting. If deemed necessary, Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, Platte Valley RE-7 School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Kersey Post Office, Kersey Police Department, Platte Valley Fire Protection District, Greeley Gas Company, Xcel, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) and the applicant to discuss the project.
5. Step 5: ODP Application Submittal. The applicant shall submit one (1) copy of the complete ODP application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The ODP application package shall include the following items:
- a. *Land Use Application Form (see Workbook).*
 - b. *Subdivisions - Technical Criteria Form (see Workbook).*
 - c. *Application Fee and Fee Agreement.* A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - d. *Title Commitment.* The title commitment must be current and the date must be no more than thirty (30) days from the date of ODP application submittal.
 - e. *Context/Vicinity Map.* The context/vicinity map shall show the proposed development in relation to the surrounding area (one [1] mile radius around the property). The map shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) -- label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the Kersey *Comprehensive Plan*.
 - viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.
 - f. *ODP.* The ODP shall be twenty-four (24) inches high by thirty-six (36) inches wide and may be a free hand drawing in a legible medium that clearly shows:

- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 200') and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description.
 - v. Acreage of property.
 - vi. USGS topographic contours.
 - vii. Location and approximate acreage of proposed land uses.
 - viii. Proposed layout of lots, streets, parks and open space.
 - ix. Existing easements and rights-of-way on or adjacent to the property
 - x. Existing streets on or adjacent to the property (show and label street name).
 - xi. Note indicating how the eight (8) percent public dedication will be met (per Section 2.14).
 - xii. Proposed collector and arterial streets.
 - xiii. General locations of existing utilities on or adjacent to the property.
 - xiv. Graphic and/or verbal explanation of how the property will be served with utilities.
 - xv. Location of any proposed sewer lift stations.
 - xvi. Trails - show how the development will tie into the regional trails network.
 - xvii. Floodplain boundary with a note regarding the source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. Geologic hazard areas.
 - xix. Existing and proposed zoning on and around the property.
 - xx. Land use table - the table shall include: land uses, approximate acreage of each land use, percentage of each land use proposed, and density or floor area ratio.
 - xxi. All existing and proposed oil and gas facilities and the required setback, including existing flow lines and proposed relocations of flow lines.
 - xxii. Archaeological or historic sites or structures that merit preservation.
- g. *Conceptual Landscape Plan.* Refer to Section 2.16 of the *Community Design Principles and Development Standards* (Article 2 of this Code) for the conceptual landscape plan requirements.
- h. *Conceptual Open Space and Ecological Characterization Plan.* Refer to Section 2.13 of the *Community Design Principles and Development Standards* (Article 2 of this Code) for the conceptual open space plan and ecological characterization requirements. This plan may be combined with the landscape plan.
- i. *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
- i. Design rationale - discuss how the development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the *Community Design Principles and Development Standards* (Article 2 of this Code). If it is not consistent with the *Community Design Principles and Development Standards* section, explain how the intent of the criteria in the section is met.

- ii. Proposed number of residential lots or dwelling units, typical lot width and depth, price ranges of lots and dwelling units (not needed if information is shown on the ODP).
 - iii. General description of plan for drainage and storm water management. Refer to the *Town of Kersey Storm Drainage Design Criteria and Construction Specifications*.
 - iv. Water supply information including: the number of water taps needed; the amount of raw water that will be provided to the Town (consistent with the Central Weld County Water District [CWCWD] policy, if applicable) and the source of the water (if part of annexation, source of raw water). Refer to Article 2, Section 13 of the *Kersey Municipal Code* for details.
 - v. Statement indicating whether or not any commercial mineral deposits are located on the site.
 - vi. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the ODP map).
 - vii. Show how the proposed development complies with the *Kersey Comprehensive Plan*.
- j. *Soils Report and Map*. The report and map shall be based on USDA Soils Conservation Service information and discuss the existing conditions and any potential constraints/hazards. The report shall also address groundwater issues.
- k. *Geologic Report*. This report is required only for areas that have the potential for expansive soils as deemed necessary by the Town.
- l. *Electronic Copy of Application Package*. Provide an Adobe pdf file of the complete application package.
6. Step 6: Staff Certifies Application is Complete. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the *ODP Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
7. Step 7: Staff Review and Recommendations. Staff will complete a review of the ODP based on the ODP review criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the applicant to address and forward this report to the applicant.
8. Step 8: Planning Commission Review and Recommendation. At the next available meeting, the Planning Commission shall review the ODP application and provide input regarding how well the project addresses the ODP review criteria. The Planning

Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

9. Step 9: Applicant Addresses Planning Commission Conditions of Approval. The applicant shall revise the ODP based on the Planning Commission's conditions of approval and submit it to the Town.
 10. Step 10. Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.
 11. Step 11: Board of Trustees Action. The Board of Trustees shall review the ODP at its next available meeting, and shall approve, conditionally approve or deny the application based on how well the application addresses the ODP review criteria.
- H. **ODP Review Criteria.** The Town shall use the following criteria to evaluate the applicant's ODP application:
1. The land use mix within the project conforms to *Kersey's Zoning District Map* and *Land Use and Public Facilities Map* and furthers the goals and policies of the *Kersey Comprehensive Plan* including:
 - a. The proposed development promotes will preserve open space, environmental resources and/or agricultural land;
 - b. The proposed development promotes Kersey's small town rural character;
 - c. Proposed residential development adds diversity to Kersey's housing supply;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
 2. The ODP plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the *Kersey Comprehensive Plan* and, *the Community Design Principles and Development Standards* (Article 2 of this Code).
 3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
 4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
 5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Kersey, according to Kersey's goals.

6. The rural subdivision, compared with more conventional site development plans, better attains the policies of *Kersey Land Use Code* and the *Kersey Comprehensive Plan*, such as providing more open areas, preserving agricultural areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
 7. The propose rural subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the Town to buffer and protect adjacent properties from the proposed development.
- I. **Concurrent Preliminary/Final Plat Purpose.** The purpose of the concurrent preliminary/final plat is to provide the Town with an overall master plan for the proposed development in one step.
- J. **Concurrent Preliminary/Final Plat Application Process.**
1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a concurrent preliminary/final plat application. Topics to be discussed will include:
 - a. Town regulations and standards.
 - b. The application and review process.
 - c. Submittal requirements.
 - d. Schedule.
 2. Step 2: Technical Advisory Committee Meeting. If deemed necessary, Staff shall schedule a meeting with appropriate referral agencies (i.e., oil and gas companies, Platte Valley RE-7 School District, Weld County Department of Public Health and Environment, Weld County Public Works Department, Kersey Post Office, Kersey Police Department, Platte Valley Fire Protection District, Greeley Gas Company , Xcel, etc.), appropriate Town Staff (i.e., Town Clerk, Town Planner, Town Engineer, Town Administrator, etc.) an
 3. Step 3: Application Submittal. The applicant shall submit one (1) complete copy of the preliminary/final plat application to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The preliminary/final plat application package shall include the following items:
 - a. *Land Use Application Form* (from *Workbook*).
 - b. *Subdivisions - Technical Criteria Form* (from *Workbook*).

