

CHAPTER II: PROCEDURES

2.1 GENERAL PROCEDURES.

2.1.1 Notice Required. Notice shall be required as described in Exhibit 2.1.

Exhibit 2.1: Notice Requirements

Application	Required Notice		Action		
	Personal	Published	Staff	Zoning Commission	Board of Supervisors
Sketch Map			D		
Concept Plan	✓	✓	R	R	D
Preliminary Plat	✓	✓	R	R*	D*
Construction Plans			D	A	
Final Plat		✓	R	R	D
Minor Subdivision		✓	R	R	D
Lot Line Adjustment/Division of Land			D	A	
Vacations	✓	✓	R	R	D
Variance	✓	✓	R	R	D
Development Improvement Agreements			R	R	D

R = Review/recommending body

D = Decision making body

A = Appeals body

(*Amended 11/22/2000-Ord 2000-06)

2.1.2 Types of Notice.

A. Personal Notice of Public Hearing.

- Whenever personal notice of a public hearing is required by these Regulations to be sent to surrounding landowners, notice shall be sent by the Administrator at the applicant's cost by U.S. mail at least 15 days before the hearing to each current owner of real property, as listed in the official records of the Clinton County, Iowa Assessor, located within 500 feet of the exterior boundary of the property in question unless otherwise specified by these Regulations. If the matter to be considered is an appeal, notice shall be provided to all parties to the appeal, including interested parties.



2. Not less than 20 days prior to the public hearing, the applicant shall provide the information required for the personal notice, including a list of the current owners of record of the real property located within 500 feet of the exterior boundary of the property in question.
3. The responsibility for supplying names and addresses for personal notice to all surrounding landowners lies solely with the applicant for development approval.
4. Personal notice shall be in letter form stating the date, time and place of the hearing, a general description of the proposal, the location of the property which is the subject of the hearing and other such requirements as further specified in these Regulations. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing.
5. The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.

B. Published Notice. Except as otherwise specifically provided in these Regulations, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property must be published once at least 15 days prior to the hearing in a newspaper of general circulation throughout the County. Not less than 20 days prior to the public hearing, the applicant shall provide the information required for the notice to the Administrator who shall be responsible for preparing the notice for publication.

C. Notice of Final Determination. Within 10 days of the date of a final determination on the development application, written notification of the decision shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for the decision to deny the application shall be included.

2.1.3 Substantial Compliance Required. Notice shall be deemed to be complete where there is substantial compliance with the requirements of this section. Minor technical deviations in the language or format of notice shall not be deemed to impair the notice where notice has been given. When there is a question raised at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirement of these Regulations.



2.1.4 Notification of Appeal or Revocation. Whenever an appeal is taken from a final decision, or whenever the County determines to revoke a development permit which was obtained following a public hearing, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by this Section. If no public hearing was held prior to obtaining the development permit, personal notice of revocation shall be given only to the holder of the permit.

2.1.5 Costs of Notice. All actual costs incurred by the County in preparing and publishing the notice required by these Regulations shall be paid by the applicant prior to publication or mailing of such notice according to a schedule of fees established by the Board of Supervisors.

2.1.6 Public Hearing Procedures.

A. Setting of the Hearing. When the Administrator determines that a permit application is complete and that a public hearing is required by these Regulations, the Administrator shall select a place, date and a time certain for the required hearing, and shall cause notice of such hearing to be prepared and made pursuant to Section 2.1.2-B of the these regulations.

B. Purpose of Hearing. The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

C. Conduct of Hearing.

1. Any person may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization.
2. The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. At the chairperson's discretion, any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairperson of the body conducting the hearing. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public. The order of proceedings shall be as follows:
 - a. The Zoning Administrator or appropriate staff member shall present a description of the proposed development and initial findings concerning the application's compliance with these Regulations.
 - b. The applicant shall present any information that the applicant deems appropriate;



- (1) Public testimony shall be heard first in favor of the proposal, then in opposition to it;
- (2) The Administrator or other staff member may respond to any statement made by the applicant or any public comment;
- (3) The applicant may respond to any testimony or evidence presented by the staff or public; and
- (4) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

D. Record of Proceedings. The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Board of Supervisors may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the Administrator and payment of a fee set by the Board of Supervisors to cover the cost of duplication of the record.

E. Continuance of Proceedings.

1. Any applicant or authorized agent of an applicant shall have the right to one continuance before the Planning & Zoning Commission or Board of Supervisors, provided that a written request is filed with the Administrator.
2. An applicant requesting a continuance shall make reasonable efforts, through personal notice, to notify all persons previously advised of the application and hearing that a continuance has been requested. The applicant (at his/her cost) shall also cause notice of the rescheduled public hearing in the same form required for the initial hearing.
3. The Planning & Zoning Commission or Board of Supervisors may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance.
4. The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.
5. If the Planning & Zoning Commission or Board of Supervisors, continues a public hearing on its own motion, it may direct the Administrator or appropriate department to renotify property owners. If the continuance of a public hearing is made at the request of an applicant, the Planning & Zoning Commission or Board of Supervisors may direct the applicant to renotify property owners.



2.1.7 Post Decision Procedures.

- A. Appeals from Final Decision.** Any appeal to a final action by the Board of Supervisors or Planning & Zoning Commission shall be filed within 30 days of the decision date of the action being appealed.
- B. Appeals to Administrative Decisions.** Any person, including any officer or agency of Clinton County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Administrator may appeal such final determination pursuant to Section 9.3.8 of the Zoning Ordinance.
- C. Amendments and Revisions to Approval.**
 - 1. The Administrator may approve minor revisions to the terms of approval of an application for development. Minor revisions must be authorized in writing by the Administrator and are subject to appeal to the Zoning Board of Adjustment pursuant to Section 9.3.8 of the Zoning Ordinance. Minor revisions that may be authorized are limited to those that are necessary in light of technical considerations discovered after the decision on the development application by the applicant or the Administrator.
 - a. Minor amendments shall include the following changes:
 - (1) Changes in the internal alignment of roads that do not affect external properties;
 - (2) Changes in boundaries to parcels that do not abut external property lines;
 - (3) Changes in setbacks along internal property lines; and
 - (4) Changes in the routing of trails and pedestrian ways.
 - b. No minor change authorized in this section may cause any of the following:
 - (1) Change in the permitted uses or of development character;
 - (2) Increased intensity of use as measured by the number of dwelling units or square feet of non-residential building area;
 - (3) Increased trip generation or demand for public utilities;
 - (4) Decreased public or private open space area; or
 - (5) Increased volume or velocity of stormwater runoff from the development.
 - 2. If the holder of an approved application for a development permit requests a revision that the Administrator determines is not a minor revision, approval of the revision by



the original final decision-maker is required in accordance with the procedures established for the original approval

