

**CHAPTER 45**

**SUBDIVISION &**

**PLATTING ORDINANCE**

**For the Unincorporated Areas of**

**WASHINGTON COUNTY, IOWA**

**April 29, 2008**



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**SUBDIVISION & PLATTING ORDINANCE**  
**Washington County, Iowa**

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## PURPOSE AND JURISDICTION

**45.01 SHORT TITLE.** This Ordinance shall be known and may be cited and referred to as the “Subdivision Ordinance” of Washington County, Iowa.

**45.02 PURPOSE.** This Ordinance is adopted to establish rules, regulations and minimum standards for the design, development and improvement of all new subdivisions and to provide procedures for the submission and approval of plats and improvement plans to achieve the following objectives, among others:

1. To provide for accurate, clear, and concise legal descriptions of real estate in order to accurately identify property boundaries for taxation purposes and minimize or prevent, wherever possible, land boundary disputes or real estate title problems. To ensure that all divisions and subdivisions of land in unincorporated Washington County are reviewed and a consistent and equitable method is used for that review.

2. To encourage orderly development in unincorporated Washington County and provide for the regulation and control of the extension of public and private improvements and public services; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other required features; to provide for the improvement of land, and the design of subdivisions, consistent with the goals and policies set forth in the Washington County Comprehensive Plan; and, to promote the public health, safety, and general welfare of the citizens of Washington County, Iowa.

3. To provide for a balance between the land use right of individual landowners and the economic, social, and environmental concerns of the public when Washington County is reviewing proposed development, or enforcing land use regulations that will enable Washington County to encourage efficient, yet attractive, urban development patterns; to provide for the residential and business needs of the County through new subdivision; to preserve the availability of agricultural land; to protect soil from wind and water erosion; and to protect environmentally sensitive areas.

**45.03. APPLICABILITY.** The Subdivision Ordinance of Washington County, Iowa shall apply to all of the unincorporated territory or land in Washington County, Iowa. This Ordinance applies to all plats, corrections or modifications of plats and vacations submitted after the date of adoption of this Ordinance.

This Ordinance also applies to plats and subdivision plats recorded prior to the adoption of this Ordinance consistent with existing law. In addition, the Ordinance applies to a property split or further subdivision within a recorded plat that occurs after the adoption of this Ordinance.

**45.04. INTERPRETATION OF REGULATIONS.** The terms of this Ordinance shall be controlling, unless other regulations, ordinances, deed restrictions, covenants or easements are more restrictive, in which case, the most restrictive provisions shall control, unless those provisions are illegal or unconstitutional.

Reference numbers to the Code of Iowa sections are those in effect on the date of the adoption of this Ordinance. Future changes in the numbering of the Code of Iowa sections are intended to be incorporated herein by reference without future amendment of this Ordinance. Amendments to the Code sections which are the same or substantially similar to those in effect on the date of the adoption of this Ordinance are incorporated by this reference. These Code of

Iowa references are for the convenience and continuity of enforcement and shall in no event be construed to make this Ordinance or any part thereof invalid.

**45.05. EXEMPTIONS.** The following subdivisions of land or transactions shall be exempt or partially exempt from the provisions of this Ordinance:

1. The division of land into burial lots in a cemetery.
2. An Acquisition Plat shall be exempt and comply with the submission of items as required in Iowa Code Chapter 354, Section 4, Paragraphs 3,4, & 5.
3. An Auditor's Plat (Subdivision Plat) and Auditor's Plat of Survey shall be exempt from all except Section 45.25.1 and reviewed under the appropriate sections of 45.25.3 or 45.29.3 and submit items required in sections of Iowa Code Chapter 354.
4. The Vacation of Official Plats, Vacation of Streets or Other Public Lands, Corrections on Recorded Plats and Re-Plat of Official Plats shall be exempt from the provisions other than those required to process the affidavits, petitions or plats as outlined in Iowa Code Chapter 354.
5. The division of land into parcels of forty (40) acres or more (aliquot part) not involving any new street, easement or other dedication.
6. A Plat of Survey for the division of land which has been and will remain in Agricultural Use shall be exempt from the application procedure, departmental review and fees otherwise required by this ordinance. The plat shall meet the requirements of Section 45.23, 45.24 and 45.25.1 and shall be submitted to the Subdivision Coordinator for his review and signature. In addition, the plat shall state the parcel is valid for agricultural use only.
7. The division and platting of right-of-way land owned by the State of Iowa for sale or transfer shall be exempt from all except Section 45.25.1 and review per Section 45.25.3 and submit items required in sections of Iowa Code Chapter 354. Further division or division into buildable lots by the subsequent owner shall require the compliance with this Ordinance.
8. Retracement Plat of Survey shall be exempt.

**45.06. PLATS IN UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES (OR INCORPORATED AREAS).** For subdivisions located in the unincorporated area of Washington County but within two miles or a designated area outside of the City limits of a municipality which has established extraterritorial jurisdiction, the following shall apply:

1. The municipality and Washington County do not have a 28E or similar jurisdictional agreement establishing the procedure for review of the subdivision located in the overlapping territory. The Plat of Survey or Subdivision Plat with the detailed attachments shall be submitted to both the municipality and the County for review and approval outlined as follows:
  - A. Review of the complete plat and submittals by both the municipality and the County or with an agreement between the governing bodies, either may provide a variance to any of its standards, improvements required or conditions for approval. The municipality shall review the plat first and forward it to the County together with the approval resolution for recording. Upon approval by the County, a copy of the same shall be sent to the municipality.

B. After discussion, either the municipality or the County may waive the right to review the Subdivision Plat or Plat of Survey. The resolution from each governing body stating its action shall be forwarded with the plat for recording and a copy of same provided to the other governing body.

2. The municipality and Washington County have a 28 E agreement which defines the areas under the agreement and the specific control of those areas. The 28 E agreement also provides the procedure for plat submittal and approval.

3. Where the proposed subdivision is located in overlapping areas of review of two municipalities, the provisions of Chapter 354, Section 9.3, Code of Iowa shall apply. The County shall also require the plat submittal for the complete review procedure.

## **DEFINITIONS**

**45.10 LANGUAGE RULES.** For the interpretation of this Ordinance, certain terms and words are hereby defined. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the Ordinance context clearly indicates that a different meaning was intended.

1. The word “shall” is always mandatory and the word “may” is permissive.

2. Words used in the present tense include the future tense; words in the singular include the plural and words in the plural include the singular and words of one gender include all other genders, unless the context clearly indicates the contrary.

3. In the event of a difference of meaning or inconsistency between the heading of a section of the Ordinance and the context thereof, the context shall control.

**45.11 DEFINITIONS.** The following definitions shall apply for purposes of this Ordinance in addition to or instead of the definitions in Section 354.2 and 355.1 of the Code of Iowa.

**Abutting:** Having a common boundary. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway or body of water shall not be construed as abutting herein.

**Agricultural Use:** The land, structure, or use, while so used, which are primarily adapted for farmland, farms, farm operations, and farm dwellings; and the necessary accessory uses for treating or storing the farm products; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activity. For purposes of this Ordinance and its implementation, this definition includes private open space, including but not limited to woodlands, wetlands, native and open prairies, surface waters and wildlife habitats.

**Aliquot Part:** A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4) or one-quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.

**Alley:** A dedicated public right-of-way or service way, other than a street, designed to provide a secondary means of access to abutting property.

**Auditor's Plat:** A Subdivision Plat required by either the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation and prepared by a surveyor under the direction of the County Auditor.

**Block:** An area of land within a subdivision that is entirely bounded by public streets or land, streams, railroad right-of-ways or the boundary of the subdivision.

**Board of Adjustment:** The Board of Adjustment of Washington County, Iowa, consisting of a five member quasi-judicial board appointed by the Board of Supervisors as authorized by Section 45.92 of this Ordinance and whose purpose is to hear requests for variances to this Ordinance as stated in the terms of this ordinance.

**Board (or) Board of Supervisors:** The Board of Supervisors of Washington County, Iowa.

**Board of Health:** The Washington County Board of Health.

**Buildable Lot:** A lot with adequate area to afford the construction of a residence meeting the minimum net lot area needs of this Ordinance for the type of water and sewer service selected.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

**Building Setback:** The horizontal distance specified by protective covenants or ordinance requirements between the proposed building lines and right-of-way lines, easement lines or front, rear or side lot boundary lines.

**Central Sewer System:** A central sanitary sewer collection system available to each proposed and platted lot in the subdivision and discharging into an integral treatment facility, the construction and location of which is approved by the Iowa Department of Natural Resources. The central system does not include individual on-site septic systems.

**Central Water System:** A single or connected multiple well(s) and the distribution equipment needed to provide water to all the subdivision lots.

**Cluster Subdivision:** A developed area for single family housing permitting the reduction in lot areas and bulk requirements, provided there is no increase in the number of lots permitted compared to conventional lot design of the area. The remaining unoccupied land area is devoted to open space.

**Commission:** The Land Use and Planning Commission of Washington County, Iowa.

**Common or Open Space:** An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access and the enjoyment and benefit of the owners and occupants of the individual building sites of said subdivision.

**Comprehensive Plan:** The general plan for the development of the County, that may be titled Master Plan, Land Use Plan, Comprehensive Plan or some other title, which has been adopted by the Board of Supervisors. Such "Comprehensive Plan" shall include any part of such plan separately adopted and any amendment to such plan or parts thereof.

**Corn Suitability Rating (CSR):** An index to provide a rating for each soil type for the corn productivity potential utilizing soil profile properties, soil slope characteristics, weather



conditions and other factors. The information found in the Soil Survey for Washington County, Iowa provided by the USDA Soil Conservation Service and other contributing agencies.

**County:** Washington County, Iowa.

**County Engineer:** The County Engineer for Washington County or any of the County Engineer's staff designated to act for the County Engineer in carrying out the duties prescribed by this Ordinance.