- c. *Application Fee and Fee Agreement* (see *Workbook*). A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- d. *Title Commitment*. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary/final plat application submittal.
- e. *Surrounding and Interested Property Ownership Report*. Provide the Town Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- f. *Context/Vicinity Map*. The context/vicinity map shall show the proposed development in relation to the surrounding area (one [1] mile radius around the property). The map shall be eleven (11) inches high by seventeen (17) inches wide and provide the following information:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 1000') and date of preparation.
 - iii. Boundary of proposed project.
 - iv. Existing (for developed land) or proposed (for vacant/agricultural land) land uses for the properties shown on the map (i.e. residential, commercial, industrial, park, etc.) - label land use and whether it is existing or proposed.
 - v. Major streets (show and label street names).
 - vi. Existing public water and sewer lines and proposed connections.
 - vii. Regional open space/trail networks per the *Kersey Comprehensive Plan*.
 - viii. Major ditches, rivers and bodies of water.
 - ix. Adjacent properties identified by subdivision name or zoning district.
- g. *Preliminary Plat*. The preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
- i. Title of project.
 - ii. North arrow, scale (not greater than 1" = 100') and date of preparation.
 - iii. Vicinity map.
 - iv. Names and addresses of owners, applicant, designers, engineers and surveyors.
 - v. Legal description.
 - vi. Total acreage of property.
 - vii. Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - viii. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).

- ix. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - x. Consecutive numbering of all lots and blocks.
 - xi. Existing and proposed rights-of-way and easements on and adjacent to the property.
 - xii. Existing and proposed street names for all streets on and adjacent to the property.
 - xiii. Existing and proposed zoning on and adjacent to property.
 - xiv. Location and size of existing and proposed sewer lines, water lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - xv. Existing and proposed curb cuts on and adjacent to subject property.
 - xvi. Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.
 - xvii. Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
 - xviii. General location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
 - xix. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
 - xx. Location, function, ownership and manner of maintenance of any private open space.
 - xxi. Land use table - the table shall include: land uses, approximate acreage of each land use, and percentage of each land use (including how eight [8] percent public requirement will be met).
 - xxii. Total number of lots.
 - xxiii. Number of each type of dwelling unit proposed.
 - xxiv. Location of all existing and proposed oil and gas facilities and their required setbacks, including existing flow lines and the proposed relocation of flow lines, name of owner and facility.
 - xxv. Location of archaeologically significant or historic sites that merit preservation.
- h. *Final Plat.* The final plat drawing shall comply with the following standards:
- i. The plat shall be twenty-four (24) inches high by thirty-six (36) inches wide
 - ii. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State of Colorado requirements.
 - iii. Parcels not contiguous shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.

- iv. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
- v. The perimeter survey description of proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
- vi. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
- vii. All signatures shall be made in black drawing ink.
- viii. The final plat shall also provide the following information:
 - a) Title of project.
 - b) North arrow, scale (not greater than 1" = 100') and date of preparation.
 - c) Vicinity map.
 - d) Legal description.
 - e) Names and addresses of owners, applicant, designers, engineers and surveyors.
 - f) Total acreage of subdivision.
 - g) Existing contours at two (2) foot intervals (contours shall be based on USGS datum).
 - h) Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
 - i) Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
 - j) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
 - k) Consecutive numbering of all lots and blocks.
 - l) Existing and proposed rights-of-way and easements on and adjacent to the property.
 - m) Existing and proposed street names for all streets on and adjacent to the property.
 - n) Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
 - o) Existing and proposed zoning on and adjacent to property.
 - p) Location and size of existing and proposed water and sewer lines and fire hydrants. (Note: Applicant must consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.)
 - q) Existing and proposed curb cuts on and adjacent to subject property.
 - r) Location by field survey or aerial photography of existing and proposed water courses and bodies of water such as irrigation ditches and lakes. Water courses shall include direction of flow.

- s) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plan).
 - t) Location of existing surface improvements such as buildings, fences or other structures which will remain on the property as part of the subdivision.
 - u) Location and acreage of sites, if any, to be dedicated for parks, playgrounds, schools or other public uses.
 - v) Location, function, ownership and manner of maintenance of any private open space.
 - w) Land use table - the table shall include: land uses; approximate acreage of each land use; and percentage of each land use.
 - x) Total number of lots.
 - y) Number of each type of dwelling unit proposed.
 - z) All existing and proposed oil and gas facilities and the required setback, including existing flow lines and proposed relocations of flow lines, name of owner and facility.
 - aa) Archeological or historic sites or structures that merit preservation.
 - bb) Basis for establishing bearing.
 - cc) Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way and easements.
 - dd) Location and description of monuments.
 - ee) Signature block for registered land surveyor certifying to accuracy of boundary survey and plat (see *Workbook* for sample).
 - ff) Signature block for certification of approval by the Board of Trustees with a signature for the Mayor and Town Clerk (see *Workbook* for sample).
 - gg) Signature blocks for utility providers (see *Workbook* for sample).
 - hh) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).
- i. *General Development Information.* Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:
- i. Design rationale (discuss how development is connected to/integrated with surrounding area, how it responds to site features/constraints and how it is consistent with the *Community Design Principles and Development Standards* section of this Code [Article 2]);
 - ii. Proposed number of residential lots and dwelling units, typical lot width and depth, and rice ranges;
 - iii. Water supply information including: the number of water taps needed; the amount of raw water that will be turned over to the Town (consistent with Central Weld County Water District policy);

- iv. Statement indicating whether or not any commercial mineral deposits are located on the site;
 - v. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the preliminary/final plat map); and
 - vi. Explanation of how the plan is consistent with the *Kersey Land Use Code* and *Kersey Comprehensive Plan*.
- j. *Complete Engineering Plans and Specifications.*
- i. Construction Plans and Profiles. The Plans and Profiles shall be prepared by a registered professional engineer licensed in the State of Colorado, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
 - a) The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
 - b) Minimum horizontal scale: 1"=100'.
 - c) Minimum vertical scale: 1"=10'.
 - d) The typical road geometric and structural cross-section is to be shown on each plan sheet. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii, and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, sewer, sanitary sewer and any other utilities such as irrigation ditches. (Note: The developer/owner is responsible for coordinating with the appropriate dry utility companies (i.e. gas, electric, telephone, cable).
 - e) The profiles shall include ground lines, grade lines of curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures, and all other features required to enable construction in accordance with approved standards.
 - f) Signature blocks for all utility providers unless otherwise provided in agreement form.
 - ii. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.

- iii. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.
- iv. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial pre-application conference. The plan and report must provide:
 - a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year run-off and adjacent features that may be affected thereby.
 - b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, Weld County, ditch companies).
 - c) Supporting calculations for run-offs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
 - d) Erosion control plans, when required, to be submitted as a result of preliminary plan review.
- v. Final Grading Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details (per FHA requirements if FHA insured).
- vi. Soils Reports. The soils reports shall detail special foundation requirements (shall be submitted after overlot grading is complete) and pavement design (may be submitted prior to building permit).
- vii. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with Excel energy and the Town. The plan must specify the number, kind and approximate location of street lights.
- viii. Master Utility Plan. This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- k. *Final Landscape Plan.* Refer to Section 2.16 of this Code for the preliminary landscape plan requirements.
- l. *Final Open Space and Ecological Characterization Plan.* Refer to Sections 2.13 of this Code for the preliminary open space plan and ecological characterization requirements.
- m. *Traffic Study.* This study must be prepared by a professional traffic engineer.