2.2 MAJOR SUBDIVISIONS.

- A. Purpose.** The purpose of this Section is to provide for the orderly review and approval of the division of land into more than four (4) or more lots, tracts, parcels or other sub-parts for sale or development, or the creation of any division of land that requires the dedication or construction of public streets. This Section includes provisions for major subdivisions, parcel maps, and divisions of land into large parcels.
- B. Prohibited Subdivisions.** No person may subdivide land in Clinton County except in accordance with all of the provisions of this Section. Except as exempted in this Section, the following acts are prohibited:
1. **Selling Land Prior to Approved Map.** No owner or agent of the owner of any of land subject to these regulations shall offer for sale or transfer title to any tract before a map has been approved in accordance with the provisions of these regulations and recorded with the County Recorder and signed-off by County department heads.
 2. **Subdivision by Metes and Bounds.** It shall be unlawful to subdivide any lot or any parcel smaller than 35 acres by the use of metes and bounds description for the purpose of sale, transfer or lease, except as exempted in paragraph C of this section.
- C. Exemptions.** The following divisions of land shall be exempt from these subdivision requirements:
1. The public acquisition of land for the widening of existing streets or for constructing other public works;
 2. Any lot, parcel or tract of land located within the area governed by these regulations which has been legally subdivided or resubdivided by map or deed subsequent to the adoption of subdivision regulations on May 8, 1964 and prior to the adoption of these regulations;
 3. A division of property through the probate of an estate, or by order of a court of law;
 4. A lien, mortgage, deed of trust or any other security instrument regulated under the laws of Iowa or any other interest in an investment entity;
 5. Cemetery lots;



6. An interest in oil, gas, minerals or building materials, which is now or hereafter severed from the surface ownership of real property;
7. A division of property where all new lots or parcels are for agricultural purposes, all lots will be greater than 35 acres and no street, road, highway opening or widening or easement of any kind is required by these regulations.
8. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the County;
9. The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

2.2.1 Sketch Map.

A. Purpose. The Sketch Map review procedure is designed to allow the applicant to present a concept-level plan to the County staff for a discussion of suggestions and concerns. The Sketch Map process is optional and intended only to guide the applicant in preparing a Preliminary Plat.

B. Requirements for Application.

1. The property owner shall initiate a Sketch Map approval request by filing an application with the Administrator.
2. A Sketch Map application shall include:
 - a. Completed application forms;
 - b. A proposed phasing plan for the development of multi-phase projects;
 - c. Any attendant documents needed to supplement the information provided on the map.
3. **Sketch Map Contents.** The following information will be required for a thorough administrative review of the Sketch Map. Lack of information will result in an incomplete assessment by County staff.
 - a. Name of the proposed subdivision;
 - b. Date, scale, north arrow;



- c. Property owner's name and address;
- d. Description of all existing covenants, liens and encumbrances;
- e. Acreage and location of the property;
- f. Existing or proposed easements, rights-of-way, streets or other public ways;
- g. Location, sizes and elevations of existing sewers, water mains, culverts, and other underground structures within the boundaries of the proposed subdivision and adjacent thereto;
- h. Existing permanent buildings;
- i. Utility poles and utility rights-of-way on or immediately adjacent to the property proposed to be subdivided;
- j. Approximate topography based on USGS or NAVD datum at 10 foot contour intervals;
- k. Approximate location and width of all proposed streets within and abutting the proposed subdivision;
- l. Preliminary proposals for connections with existing water supply and sanitary sewerage systems, and preliminary proposals for collecting and discharging surface water drainage;
- m. Approximate location, dimensions and area of all proposed and existing parcels;
- n. Approximate location, dimensions and area of all parcels of land proposed to be set aside for park or playground use or other public use;
- o. Vicinity map showing all streets and the general development pattern and land uses of the surrounding area;
- p. If the Sketch Map covers only a part of the applicant's contiguous holdings, the applicant shall show the extent of adjacent land holdings;
- q. Proposed land uses, including the type of dwellings or commercial use, the number of dwellings, the square footage of non-residential floor area and acreage of each proposed land use.

C. Criteria for Approval. Sketch Maps are not officially approved or denied. They are reviewed by the staff for consistency with adopted plans, policies and regulations.



D. Staff Action.

1. The Administrator shall identify the most appropriate process and any inconsistencies with adopted plans, policies or codes.
2. Following the review, the Administrator shall send the applicant written comments regarding the proposed subdivision to assist the applicant in completing the subdivision process.

E. Notice. No notice or public hearing is required for this application.

2.2.2 Concept Plan.

A. Purpose. The purpose of the Concept Plan is to demonstrate conformance with the Master Plan, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to approval of a Preliminary Plat. Approval of a Concept Plan shall constitute approval of the type(s) and intensity of development and approval of a project phasing plan. A concept plan may be processed concurrently with a preliminary plat.

B. Requirements for Application.

1. A Concept Plan shall be required when an applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership. The Concept Plan shall illustrate future development of the entire area under common ownership. A Concept Plan is not required for subdivisions creating a single, non-farm parcel.
2. The applicant shall file a Concept Plan application with the Administrator at least 30 days prior to the Planning & Zoning Commission's regular meeting at which the applicant seeks to be heard and shall include:
 - a. Completed application forms and the payment of all applicable fees;
 - b. A proposed phasing plan for the development of future sections;
 - c. Any attendant documents needed to supplement the information provided on the map.
3. A Concept Plan may be submitted for review and approval simultaneously with a Preliminary Plat; provided, however, that the plat shall not be approved until the Concept Plan has been approved.