**County Infraction:** A civil offense as defined in Chapter 2 of the Washington County Code of Ordinances and punishable by a civil penalty and issued by means of a citation as detailed.

**Covenant Restrictive or Protective:** A private legal restriction on the use of land, attached in the deed to the property. A set of covenants is most commonly used in the establishment of a subdivision, implemented by the developer to control the use of all lots and list the responsibilities of all lot owners.

**Dedication:** A grant to Washington County or other municipality of title in fee simple to land or other real property and improvements and/or a grant to the public or an entity of any easement so described.

**Developer:** The owner or the authorized agent of the owner of the land to be subdivided. Consent shall be required from the legal owner of said land.

**Division:** Dividing a tract or parcel of land into two (2) parcels by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this Ordinance.

**Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity. The grant may be a particular form of usage and/or a restriction on the usage of said property.

**Environmental Administrator:** The Environmental Administrator or designee for Washington County, Iowa, as appointed by the Washington County Board of Health.

**Flood Hazard Area:** Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood, as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency or if not designated, then as determined by a licensed engineer.

**Flood Plain:** The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

**Forty Acre Aliquot Part:** One-quarter (1/4) of one-quarter (1/4) of a section the area of approximately forty (40) acres.

**Improvement:** Addition of any facility or construction on the land necessary to prepare it for building sites, carried out by a subdivider in the initial stages of development, including but not limited to, grading, installation of wells, water mains, sewers, drainage structures, street surfacing and other utilities and services.

**Land Use and Planning Commission:** The Washington County Land Use and Planning Commission.

**Lot:** A tract of land represented and identified by number or letter designation on an official plat.

**Lot Types:** For the purpose of this Ordinance the following lot types are defined:

A. **Corner Lot:** A lot abutting upon two streets at their intersection.

B. **Double Frontage Lot:** A lot, other than a corner lot, having frontage on two (2) non-intersecting streets.

C. **Flag Lot:** An interior lot with the major area located behind other lots and a narrow strip of land, used exclusively for access purposes, connecting the main area with a public street.

D. **Interior Lot:** A lot, other than a corner lot, having frontage on one (1) street.

E. **Outlot:** A lot set aside for purposes other than residential or business buildings and the use or function clearly designated and accepted by the Board.

**Official Plat:** A Subdivision Plat or Auditor's Subdivision Plat that meets the requirements and has been approved under the terms of this Ordinance and has been filed for record in the offices of the County Recorder, Auditor and Assessor.

**Owner:** Any person or legal entity holding title to or sufficient equitable interest in the property sought to be subdivided under these regulations.

**Parcel:** A part of a tract of land.

**Person:** The word as used herein means individuals, executors, trustees, corporations, firms and associations of whatever form.

**Planned Unit Development (PLUD):** An area of a minimum contiguous size, as specified by ordinance to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. The PLUD shall comply with the provisions of this Ordinance.

**Plat of Survey:** The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat and prepared by a licensed land surveyor.

**Property Line Adjustment:** Adjustment of the boundary line(s) between two abutting lots or parcels and all property ownership remains with the abutting owners.

**Quarter-Quarter Section:** The northeast, northwest, southeast or southwest quarter (1/4) of a quarter (1/4) section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.

**Replat:** A survey of an area within an official plat requested by the property owner through petition to the governing body to correct a substantial error or defect in said official plat.

**Re-subdivision:** Any further subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.

**Retracement Plat of Survey:** A plat of survey of an existing parcel or parcels including the previously recorded description of each parcel and no new division.

**Right-of-Way:** The land area, the right to possession of which is secured by deed or easement usually to a governing body. The main purposes are providing for vehicular and pedestrian traffic and for utility placement.

**Roadway:** The improved portion of the right-of-way used by vehicular traffic, typically between the back of curbs or between the edges of pavement or gravel.

**Street:** The entire width between property lines or the right-of-way lines of every public or private way intended to provide access to abutting property, provide for the circulation of vehicular and pedestrian traffic and for the placement of utilities. The term “street” shall include avenue, circle, drive, highway, lane, place, road, thoroughfare, or any other similar designation. In the appropriate context, the term “street” may refer to the surfacing installed within the right-of-way.

A. **Arterial Street:** Any street serving major traffic movements which is designed primarily as a traffic carrier between cities and towns or between various sections of the County, which forms part of a network of through streets, or which provides service and access to abutting properties only as a secondary function.

B. **Collector Street:** Any street designed primarily to gather traffic from local streets and carry it to the arterial system.

C. **County Road:** Any street under the jurisdiction of Washington County.

D. **Cul-de-sac:** A street having one end connecting to another street and the other end terminated by a vehicular turn-around.

E. **Dead-End Street:** A local street having only one (1) outlet connection.

F. **Frontage Street:** A local street which is parallel with an adjacent permanent highway, arterial street, or collector street, and which provides access to abutting properties and provides protection from fast through-traffic on the adjacent highway or street.

G. **Highway:** An officially designated federal or state numbered highway, or other major street or road designated by the County as a thoroughfare.

H. **Local Street:** A street designed primarily to provide access to abutting properties and to discourage through traffic.

I. **Private Street:** The land area between property lines through private property to which the access for vehicular traffic is dedicated to the public, but not accepted into a municipal, county, or state road system.

J. **Public Street:** The land area between property lines or right-of-way lines to which access for vehicular traffic is dedicated to the public and accepted by a governmental agency.

**Subdivider:** The owner of property being subdivided, or such other person or entity empowered to act on the owner's behalf.

**Subdivision:** The repeated or simultaneous dividing of a tract, lot, or parcel of land into two or more parts, for immediate or future sale, transfer or building development. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

A. **Major Subdivision:** All subdivisions involving the creation:

- 1) Six (6) or more lots without improvements, fronting on an existing street.
- 2) Two (2) or more lots requiring major improvements including streets.

B. **Minor Subdivision:** A subdivision, re-subdivision or new parcel fronting on an existing street and not requiring any new major improvements and not adversely affecting the remainder of the parcel or adjoining property.

- 1) **Multiple Lots:** The creation of two (2) to five (5) lots (total).
- 2) **Property Split:** The division of a parcel adding no more than one new parcel.

**Subdivision Coordinator or Coordinator:** The Subdivision Coordinator for Washington County, Iowa including any of the Coordinator's staff and other County Office's staff designated to carry out the duties prescribed by this Ordinance.

**Subdivision Improvement Agreement:** A binding agreement between the owner or subdivider and the County in which the subdivider agrees to complete all of the improvements listed in general form on the approved Preliminary Plat within a one year period following the recording of the Final Plat and provides a surety bond to guarantee the completion of same.

**Subdivision Plat:** The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for Washington County and which is submitted to meet the requirements of this Ordinance.

A. **Minor Subdivision Plat:** The single process Minor Subdivision Plat detailing the proposed lot layout and minimum improvements to the land and submitted with additional documents to the County for review and approval and upon approval, filed with the County Recorder, Auditor and Assessor.

B. **Preliminary Plat:** The initial Major Subdivision Plat detailing the proposed lot layout, construction and improvements to the land and submitted with additional materials to the County for review and approval as the first phase of the process.

C. **Final Plat:** The Major Subdivision Plat in its final form with the constructed improvements detailed and submitted with additional documents to the County for approval and upon approval, filed with the County Recorder, Auditor and Assessor.

**Surety Bond:** A financial commitment provided by the subdivider in the form of a bond, escrow or letter of credit to the County to guarantee the completion of the improvement installation. The surety shall be payable to the County on demand and written with the same time limit as the Subdivision Improvement Agreement.

**Surveyor:** An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa.

**Tract:** An aliquot part of a section, a lot within an official plat, or a government lot.

**Watercourse:** Any lake, river, creek, ditch or other body of water or channel having definite banks and bed with water flow or the occurrence of water, except lakes or ponds without outlet to which only one landowner is riparian. Watercourse does not include water flow or the occurrence of water in a terrace, grassed waterway, solids settling basin, road ditch, areas subject to rill erosion, or other similar areas.

## **PROCEDURES AND SUBMISSION REQUIREMENTS FOR ALL PLATS**

**45.20 PURPOSE.** Provide a consistent and uniform method to prepare, make application, review and approve Subdivision Plats and Plats of Survey.

**45.21 PROCEDURES FOR ALL PLAT CLASSIFICATIONS.** All subdivisions and surveys shall be placed into one of the following classifications by the Subdivision Coordinator before the application and review procedure begins.

1. In order to secure approval of any Plat of Survey or proposed Subdivision Plat, the owner and subdivider shall submit to the Subdivision Coordinator, plats and other information and documentation as required by this Ordinance.

2. The procedure for classification, submission, review and approval for all plats prior to recording shall include, but not be limited to the following:

A. Minor Subdivision – Property Split as defined in this text; not part of a subdivision; pre-application conference; application submittal with Plat of Survey; review as Plat of Survey and approval by Subdivision Coordinator.

B. Minor Subdivision – Multiple Lots as defined in this text; pre-application conference; application submittal with Minor Plat; review and approval by the Board of Supervisors.

C. Major Subdivision as defined in this text; pre-application conference; application submittal with Preliminary Plat; review of same by Commission; approval by the Board; submittal of Construction Plan; review and approval of same by Subdivision Coordinator; application submittal with Final Plat; review of same (as needed) by Commission and approval by Board of Supervisors.

D. Property Line Adjustment as defined in this text and access is not affected and no additional buildable lot or parcel is created; pre-application contact; application submittal with a Plat of Survey; review as Plat of Survey and approval by the Subdivision Coordinator.

E. Acquisition Plat as defined by Iowa Code 354; submit to the Recorder with the items as required in Section 4, Paragraphs 3,4 & 5 of the same.

F. Auditor’s Plat of Survey as defined by Iowa Code 354 and for a property split; pre-application contact; application submittal with Plat of Survey; review as Plat of Survey and for compliance with 354.4,13,15 & 16 and approval by the Subdivision Coordinator.