- n. *Colorado Historical Society Records Search.* At the discretion of the Town Staff or Board of Trustees, an applicant may need to provide the Town with a Colorado Historical Society records listing historically or archaeologically significant findings on the property being subdivided. If a listing shows a significant finding, a site-specific historic survey is required. The survey shall provide the following information:
- i. Site identification:
 - a) State site number;
 - b) Site address;
 - c) Site location/access;
 - d) Type and description of finding (what is historic); and
 - e) Owner's name and address.
 - ii. Eligibility assessment for historic designation.
 - iii. Statement of significance.
 - iv. Management and administrative data:
 - a) References;
 - b) Photographs of the site;
 - c) Maps of the site;
 - d) Name, address, phone number and qualifications of person completing survey; and
 - e) Date of completion of survey.
- If, in coordination with the applicant, the Board of Trustees decides to protect an historic resource, a protection plan must be devised.
- o. Special Documents (as needed)
- i. Conservation Easement.
 - ii. Special improvement district documents.
 - iii. Maintenance bonds.
 - iv. Special agreements (as may be required by the Town).
 - v. Work in Right-of-Way Permit (from Town).
 - vi. Floodplain Use Permit (from Town).
 - vii. Grading Permit (from Town).
 - viii. State Highway Utility Permit (from Colorado Department of Transportation).
 - ix. State Highway Access Permit (from Colorado Department of Transportation).
 - x. Construction Dewatering Permit (from Colorado Department of Public Health and Environment).
 - xi. 404 Permit (from Army Corps of Engineers).
 - xii. Air Pollution Emission Notice (APEN) (from Colorado Department of Public Health and Environment).

- xiii. Work in Ditch Right-of-Way Permit (from individual ditch companies).
- xiv. Certification from U.S. Fish and Wildlife Service that there is no habitat for threatened/endangered species or that there is an approved habitat mitigation plan in place.
- xv. Subdivision Improvements Agreement (required) - This agreement assures construction of the required improvements. This document shall be signed by the developer and the Town, the signatures shall be notarized, and the document shall be recorded by the Town Clerk with the Weld County Clerk and Recorder.
- xvi. General Warranty Deed - This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
- xvii. Improvements Guarantee - Cash, certified check, or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the Subdivision Improvements Agreement or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
- xviii. Approved Adjudication of Water Rights and a Plan of Augmentation (if applicable).
- xix. Protective Covenants, Homeowners Association (HOA) Documents, Articles of Incorporation for HOA, and Architectural Design Guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
- xx. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
- xxi. Documentation showing who will own and maintain the open space (refer to Section 2.13.C.6 for details).
- xxii. Areas designated as open space will be set forth as open space on the plat. If the open space is to be dedicated to the Town, the Town may require additional restrictions including dedication by deed and deed restrictions at the Town's option. If open space is to be owned by a private entity, the Town may require additional restrictions in the deed transferring the property to the private entity, or may require additional restrictions on the plat.

p. *"Clean" Final Plat with Addressing Plan.*

- i. Title of project.
- ii. North arrow, scale (not greater than 1"=100') and date of preparation.
- iii. Vicinity map.
- iv. Lot and block numbers, numbered in consecutive order.
- v. Rights-of-way and street names.
- vi. Property boundary.
- vii. Street names.
- viii. Lot addresses.

- q. *Block Diversity Plan.* Refer to Section 2.19 for the plan requirements.
 - r. *Public Hearing Notification Envelopes.* Provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.
 - s. *Mineral, Oil and Gas Rights Documentation.* Evidence that the surface owner has provided notice to all mineral interest owners at least thirty (30) days before the date of the initial public hearing on the application of development as required by Article 65.5 title 24 Colorado Revised Statutes.
 - t. *Signed Surface Use Agreement.* The signed surface use agreement describing all oil and gas facilities on the property, their present use, changes which will be made to such facilities, relocation of any facilities, screening, noise control, and any other information either required by the Town or relevant to the effect of such facilities on the developed property.
 - u. *Water Information.* Provide a statement regarding the historic use of water on the property and a description of the water currently on or attached to the property.
 - v. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.
4. Step 4: Staff Certified Application is Complete. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Preliminary Plat/Final *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 5. Step 5: Applicant Submits Letters of Support and Commitment to Serve. Within fourteen (14) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the *Workbook*).
 6. Step 6: Town Schedules Public Hearing and Completes Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the preliminary/final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising.
 7. Step 7: Applicant Posts Signs on Property and Provides Signed Affidavit (see Workbook) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing and the applicant's name. The applicant shall submit an

affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.

8. Step 8: Staff Refers Application to Interested Parties. Not less than fourteen (14) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by certified mail to: adjacent municipalities, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name.
9. Step 9: Staff Review Application and Prepares Comments. Staff will complete a review of the preliminary/final plat based on the preliminary/final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern for the applicant to address and forward this report to the applicant.
10. Step 10: Applicant Addresses Staff Comments. The applicant shall submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
11. Step 11: Final Staff Review and Report to Planning Commission. Staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary/final plat review criteria.
12. Step 12: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary/final plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the application.
13. Step 13: Applicant Addresses Planning Commission Conditions of Approval. The applicant shall revise the preliminary/final plat based on the Planning Commission's conditions of approval and submit it to the Town.
14. Step 14: Town Schedules Public Hearing and Complete Public Notification Process. The Town Clerk shall schedule a public hearing for the purpose of taking action on the final plat. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising. This process maybe performed in conjunction with Step 6.
15. Step 15: Applicant Posts Signs on Property and Provides Signed Affidavit (see Workbook) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.

16. Step 16: Staff Notifies Interested Parties. Not less than fourteen (14) days before the date scheduled for the initial Board of Trustees public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. This process may be performed in conjunction with Step 4.
 17. Step 17. Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.
 18. Step 18: Board of Trustees Public Hearing and Action. The finalized final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the final plat based on the final plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original mylars of the final plat ready for the Mayor and Clerk to sign and then record. The Town will provide the finalized Subdivision Improvements Agreement for the applicant to sign.
 19. Step 19: Record Final Plat. One (1) original mylar of the final plat shall be recorded by the Town Clerk in the office of the Weld County Clerk and Recorder. The recording fee shall be paid by the developer.
 20. Step 20: Post Approval Actions. The applicant shall submit the following documentation to the Town Clerk:
 - a. *List of Contractors.* List of all contractors that will be performing the improvements.
 - b. *Proof of Insurance.* Proof of workman's comprehensive insurance and liability insurance for each contractor.
 - c. *Open Space Deed Restriction.* Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
 - d. *Other Certificates, Affidavits, Enforcements or Deductions.* As required by the Planning Commission or Board of Trustees.
- J. **Concurrent Preliminary/Final Plat Review Criteria.** The Town shall use the following criteria to evaluate the applicant's concurrent preliminary/final plat application:
1. The application is consistent with the approved ODP and incorporates the Planning Commission's recommendations and conditions of approval.

2. The land use mix within the project conforms to *Kersey's Zoning District Map* and *Land Use and Public Facilities Map* and furthers the goals and policies of the *Kersey Comprehensive Plan* including:
 - a. The proposed development promotes will preserve open space, environmental resources and/or agricultural land;
 - b. The proposed development promotes Kersey's small town rural character;
 - c. Proposed residential development adds diversity to Kersey's housing supply;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
3. The preliminary/final plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code, the *Kersey Comprehensive Plan* and, *the Community Design Principles and Development Standards* (Article 2 of this Code).
4. The utility and transportation design is adequate, given existing and planned capacities of those systems.
5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within Kersey, according to Kersey's goals.
7. The rural subdivision, compared with more conventional site development plans, better attains the policies of *Kersey Land Use Code* and the *Kersey Comprehensive Plan*, such as providing more open areas, preserving agricultural areas, preserving existing trees and vegetation, protecting wildlife habitats and preserving sensitive environmental areas such as riparian corridors, hazard areas, wetlands and floodplains.
8. The propose rural subdivision will have no significant adverse impacts on adjacent properties, or the applicant has agreed to appropriate mitigation measures such as landscaping, screening, illumination controls and other design features as recommended by the Town to buffer and protect adjacent properties from the proposed development.
9. The architecture, height, building materials, building colors and other design features of the rural subdivision are compatible with adjacent properties and existing development and blend with the natural landscape.
10. All applicable technical standards have been met.