4. A Concept Plan shall be printed on 24" x 36" paper at a scale of 1 inch = 100 feet (or larger) with all dimensions measured accurately to the nearest foot; provided, however, that a different scale may be used if approved by the Administrator prior to submittal.
5. The Concept Plan shall contain or have attached thereto:
 - a. Name and addresses of the developer, record owner, land planner and engineer;
 - b. Proposed name of the subdivision, date prepared and/or revised, north indicator and scale;
 - c. Location map drawn at a scale of 2,000 feet per inch showing the area within a 1 mile radius of the proposed subdivision;
 - d. A layout of the entire proposed subdivision and its relationship to adjacent property, existing development and recorded maps;
 - e. Topographic contours based on USGS or NAVD Datum at 10 foot intervals based on USGS or NAVD Datum unless otherwise approved by the Administrator;
 - f. Proposed major categories of land use showing compatibility with the Master Plan;
 - g. Proposed number of dwelling units and gross density of each type of residence and proposed floor area for each non-residential parcel;
 - h. Proposed and existing arterial, collector and local streets (both public and private) to serve the general area;
 - i. Location of sites for parks, schools and other public uses, and all areas of common ownership;
 - j. Significant hydrological features and structures including any 100-year flood plains, floodways and wetlands;
 - k. Significant man-made features such as railroads, buildings, utilities and drainage structures;
 - l. Approximate boundaries and timing of proposed phases of development;
 - m. Identification of known exceptional topographical, cultural, historical, archaeological, hydrological or any other physical conditions of the property to be developed or within 100 feet on an adjacent parcel exist which will require



the establishment of reasonable design standards in excess of the established minimum standards or require a variance from minimum standards.

C. Criteria for Approval. The Planning & Zoning Commission shall consider the following criteria when making their recommendation to the Board of Supervisors:

1. The character and zoning of surrounding development;
2. The zoning and uses of the subject property;
3. The suitability of the proposed project for the site;
4. Conformance of the proposed project with the Master Plan and the County's development standards;
5. The availability and adequacy of required public and community facilities, utilities and services to serve the proposed project. These may include, but are not limited to, sanitary and storm sewers, water, electrical services, police and fire protection, schools, parks and recreation facilities, roads, libraries, solid waste collection and disposal and others, as applicable;
6. The extent to which the proposed project would adversely affect the capacity or safety of that portion of the street network influenced by the use;
7. The extent to which the proposed project would contribute to inefficient development patterns;
8. The environmental impacts that the proposed project will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm.

D. Staff Action.

1. The Administrator shall schedule the Concept Plan for review at a public hearing to be held before the Planning & Zoning Commission in conformance with Section 2.1.6 of these regulations, within 45 days of the date the application is received.
2. Prior to the Planning & Zoning Commission public hearing, the Administrator shall forward copies of the Concept Plan to appropriate departments and agencies for their review. The Administrator shall assemble all comments for review by the Planning & Zoning Commission.



E. Planning & Zoning Commission Action.

1. The Planning & Zoning Commission shall hold a public hearing on the Concept Plan application pursuant to Section 2.1.6.
2. The Planning & Zoning Commission shall determine whether the proposed development meets the criteria stated in Section 2.2.2(C) and shall make a recommendation for approval, disapproval or conditional approval to the Board of Supervisors.

F. Board of Supervisors Action.

1. Within 30 days of Planning & Zoning Commission action, the Board of Supervisors shall consider the Concept Plan application.
2. The Board of Supervisors may approve, conditionally approve or deny the Concept Plan application based on the criteria established in Section 2.2.2(C).

G. Effect of Approval. Approval of a Concept Plan constitutes acceptance of the type, density and intensity of land use indicated on the plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. The Board of Supervisors shall notify the applicant of any design requirements in excess of the established minimum standards or of any deviations from those established minimum standards set forth in these regulations. The approval of the Concept Plan shall not expire as long as the development proceeds in accordance with the phasing plan. At such time as the development lags one year behind the approved phasing plan, or a period of one year elapses without approval of a Preliminary Plat, Concept Plan approval shall expire. Upon receipt of a written request for the extension and continuance of the prior to expiration, the Board may approve extensions upon finding that conditions in the County do not justify modifications to the approved Concept Plan.

Concept Plan approval does not ensure approval of a Preliminary Plat involving a substantially different concept or failing to meet specific requirements of these regulations, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

H. Denial. If the Board of Supervisors denies a Concept Plan application, it shall record the reasons for denial in the record and forward a written statement of the reasons to the applicant.



2.2.3 Preliminary Plat.

A. Purpose. Preliminary Plat approval allows the Planning & Zoning Commission and Board of Supervisors to review all substantive aspects of a proposed subdivision and impose such conditions as will be necessary to ensure compliance with County plans and regulations.

B. Requirements for Application.

1. Before any application is made, the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for Preliminary Plat approval pursuant to these regulations.
2. A property owner or his/her designated representative shall initiate a Preliminary Plat request by filing an application with the Administrator and paying the appropriate filing fee.
3. A Preliminary Plat application shall be filed 30 days prior to the regular Planning & Zoning Commission meeting at which the applicant desires to be heard and shall include:
 - a. Copies and a reproducible sepia or tracing of the plat as required by the application;
 - b. Copies of all other information required by this section as specified on the application; and
 - c. A location map showing:
 - (1) The subdivision name.
 - (2) An outline of the area to be subdivided.
 - (3) The existing roads and public or community utilities, if any, adjoining property.
 - (4) North point and scale.
 - d. The names, mailing addresses and signatures of all owners of record of all land within the appropriate perimeter boundaries of the proposed subdivision.
 - e. Preliminary Plat of the subdivision drawn to the scale of 1 inch to 50 feet, provided that if the resulting drawing would be over 36 inches in the shortest dimension, a scale of 1 inch to 100 feet may be used, provided, however, that a different scale may be used if approved by the Administrator prior to submittal.



- f. The Preliminary Plat shall contain the following information, provided that the Administrator may waive specific informational requirements upon finding in writing that said information is not needed for evaluation of the proposed subdivision:
- (1) Legal description, acreage and name of proposed subdivision.
 - (2) Name and address of the owner.
 - (3) Name and address of the surveyor or engineer who prepared the map.
 - (4) Location of existing lot lines, public utilities, water mains, sewers, drain pipes, culverts, water course, bridges, railroads and buildings in the proposed subdivision.
 - (5) The location, widths, other dimensions and names of all adjoining highways, streets or public ways;
 - (6) The proposed location, width, name and approximate grade of each highway, street, alley or way within the proposed subdivision and approximate radius of all curves;
 - (7) The width and approximate location of all existing and proposed easements, whether public or private, for roads, drainage, sewers, irrigation or public utility purposes and dedications of land for parks, recreation areas, schools or other public purposes;
 - (8) If other subdivisions adjoin, that portion thereof which so adjoins, showing the streets therein with relation of the streets in the proposed subdivision;
 - (9) Proposed use of lots and public areas;
 - (10) Layout of proposed blocks and lots including the dimensions of each.
 - (11) All blocks shall be lettered and block letters shall be consecutive and shall begin with the letter "A." Lots shall be numbered beginning with the number "1." The dimensions of each lot shall be designated. No lot shall be divided by a city boundary line;
 - (12) If any portion of the land within the boundary of the subdivision is subject to inundation or storm water overflow, that fact and the land so affected shall be clearly designated on the map by a prominent note on each water course within the boundaries of the subdivision;