G. Auditor's Plat (Subdivision) as defined in this text and for a major or minor subdivision; pre-application conference; application submittal with a Minor Plat; review as Minor Plat and for compliance with 354.6,13,15 & 16 and approval by the Board of Supervisors.

H. Retracement Plat of Survey as defined in this text; pre-application contact; application submittal with Plat of Survey; review as Plat of Survey and approval by the Coordinator.

I. Corrections and Errors on Recorded Plats as defined by Iowa Code 354; pre-application contact; application submittal with an affidavit; review for compliance with 354.24 & 26 and approval by the Subdivision Coordinator.

J. Re-Plat of Official Plat as defined by Iowa Code 354; pre-application contact; petition submittal to Board; public notice and Board action; application submittal with Final Plat; review as a Final Plat and for compliance with 354.6, 25 & 26; public hearing and approval by the Board of Supervisors.

K. Vacation of Official Plats and Vacation of Streets or Public Lands as defined by Iowa Code 354; pre-application contact; application submittal with petition or request; review for compliance with 354.22 & 23; public hearing and resolution of approval by Board of Supervisors.

L. Return sale of right-of-way land owned by the State of Iowa; pre-application contact; application submittal with Plat of Survey; review as Plat of Survey and for compliance with Iowa Code 354.4.3,4&5 and 354.5.2,4&5 and approval by the Subdivision Coordinator.

3. The plat and application submission shall be considered as officially accepted after it has been examined by the Subdivision Coordinator and found to contain the information and items essential for proper review. The Coordinator in writing may waive specific informational requirements upon finding that said information is not needed for evaluation of the application.

4. Application Denial, Re-application, Withdrawal, Amendments and Changes taking place during the review process shall be conducted in the following manner:

A. Disapproval of a Subdivision Plat by the Board shall terminate further consideration of such application. After modifications of the plat and/or submissions to comply with the reasons for denial, the items may be re-submitted with a new application.

B. Withdrawal of an application and plat may occur at any time during the review process and at that time the application fee will be forfeited. After a three(3) month period, the previously withdrawn plat may be re-submitted as a new application.

C. Amendments to the application may be submitted by the subdivider and upon authorization from the Subdivision Coordinator, all changes shall be detailed on a revised plat for re-examination and consideration.

D. Any changes made to a Final Plat or Minor Plat after approval by the Board shall be grounds for revocation of the approval.

**45.22 PRE-APPLICATION CONFERENCE OR CONTACT.** Prior to the preparation of a plat, a developer or land owner intending to subdivide land or other modifications within the scope of this ordinance should make contact with the Subdivision Coordinator. The classification of the plat will be made and the owner will be informed of the approval procedure and the documents

required for submittal. The extent of the meeting will be determined and planned according to the following:

1. Office contact is recommended prior to the preparation of the Plat of Survey for a property split, other divisions, transfers, adjustments or corrections. An office visit with the Subdivision Coordinator is recommended to assure accurate and complete document preparation and submittal by providing the needed applications and contacts to other County Offices with jurisdiction relating to the plat procedure.
2. A pre-application conference is recommended during the initial planning stage for a minor or major subdivision. The conference may be attended by the owner and representatives as needed, affected County Departments, City staff (if applicable), utility provider agents and Subdivision Coordinator or staff. It is recommended that the subdivider provide material relating to the proposed subdivision including a location map detailing the existing adjacent streets and other facilities. A sketch plan detailing the layout of the lots, streets, basic improvements, site conditions and adjacent features and utilities is also recommended. The subdivider will be provided with the needed application forms, fee schedules, submittal criteria and improvements specifications to assist in the preparation of the appropriate plat and requested items for the proposed subdivision.

There is no fee at the pre-application stage. The assistance and suggestions provided at the pre-application conference shall not be binding upon the subsequent review and approval of the Subdivision Plats.

**45.23 SUBMISSION REQUIREMENTS FOR ALL PLATS.** The drawing scale and size requirements will provide consistent documents for accurate review by all affected offices and provide a convenient size for recording and processing.

1. The plat shall be to a legible scale of one (1) inch equals one hundred (100) feet or a whole number multiple of the same as authorized by the Subdivision Coordinator.
2. The date of the document, the approximate true north point, and a stated legible scale detailed with a bar graph shall be shown on each plat sheet.
3. The drawing size for the plat shall be one of the following sizes: 8½"x14", 11"x17", or 22"x34". Where more than one sheet is required, the sheets shall show the number of the sheet, the total number of sheets in the plat, and match lines indicating where other sheets adjoin. If 22"x34" sheets are used, a reduced (8½"x 14" or 11"x17") sheet shall be included to be filed with the County Recorder. The recording sheet shall provide a two (2) inch top margin or a 2 inch high by 2 ¼ inch wide block out along and below the top margin.
4. In addition to the paper copy, electronic format when available, for all Minor and Final Plats shall be submitted on disk to the Auditor's Office. The preferred program will be detailed with the information provided at the pre-application conference.
5. The plat shall contain a certification statement signed and dated by the surveyor and shall bear the surveyor's Iowa registration number and original legible seal. The name and address of the professional preparing the plat shall be provided.

**45.24 MONUMENTS.** Permanent monuments placed at each corner and angle point of the lots and parcels as required by Iowa Code Section 355.6 and at each corner and angle point referenced by the legal description traversing to the Point of Beginning shall be:

1. The permanent monument solidly embedded in the ground shall be a minimum size of ½” diameter and thirty (30”) inches long, and capable of being detected by commonly used magnetic or electronic equipment.

2. Approved alternate monuments include:

A. Scribed “X” in concrete surfaces.

B. P-K nail, mag nail, or other magnetic item in concrete, wood or asphalt surface.

**45.25 PLAT OF SURVEY PROCEDURE.** A Plat of Survey shall be prepared for a property split, property line adjustment and other plat procedures as previously noted and submitted together with the application. The review procedure shall include the following:

1. Plat of Survey Requirements. The plat shall be clearly marked as a plat of survey and the information on the plat shall include all items required in Chapters 354 and 355, Code of Iowa, and the related Iowa Administrative Code including, but not limited to the following:

A. The name of the proprietor(s).

B. A parcel letter designation for one or both parcels as determined and approved by the County Auditor.

C. An accurate description of each parcel.

D. The total acreage of each parcel and of that lying within a public right-of-way in each parcel and that portion of the same in each quarter–quarter section.

E. Permanent monument placement, existing monument location and reference and plat boundary identification shall be as required by Iowa Code Chapter 355.

F. Detail the location and width of any access easements.

G. An approval block entitled: Meets Subdivision Ordinance Requirements  
\_\_\_\_\_ Date \_\_\_\_\_  
*Washington County Subdivision Coordinator*

2. Plat of Survey Application Submittal. The application for Plat of Survey approval shall be submitted to the Subdivision Coordinator. The application shall be accompanied by the fee, contain the following information and items and include five (5) copies of the Plat of Survey:

A. The name, address, and telephone number of the land owner(s) and the developer, if other than the owner.

B. The names, addresses, telephone numbers of all professional consultants advising the developer (i.e. surveyor, engineer, attorney, planner, realtor, etc.).

C. The property description and street address or general location.

D. The present and proposed use of the subject property.

E. A copy of any protective covenants, use restrictions, details of any building setbacks and easements to be recorded with the Plat of Survey.



F. A statement of the proposed water supply and sanitary sewage treatment methods for any new buildable lot created with the submissions as required in this Ordinance and the description of any existing water and sewer installations.

G. Other submissions from the Improvements Required and Standards for Design sections as requested by the Subdivision Coordinator for specific site conditions.

H. Entrance authorization for County roads or State Highways. A copy of the Highway Right-of-Way Work Permit for a new or modified entrance to a County road. A copy of the permit application made to the Iowa Department of Transportation authorizing an entrance to a State Highway.

I. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.

J. A copy of the certified Resolution from the City Council or other administrative approval relative to the action regarding the Plat of Survey if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

3. Plat of Survey Approval Procedure. The Plat of Survey, application and documentation review is as follows:

A. The Subdivision Coordinator shall provide copies for review to the County Engineer, County Auditor, Environmental Administrator, and City (if applicable). The various officials requested to provide a written recommendation to the Coordinator within ten (10) days after receipt of the application.

B. After review of the complete application and County officials' recommendations, the Subdivision Coordinator, or designee, shall approve or disapprove the application. If the Plat of Survey and submissions comply with the Subdivision Ordinance, the Coordinator or designee shall sign the approval block. In the event the Plat of Survey or documents do not comply, the Coordinator shall notify the owner and surveyor of the specific item(s) of non-compliance. The owner or surveyor may then correct the plat and return for review completion. The Coordinator's review shall normally be completed within ten (10) days.

C. Copies of the approved Plat of Survey and documents shall be returned to the owner or the surveyor with instructions to file the Plat of Survey and any other required documents at the County Recorder's Office to complete the process.

D. The Plat of Survey shall be filed with the County Recorder within thirty (30) days of the Coordinator's approval. If the plat is not filed within that time period, the Coordinator shall consider extension of the time period or request Board action to revoke the plat approval.

E. Appeals of the Subdivision Coordinator's action on the Plat of Survey shall be reviewed by the Land Use and Planning Commission. The applicant or city with co-jurisdiction over the plat must submit the appeal in writing within thirty (30) days of notification of the decision sent by return receipt mail.