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4.10 Minor Subdivision Plat

A. Minor Subdivisions.

1. Intent: The intent of the minor subdivision plat is to simplify the permitting process for creating eight (8) or fewer lots. For example, if a property had been platted for a large commercial use and the landowner wishes to create several lots for smaller commercial users, the applicant could utilize this process. The minor subdivision process is not meant for consecutive minor subdivisions. For example, if a landowner divides a 100-acre property into five lots, he/she may not use this process to continue to divide the property in the future to avoid having to comply with the major subdivision process.
2. A minor subdivision plat shall not be approved if the property is within any parcel or lot any part of which has been subdivided through the minor subdivision process within three (3) years preceding the date of the current application

B. Application Process.

1. Step 1: Pre-Application Conference. A preapplication conference with a representative from the Town is required before the applicant may submit a minor subdivision plat application. Topics to be discussed will include:
 - a. Town regulations and standards;
 - b. The application and review process;
 - c. Submittal requirements; and
 - d. Schedule.
2. Step 2: Application Submittal. The applicant shall submit one (1) copy of the complete minor subdivision plat application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The minor subdivision plat application shall include:
 - a. *Land Use Application Form (from Workbook).*
 - b. *Minor Subdivisions - Technical Criteria Form (from Workbook).*
 - c. *Application Fee and Fee Agreement*. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and recording fees. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide the applicant with a copy of the most current fee schedule and fee agreement form.

- d. *Title Commitment.* The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
- e. *Mineral, Oil and Gas Rights Documentation.* Evidence that the applicant has contacted all mineral rights owners and all lessees of mineral, oil and gas rights associated with the site by certified mail and is working towards resolution. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address and a description of the issues. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the sketch plan application submittal.
- f. *Legal Notice Form.* The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord Format.
- g. *Minor Subdivision Plat.* The minor subdivision plat drawing shall comply with the following standards:
 - i. The plat shall be prepared by or under the direct supervision of a registered land surveyor and meet applicable State requirements.
 - ii. Noncontiguous parcels shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
 - iii. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes and seconds.
 - iv. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
 - v. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.
 - vi. The minor subdivision plat shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:
 - a) Title of project.
 - b) North arrow, scale (not greater than 1" = 100') and date of preparation.
 - c) Vicinity map.

- d) Legal description.
- e) Basis for establishing bearing.
- f) Names and addresses of owners, applicant, designers, engineers and surveyors.
- g) Names of adjacent subdivisions.
- h) Total acreage of subdivision.
- i) Bearings, distances, chords, radii, central angles and tangent links for the perimeter, and all lots, blocks, rights-of-way and easements.
- j) Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
- k) Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary completely indicated by bearings and distances.
- l) Existing and proposed rights-of-way and easements in and adjacent to subject property (labeled and dimensioned).
- m) Existing and proposed street names for all streets on and adjacent to the property.
- n) Existing and proposed easements and their type in and adjacent to subject property (labeled and dimensioned).
- o) Location and description of monuments.
- p) Floodplain boundary with a note regarding source of information (if a floodplain does not exist on the property, please state this on the plat).
- q) Location of existing and proposed oil and gas facilities, their required setbacks, associated flows lines, existing and proposed relocation, name of owner and facility.
- r) Location of archaeologically significant or historic sites
- s) Certificate blocks for signatures of owner, surveyor, utility providers and Town approval, as applicable (see Workbook for examples).

- t) Certification of ownership and dedication of streets, rights-of-way, easements and public sites (see *Workbook* for sample).
- h. *General Development Information.* Provide a written description addressing how the proposed development conforms to this Land Use Code (including the *Community Design Principles and Development Standards*, the *Zoning Code* and the *Subdivision Regulations*), and the *Comprehensive Plan*.
- i. *Grading and Drainage Plan and Report.* This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. The plan must comply with the *Town of Kersey Storm Drainage Design Criteria and Construction Specifications*. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
- j. *Master Utility Plan.* This plan shall be prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
- k. *Landscape Plan.* Refer to Section 2.16 of the *Kersey Land Use Code* for the final landscape plan requirements.
- l. *Final Open Space and Ecological Characterization Plan.* Refer to Section 2.13 of the *Kersey Land Use Code* for the final open space plan and ecological characterization requirements. This information may be included in the Landscape Plan if it is legible.
- m. *Traffic Study.* This study must be prepared by a professional traffic engineer (if required by Staff).
- n. *Draft of Proposed Covenants and Architectural Design Guidelines* (if required by Staff).
- o. *Surrounding and Interested Property Ownership Report.* Provide the Town Clerk with two (2) copies of a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- p. *Public Hearing Notification Envelopes.* Provide the Town Clerk with two (2) sets of stamped, addressed envelopes. The envelopes shall have the Town's address as the return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest

owners of record, mineral and oil and gas lessees for the property and the appropriate referral agencies (as discussed in the pre-application conference).

- q. *Water Information.* Provide a statement regarding the historic use of water on the property and a description of the water currently on or attached to the property.
 - r. *Mineral, Oil and Gas Rights Documentation.* Evidence that the surface owner has provided notice to all mineral interest owners at least thirty (30) days before the date of the initial public hearing on the application of development as required by Article 65.5 title 24 Colorado Revised Statutes.
 - s. *Signed Surface Use Agreement.* The signed surface use agreement describing all oil and gas facilities on the property, their present use, changes which will be made to such facilities, relocation of any facilities, screening, noise control, and any other information either required by the Town or relevant to the effect of such facilities on the developed property.
 - t. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.
3. Step 3: Staff Certifies Application is Complete. Within a reasonable period of time, Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Minor Subdivision Plat Technical Criteria form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
 4. Step 4: Applicant Submits Letters of Support and Commitment to Serve (if Staff Deems Necessary). Within fourteen (14) days from the date the application is deemed complete, the applicant shall provide the Town with letters of support and commitment to serve from all agencies identified at the pre-application conference (refer to Letters of Support and Commitment to Serve Table in the *Workbook*).
 5. Step 5: Schedule Minor Subdivision Public Meeting and Complete Public Notification Process. The Planning Commission shall schedule a public meeting for the purpose of making a recommendation on the minor subdivision plat. The Town Clerk shall publish notice in a newspaper of general circulation. The meeting may be held no less than fourteen (14) days from the date of advertising.
 6. Step 6: Applicant Posts Signs on Property and Provides Signed Affidavit (see Workbook) to Town. The applicant shall post a sign on the property notifying the public of the hearing dates at least fourteen (14) days prior to the hearing. The sign shall include the time and place of the public hearing and the applicant's name. The applicant shall submit an affidavit certifying they posted the property. Refer to the *Workbook* for details on the sign and for a sample affidavit.

7. Step 7: Staff Notifies Interested Parties. Not less than fourteen (14) days before the date scheduled for public hearing or Staff decision, Staff shall send information about the application by regular mail to: referral agencies, Weld County, surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, ditch companies and other interested parties. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name.
8. Step 8: Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's minor subdivision plat review criteria. Staff will then prepare a report identifying any issues of concern that the applicant shall address and forward it to the applicant.
9. Step 9: Applicant Responds to Staff Comments. The applicant shall address the Staff's comments then submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
10. Step 10: Planning Commission Public Meeting and Recommendation. The Planning Commission shall hold a public meeting to review the application based on the minor subdivision plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.
11. Step 11: Applicant Responds to Planning Commission Conditions of Approval. The applicant shall revise the minor subdivision plat based on the Planning Commission's conditions of approval and submit it to the Town.
12. Step 12. Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report to the Board of Trustees explaining how the application is or is not consistent with the review criteria.
13. Step 13: Board of Trustees Action. The finalized minor subdivision plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Town Board of Trustees shall review the plat based on the minor subdivision plat review criteria. If approved, the Board of Trustees shall adopt the plat by ordinance and the Town Clerk shall request two (2) original Mylars of the final plat ready for the Mayor and Clerk to sign and then record. If applicable, the Town will provide the finalized subdivision improvement agreement for the applicant to sign.
14. Step 14: Post Approval Actions. The applicant shall submit the following documentation to the Town Clerk:
 - a. *List of Contractors.* List of all contractors that will be performing the improvements.