- (13) Contour at vertical intervals of not more than 2 feet, provided that the County Engineer may relax this requirement at their discretion.
 - (14) Tract boundary lines showing dimensions, bearings angles and references to known lines or bench marks.
 - (15) Date, north point, scale and number of sheet in relation to the total number of sheets;
 - (16) The location and outline to scale of each existing building or structure which is not to be moved in the development;
 - (17) A cross section of the proposed roads showing the roadway location, the type width of surfacing, the type of drainage and other improvements to be installed.
 - (18) The size, type and location of proposed wells and/or water mains and sewage disposal system if a public or community system is used;
 - (19) The drainage of the land including location of proposed storm sewers, ditches, culverts, bridges and other structures;
 - (20) A statement or plan regarding methods and/or techniques to be used in controlling soil erosion during construction and development of the subdivision.
 - (21) A statement from applicable utility companies indicating their approval of the utility easements shown on the plat; and
 - (22) Sinkholes, wetlands, floodways, floodway fringe areas and areas with slopes exceeding 30%.
 - (23) Any additional information determined necessary by the Administrator, Planning & Zoning Commission or the Board.
- g. A description of all utilities to be provided to the subdivision. Water quality sampling tests shall be required pursuant to State Health Division policies for any subdivision using individual wells for lots smaller than 2 acres. For parcels smaller than 10 acres, the Applicant shall provide information sufficient to assess compliance with State and local rules and regulations.
- h. Other information required by the Administrator to demonstrate compliance with these Regulations.



- C. Submittal Date.** For purposes of these regulations, the date of the regular meeting of the Planning & Zoning Commission at which time a complete Preliminary Plat is reviewed shall constitute the official application date of the plat.
- D. Criteria for Approval.** The recommending and decision-making bodies shall make the following findings before approving a Preliminary Plat:
1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, electric and telephone service;
 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services;
 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection;
 6. The site represents an overall development pattern that is consistent with the goals and policies of the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County;
 7. The site and application conform to all applicable provisions of these regulations;
 8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
 9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles;
 10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning & Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.;



11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles;
12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees;
13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein;

E. Staff Action.

1. The Administrator shall transmit copies of the preliminary plat to the Planning & Zoning Commission and 1 copy of each to the County Engineer and County Health Officer, or their authorized representative, for study and recommendation.
2. The County Engineer and Health Officer, or their authorized representative, shall be requested to file a written recommendation with the Planning & Zoning Commission or the Board of Supervisors within 15 days of receipt of the Preliminary Plat.

F. Notice. Notice of the hearing shall be provided pursuant to Section 2.1.1.

G. Planning & Zoning Commission Action. The Commission shall, within 30 days of the submittal date, conduct a hearing and submit its recommendation for approval, conditional approval or disapproval to the Board of Supervisors. The subdivider, may however, agree in writing to an extension of time not to exceed 60 days. A copy of the recommendations shall be forwarded to the subdivider. Failure of the Planning & Zoning Commission to act within 30 days shall result in a recommendation of approval.

H. Board of Supervisors. The Board of Supervisors, within 60 days of submittal pursuant to Section 2.2.3(G), shall by resolution approve, conditionally approve or disapprove the preliminary plat. If the preliminary plat is disapproved, the Board of Supervisors shall advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Supervisors shall constitute approval to proceed with the preparation of the final plat but not to be deemed approval of the subdivision.

I. Plats within the Area of Right of Review of a City. The procedure for plats within the jurisdiction of a city which has established its right to review subdivisions beyond its



boundaries under Chapter 354.8 and 354.9 of the code of Iowa shall be the same as set out for preliminary and final plats in Section 2.2.3 and 2.2.5 as hereinafter provided.

1. The subdivider also shall file such plats with the municipality in accordance with its established procedures. The County Planning Commission shall hear the request and recommend action on the application pursuant to these regulations.
2. If the action by the municipality is in accord with the recommendations of the Commission, the Board of Supervisors may concur with such action, provided that the design standards and improvements required are not less than those established herein.

J. Duration of Permit/Approval. Preliminary Plat approval shall confer upon the applicant, for a period of 1 year from the date of approval by the Board of Supervisors, the right to proceed to Final Plat approval pursuant to the terms and conditions under which the Preliminary Plat approval was granted by the Board of Supervisors. A Preliminary Plat may be valid for longer than 1 year only by approval of the Board of Supervisors.

2.2.4 Construction Plans/Improvements.

A. Construction Plans.

1. Following approval of the Preliminary Plat, the applicant shall have prepared by a professional engineer, registered in the State of Iowa, Construction Plans consisting of complete plans and specifications for all easements, streets, traffic control devices, street lights, street signs, sanitary sewers, storm water facilities, water system facilities, sidewalks and the provision for all public utility sources to be provided to each lot with the subdivision together with other improvements required by these regulations. Construction Plans together with plan check fees and bond estimate(s) shall be submitted to the Administrator for review, processing and County approvals.
2. All improvements required pursuant to these regulations shall be constructed in accordance with the design standards and plan requirements of these regulations, the standards and specifications of the County and, where applicable, the requirements and authorization of the appropriate state agency, utility company or local franchisee.

B. Construction Drawing Requirements.

1. **General.** The Construction Plans shall be sealed by a professional engineer. Copies of the Construction Plans shall be submitted to the Administrator for review. The Construction Plans shall be at any scale from 1 inch = 10 feet through 1 inch = 100 feet, so long as the scale is an increment of 10 feet and is sufficiently clear to reflect details of the proposed construction. Construction Plans shall be prepared on 24 x 36



inch sheets. The Plans shall include the following information, shown on separate sheets, provided that upon recommendation of the County Engineer, the Administrator may waive, in writing, informational requirements that are not needed to ensure compliance with the County's improvement requirements:

- a. A cover sheet including: owner, developer, engineer (with addresses and phone numbers), a vicinity map, all standard notes, signature block for utility and County approvals, and an index of plan sheets.
- b. The Preliminary Plat for the project drawn on the existing topographic survey of the property;
- c. Roadway, sidewalk, bikeway and traffic control construction plans, profiles and detail sheets;
- d. Sanitary sewer system construction plans, profiles and detail sheets (may be combined on roadway sheets);
- e. Storm water management plan showing plan and profile of proposed storm sewer and drainage facilities, detail sheets, hydrological and hydraulic calculations and other information as required by the County Engineer (may be combined on roadway sheets);
- f. Proposed grading cross sections and final contours in critical drainage areas;
- g. Water distribution system construction plans and details (may be shown on roadway sheets);
- h. Locations of electric, telecommunications and other utility improvements;
- i. A general schedule of the timing and sequence of construction for all required improvements (recommended for inclusion on the cover sheet);
- j. Roadway Construction Detail Sheets: All construction details pertaining to the roadway improvements (e.g., surfacing and base details, curbing or shoulder details, sidewalk, unpaved areas, entrances, lighting, etc.) shall be shown on typical section, in plan and profile. Specific details shall include, but not be limited to (and referenced to appropriate County improvement standards):
 - (1) Street installation, widening, or resurfacing improvements dimensioned and developed in accordance with County improvement standards;
 - (2) Street widening and resurfacing improvements in the right-of-way as measured from the centerline;



- (3) Mathematical profile grade and elevations at 25 foot intervals on vertical curves and 50 foot intervals on tangent sections for all roadway construction;
 - (4) Resurfacing Profile Grade elevations on existing centerline and edges of pavement at 25 foot intervals and breaks in grade (i.e., irregularities in pavement);
 - (5) Jointing plan and details for Portland Cement Concrete pavement;
 - (6) Type and location of entrance construction;
 - (7) Proposed traffic control devices and signs to be used during construction and upon completion of the project.
- k. Sanitary Sewer, Storm Drainage, and Water Line Plans and Profile Sheets. All construction details pertaining to the sanitary sewerage, storm drainage and water distribution system improvements shall be prepared in accordance with all requirements of these regulations and other pertinent County regulations and standards and shall be shown in plan and profile. With the approval of the County Engineer, the Administrator may allow profiles to be omitted from water distribution system Plans. Specific details shall include, but shall not be limited to:
- (1) Existing ground and finished grade shown and designated;
 - (2) Methods to be used in repairing open trenching of pavement;
 - (3) Limits of backfill and pavement replacement at all crossings of existing roadway surfaces not bored;
 - (4) Location of all utilities to be encountered in construction. Sufficient copies of plans must be submitted for utility providers;
 - (5) Proof of plan approval by any other political subdivisions having jurisdiction over any aspect of the proposed development must be received prior to Construction Drawing approval.
- l. Grading Plan and Cross Section Sheets. A grading plan for the entire tract within the Preliminary Plat boundaries shall be provided. All grading details pertaining to site development shall be shown in plan or on cross section sheets. Specific details shall include, but shall not be limited to:



- (1) Existing and proposed contours, normally at 2 foot intervals, in critical drainage areas. Contour intervals for Grading Plans greater than 2 feet will require the recommendation of the County Engineer and the Administrator's approval (proposed contours may be omitted, provided sufficient spot elevations are shown);
 - (2) Site grading shall be compatible with ultimate roadway elevations;
 - (3) Where required by the County Engineer, cross sections showing existing ground and finished grades plotted at a scale approved by the County Engineer, typically of not less than 1 inch = 50 feet horizontal and 1 inch = 6 feet vertical;
 - (4) Erosion Control Plan, as applicable, showing compliance with State requirements.
- m. An address map incorporating lot numbers per the Final Plat and addresses in conformance with the County's adopted address grid. The address map shall contain separate approval lines for the Engineer.
- C. Public Agency Reviews.** Prior to approving the Construction Plans, the applicant shall submit the Construction Plans to all applicable local reviewing agencies and public utility companies that will service the subdivision. The Administrator may seek consultation in the review of plans and the costs of such consultations shall be paid by the applicant.
- D. Approval.** Following agency and utility approvals and posting of appropriate bond(s), the Administrator shall approve, conditionally approve or deny the Construction Plans. Plans that were denied may be amended and immediately resubmitted. Denial may be appealed to the Board of Supervisors within 30 days of notification.
- E. Timing of Improvements.** Except upon the written approval of the Administrator, no grading, removal of vegetation, land filling, construction of improvements, or other material change, except for purposes of aiding in preparation of final engineering plans, shall commence on the subject property until the applicant has:
1. Entered into a Subdivision Improvement Agreement with the County or otherwise arranged for completion of all required improvements;
 2. Received approval of the Construction Plans and all necessary permits from the County; and
 3. Obtained necessary approvals and permits from other affected municipal, county or state agencies.



F. Modification of Construction Plans. Installation of improvements and construction shall conform to the approved Construction Plans. If the applicant chooses to make minor modifications in design and/or specifications during construction, such changes shall be made at the applicant's own risk. It shall be the responsibility of the applicant to notify the Administrator of any changes to be made from the approved plans. In the event that actual construction work deviates from that shown on the approved Construction Plans and such deviation was not approved in advance by the Administrator, the applicant shall provide "As-Built" plans pursuant to Section 2.2.4(G) and may be required to correct the installed improvements to conform to the approved Construction Plans. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of map approval and/or permits already issued and/or withholding of future approvals and permits.

G. As-Built Plans.

- 1 Prior to final inspection of the required improvements.** The applicant shall submit to the Administrator 1 reproducible copy and 2 prints of as-built engineering plans for each of the required improvements that have been completed. Each set of plans shall be certified by the applicant's engineer indicating the date when the as-built survey was made.
- 2. Sewer and storm drainage.** As-built plans shall show the constructed vertical elevation, horizontal location and size of all sanitary and storm sewers, manholes, inlets, junction boxes, detention basins and other appurtenances or elements of the sewerage and storm drainage systems constructed to serve the subdivision.
- 3. Streets.** Unless otherwise required by the County Engineer, as-built plans for roadways and street improvements shall be limited to a survey of the street centerline, with final profile elevations recorded on the plans at 100-foot intervals, plus the notation of changes in horizontal alignment or intersection geometrics which may have been made during construction. This must be accompanied by a sealed or notarized statement that the cross section and drainage do not substantially deviate from the plan.
- 4. Water.** As-built plans for water lines, valves, fire hydrants and other appurtenances or elements of the water distribution system constructed to serve the project shall be limited to horizontal location and size of water lines and location and description of valves with dimensional ties as may be required by the Administrator.
- 5. Sidewalks.** As-built Plans shall show location with respect to the street right-of-way, width and vertical elevation.