**45.26 MINOR SUBDIVISION PLAT PROCEDURE.** A Minor Subdivision Plat shall be prepared for a Minor Subdivision and submitted with the application form and other attachments to the Subdivision Coordinator. The review procedure shall include the following:

1. Minor Subdivision Plat Requirements:

- A. The plat shall be clearly labeled as a Minor Subdivision Plat.
- B. The information on the plat shall include items required in Chapters 354 and 355, Code of Iowa and the related Iowa Administrative Code.
- C. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.
- D. Subdivision acreage and lot areas with the portions of each within existing street right-of-way.
- E. A location map on or accompanying the plat, detailing the general placement of the proposed subdivision in relation to the surrounding lands and roads.
- F. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the proposed subdivision.
- G. The location, right-of-way width, surfacing width and names of all existing streets. The location and identification of existing easements including those for access and utilities
- H. The location of all known wells, water mains, sanitary and storm sewers, field tiles and other utilities in and within two hundred (200) feet of the proposed subdivision.
- I. The location of known surface features such as buildings, parks, cemeteries, bridges, culverts, water bodies, watercourses, wetlands and wooded areas in and within two hundred (200) feet of the proposed subdivision.
- J. The location and detail of all proposed driveways to be installed including easements and covenants for shared access and turn-around areas.
- K. The location and detail of all proposed utilities, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electrical and communication services.
- L. The location, width, purpose and limitations of all proposed easements with accurate dimensions and references to known lines shall be provided.
- M. The accurate outline of all property and easements which are offered for dedication for public use with the purpose indicated thereon. Also include any additional easements to extend the right-of-way for existing Area Service "A" County Roads and detail any land or improvements, if any, to be dedicated to the County.
- N. The accurate outline of all property including driveways, open space and water and sewer systems and easements that may be retained by deed covenant for the common use of the subdivision residents and details provided for the dedication procedure, restrictions and maintenance.
- O. When the plat is located in or adjacent to a flood prone area as indicated by available government publications, the areas subject to storm water overflow along any watercourse or drainage area within the proposed subdivision shall be clearly designated on the plat. The delineation shall be provided for all watercourses or as

needed after preliminary data review and agreement by the Coordinator and County Engineer. The vertical elevation line of the boundary of the one hundred (100) year flood event as determined by a licensed engineer shall be detailed along each watercourse. A copy of the engineer's hydraulic analysis shall be attached to the application.

- P. Any other pertinent information, as requested by County Departmental Review.
- Q. An approval block entitled:

<b>PLAT/PLAN APPROVED BY WASHINGTON COUNTY</b>	
<b>APPROVED BY THE WASHINGTON COUNTY BOARD OF SUPERVISORS ON THIS _____ DAY OF _____</b>	
<b>BY:</b> _____ <b>CHAIRPERSON</b>	<b>ATTEST BY:</b> _____ <b>COUNTY AUDITOR</b>

2. Minor Subdivision Plat Application Submittal. The application form for Minor Subdivision Plat shall be submitted to the Subdivision Coordinator and shall be accompanied by the fee, eight (8) copies of the Minor Subdivision Plat and the following documents:

- A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e. surveyor, engineer, attorney, planner, realtor, etc.).
- B. A certificate from the County Auditor approving the succinct subdivision name.
- C. The name(s) and mailing address(s) of the land owners adjacent the proposed subdivision or subdivider's property surrounding the proposed subdivision.
- D. A statement of the proposed water supply and sanitary sewage treatment methods to be utilized in each of the lots which complies with the requirements of this Ordinance and of the Board of Health Ordinances.
- E. A copy of the protective covenants or restrictions for the proposed subdivision. The purpose and restrictions of all easements affecting the property shall be clearly defined. The procedure for dedication of any open areas and related minor improvements to the homeowner's association together with the maintenance responsibility assignment shall be detailed.
- F. Certificates of dedication, if applicable, of property and/or easements to the public. Additional certificates of dedication for the extended right-of-way easement for existing Area Service "A" County Roads and for land or improvements, if any, to the County.
- G. A statement as to the ability of the Subdivider to obtain authorization for new driveways to County roads or State highways. If available, a copy of the Highway Right-Of-Way Work Permit for the new or modified entrance to a County road or a

copy of the permit application made to the Iowa Department of Transportation authorizing an entrance to a State highway.

- H. A signed signature block on the Minor Subdivision Plat by the City relative to its consideration regarding the Minor Subdivision Plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

3. Minor Subdivision Plat Approval Procedure. The Minor Subdivision Plat, application and items shall be submitted to the Subdivision Coordinator thirty (30) days prior to a regular Board of Supervisor meeting at which the applicant desires to be heard. The procedure shall be as follows:

- A. Distribution of Minor Subdivision Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for their review. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.
- B. Department Review of Minor Subdivision Plat. Within fifteen (15) days of receipt of the plat materials, the several County departments shall complete their reviews of the same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews and comments to the owner or subdivider and to the Board of Supervisors.
- C. Minor Subdivision Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the plat and documents as outlined in the department technical reviews to assure compliance with this Ordinance and provide the plat accuracy required for filing. The subdivider may request in writing a sixty (60) day extension, as approved by the Coordinator, prior to the Board of Supervisors action. As needed, the Coordinator shall submit to the Board of Supervisors a report detailing the completion of the noted corrections or modifications.
- D. Board of Supervisors Public Hearing. After receipt of the department reviews for the Minor Plat and application, the Board of Supervisors shall hold a public hearing on the consideration of same. The notice of public hearing shall be given as provided by current Iowa Code. The Coordinator shall send a notice of the public hearing to the property owners adjacent the proposed subdivision or the subdivider's property surrounding the proposed subdivision. The notice shall be sent seven (7) to ten (10) days prior to the hearing date.
- E. Board of Supervisors Review. The Board of Supervisors shall, within thirty (30) days, or more as extended, after receipt of the Minor Subdivision Plat, application and reviews and conducting the hearing, evaluate the application and act upon it. Action may be taken at the conclusion of the public hearing or postponed to an announced future meeting date. Action may also be postponed by agreement with the subdivider to allow the application corrections for compliance to be completed. With such examination, the Board of Supervisors shall ascertain whether the plat complies with all applicable provisions of this Ordinance and other regulating standards and plans of the County in order to protect the public interest, health and welfare of the County residents.
- F. Board of Supervisor Action. Upon consideration of the Minor Subdivision Plat and submissions as detailed, the Board of Supervisors shall provide a resolution to approve

or deny approval of the plat. The reasons for disapproval shall be clearly defined and set forth in the resolution and a copy shall be forwarded to the subdivider by the Coordinator. An additional resolution, as needed, shall accept the dedication of any minor improvements and/or easements to the County.

- G. Approval and Filing. Certified signatures of the Board of Supervisors Chair shall be affixed to five copies of the approved Minor Subdivision Plat and three copies of the resolution(s). The approval and signatures authorize the plat and documents to be filed with the County Recorder and other offices as required in Iowa Code 354.18 and the distribution detailed in section 4. "Release for Recording" following this section. The owner, subdivider or agent shall file the plat and documents with the various County offices. Upon official recording of the plat and documents, Washington County shall recognize the plat as being in full force and effect.
- H. Duration of Approval. The Minor Subdivision Plat shall be filed with the County Recorder within thirty (30) days of the Board of Supervisors approval. If the plat is not filed within that time period, the applicant may request an extension of up to sixty (60) days from the Board of Supervisors to record the plat or the Board of Supervisors may consider action to revoke their approval.
- I. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisors' decision to District Court per Iowa Code 354.10.
- J. Variances. See Section 45.92.

4. Minor Subdivision Plat Release for Recording. The Subdivision Coordinator shall assemble the approved Minor Subdivision Plat together with all attachments required by law and by this Ordinance, to include the following, and release to the subdivider for filing with the various County Offices:

- A. Approved Minor Subdivision Plat with signatures from all required officials. One each retained by the Auditor and the Coordinator and three to the subdivider to be filed with the Recorder.
- B. Resolution of the Board of Supervisors for approval of the Minor Subdivision Plat. One each retained by the Auditor and the Coordinator and one to the subdivider to be filed with the Recorder.
- C. Resolution(s) of the Board of Supervisors, as needed, accepting any dedications to the public and approving and accepting any dedications to the County.
- D. A copy of the protective covenants or restrictions for the subdivision.
- E. A certificate from the County Auditor approving the subdivision name.

**45.27 PRELIMINARY PLAT PROCEDURE.** The subdivider shall prepare a Preliminary Plat for a Major Subdivision and shall submit the plat, application and other attachments and statements. The Preliminary Plat of a proposed subdivision is not intended to serve as a record plat. Its purpose is to allow review of all substantive aspects and impose such conditions as will be necessary to ensure compliance with County plans and regulations and safeguard the public interest, health and welfare.

1. Preliminary Plat Requirements. The Preliminary Plat shall be clearly labeled as such and the information on the plat shall include all items required in Chapters 354 and 355, Code of Iowa, and the related Iowa Administrative Code including, but not limited to the following:

A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.

B. The name of the proposed subdivision.

C. The complete legal description of the subdivision boundary. Subdivision acreage in each quarter-quarter section, and lot area totals with the portions of each within existing street right-of-way.

D. A location map on or accompany the plat, detailing the general placement of the proposed subdivision in relation to the surrounding lands and roads.

E. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the proposed subdivision.

F. The location, right-of-way width, surfacing width and names of all existing roads, streets, and easements of access, railroad right-of-ways, and utility easements in and within two hundred (200) feet of the proposed subdivision.

G. The location of known surface features such as permanent buildings, parks, cemeteries, bridges, culverts, water bodies, watercourses, wetlands and wooded areas in and within two hundred (200) feet of the proposed subdivision.

H. The location of all known wells, water mains, sanitary and storm sewers, field tile, gas lines, overhead or underground electrical or other utility lines in and within two hundred (200) feet of the proposed subdivision.

I. The layout of proposed blocks (if any) and lots and the proposed use if other than single family dwellings. The lots progressively numbered including dimensions and area of each. The lots for streets, parks and open or common areas assigned a progressive letter.

J. The location, right-of-way width, cross section, surface material, grade and names of all proposed public or private streets.

K. The location and general detail of all proposed utilities, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electric services.

L. The location, width, purpose and limitations of all proposed easements. Additional right-of-way easements for existing Area Service "A" County Roads.

M. The location and area of all property proposed to be set aside for park or playground use and other open space with a descriptive outline of the use and conditions for dedication and maintenance.