- b. *Proof of Insurance.* Proof of workman's comprehensive insurance and liability insurance for each contractor.
- c. *Open Space Deed Restriction.* Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity.
- d. *Other Certificates, Affidavits, Enforcements or Deductions.* As required by the Planning Commission or Board of Trustees.

C. Minor Subdivision Plat Review Criteria. The Town shall use the following criteria to evaluate the applicant's request:

1. The land use mix within the project conforms to the zoning district map and furthers the goals and policies of the Comprehensive Plan, including:
 - a. The proposed development promotes Kersey's small-town rural character;
 - b. Proposed residential development adds diversity to Kersey's housing supply;
 - c. Proposed commercial development will benefit Kersey's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects Kersey's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
2. The minor subdivision plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Community Design Principles and Development Standards in Division 2 of the Kersey Land Use Code.
3. The utility and transportation design is adequate, given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.
6. The property is not within any parcel or lot any part of which has been subdivided by the minor subdivision process within three (3) years proceeding the date of the current application.

4.11 Plot Plan

- A. Plot Plan Purpose.** The plot plan is needed in order to apply for a building permit for any building or structure constructed on a single-family home or duplex lot. The plot plan shows where the proposed building or structure will be located on the lot so that the Town can make sure that the proposed location will be in compliance with all Town regulations.
- B. Plot Plan Process.**
1. Step 1: Submit Plot Plan Application Package.
 - a. *Plot Plan Map* - The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (1"=20' or as approved by the Town) and date of preparation.
 - iii. Name, address and phone number of property owner.
 - iv. Lot number, block number and name of subdivision.
 - v. Lot size (square footage).
 - vi. Bearings and distances of all lot lines.
 - vii. Existing easements on the lot.
 - viii. Footprint of the proposed building or structure, dimensioned.
 - ix. Square footage of the proposed building and the footprint of the proposed building.
 - x. Distance from the proposed building or structure to all lot lines.
 - xi. All existing buildings or structures on the lot.
 - xii. Driveway.
 - xiii. Existing and/or proposed water and sewer service lines on the lot.
 - xiv. Elevations of:
 - a) The finished floor for the house and garage.
 - b) The ground ten (10) feet away from the house and garage.
 - c) The lot corners.
 - xv. Height of all proposed buildings.
 - xvi. Street trees (right-of-way landscaping) and landscaping required by Town.
 - xvii. Improvement location certificate.
 - b. *Drainage Information* - Provide the Town with information regarding how the lot will drain, if requested by the Town Clerk or Board of Trustees.
 - c. *Electronic Copy of Application Package.* Provide an Adobe pdf file of the complete application package.
 2. Step 2: Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the plot plan map to make sure is it consistent with the plot plan review criteria. Following the

review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.

3. Step 3: Applicant Addresses Staff Comments. Applicant makes all necessary changes to the plot plan and resubmits a revised copy to the Town.
4. Step 4: Staff Plot Plan Action. Planning Commission completes final review of plot plan to ensure that the Plan is complete and complies with Plot Plan review criteria. The planning Commission may approve, conditionally approve or deny the application. If the Plan is determined completed, it is approved by Staff.
5. Board of Adjustment Consideration of Appeals. The Board of Adjustment shall consider any appeal within thirty (30) days of the close of the appeal period, except an appeal associated with a concurrent development application requiring Board review or approval, which the Board shall consider with final action on the concurrent development application. The Board shall apply the site plan review criteria to either uphold, modify or reverse the Planning Commission's decision.

C. **Plot Plan Review Criteria.** The plot plan must meet the following review criteria:

1. All of the information needed on a plot plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with FHA standards (if insured by FHA) otherwise it shall meet the Town's approval.
5. The density and dimensions shown conform with the *Kersey Zoning Code* Density and Dimensional Standards (Section 3.6) or the approved PUD requirements.
6. The applicable Community Design Principles and Development Standards (Article 2) have been adequately addressed.

4.12 Site Plan

- A. Site Plan Purpose.** The site plan is needed in order to apply for a building permit for all multi-family, commercial, and industrial developments. The site plan shows how the lot will be developed so that the Town can make sure that the site design will be in compliance with all Town regulations.
- B. Site Plan Process.**
1. Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.
 2. Step 2: Submit Site Plan Application. The applicant shall submit one (1) copy of the complete site plan application package to the Town Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. The site plan application shall include:
 - a. *Land Use Application Form (from Workbook).*
 - b. *Site Plan - Technical Criteria Form (from Workbook).*
 - c. *Application Fee and Fee Agreement (from Workbook).* A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.
 - d. *Site Plan Map* - The site plan map shall be a minimum of twenty-four (24) inches by thirty-six (36) inches (unless otherwise approved by staff) and shall provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (no greater than 1"=50') and date of preparation.
 - iii. Vicinity map.
 - iv. Address of project.
 - v. Legal description of property.
 - vi. Name, address and phone number of property owner.
 - vii. Name, address and phone number of person or firm responsible for plan.
 - viii. Lot size (square footage).
 - ix. Bearings and distances of all lot lines.
 - x. Existing and proposed easements and rights-of-way.

- xi. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- xii. Gathering areas for people.
- xiii. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- xiv. Existing and proposed two (2) -foot contours.
- xv. Existing waterways on or adjacent to the site.
- xvi. Finished floor elevations for all structures.
- xvii. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
- xviii. Existing structures and their use.
- xix. Square footage of proposed the proposed building(s) and the footprint of the proposed building(s).
- xx. Proposed structure height.
- xxi. For commercial and industrial uses, the type of activity, number of employees, and hours of operation.
- xxii. For multi-family residential, the number of: residential units and bedrooms per unit.
- xxiii. Location of proposed signs and lights.
- xxiv. Specifications for the signs and lights, including type, height and general conformance to the Code.
- xxv. Proposed traffic controls and striping for parking areas (all lanes, driveways, and parking spaces must be dimensioned).
- xxvi. Trash disposal areas and enclosures including specifications for enclosures.
- xxvii. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
- xxviii. Location and size of water and sewer lines to which the service connections will be or are made.
- xxix. Location and size of water meter(s).
- xxx. Location and size of backflow-prevention devices.
- xxxi. Indication of how and where perimeter drain will drain (if one exists).
- xxxii. Location of existing electrical lines and poles on or adjacent to the site.
- xxxiii. Location of proposed electrical service connection and meter location.
- xxxiv. Location of electric transformer.
- xxxv. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
- xxxvi. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
- xxxvii. Adjacent land uses and landowners.
- xxxviii. The distance from the proposed building(s) or structure(s) to adjacent lot lines, easements, and adjacent structures.
- xxxix. A land use chart (table).