6. Control Points. As-built plans shall show all control points and monumentation.

H. Inspection and Acceptance of Improvements.

- 1. Inspection Required.** All improvements required by these regulations shall be inspected by the County Engineer, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the County with written reports of each final inspection.
- 2. Inspection Schedule.** It shall be the responsibility of the applicant to notify the County Engineer of the commencement of construction of improvements 24 hours prior thereto.
- 3. Compliance With Standards.** The applicant and the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- 4. Acceptance.**
 - a. Approval of the installation and construction of improvements by the Administrator shall not constitute acceptance by the County of the improvement for dedication purposes.
 - b. The County shall not have any responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the Board of Supervisors upon recommendation of the Administrator.
 - c. The developer shall maintain a 2 year warranty with surety posted to ensure that any failures occurring within the warranty period shall be properly repaired.
- 5. Site Cleanup.** The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the County, other than an approved landfill, is prohibited.
- 6. Failure to Complete Improvements.** If no Subdivision Improvement Agreement has been executed and no security has been posted, the failure to complete all required public improvements within the period specified by the County shall result in



expiration of Preliminary Plat approval. If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the County may:

- a. Declare the Subdivision Improvement Agreement to be in default and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- b. Suspend Final Plat approval until the public improvements are completed and record a document to that effect with the County Recorder's Office for the purpose of public notice;
- c. Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- d. Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- e. Exercise any other rights available under the law.

2.2.5 Final Plat.

A. Purpose. Final Plat approval is required as the completion of the major subdivision process so that the subdivision map can be recorded; dedications can be made and building construction can begin.

B. Requirements for Application.

1. A Final Plat shall be submitted for a then valid preliminary plat, unless the County agrees to review the preliminary and final plats concurrently.
2. Final Plat approval is a necessary prerequisite to the transfer of ownership of any lots on the subject property or the issuance of any building permits for the development.
3. Before any application is made the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for Final Plat approval pursuant to these regulations.
4. The applicant shall initiate a Final Plat approval request by filing an application with the Administrator and paying the Final Plat application fee as established by the Board of Supervisors.



5. Procedures for final plats shall be the same as set out for preliminary plats in Section 2.2.3 above, except that a public hearing shall not be required.
6. A Final Plat application shall be filed at least 30 days prior to the Planning & Zoning Commission hearing at which the application is to be reviewed and shall include:
 - a. A sufficient number of copies of the proposed Final Plat as specified on the application;
 - b. Copies of the additional information required pursuant to the application;
 - c. A completed application form;
 - d. The applicable fees for filing and recording the map; and
 - e. An agreement in writing on a form provided by the County Attorney that the developer will install all of the improvements required herein.
7. **Contents.**
 - a. It may include all or only part of the preliminary plat.
 - b. The Final Plat shall be prepared in accordance with the application requirements.
 - c. The Final Plat shall contain information required by state code including, but not limited to, the following information:
 - (1) Name of the subdivision which shall neither duplicate nor too closely resemble the name of any existing subdivision within Clinton County, unless this is the continuation of an existing subdivision;
 - (2) Total acreage of the proposed subdivision to the nearest one-hundredth of an acre if the area is 2 acres or more; or in square feet if the area is less than 2 acres;
 - (3) The location by section, tract, township, range, city, county and state, including descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
 - (4) The legal description of the entire tract to be subdivided;



- (5) The names, lines and right-of-way widths of all proposed streets with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
- (6) Accurate location of all existing and recorded roads intersecting the boundaries of the tract;
- (7) An accurate by metes and bounds description of any property offered for dedication to the County or another public entity for public use;
- (8) The boundary lines of all adjoining lands for a distance of 150 feet and showing (with dotted lines) the right-of-way lines and adjacent streets and alleys with their widths and names;
- (9) Building setback lines and easements for rights-of-way provided for public use, services or utilities, with figures showing their dimensions and listing uses that are being provided and any limitations on such easement;
- (10) Building lines and dimensions;
- (11) Area in square feet for each lot or parcel under 2 acres, or in acres to the nearest one-hundredth of an acre if the area is 2 acres or more, which shall equal or exceed applicable zoning ordinance requirements;
- (12) An accurate drawing of the proposed subdivision with the lots clearly numbered in sequence and blocks clearly lettered in sequence;
- (13) Approved Construction Plans, or as built plans, conforming with the requirements of these regulations, for all roadway, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements;
- (14) Boundary lines and description of the boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use;
- (15) Two copies of all deed restrictions and/or protective covenants and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision;
- (16) A statement dedicating all easements, streets alleys and other public areas not previously dedicated;



- (17) Other information pertaining to the proposed development as may be determined to be necessary from time to time by the Administrator or Board of Supervisors to facilitate review of the Final Plat.
- (18) Certificates Required. The Final Plat shall include appropriate certificates as determined by the County Attorney. These certificates shall include, but not be limited to:
 - (i) If the subdivision is within the jurisdiction of city, a certified Resolution of Approval by the Council of any affected city shall also accompany the final plat.
 - (ii) Certification by a registered land surveyor of the State of Iowa.
 - (iii) Certification of dedication of roads and other public property, if applicable.
 - (iv) Resolution and certificate for approval by the Board.
 - (v) Certificate of Ownership of Land.
 - (vi) *See Amendments
 - (vii) *See Amendments
- (19) The final plat shall be accompanied by the following instruments:
 - (i) (1) A certificate bearing the approval of the Board of Supervisors stating that all improvements and installations in the subdivision required by these regulations have been made or installed in accordance with the County specifications, or
(2) A Subdivision Improvement Agreement and appropriate guaranties, pursuant to Section 2.8.1.
 - (ii) Copy of Restrictive Covenants to be attached to the lots of the subdivision.
 - (iii) Dedication of agricultural easements for any subdivision within an A-1 zoning district in a form acceptable to the County Attorney and ensuring compliance with the A-1 zoning provisions.
 - (iv) If the land platted is encumbered in the manner set out in Section 354.12 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance bond and approved by



the Clerk of District Court and which runs to the County for the benefit of the purchasers of the land subdivided has been filed with the Recorder.

- (v) An opinion by a licensed attorney-at-law showing that the fee title is in the applicant's name and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.12 of the Code of Iowa.
- (vi) A recorded fence agreement, either in the covenants, or between the developer and adjoining property owners, providing for the maintenance and reconstruction of existing fences, or the construction and maintenance of new required fences. (Amended 11/22/2000-Ord 2000-06)

C. Determination of Completeness. Within five (5) business days of submission, the Administrator shall review the Final Plat application to determine its completeness.