N. Topography with elevations based on sea level datum shall be as follows:

- 1) Five (5) foot vertical intervals for site slopes of ten (10) percent or more.
- 2) Two (2) foot vertical intervals for site slopes of less than ten (10) percent.
- 3) Spot elevations where the site is too flat for contours.

O. The areas subject to storm water overflow along any watercourse or drainage area within the proposed subdivision shall be clearly designated on the plat. The vertical elevation line of the boundary of the one hundred (100) year flood event as determined by a licensed engineer shall be detailed along each watercourse. A copy of the engineer's hydraulic analysis shall be attached to the application. The delineation shall be provided for all watercourses or as needed after preliminary data review and agreement by the Coordinator and County Engineer.

P. All proposed building setbacks required in covenants or other regulations.

Q. Any other pertinent information, as requested.

2. Preliminary Plat Application and Submittal. The application for Preliminary Plat approval shall be submitted to the Subdivision Coordinator. Fifteen (15) copies of the Preliminary Plat and the fee shall be submitted with the application containing the following information and attached items:

A. The name, address and telephone number of the land owner(s) and subdivider, if other than the owner. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e. surveyor, engineer, attorney, planner, realtor, etc.).

B. The name(s) and mailing address(s) of the land owners adjacent the proposed subdivision or subdivider's property surrounding the proposed subdivision.

C. A statement by the subdivider detailing the proposed method of water supply and sanitary sewage treatment which complies with the appropriate Standards for Design and Development section of this Ordinance. When municipal or public systems are proposed, preliminary agreements with the affected municipality, governing agency application forms and general design criteria shall be provided.

D. A statement by the subdivider describing the general nature and type of improvements proposed for the subdivision, the manner intended to provide for their installation and the timetable for the completion of same. An outline of the provisions of the proposed Subdivision Improvement Agreement, if needed.

E. A general cost estimate prepared by the subdivider's engineer for the improvements outlined in C and D to be installed after the Final Plat approval.

F. A statement of any proposed protective covenants or restrictions in outline form to be recorded with the Final Plat.

G. A copy of the Preliminary Plat and a cover letter shall be sent by the subdivider to each utility provider for the proposed subdivision prior to the submission to the County. A copy of each cover letter sent and the signed postal receipt request for the same to be submitted with the application.

H. A copy of the Preliminary Plat and a cover letter shall be sent by the subdivider to the primary fire, ambulance and law enforcement officials designated to provide services to the proposed subdivision. A copy of the same shall be sent to the school district administration serving the development area. The plats and letters shall be sent prior to the application submission to the County and a copy of each letter and the signed postal receipt request for the same submitted with the application.

I. A copy of the signed land disturbing activities affidavit to be submitted to the Washington County Soil and Water Conservation District. A copy of the general storm water permit No. 2 application and plan to be submitted to the DNR.

J. Storm water drainage evaluation for each waterway leaving the subdivision. Drainage volumes for a twenty five (25) year rainfall events in cubic feet per second provided for conditions before and after the completed proposed development including flow control measures as outlined in this Ordinance.

K. Entrance authorization for subdivision streets to County roads or State Highways. A copy of the Highway Right-of-Way Work Permit for the new or modified entrance to a County road. A copy of the permit application made to the Iowa Department of Transportation authorizing an entrance to a State Highway.

L. An approved New 911 Street Name Application for the subdivision street names forwarded from the 911 Supervisor.

M. A certificate from the County Auditor approving the succinct subdivision name.

N. A proposed fence agreement(s) for all fences for those boundary sections of the proposed subdivision which are adjacent to land with an agricultural use.

O. A copy of the Resolution from the City Council relative to its consideration and action regarding the proposed Preliminary Plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

P. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.

3. Preliminary Plat Approval Procedure. The Preliminary Plat, application and items shall be submitted thirty (30) days prior to the regular Land Use and Planning Commission meeting at which the applicant desires to be heard. The review and approval procedure shall be as follows:

A. Distribution of Preliminary Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for their review. Copies of the plat and application shall be reserved for the Commission members. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.

B. Department Review of Preliminary Plat. Within fifteen (15) days of receipt of the Preliminary Plat and materials, the several County departments shall complete their reviews of same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews and comments to the owner or subdivider and to the Commission members.

C. Commission Public Meeting. The Coordinator shall schedule a public meeting for the Commission to review the submitted Preliminary Plat within thirty (30) days of the acceptance. The notice of the public meeting shall be posted and provided to area news media. The Coordinator shall send a notice of the meeting to the property owners adjacent the proposed subdivision or the subdivider's property surrounding the proposed subdivision. The notice shall be sent seven (7) to ten (10) days prior to the meeting date.



D. Commission Review and Recommendation. The Commission shall, within forty-five (45) days of the acceptance, submit recommendations to the Board. The Commission shall review the Preliminary Plat and applicable materials and evaluate the public comments and department technical review comments. The Commission shall recommend to the Board that the Preliminary Plat be approved, approved with conditions or disapproved. A copy of the Commission's recommendation and supporting statement shall be forwarded to the subdivider. A copy of the same together with copies of the Preliminary Plat, application and department reviews shall be forwarded to the Board.

E. Preliminary Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the Preliminary Plat and documents as outlined in the department technical reviews and the commission's recommendation to assure compliance with this Ordinance. As needed, the Coordinator shall submit to the Board a report detailing the completion of the noted corrections or modifications. The subdivider may request in writing a sixty (60) day extension as approved by the Coordinator and prior to the Board action.

F. Board Public Hearing. After receipt of the written recommendations for the proposed subdivision, the Board shall hold a public hearing on the consideration of same. The notice of public hearing shall be given as provided by Iowa Code.

G. Board Review and Action. The Board shall, within thirty (30) days after receipt of the Commission's recommendation and information, conduct a public hearing, evaluate the application and reports and provide a resolution considering the same. Upon such examination, the Board shall ascertain whether the plat conforms to the ordinances, standards and plans of the County in order to protect the public interest, health and welfare and through the resolution approve, approve with conditions or disapprove the plat. The conditions for the approval or the reasons for disapproval shall be clearly defined and set forth in the resolution. Three copies of the Preliminary Plat and resolution shall be signed by the Board Chair. The Coordinator shall maintain one set of each and send another set to the subdivider.

H. Status of Approval. Approval of the Preliminary Plat by the Board shall signify the general acceptability of the proposed subdivision and not approval for recording purposes. This initial approval shall constitute authorization to proceed with the preparation of the Construction Plans and Final Plat and the installation of the improvements after the required approval.

I. Duration of Approval. The approval of the Preliminary Plat shall be effective for twelve (12) months and if the Final Plat for all or part of the approved Preliminary Plat is not filed within that period, or authorized extension thereof, the approval of the same shall become null and void. Upon written request of the subdivider, the Coordinator may grant one extension of time of up to twelve (12) months maximum. For Final Plat submissions on successive phases of an approved Preliminary Plat, the Coordinator may grant one twenty-four (24) month time extension for each successive phase to a maximum of three (3) such extensions.

J. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisor's decision to district court per Iowa Code 354.10. The decision notification to the applicant shall be sent by restricted certified mail.

**45.28 CONSTRUCTION PLAN PROCEDURE.** The preparation and approval of the Construction Plans and specifications, the construction procedures for and inspection of the improvements and the methods for acceptance of the completed improvements are detailed in the following.

1. Methods of Installing Improvements. Upon approval of the Preliminary Plat for the proposed subdivision, the subdivider shall prepare Construction Plans and specifications for the proposed improvements and select a timetable and sequence for the installation of those improvements in relation to the Final Plat preparation and submission utilizing one of the following methods:

A. Completion of the required improvements installation prior to the submission of the Final Plat. The Construction Plans for the improvements outlined with the approved Preliminary Plat shall be submitted thirty (30) days prior to the scheduled construction start. After review and approval of the plans and with the needed permits, the construction phase may be started. After the completion, inspection and certification of the improvement installation, the Final Plat submission would begin the final phase of the subdivision process.

B. Partial completion of the required improvements installation prior to the submission of the Final Plat. The Construction Plans for the improvements outlined with the approved Preliminary Plat shall be submitted thirty (30) days prior to the scheduled construction start. The subdivider shall also submit the schedule of improvements to be completed prior to the Final Plat submission and a list and cost estimate of the improvements to be completed after the submission. After review and approval of the plans, the scheduled improvements may be installed, inspected and certified complete. The Final Plat may then be submitted together with a Subdivision Improvement Agreement and surety bond for the remaining improvements. Upon approval of the Final Plat, the remaining improvements may be installed, inspected and certified complete and the Improvement Agreement and surety bond subsequently released and a warranty bond, if any, initiated to complete the subdivision procedure.

C. No improvements completed prior to the submission of the Final Plat. The Construction Plans, detailed cost estimate for the required improvements, Subdivision Improvement Agreement and surety bond shall be submitted with the Final Plat application and submissions. Upon approval of the Final Plat and attachments and official recording, the improvements may be installed, inspected and certified complete. The release of the Improvement Agreement and surety bond and the initiation of the warranty bond, if any, would complete the procedure.

2. Construction Plan Requirements. A licensed engineer shall prepare and certify the plans and specifications for the required improvements outlined with the approved Preliminary Plat. Detailed cost estimates for all improvements scheduled to be installed after the Final Plat approval shall be prepared and certified by a licensed engineer. The Construction Plans shall be prepared on 17"x22" or 22"x34" sheets and the scale appropriate to clearly detail the proposed construction features. Upon the request by the subdivider and the recommendation of the County Engineer, the Subdivision Coordinator may waive, in writing, listed informational requests which would not be required to assure compliance with this Ordinance and other County standards and regulations. The Construction Plans shall include, but not be limited to, the following information:

A. A cover sheet including: owner, subdivider, engineer and attorney (with addresses and phone numbers); all standard notes and a plan sheet index; and a signature block for utility and County approvals.

B. The approved Preliminary Plat with topographic survey information.

C. Street construction plans, profiles, details and specifications for base material, surfacing, shoulder or ditches, entrances, sidewalks, if utilized, traffic control devices and lighting. Interval sections detailing the profile grade and elevations.