- xl. Location of existing and proposed oil and gas facilities and their required setbacks, including existing flow lines and proposed relocation of flow lines.
 - xli. Location of archaeologically significant or historic sites or structures that merit preservation.
 - xlii. Certificate blocks for signatures of owner, surveyor, utility providers, and Town approval, as applicable (see *Workbook* for samples).
- e. *Community Design Principles and Development Standards Description* - Demonstrate in written or graphic form how the proposed structure is consistent with the Community Design Principles and Development Standards found in Article 2 of this Code. Include a description of the proposed use.
 - f. *Certified Drainage Report* - A certified drainage report, including an erosion control study and plan.
 - g. *Final Landscape Plan* - Refer to Section 2.16 of this Code for the final landscape plan requirements.
 - h. *Final Open Space and Ecological Characterization Plan* - Refer to Section 2.14 of this Code for the final open space and ecological characterization plan requirements.
 - i. *Exterior Elevations of Proposed Structures/Graphic Visual Aids*. Provide complete building elevations, drawn to scale, with illustrations of all colors and identifying major materials to be used in the structure(s). In addition, Staff may require building floor plans, sectional drawings, perspective drawings, models, and/or computer visualizations when the impacts of a proposal warrant such information.
 - j. *Title Commitment*. The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal.
 - k. *Photometric Plan*. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in footcandles) of these fixtures across the site to all property boundaries.
 - l. *Traffic Study*. This study must be prepared by a professional traffic engineer.
 - m. *Legal Notice Form*. The legal notice form will be provided by the Town and filled out by the applicant and returned to the Town with an electronic copy of the legal description in MSWord Format.
 - n. *Electronic Copy of Application Package*. Provide an Adobe pdf file of the complete application package.

3. Step 3: Application Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Site Plan *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
4. Step 4: Staff Refers Application to Interested Parties. Staff may refer the site plan materials to interested parties for comments. The referral period shall be fifteen (15) days, but such period may be reduced or extended by Staff. Staff shall notify the applicant of any adjustment to the referral period.
5. Step 5: Staff Reviews Application and Prepares Comments. Staff will review the site plan map to ensure it is consistent with the site plan review criteria. Staff may consider comments received during the referral period in its review of the site plan. Following the review, Staff will prepare a written report outlining any changes that the applicant must make before the site plan can be approved. This report will be forwarded to the applicant.
6. Step 6: Applicant Addresses Staff Comments. Applicant makes all necessary changes to the site plan and resubmits a revised copy to the Town.
7. Step 7: Site Plan Agreement. Staff may require that the applicant execute a site plan agreement to assure the construction of on-site and off-site improvements as a condition of approval of the site plan. Guarantees in the site plan agreement may be secured by an irrevocable letter of credit, or by cash deposited in an escrow account in an amount determined appropriate by Staff.
8. Step 8: Planning Commission Review and Action. The site plan shall be presented to the Planning Commission for its review and action at the Commission's next available regularly scheduled meeting. The Planning Commission may approve, conditionally approve or deny the site plan based on the site plan review criteria. Any action taken by the Planning Commission shall become final unless appealed. If the site plan is denied, the request or one that is substantially the same may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Board of Trustees. Any aggrieved party, who wishes to appeal the action shall file a written appeal stating the reasons why the Planning Commission action is incorrect. The applicant shall file the appeal with the Town Clerk within seven (7) days of the meeting at which such action was taken.
9. Step 9: Board of Trustees Consideration of Appeals. The Board of Trustees shall consider any appeal within forty-five (45) days of the close of the appeal period, except an appeal associated with a concurrent development application requiring Board review or approval, which the Board shall consider with final action on the concurrent development application. The Board shall apply the site plan review criteria to either uphold, modify or reverse the Planning Commission's decision.

10. Step 10: Submit and Record Site Plan. Upon approval by the Planning Commission or by the Board of Trustees, the applicant shall have thirty (30) days to submit two (2) original mylar drawings of the approved site plan to the Town Clerk for recording, accompanied by the recording fees and all other costs billed by the Town relative to the site plan. Inaccurate, incomplete or poorly drawn plans shall be rejected. Within thirty (30) days of receipt of the site plan, the Town Clerk shall submit the approved site plan to the Weld County Clerk and Recorder's Office for recording.
11. Step 11: Post Approval Actions.
- a. *Building Permit.* A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
 - b. *Certificate of Occupancy.* When building construction and site development are completed in accordance with the approved site plan and building permit(s), a Certificate of Occupancy may be issued.
 - c. *Phasing and Expiration of Approval.* The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.
- C. **Site Plan Review Criteria.** The site plan must meet the following review criteria:
1. All of the information required on a site plan is shown.
 2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
 3. No buildings or structures infringe on any easements.
 4. The proposed site grading is consistent with the requirements of the Town's adopted storm drainage criteria or master drainage plans.
 5. The density and dimensions shown conform with the *Kersey Zoning Code* Density and Dimensional Standards (Section 3.6) or the approved PUD requirements.
 6. The applicable Community Design Principles and Development Standards have been adequately addressed and the proposed improvements conform with Article 2.

D. Amendments to Approved Site Plans.

1. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town Staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

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4.13 Amendments to Recorded Plats

A. Amendments to Recorded Plat Process.

1. Minor amendments which are filed with the Weld County Clerk and Recorder to correct minor survey or drafting errors, erroneous lot sizes, misspellings, errors in legal descriptions that do not actually change the plat on a recorded plat, shall be prepared in the form of an affidavit or, where deemed necessary for clarity, a revised plat certified by a land surveyor licensed with the State of Colorado. All affidavits or corrected plats shall be reviewed and may be approved by the Town Staff. Notice of the minor amendment shall be given to the Board of Trustees. Minor amendments shall also include name changes, changes in the size of lots, width of streets or other items that do not arise to the level of resubdivision.
2. Amendments to a recorded plat which do not increase the number of lots or relocate or add roads or do not create more than eight (8) total lots shall be submitted as a minor subdivision plat. The minor subdivision plat shall be prepared and submitted in compliance with the minor subdivision plat requirements of this Article (Section 4.10).

4.14 Resubdivision

The resubdivision of any lots, tracts or parcels, or the relocation or addition of streets within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for subdivision as set forth in this Article. In the event that any dedicated streets are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective prior to the approval of the final plat. Vacation of right-of-way shall conform to the requirements of Section 4.16 of this Article. Certain sketch plan, preliminary plat and final plat requirements may be waived at the discretion of the Board of Trustees.

4.15 Exceptions to the Design Principles and Development Standards

- A. **Exception Purpose.** An applicant may apply for an exception to the minimum *Community Design Principles and Development Standards* specified in Article 2, except for those standards that are not open to modification (see Section 4.15.D below). The applicant shall submit an application for exception specifying the basis for the exception requested. The burden of demonstrating that an exception is justified falls solely on the applicant. An exception, as opposed to a variance, is not a request for relief from the strict application of the Zoning Code, but rather a request to modify a design principle or standard based on the specific conditions, circumstances or design context of a development proposal.
- B. **Exception Application Process.** The applicant shall submit a letter to the Town Clerk requesting an exception and providing justification thereof. The Town shall review the exemption application concurrently with a preliminary or final plat or planned unit development (PUD) application. The Planning Commission shall review and make a recommendation of approval, approval with

conditions or denial of an exception request at a regular meeting of the Commission and forward such recommendation to the Board of Trustees as part of its review of the preliminary or final plat and/or preliminary or final PUD. Final action on the exception request shall be made by the Town Board of Trustees.