D. Criteria for Approval. Before approving the Final Plat, the Planning & Zoning Commission and Board shall make the following findings:

1. The Final Plat substantially conforms to the approved Preliminary Plat and any conditions and exceptions granted pursuant thereto;
Substantial deviations shall include, but are not necessarily limited to, the following:
 - a. change in the location or design of a public street;
 - b. a change in the number or layout of lots or blocks;
 - c. a change in access to lots;
 - d. a change in areas, streets or rights-of-way to be reserved or dedicated;
 - e. a change in the drainage plan which increases the runoff from the tract;
 - f. a change in the public utilities and facilities to be provided; and
 - g. a change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.
2. The Final Plat conforms to all applicable requirements of these regulations, the zoning ordinance and other applicable land development regulations;
3. All submission requirements of these regulations have been satisfied;



E. Staff Action.

1. The Administrator shall schedule the Final Plat for review before the Planning & Zoning Commission within 30 days of the date the application is found to be complete.
2. The Administrator shall forward copies of the Final Plat to appropriate departments and agencies for their review and shall forward all staff and agency comments to the applicant and Commission.
3. Upon conclusion of the Board of Supervisors review, the Administrator shall send a letter to the applicant stating the Board's action on the application.

F. Planning & Zoning Commission Action. The Commission, within 30 days of the Administrator's determination that a completed application has been filed, shall conduct a meeting and recommend approval, conditional approval or denial of the application based on the criteria established in Section 2.2.5(D).

G. Board of Supervisors Action.

1. The Board, within 21 business days of the Commission's action, shall approve or disapprove the Final Plat based on the criteria established in Section 2.2.5(D); and shall transmit written notice of its decision to the applicant.
2. If the proposed Final Plat is approved, a certification of approval signed by the Chairman of the Board of Supervisors and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with such other certification and instruments as may be required by law for recordation.
3. If the Final Plat is denied, the applicant shall be notified. If the time frame for the Preliminary Plat has not expired, the applicant may submit a new Final Plat within the remaining time frame. If the Preliminary Plat approval is about to expire, the applicant may request an extension, and submit a new Final Plat within that time.

H. Duration of Permit.

1. Final Plat approval and subsequent recordation shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Board.



2. Title to property dedicated or accepted for streets and easements passes when the Final Plat is recorded. If at the time the Final Plat is approved any streets have not been accepted, the offer of dedication shall be deemed to remain open and the Board may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use.

I. Filing and Recordation.

1. The Administrator shall present the approved Final Plat to the County Recorder for filing.
2. The Final Plat shall be recorded within 1 year of the date of approval.
3. The County Recorder shall not record any Final Plat unless the map contains all of the certificates of approval, conveyance and consent required by Section 2.2.5(B) of these regulations.

J. Improvements to Precede Building Permits. Building permits shall not be issued for any structure within the boundaries of the subdivision until all of the required improvements have been constructed, are available to each lot in the subdivision, and have been inspected and accepted or approved by the Board unless subject to a Subdivision Improvement Agreement or bond, or specifically authorized by the Board of Supervisors in conjunction with Final Plat approval.

K. Revocation. Any modification of the Final Plat without approval of the Administrator shall be grounds for revocation of the approval.

2.3 MINOR SUBDIVISIONS.

2.3.1 Purpose. The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the County's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by cost of producing this data, the County herein establishes a simplified procedure for minor subdivisions.

2.3.2 Application. Applicants for subdivisions or resubdivisions creating no more than 3 new lots (4 total) may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

- A. No new public street shall be necessary for each lot to access a public street.



- B. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
- C. No off-site improvements to the County's infrastructure are determined to be necessary by the Administrator.
- D. No off-site drainage improvements are determined to be necessary by the Administrator.
- E. The buildable area of any lot meets minimum zoning size requirements without being located within a 100-year floodplain, wetland or area of steep slope.
- F. Each lot in the subdivision complies with County zoning standards.
- G. The parent tract was a legally established lot or parcel as of July 6, 1992.
- H. No variances from subdivision or zoning are required.

2.3.3 Exemptions. Any division of land that is exempt from major subdivision regulation pursuant to Section 2.2(C) shall also be exempt from minor subdivision regulation.

2.3.4 Process. The application and procedure for minor subdivisions shall be the same as for final plats as established in Section 2.2.5, as applicable. In addition, the applicant shall submit a scaled plan showing (a) all portions of the subdivision located within the 100-year floodplain, wetland or area with a slope of greater than 30 percent; and (b) sinkholes and other hydrological features. The Administrator and Planning & Zoning Commission shall evaluate the minor subdivision in accordance with the approval criteria established in Sections 2.2.3(D) and 2.2.5(D).

2.4 LOT LINE ADJUSTMENTS AND PARCEL SPLITS

2.4.1 Lot Consolidations, Parcel Splits, Boundary Adjustments and Plat Corrections

- A. **Application.** The following process may be used for:
 - 1. Lot consolidations not involving abandonment of easements or rights-of-way;
 - 2. Parcel splits adding no more than one parcel to a parcel existing on May 8, 1964, and not requiring dedication or improvement of public rights-of-way or drainage system improvements; *(Note: Lot splits shall be processed as minor subdivisions.)*



3. Adjustments of boundary lines and/or easements between two abutting parcels;
or
4. Corrections to a plat to:
 - a. To correct an error in any course or distance shown on the prior plat;
 - b. To add any course or distance that was omitted on the prior plat;
 - c. To correct an error in the description of the real property shown on the prior plat;
 - d. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 - f. To correct any other type of scrivener or clerical error or omission as previously approved by the Planning & Zoning Commission or the Board of Supervisors; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names and identification of adjacent recorded plats;
 - g. To correct an error in courses and distances of lot lines between two adjacent lots where lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;

B. Procedures.

1. The application shall be filed with the Administrator provided pursuant to Section 2.1.1.
2. The Administrator shall review the application.
3. Within 30 days of determination that a completed application has been submitted, the Administrator shall approve, approve with conditions or disapprove the application. If a concept plan is required, the Administrator may approve the concept plan concurrently with the parcel split or lot adjustment.



4. Appeals to this Section shall be reviewed as minor subdivisions.
5. All parcel splits and lot line adjustments shall be recorded as plats of survey only after certification by the Administrator that the plats comply with all applicable regulations.

C. Approval Criteria

1. All resultant parcels shall comply with the minimum standards required by these regulations;
2. No change in street right-of-way locations or reduction of easement width shall occur;
3. The action will not adversely affect the character of the previously recorded plat or the character of the area;

2.5 VACATIONS.

2.5.1 Purpose. When deemed to be in the public interest, and where no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated. Applications for vacation of any street, alley or a public reservation may be made by the County or by any owner of property on which the street, alley or public reservation lies or adjoins.