D. Storm water drainage plans, profiles, details and specifications for storm sewers, drainage facilities, culverts and outlets including hydrological and hydraulic calculations (may be shown on street plans).

E. Water distribution system plans, profiles, details and specifications including plans for water supply facilities and, if applicable, water hydrants. A copy of the plans submitted to the Iowa DNR shall be provided.

F. Sanitary sewer system plans, profiles, details and specifications for central collection facilities and primary or secondary treatment facilities, if utilized (may be on street plans). A copy of the plans submitted to Iowa DNR shall be provided.

G. Locations of the utility easements.

H. Grading plans, profiles and details for the entire Preliminary Plat area pertaining to the site development and the proposed cross sections and final contours in critical drainage areas.

I. The storm water pollution prevention plan and details to be submitted to the Iowa DNR.

J. A general schedule of the timing and sequence of the construction for all required improvements (recommended for inclusion on the cover sheet).

K. A detailed cost estimate for all or the remaining improvements to be installed after the submission of the Final Plat for approval.

L. For unusual site conditions, additional plans and specifications as requested.

3. Construction Plan Submittal and Approval. The application for Construction Plan approval along with copies of the Construction Plan, details, attachments, Subdivision Improvement Agreement and surety bond, if needed and the fee shall be submitted to the Subdivision Coordinator. The plan and attachments shall be processed as follows:

A. Information and copies submitted and distribution with one copy of each retained by the Coordinator shall be as follows:

- 1) Construction Plan and detail pages – 4 sets: 2 to the County Engineer and 1 to the Environmental Administrator.
- 2) Cost estimate for partial or complete improvements, when required – 3 copies: 1 each to the County Engineer and Environmental Administrator.
- 3) Subdivision Improvement Agreement, when required – 2 copies: 1 to the County Attorney.
- 4) Surety bond, when required – 2 copies: 1 to the County Attorney.
- 5) Storm water pollution prevention plan as prepared – 1 copy.

B. Review by the County Offices and action reply within fifteen (15) days:

- 1) The County Engineer shall review the Construction Plans and submissions for conformity with the approved Preliminary Plat and compliance with these design standards and specifications and other County standards and regulations.

- a) Notification of approval of the plans and submissions shall be sent in letter form to the Subdivision Coordinator. When a cost estimate is included for all or part of the improvements to be completed after the Final Plat approval, the amount for the surety bond shall be equal to one hundred twenty five (125) percent of the cost estimate approved by the County Engineer. A copy of the approval letter and one (1) signed copy of the approved plans shall be forwarded to the Coordinator to be sent to the subdivider.
  - b) Plans and submissions which do not conform shall be noted in letter form detailing the specific manner of non-conformance and sent to the subdivider and the Coordinator. The subdivider may then correct the same and resubmit.
  - c) The Coordinator shall be informed in writing of the subdivider's failure to correct the plans within a thirty (30) day period following the receipt of the letter of non-conformance.
- 2) The Environmental Administrator shall review the Construction Plans and submissions for conformity with the approved Preliminary Plat and compliance the Board of Health Ordinances.
- a) Notification of approval of the plans and submission in letter form shall be forwarded to the Coordinator to be sent to the subdivider.
  - b) Plans and submissions which do not conform shall be noted in letter form detailing the specific manner of non-conformance and sent to the subdivider and the Coordinator. The subdivider may then correct the same and resubmit.
  - c) The Coordinator shall be informed in writing of the subdivider's failure to correct the plans within a thirty (30) day period following the receipt of the letter of non-conformance.
- 3) The County Attorney shall review the Subdivision Improvement Agreement and surety bond for acceptance by the County.
- 4) The Subdivision Coordinator shall review the information and issue a construction authorization letter to complete the Construction Plan processing.
- a) Approved plans and submissions shall be processed as follows:
    - (1) All improvements completed prior to Final Plat recording. Upon receipt of the County Engineer's and Environmental Administrator's approval letters, and after a review of the plans and documents to assure compliance with these regulations, the Coordinator shall issue a letter authorizing construction to proceed. The County Department approval letters and signed plans shall also be sent.
    - (2) When all or part of the improvements are completed after the Final Plat recording. Upon receipt of the County Engineer's, Environmental Administrator's and County Attorney's approval letters and after a review of the plans and documents to assure compliance with these regulations, the Coordinator shall issue a letter authorizing construction to proceed and forward the County Department approval letters and signed approved plans according to the following:
      - (a) When all improvements are to be installed after the Final Plat recording, the authorization letter shall be forwarded after that recording.
      - (b) When all or part of the improvements are to be installed prior to the Final Plat recording, the authorization letter shall be sent after the Coordinator has completed the plan review.
  - b) Failure to correct plans. A letter informing the subdivider of the failure to correct the plans within a thirty (30) day period following the receipt of the initial non-conforming notice letter shall be sent by the Coordinator. Failure of the subdivider to make corrections to the plans or submissions and resubmit for approval within thirty (30) days after this second notification shall result in a plan denial and a denial letter sent to the subdivider.

C. Construction Plans submitted for subdivisions located within the extraterritorial jurisdiction of a municipality or within the bounds of a 28E agreement with the municipality shall be evaluated by the Subdivision Coordinator. The submittal of the Construction Plans, Subdivision Improvement Agreement and surety bond may be waived in writing by the Coordinator providing the subdivision regulations of the municipality or the terms of the 28E agreement, if applicable, are adequate to assure the improvements installation conforming with this Ordinance.

D. The applicant may appeal the denial of the Construction Plans by the Subdivision Coordinator with a written petition submitted to the Board of Supervisors. The appeal must be submitted within thirty (30) days of receipt of the denial letter sent by restricted certified mail.

4. Authorization to Proceed with Construction. Preliminary work shall not be initiated and the improvement installation shall not be started until the Construction Plans are reviewed by the Subdivision Coordinator and authorization granted.

A. Receipt of the Subdivision Coordinator's authorization letter shall allow the subdivider to proceed with the construction and installation of the improvements. Improvement installation after the Final Plat approval shall be completed within one year following the date of the plat recording or as outlined in the Subdivision Improvement Agreement.

B. Improvement modification during construction. The installation of improvements and construction shall conform to the approved Construction Plans. Any minor design and/or specifications modification desired after construction has commenced shall be submitted in writing to the Subdivision Coordinator. After appropriate department review, a decision shall be provided to the request. In the event that actual construction work deviates from that detailed on the approved Construction Plans and was not approved as outlined above, the subdivider may be required to correct or modify the deviation prior to the final inspection request. In addition, the County may take such other actions as may be deemed appropriate including, but not limited to, revocation of plat approval and/or issued permits and/or withholding of future approvals and permits.

C. Extension of time to complete improvements. Application may be submitted to the Subdivision Coordinator to extend the time period as outlined in the Subdivision Improvement Agreement for the completion of the improvements. A one (1) time one (1) year extension may be granted upon satisfactory proof of hardship or other compelling reason. The subdivider shall submit a revised cost estimate for all the incomplete improvements and with the appropriate approval, post a new surety bond and new Improvement Agreement.

5. Inspection of Construction. It is the responsibility of the subdivider to monitor the construction operations of the required improvements to assure that the installation is in accordance with the approved Construction Plans and provide the necessary inspections, reports and testing to authenticate the same.

A. Improvements to be dedicated to and accepted by the County shall be inspected during all phases of construction and upon any completion prior to and/or after the Final Plat submission according to the following:

1) During all phases of construction, a full time qualified construction inspector approved by the County Engineer shall maintain daily inspection and progress reports and submit the

same weekly to the County Engineer. Quality control testing and samples taken to comply with County specifications or at the request of the County Engineer shall be performed by the inspector or test laboratory with the results submitted to the County Engineer.

2) A final inspection conducted by the County Engineer shall be requested by the subdivider upon completion of the improvement construction prior to and/or after the Final Plat submission. The subdivider's engineer's completion certification and as-built plans for each stage shall also be submitted to the County Engineer.

3) Any defects or deficiencies found in the installed improvements during the final inspection or any deviations in the same from the approved construction plans or County specifications shall be noted by the County Engineer and a report of the same sent to the subdivider. After correction of the defects and deviations by the subdivider within two (2) months of the notification date, the completion of the final inspection shall be requested.

4) Upon completion of the final inspection and when conformity of the installed improvements to the Construction Plans is found by the County Engineer, a certification letter noting that conformity and the satisfactory completion of the improvement installation shall be prepared and forwarded to the Coordinator and a copy to be sent to the subdivider.

B. Improvements to be dedicated to the individual lot owners or homeowner's association shall be inspected by a qualified construction inspector selected by the subdivider. The frequency and scope of the construction phase reports and extent of the final inspection to be determined by the subdivider. A copy of the final inspection report shall be sent to the Subdivision Coordinator.

6. Completion and Dedication Procedure. A method provided to assure the correct installation of the required improvements and provide the transfer of those improvements to the future lot owners or those public improvements to the County. Upon completion, the subdivider and subdivider's licensed engineer shall submit a certification that all work was performed in accordance with the approved Construction Plans and specifications, the requirements of this Ordinance and applicable County requirements.

A. All or part of the improvements completed prior to the Final Plat submittal shall utilize the following procedure combined with the Final Plat procedure:

1) After any required inspections and any corrections made, a certificate from the County Engineer acknowledging satisfactory completion or partial completion and receipt of the Subdivider's engineer's certification of the completion of the improvements in accordance with the approved Construction Plans and specifications.

2) Approved Construction Plans and/or as-built plans for the completed portions.

3) Dedication of streets, open areas, any improvements and easements as needed to the homeowner's association or County as outlined in the Final Plat procedure.

4) Warranty bond for the improvements provided to the County and/or homeowner's association as outlined in section 8 below.

B. All or the remainder of the required improvements completed after the Final Plat is recorded shall utilize the following procedure:

1) After any required inspections and any corrections made, a certificate from the County Engineer acknowledging satisfactory completion of all remaining items and receipt of the subdivider's engineer's certification of the completion of the same.