- C. **Exception Review Criteria.** The Planning Commission and Town Board shall use the following criteria to evaluate the applicant's exemption application.
1. Special circumstances or conditions exist that limit the ability of the property to meet the *Community Design Principles and Development Standards* set forth in Article 2 of this Code. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
 2. An alternative design exists that will meet the intent of the standards and requirements set forth in Article 2, *Community Design Principles and Development Standards* and Article 4, *Subdivision Regulations*, by providing for the orderly subdivision of land and providing public facilities. The exception shall:
 - a. Provide for the orderly subdivision of land. The Town may require the development to be processed as a planned unit development or as a Mixed Use or Commercial Zone District site plan, if the complexity and interrelated design of the development more appropriately meet the intent of the PUD or mixed use zoning district processes. The PUD/mixed use process shall provide flexibility to review the exception as part of a creative and imaginative development design tailored to each unique site and the surrounding area;
 - b. Provide public facilities that will benefit the public without detriment to surrounding property owners or the Town's ability to provide services and maintain public facilities; and
 - c. Provide amenity to the development through design that could not be provided through the adopted standards. That if granted, the exception will not be detrimental to the public interest or other property nor be in conflict with the *Kersey Comprehensive Plan* or other applicable provisions of the *Kersey Municipal Code* unless corresponding exceptions or variances are approved.
 3. The exception will not endanger public safety.
- D. **Standards Not Open to Modification.** The following *Community Design Principles and Development Standards* specified in Article 2 are considered absolute minimum standards and are not open to modification through an exception process:
1. Road standard (cross section) for local street with attached sidewalk;

2. Requirement of one (1) street tree of two (2) inch caliper for each forty (40) feet of frontage on both sides of the street (except for rural roads and alleys);
 3. Dedication of the full width of right-of-way for all platted streets; and
 4. Provision of handicap parking spaces.
- E. **Restrictions on Requesting Exceptions.** If an applicant requests an exception under this Section, the preliminary plat or preliminary PUD development plan shall whenever possible indicate the exceptions outlined in the application. Exception requests can be processed concurrently with planned unit development applications.

4.16 Vacation of Right-of-Way or Easement
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- A. **Vacation of Right-of-Way/Easement Purpose.** The vacation of right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, *et seq.* Title of the vacated right-of-way shall be given to the owners of the abutting land, each taking ownership to the center of the roadway unless otherwise agreed to by the abutting property owners and accepted by the Board of Trustees.
- B. **Vacation of Right-of-Way/Easement Application Process.**
1. Step 1: Pre-Application Conference. A pre-application conference with a representative from the Town is required before the applicant may submit a vacation of right-of-way/easement application. Topics to be discussed will include: Town regulations and standards.
 - a. The application and review process.
 - b. Submittal requirements.
 - c. Schedule.
 2. Step 2: Vacation of Right-of-Way/Easement Application Submittal. The applicant shall submit one (1) complete copy of the vacation of right-of-way/easement application package to the Town Clerk and shall request that the application be reviewed by the Board of Trustees. The vacation of right-of-way/easement application shall include:
 - a. *Land Use Application Form.*
 - b. *Vacation - Technical Criteria Form (from Workbook).*
 - c. *Application Fee and Fee Agreement - A non-refundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Planner and any other expert whom the Town may wish to employ; and recording fees. Actual*

costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the deposit. The Town shall provide applicants with a copy of the most current fee schedule and fee agreement form.

- d. *Petition for Vacation of Right-of-Way/Easement* - A blank petition for vacation of right-of-way and a blank petition for vacation of easement are in the *Workbook*.
- e. *Title Commitment* - The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way/easement submittal (not required if right-of-way or easement has been dedicated to the Town).
- f. *Surrounding and Interested Property Ownership Report* - For vacation of right-of-way applications (NOT vacation of easement applications), provide the Town Clerk with a current (not more than thirty [30] days old) list of the names and addresses of the property owners abutting the right-of-way. The applicant shall certify that the report is complete and accurate.
- g. *Vacation of Right-of-Way/Easement Map* - The vacation of right-of-way/easement map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and provide the following information:
 - i. Title of map.
 - ii. North arrow, scale (whatever is appropriate) and date of preparation.
 - iii. Vicinity map.
 - iv. Legal description of right-of-way/easement to be vacated.
 - v. Legal descriptions of the lots that will be formed as a result of vacation of the right-of-way.
 - vi. Graphic representation of property to be vacated.
 - vii. Acreage of property to be vacated.
 - viii. Names and boundaries of adjacent subdivisions and streets.
 - ix. Lot and block numbers of adjacent lots and blocks.
 - x. Existing and proposed rights-of-way in and adjacent to subject property.
 - xi. Existing and proposed easements in and adjacent to subject property.
 - xii. Existing and proposed utility lines and/or facilities in and adjacent to subject property.
 - xiii. All waterways and ditches in and adjacent to subject property.
 - xiv. Type and location of existing structures and paved areas on the subject property.
- h. *Vacation of Right-of-Way/Easement Review Criteria Statement* - Provide a written description of how the vacation request addresses the four vacation of right-of-way/easement review criteria.
- i. *Public Notification Envelopes* - If the application is for the vacation of right-of-way, provide the Town Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as

the return address and the envelopes shall be addressed to the adjacent property owners and the appropriate referral agencies.

3. Step 3: Certification of Completion. Within a reasonable period to time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the Vacation of Right-of-Way or Easement *Technical Criteria* form) to the Town Clerk. The original application and all documents requiring a signature shall be signed in blue ink.
4. Step 4: Staff Reviews Application and Prepares Comments. Staff will complete a review of the vacation of right-of-way/easement based on the vacation of right-of-way/easement review criteria. Staff will then prepare a report identifying any issues of concern that the applicant will need to address and forwards it to the applicant.
5. Step 5: Applicant Addresses to Staff Comments. The applicant shall address Town Staff's comments then submit the following to the Town Clerk:
 - a. Letter explaining how all of the comments have been addressed; and
 - b. Revised maps and other documents.
6. Step 6: Final Staff Review and Report to the Board of Trustees. Staff shall complete a final review of the resubmitted materials and prepare a report to the Board of Trustees explaining how the application is or is not consistent with the vacation of right-of-way/easement review criteria.
7. Step 7: Public Notification of Vacation of Right-of-Way Public Hearing. Fourteen (14) days after the final Staff review and report, the Town Clerk shall schedule a public hearing for the purpose of taking action on an ordinance approving the vacation of right-of-way. (Note: Notice of public hearing is not required for an easement vacation. The Board of Trustees shall review an easement vacation request at its next available meeting after completion of the staff review and report.) The Town Clerk shall send notice of the public hearing to the applicant, all property owners of record adjacent to the property, and to the appropriate referral agencies no less than fourteen (14) days before the hearing. The Town Clerk shall also publish notice in a newspaper of general circulation. The hearing may be held no less than fourteen (14) days from the date of advertising. The Town Clerk will also prepare a public hearing notification sign to be posted on the property by the applicant no less than fourteen (14) days before the hearing.
8. Step 9: Board of Trustees Action. Following a public hearing, the Board of Trustees may approve, conditionally approve or deny the vacation of right-of-way ordinance based on the vacation of right-of-way/easement review criteria. In the case of a vacation of easement, where no public hearing is required, the Board of Trustees may approve, conditionally approve or deny the vacation of easement ordinance based on the vacation of right-of-way/easement review criteria. All approved ordinances must be recorded with the Weld County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of

approval must be satisfied by the applicant and certified by the Town Clerk within a time specified by the Board of Trustees before the ordinance can be recorded.

C. Vacation of Right-of-Way/Easement Review Criteria.

1. The right-of-way or easement being vacated is not needed in the short or long term.
2. If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application which proposes a new right-of-way or easement.
3. The applicant is relocating all public facilities or utilities within the right-of-way or easement.
4. The public and surrounding properties will not be negatively impacted by the vacation.
5. In the event of a vacation of a right-of-way or easement, the Town reserves unto itself a utility easement within such right-of-way or easement unless the ordinance granting the vacation specifically states that no such reservation is made.