2.5.2 Process. Any street, alley or public reservation, or portion thereof, certain public roads, may be vacated by ordinance adopted by the Board, following public notice and hearing as provided in Section 2.1. Any application for vacation by ordinance shall be filed in the office of the County Engineer. The applicant shall provide evidence that the right-of-way, reservation or easement is no longer needed by any of the parties having an interest in same. Following the adoption of any resolution vacating any street, alley or public reservation, or portion thereof, the County Auditor shall file a copy thereof for recording. Any vacation of right-of-way, reservation or easement on a recorded plat shall be noted on the plat.

2.5.3 Reservation of Easements. In vacating any street, alley or public reservation, or portion thereof, either by plat or by resolution, the Board may reserve such rights-of-way and other easements as in the judgment of the Board are necessary or desirable for public service.



2.5.4 Reversion of Land Vacated. Streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties as provided by State law and any amendments thereto.

2.6 VARIANCE. The Planning & Zoning Commission may recommend and the Board may authorize a variance from the strict application of these subdivision regulations where, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose and spirit of these Regulations.

2.6.1 Applicability. A variance may be granted in conjunction with plat approval where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the property owner.

2.6.2 Process.

- A. A property owner or designated representative shall initiate a variance request by filing an application and fee with the Administrator in conjunction with preliminary plat or minor subdivision approval.
- B. When the applicant seeks a Variance, the applicant shall submit the following information:
 1. Evidence that the property was acquired in good faith and that because of the exceptional narrowness, shallowness or shape of the parcel at the time of the effective date of these Regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional circumstances, the strict application of the terms of these Regulations actually prohibits the practical use of applicant's property in the manner similar to that of other property owners in the zoning district where the property is located;
 2. Evidence of the ability and intention of the applicant to proceed with actual construction in accordance with the submitted site plan after issuance of the variance.



3. The Commission and Board shall consider the following criteria when making their decisions:
 - a. The variance requested arises from a condition or conditions which are unique to the property in question and which are not ordinarily found in the same area; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to enactment of these Regulations;
 - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
 - c. The strict application of the provisions of these Regulations would constitute unnecessary hardship upon the property owner;
 - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
 - e. The granting of the variance will not conflict with the general spirit and intent of these Regulations.
 - f. The variance is the minimum variance required to allow for development of the property..
- C. The Commission shall recommend and the Board shall decide whether to approve, conditionally approve or deny the application for a variance at the hearing for the subdivision application and shall make a findings for its decision in the record.

2.6.3 Effect of a Subdivision Variance.

- A. Any variance granted under these regulations shall eliminate the necessity of a similar variance from the provisions of the Zoning Ordinance.
- B. Any variance granted under the authority of these Regulations shall be subject to revocation if the variance is conditionally approved, and any of the required conditions are not being fulfilled.

2.7 APPEALS OF INTERPRETATIONS. An Applicant, aggrieved citizen or County representative who believes that the County has committed an error in any order, requirement, decision or refusal made by an administrative official or agency may appeal that action within 30 days of the final decision. Appeals to interpretation of fees or public improvements shall



be heard by the Board of Supervisors. All other appeals shall be heard by the Board of Adjustment pursuant to Section 9.3.8 of the Zoning Ordinance.

2.8 DEVELOPMENT IMPROVEMENT AGREEMENTS. Except as provided below, before the plat is recorded, all applicants shall be required to complete, to the satisfaction of the Administrator, all street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required by these regulations. The required improvements shall be those specified in the approved Preliminary and/or Final Plat.

As a condition of Final Plat approval, the Board may require the applicant to deposit in escrow a deed describing by metes and bounds and conveying to the County all street rights-of-way, easements and public land required by these regulations, pending acceptance of improvements by the County and recordation of the Final Plat. In the event the applicant is unable to complete the required improvements, and such improvements are deemed necessary for the preservation of the public health and safety, the County may compel the delivery of the deed in order to complete the improvements as required.

2.8.1 Improvement Agreement and Guarantee of Completion of Public Improvements.

- A. Subdivision Improvement Agreement.** The Board may waive the requirement for the completion of required improvements if the applicant enters into a Subdivision Improvement Agreement by which the applicant covenants and agrees to complete all required public improvements no later than 2 years following the date upon which the final plat is signed. Such two-year period may be extended for up to an additional 2 years at the discretion of the Board. The Board may require the applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a Subdivision Improvement Agreement for completion of the remainder of the required improvements during such 2-year period. The County Attorney shall approve any Subdivision Improvement Agreement as to form.
- B. Covenants to Run with the Land.** The Subdivision Improvement Agreement shall provide that the covenants contained therein shall run with the land and bind all successors, heirs and assignees of the applicant. The Subdivision Improvement Agreement shall be recorded with the County Recorder. All existing lienholders shall be required to consent to subordinate their liens to the covenants contained in the Subdivision Improvement Agreement.



1. Performance Security.

- a. Whenever the Board permits an applicant to enter into a Subdivision Improvement Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash escrow or a surety bond.
- b. The cash escrow or surety bond shall be in an amount estimated by the County Engineer as reflecting 110 percent of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.
- c. In addition to all other security, when the County participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County as a co-obligee.
- d. The issuer of any surety bond shall be subject to the approval of the County Attorney.

2.8.2 Escrow Agent. If security is provided in the form of a cash escrow, the applicant shall deposit same with the County Auditor a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the County Engineer.

- A. **Accrual.** The surety bond or cash escrow account shall accrue to the County for administering the construction, operation and maintenance of the improvements.
- B. **Reimbursement.** Where oversized facilities are required by the County, the County and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

2.8.3 Maintenance Bond.

- A. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of 3 years from the date of County acceptance of such improvements. The maintenance guarantee shall be secured by a surety bond or cash escrow in an amount reflecting 50% of the cost of the completed improvements.
- B. If the applicant has entered into a Subdivision Improvement Agreement for the completion of required improvements, an appropriate percentage of the performance bond or cash escrow may be retained by the County in-lieu of a maintenance bond.



- C. If the applicant has not entered into a Subdivision Improvement Agreement, the applicant shall guarantee of the improvements as required by this section. A surety bond or cash escrow totaling 50% of the costs of the completed improvements shall be provided by the applicant.

2.8.4 Temporary Improvements. The applicant shall construct and pay for all costs of temporary improvements required by the County and shall maintain said temporary improvements for the period specified.

2.8.5 Governmental Units. Governmental units to which these improvement and security provisions apply may file, in lieu of the Agreement and security, a certified resolution or ordinance by the officers or Administrators authorized to act on their behalf, agreeing to comply fully with all applicable provisions of these regulations.