2) Approved Construction Plans and as-built plans for all or the remaining improvements.

3) Dedication of streets, open areas, any improvements and easements, as needed, to the homeowner's association, County or other entity as outlined as follows:

- a) The dedication of the streets, open areas and other improvements to the homeowner's association with the required legal document filed with the Recorder, Auditor and Assessor. Additional articles attached to existing covenants shall address maintenance responsibilities with the above dedications.
- b) A certificate of dedication of the required legal form, for streets, public areas and/or easements to the County or any other public entity for public use. A resolution of the Board or certification by the public entity approving and accepting the dedication of any streets, easements or other improvements which are to become the property of the County or entity.
- 4) Warranty bond for the improvements provided to the County and/or homeowner's association as outlined in section 8 below.
- 5) The Subdivision Improvements Agreement and surety bond shall be released after completion of the above items. A resolution of the Board of Supervisors shall be prepared, acted upon and filed with the needed County Offices.

7. Default. If the specific improvements are not installed pursuant to the terms of a valid Subdivision Improvement Agreement, and a surety bond has been posted, thirty (30) days prior to the surety expiration, the Subdivision Coordinator shall review the development progress and report same to the Board. The Board may direct the County Attorney and Engineer to pursue the following:

- A. Declare the Subdivision Improvement Agreement to be in default and require that all 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 specified improvements are completed and record a document to that effect with the Recorder's Office for public notification;
- C. Obtain funds pursuant to the surety and complete the 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 improvements were not constructed, in exchange for the subsequent owner's Improvement Agreement to complete the required improvements; and/or
- E. Exercise any other rights available under the law.

8. Warranty Bond. The subdivider shall guarantee the design of the improvements and warrant against defects the materials used and the installation and construction workmanship of the improvements as follows:

- A. For the improvements which are dedicated to and accepted by the County, the subdivider shall warrant the design, material quality and installation and construction workmanship for a period of five (5) years after the Board acceptance date. The warranty shall be by bond or other acceptable collateral and be approved by the County Attorney and a copy forwarded to the Coordinator. The amount shall be fifty (50) percent of the cost of the completed and accepted improvements to assure the repair or replacement of any defective improvements and to indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

B. For improvements to be dedicated to the individual lot owners or homeowner's association, the protective covenants shall address the warranty provided to the designees, including the specific improvements, term, replacement or repair and cost or losses involved.

**45.29 FINAL PLAT PROCEDURE.** The subdivider shall prepare a Final Plat for all or a part of the approved Preliminary Plat and submit the plat, application and other attachments to the Subdivision Coordinator. The Final Plat and documents shall be prepared in conformance with the approved Preliminary Plat and in accordance with the standards and specifications of this Ordinance. The Final Plat approval is required as the completion of the Major Subdivision process to enable the Final Plat and documents to be recorded, dedications, if any, made and complete the requirements to allow the subject property ownership transfers. Prior to the preparation of the Final Plat, the subdivider should visit the Subdivision Coordinator.

1. Final Plat Requirements. The Final Plat shall be clearly labeled as such and the information on the plat shall include all items required in Chapters 354 and 355, Iowa Code, and the Iowa Administrative Code including, but not limited to the following:

A. The name, address, and telephone number of the land owner(s) and the subdivider, if other than the owner.

B. The subdivision name.

C. The complete legal description of the subdivision boundary.

D. Accurate detailing of all lots and blocks (if any), streets and easements shall include the length and bearing of each line and curve data when applicable. Lots shall be progressively numbered and lots for streets, parks and common areas assigned a progressive letter.

E. Subdivision acreage and lot areas with the portions of each within existing street right-of-way.

F. The description and location of all existing and new permanent monuments

G. The approved names of all proposed public or private streets within the subdivision and the location and names of all existing streets and the location of existing access and utility easements in and within two hundred (200) feet of the subdivision.

H. The name, location and layout of all existing adjacent subdivisions and the names of the owners of property adjoining the subdivision.

I. The location, width, purpose and limitations of all proposed easements including additional right-of-way easements for existing adjacent roads. Accurate dimensions and references to known lines shall be provided.

J. The accurate outline of all property and easements which are offered for dedication for public use with the purpose indicated thereon and of all property including streets, open space and water and sewer systems and easements that may be retained by deed covenant for the common use of the subdivision residents.

K. A statement on the plat to the effect "Washington County is not involved in the construction or maintenance of this private road system including right-of-way and is further held harmless for any maintenance costs for said road system or for any other damages sustained pertaining to the use of said road system."



L. The detailing and location of watercourses, drainage ditches and areas subject to flooding in the subdivision. The vertical elevation line of the boundary of the one hundred (100) year flood event as determined by a licensed engineer shall be detailed along each watercourse. The delineation shall be provided for all watercourses or as previously agreed.

2. Final Plat Application and Submittal. The application for Final Plat consideration shall be submitted to the Subdivision Coordinator. Ten (10) copies of the Final Plat and the fee shall be submitted with the application containing the following information:

A. The name, address and telephone number of the land owner(s) and subdivider, if other than the owner.

B. The names, addresses and telephone numbers of all professionals advising the subdivider (i.e. surveyor, engineer, attorney, planner, realtor, etc.).

C. Certification by the person submitting the application of the truth and correctness of all information presented on and with the application.

D. A copy of the protective covenants or restrictions for the subdivision. The purpose and restrictions of all easements affecting the property shall be clearly defined. The procedure for dedication of the streets, open areas and related improvements to the homeowner's association together with the maintenance responsibility assignment shall be detailed.

E. Approved Construction Plans, or as built plans conforming with this Ordinance and other standards, for all streets, grading, central sewer system, storm drainage facilities, water distribution system and other pertinent site improvements.

F. Certificate from the County Engineer acknowledging satisfactory completion or partial completion of the required improvements and receipt of the subdivider's engineer's certification of the completion of the improvements in accordance with the approved Construction Plans and specifications. In lieu of the completion of part or all of the required improvements, a copy of the Subdivision Improvement Agreement for the same and the approved surety bond for said improvements.

G. Certificates of dedication, as needed, of streets, utilities, public areas and/or easements to the future lot owners and/or public for public use. Additional certificates of dedication for the extended right-of-way easement for existing Area Service "A" County Roads and for land or improvements, if any, to the County.

H. A copy of the warranty bond for improvements completed and dedicated to the County.

I. A certificate from the County Auditor approving the subdivision name.

J. The official signed fence agreement(s) for all fences for those boundary sections of the subdivision which are adjacent to land with an agricultural use.

K. A copy of the certified Resolution from the City Council relative to its consideration and action regarding the Final Plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

L. A statement from the proprietors attesting to their consent and desire as required by Section 354.11 Iowa Code.

M. A statement from the mortgage or lien holders attesting to their consent and desire and including other attachments as required by Section 354.11 Iowa Code.

N. An opinion by an attorney-at-law attesting to the property title ownership and encumbrances, if any, as required by Section 354.11 Iowa Code.

O. A certificate from the County Treasurer detailing tax liability and bond security, if any, as required by Section 354.11 Iowa Code.

3. Final Plat Approval Procedure. The Final Plat, application and items shall be submitted to the Subdivision Coordinator. The procedure shall be as follows:

A. Distribution of Final Plat. The Subdivision Coordinator shall forward one copy of the plat and application to the County Engineer, Auditor, Environmental Administrator and other departments as needed for review. One copy of all submitted items shall be retained for public inspection and one set utilized by the Coordinator for review.

B. Evaluation for Conformity. The Coordinator shall review the Final Plat and submissions for substantial conformity to the approved Preliminary Plat. A Final Plat conforming to the approved Preliminary Plat shall be forwarded directly to the Board of Supervisors for consideration. If a number of deviations on the Final Plat are found, the plat and documents shall be forwarded to the Land Use and Planning Commission for review. The factors to be evaluated on the Final Plat by the Coordinator shall include but are not limited to: any change in the access to or the number or layout of lots or blocks and any change in the location or design of streets and right-of-ways.

C. Department Review of Final Plat. Within fifteen (15) days of receipt of the Final Plat materials, the several County departments shall complete their reviews of same and submit written comments to the Subdivision Coordinator. The Coordinator shall also complete a review with comments and send copies of all the technical reviews to the subdivider and to the Commission members, if so needed, and to the Board.

D. Commission Review and Recommendation. If needed, the Commission shall, within forty-five (45) days of the filing or more with approved extension, submit recommendations to the Board. The Commission shall review the Final Plat and applicable materials and evaluate the department reviews. The Commission shall recommend to the Board that the Final Plat be approved, approved with conditions to be completed prior to the Board review or disapproved. Copies of the recommendations together with the statement of reasons therefore shall be forwarded to the Board and the subdivider.

E. Final Plat Details. The subdivider shall be allowed to make corrections, additions or modifications to the Final Plat and documents as outlined in the department technical reviews and Commission's recommendation to assure compliance with this Ordinance and provide the plat accuracy required for filing. The subdivider may request in writing a maximum sixty (60) day extension, as approved by the Coordinator, prior to the Board action.

F. Board Review. The Board shall, within thirty (30) days or more, as extended, after receipt of the Final Plat, application and reviews and when applicable, the Commission's recommendation, evaluate the application and act upon it. As needed, the Coordinator shall also submit a report detailing the completion of the conditions for approval recommended by the Commission. With such examination, the Board shall ascertain whether the plat conforms to the intent of the approved Preliminary Plat and complies with all applicable

provisions of this Ordinance and other regulating standards and plans of the County in effect as of the date of the approved Preliminary Plat.

G. Board of Supervisor Action. Upon consideration of the Final Plat and submissions as detailed, the Board shall provide a resolution to approve or deny approval of the Final Plat. The reasons for disapproval shall be clearly defined and set forth in the resolution and a copy shall be forwarded to the subdivider by the Coordinator. An additional resolution, as needed, shall accept the dedication of all streets, easements, parks and other improvements to the County for public use.