4.17 Subdivision Improvements and Development Agreements

- A. **Agreements and Improvements.** A Subdivision Improvement Agreement (SIA) stating the developer agrees to construct any required public improvements shown in the final plat documents together with collateral which is sufficient, in the judgment of the Board of Trustees, to make reasonable provision for the completion of said improvements in accordance with the design and time specifications will be required. The SIA shall be submitted, reviewed by Staff and accepted by the Town during the final plat process. No subdivision plat shall be recorded at the office of the Weld County Clerk, and no building permit shall be issued for development until a SIA between the Town and the developer has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality and cost-effective manner. A SIA shall run with and be a burden upon the land described in the agreement. The estimate of the cost of improvements shall be completed by a licensed engineer. The financial guarantee for improvements must equal 120% of the estimated cost.
- B. **Other Agreements.** Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
- C. The following improvements shall be constructed unless waived by the Board of Trustees.
1. Road grading and surfacing.
 2. Curbs.
 3. Street lights.
 4. Sidewalks.
 5. Sanitary sewer collection systems.
 6. Storm sewers or storm drainage system, as required.
 7. Potable water distribution including fire hydrants.
 8. Utility distribution system for public parks and open space.
 9. Street signs at all street intersections.
 10. Permanent reference monuments and monument boxes.
 11. Underground electricity, telephone, cable and gas lines.

12. Berm or fence along major arterial and collector streets.
13. Required landscaping.
14. Street trees.
15. Underdrains.
16. Required floodway improvements.
17. Required irrigation ditch improvements.
18. Permanent detention/retention ponds, as required.

D. Inspections and Approval. Upon completion of any phase or a series of construction improvements the developer shall request the Town to inspect public improvements. The Town shall within twenty (20) days of such request conduct an inspection as it may deem appropriate. If any item is not in compliance with the standards required or with the plans and specifications the Town shall within twenty (20) days of the inspection advise the owner in writing of any deficiency. Such deficiency shall be cured by the developer within thirty (30) days of the notice. The Town shall not accept any improvement which is not constructed to their required standards or the plans and specifications. If after the inspection the improvement is acceptable to the Town, the improvement shall be dedicated or conveyed to the Town pursuant to this code.

E. Conditional Acceptance. The owner may request in writing from the Town, inspection and conditional acceptance of improvements when all required improvements within the development are completed. Within fourteen (14) days of receipt of the request the Town shall inspect the improvements and shall certify to the Board of Trustees whether or not the improvements are constructed in accordance with the approved standards, approved plans, construction drawings and change orders. The Town shall act on the developers request at its next regular meeting but not sooner than seven (7) days from receipt of the request and not more that forty-five (45) days from receipt of the request. If the improvements completed by the developer are unsatisfactory the Town shall provide written notice to the developer of the repairs, replacements, construction or other work required to receive "conditional" acceptance. The developer shall complete the needed repairs, replacements, construction or other work within thirty (30) days of said notice, weather permitting, and shall then resubmit his request for conditional acceptance in writing.

1. If improvements completed by the Owner are satisfactory, the Town shall grant "conditional acceptance", which shall be subject to "final acceptance" as set forth herein. The Town shall provide notice of conditional acceptance in writing.
2. If the developer has not completed the improvements within thirty (30) days of said notice, the Town may exercise its rights to secure performance as may be provided in any subdivision improvements agreement or improvements guarantee.
3. Owner shall provide a certified statement of construction costs no later that forty-five (45)

days after improvements are completed and shall furnish evidence that all contractors, subcontractors, and material suppliers performing work or providing material related to construction or installation of the improvements have been paid in full.

4. Owner shall provide the Town certified Record Plan Transparencies on Black Image Diazo Reverse Mylars (as-built) plans as the Town may require no later than forty-five (45) days after the improvements are completed. The documents shall show "as-built" locations and design details of such improvements and final construction costs.

F. Final Acceptance. At least thirty (30) days before two (2) years have elapsed from the issuance of conditional acceptance, or as soon thereafter as weather permits, Owner shall request a "final acceptance" inspection. The Town shall inspect the improvements within fourteen (14) days of such request and shall notify the Owner in writing of all deficiencies and necessary repairs, if any.

1. If there are no deficiencies, or after the developer has corrected all deficiencies and made all necessary repairs identified in the written notice, and after clear title to on-site and off-site rights of way and easements have been transferred to the Town by general warranty deed or other acceptable document and after all licenses and permits necessary for the development of the property and obtained by the developer have been transferred to the Town, the Town will adopt an ordinance or resolution for the acceptance of streets, rights of way and other public ways, easements, open spaces and other lands dedicated on the plat and will accept the public improvements constructed by the developer for ownership and maintenance by the Town.
2. If the developer does not correct all deficiencies and make all repairs identified in the "final acceptance" inspection to the Town's satisfaction within thirty (30) days after receipt of said notice the Town may exercise its rights to secure performance pursuant to the subdivision improvements agreement or any improvements guarantee.
3. If any mechanic's liens have been filed with respect to the public improvements, the Town may retain all or part of the improvement guarantee up to the amount of such liens until said liens have been released by claimant.
4. If developer fails to submit the improvements for the "final acceptance" inspection and obtain the Town's acceptance of the public improvements within two (2) years of the date of issuance of conditional acceptance, or if any improvements are found not to conform to applicable Town standards and specifications, then the guaranty period shall extend on a month to month basis.

G. Improvement Guarantee. The owner or developer of any property shall after final plat approval or final approval of a PUD, or approval of any project which requires the installation of any utility, street or other public improvements, shall post with the Town an improvement guarantee. Such guarantee shall be in the amount of at least one hundred twenty (120%) of the value of the proposed public improvements. Ten (10%) of the improvement guarantee will be held after conditional acceptance to guarantee improvements during the warranty period.

SECTION 4.17 SUBDIVISION IMPROVEMENTS AND DEVELOPMENT AGREEMENTS

1. Such public improvement guarantee shall be in the form of a cash deposit, an Irrevocable Letter of Credit or a Performance Bond. The cash deposit shall be deposited in a bank doing business in Weld County, Colorado, unless authority to accept a bank outside of Weld County is granted by the Board of Trustees. Any Irrevocable Letter of Credit shall be accepted only when issued by a bank doing business and having an office in the State of Colorado unless authority to use a bank outside of the State of Colorado is authorized by the Board of Trustees. A Performance Bond shall be issued by a company with an A.M. Best size and rating approved by the Board of Trustees. Performance Bonds and Irrevocable Letter of Credit shall be in a form acceptable to the Board of Trustees.
2. The Town may review cost estimates and require an increase in any improvement guarantee based upon increased costs as set forth in the construction cost index published by the Engineering News Record.
3. No improvements guarantee shall be released until the public improvement has been inspected by the Town and the release of the improvement guarantee is authorized in writing by the Town Manager or the Board of Trustees.
4. If any improvement is not completed to the Town's satisfaction within the period set forth in the Subdivision Improvements Agreement and after thirty (30) days notice to the owner to correct any construction defect or complete any improvement, then the Town may, by resolution, declare the owner in default and demand performance by the guarantor or release of funds held by the guarantor to the Town for correction of the construction defect or completion of the project. Subsequent to adopting any resolution finding an owner in default the Town shall have the right to complete the improvements or to contract with third parties for the completion of the required improvements, and to enter upon the premises of the owner for the purpose of constructing, repairing or maintaining the improvements.
5. If any improvement guarantee is to expire within thirty (30) days and the owner has not completed the improvements and has not provided satisfactory replacement guarantee, the Town may draw on the guarantee and hold such funds in cash as security for performance until the project is complete.