H. Approval and Filing. Certified signatures of the Board Chair shall be affixed to five copies of the approved Final Plat and three copies of the resolution(s). The approval and signatures authorize the plat and documents to be filed with the County Recorder and other offices as required in Iowa Code 354.18 and the distribution detailed in section 4. Final Plat Release for Recording following this section. The owner, subdivider or agent shall file the plat and documents with the various County offices. Upon official recording of the plat and documents, Washington County shall recognize the plat as being in full force and effect.

I. Duration of Approval. The Final Plat shall be filed with the County Recorder within thirty (30) days of the Board approval. If the plat is not filed within that time period, the Board shall consider action to revoke the plat approval or extend the time period.

J. Appeal of County Action. The applicant or city with co-jurisdiction over the plat may appeal the Board of Supervisor's decision to district court per Iowa Code 354.10. The decision notification to the applicant shall be sent by restricted certified mail.

4. Final Plat Release for Recording. The approved Final Plat together with the following items shall be presented to the Subdivision Coordinator for review and release to the owner or subdivider for filing with the various County Offices:

A. Approved Final Plat with signatures from all required officials. One each retained by the Auditor and the Coordinator and three to the subdivider to be filed with the Recorder.

B. Resolution of the Board of Supervisors with approval of the Final Plat and as needed, acknowledgement of the satisfactory completion or partial completion of the required improvements. One each retained by the Auditor and the Coordinator and one to the subdivider to be filed with the Recorder.

C. Resolution(s) of the Board of Supervisors, as needed, accepting any dedications to the public and approving and accepting any dedications to the County.

D. A statement from the proprietors attesting to their consent and desire as required by Section 354.11 Iowa Code.

E. A statement from the mortgage or lien holders attesting to their consent and desire and including other attachments as required by Section 354.11 Iowa Code.

F. An opinion by an attorney-at-law attesting to the property title ownership and encumbrances, if any, as required by Section 354.11 Iowa Code.

G. A certificate from the County Treasurer detailing tax liability and bond security, if any, as required by Section 354.11 Iowa Code.

- H. A copy of the protective covenants or restrictions for the subdivision.
- I. A certificate from the County Auditor approving the subdivision name.
- J. The official signed fence agreement(s) for all fences for those boundary sections of the proposed subdivision which are adjacent to land with an agricultural use.
- K. A Subdivision Improvement Agreement for the incomplete improvements.
- L. A copy of the certified Resolution from the City Council relative to its consideration and action regarding the Final Plat if it is within the municipality's extraterritorial jurisdiction or within the scope of a 28E agreement with the County.

**45.30 RESERVED**

**REQUIRED IMPROVEMENTS**

**45.40 REQUIRED IMPROVEMENTS:** The subdivider shall, at his or her expense, install and construct all improvements required by this Ordinance. It is the intent of this Ordinance that, unless otherwise accepted by the Board of Supervisors, the required improvements shall remain the property and the responsibility of the subdivider, or successors in interest to the lands being subdivided.

**45.41 EXTENT OF IMPROVEMENTS REQUIRED:** The proposed subdivision shall provide adequate facilities and services to accommodate the demands from the maximum number of potential residents or occupants. The essential services and facilities shall include, but not be limited to: streets, water service, wastewater treatment and disposal, storm water management, electrical service and telecommunications service and conform to the Standards for Design and Development of this Ordinance and other regulations and standards adopted by the County. The improvements for a subdivision planned in phases shall be designed and implemented to allow the project to function effectively and independently at the completion of each successive phase.

**45.42 INSPECTION:** All improvements shall be inspected to ensure compliance with the requirements of this Ordinance. The scope, responsibility and cost of such inspections are the main responsibility of the subdivider as outlined in section 45.28.5. Inspection of Construction.

**45.43 MAINTENANCE OF IMPROVEMENTS:** Upon completion of the required improvements and inspection, the maintenance of the improvements shall be the responsibility of the current and future owners of the subdivided land as follows:

1. Improvements dedicated to individual lot owners or to a homeowner's association. An acceptable agreement shall be provided by the subdivider to assure adequate continuous maintenance of the subdivision streets, sewer systems, water supply systems and other commonly owned improvements and ensure that the County will not need to assume the maintenance responsibility for the improvements retained by the land owners. No subdivision shall be valid until and unless legal covenants, running with the land sufficient to ensure the maintenance responsibility of any such improvement, have been reviewed by the County Attorney and approved with the Final Plat by the Board of Supervisors as required by this Ordinance.

2. Improvements dedicated to and accepted by the County shall be protected with the limited term warranty as detailed in section 45.28.8 Warranty Bond. The accepted improvements, if any, shall be maintained by the County.

**45.44 MINIMUM IMPROVEMENTS:** The improvements set forth shall be considered the minimum necessary to assure and protect the public health, safety and welfare. These minimum improvements installed or for which bond is posted in any subdivision, before the Final Plat is approved, shall be in accordance with the following criteria:

1. Potable Water: The developer shall make provisions for an approved, adequate supply of potable water to every lot in the subdivision. Determination for the method of supply shall be based upon the availability of a public water supply, adequate on- site water quality and quantity and the number of lots in the proposed subdivision. The water supply and distribution system shall be designed and installed in accordance with the Iowa Code and the applicable standards and requirements of the Iowa Department of Natural Resources, the local municipality or rural water association and the Board of Health.

A. External public water supply available through either a municipality or rural water association shall be considered. Selection may be evaluated utilizing the distance to the supply and the number of residents in the proposed area.

B. Internal water supply shall be provided utilizing a public or non-public central system or individual private wells. Selection may be determined through the evaluation of the number of lots in and potential for expansion of the proposed subdivision.

2. Sanitary Sewer: The subdivider shall make provisions for an approved, sanitary means of sewage disposal for every lot in the subdivision. Determination of the method of disposal shall be based upon the distance to a municipal treatment system, the type of potable water supply utilized and the number of lots in the proposed subdivision. The sewage disposal and collection system shall be designed and installed in accordance with the Iowa Code, the applicable standards and requirements of the Iowa Department of Natural Resources, the local municipality regulations and the Board of Health regulations.

A. Municipal sewage treatment system of adequate capacity available with the extension of service lines to the proposed subdivision shall be considered. Selection may be made evaluating the distance to the available collection system, type of water supply utilized and number of residents in the proposed area.

B. Internal sanitary sewer systems shall be provided utilizing either a central collection and treatment system or individual on-site systems. Selection may be made evaluating the type of water supply utilized and the number of lots.

3. Storm Water Management: The purposes of these storm water provisions are to protect life and property from reasonably preventable flood hazards and to protect the quality of surface waters from contamination. Adequate storm sewer and drainage systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins using existing drainage channels whenever possible and designed to prevent increases in downstream erosion or flooding.

4. Fire Hydrant/Protection: The utmost consideration should be given to providing fire protection to the proposed subdivision with an on-site municipal water source. Fire protection in the proposed subdivision may be addressed with the evaluation of the housing density, total lot numbers, lot sizes and access to the homes. The distance to the nearest fire station, on-site

municipal water source fire hydrants and the distance to other suitable water sources for fire protection may also be considered as factors for the public safety and property protection.

5. Streets: The subdivider shall grade and improve all the streets between the right-of-way lines within the proposed subdivision. The streets shall provide access to every lot in the subdivision and be related appropriately to the site topography to permit an efficient drainage system installation and minimize the lot to street grade differential. The street layout shall be designed with consideration of the existing and planned streets and the proposed uses of the subdivision and the surrounding area. Curvilinear streets or loop streets shall be encouraged where such use will result in a more desirable and unique layout. Utility easements shall be placed along such streets. The street width, drainage system, construction and road surface shall be determined by the number and size of lots and shall meet the County Road Standards for streets to be dedicated to the County or the Subdivision Street Standards for private streets. Washington County does not accept the ownership of the subdivision streets and does not assume the maintenance and responsibility for the same.

6. Street Name and Regulatory Signs and Building Number Signs: All streets within and all intersections within or abutting the subdivision shall have traffic control signs complying with the latest edition of the Manual of Uniform Traffic Control Devices. All subdivision street names shall be approved and name signs furnished as outlined in the Uniform Rural Address System stated in Chapter 11 of the County Code. Building number assignment shall be determined by the same Chapter 11 and issued upon request at the start of the building process.

7. Street Lights: As needed and recommended by the subdivider's engineer.

8. Sidewalks: Site factors for the proposed minor or major subdivision shall be evaluated with the application submittal to determine the need for sidewalk installation. The major safety concern may be the increased pedestrian traffic through or from the proposed subdivision. The subdivider shall indicate on the application the inclusion or exclusion of the sidewalks, and the reasons therefore, depending upon the following and other factors:

A. Sidewalks are installed on the adjacent lots along the existing street for the proposed minor subdivision.

B. Traffic volume on an existing collector or arterial street adjacent the proposed subdivision may be a safety concern for pedestrian traffic exiting the subdivision and traveling to a school or other public site within thirteen hundred (1,300) feet.

9. Perimeter Fences: Any subdivision boundary adjoining property with an existing agricultural use (either an active use or conservation reserve programs) shall be fenced. Where no fence exists or where repairs are needed, the cost of construction or improvement shall be assumed by the subdivider. A fence agreement(s) between the adjacent landowner(s) and the subdivider, heirs and future lot owners or homeowner's association shall be prepared and recorded assigning the cost for construction and future maintenance to the latter.

10. Open Space: All major residential subdivisions shall provide common or individual open space through the character of the subdivision or dedication of same.

A. Large lot subdivisions, provided that at least ninety percent (90%) of all lots are 1½ or more acres average area, shall not be required to set aside common open space.

B. Residential subdivisions containing ten (10) or more lots shall dedicate usable common space for the private use of the subdivision residents. A minimum of twenty thousand

(20,000) square feet usable land, with additional area specified relating to the number of lots in the subdivision, shall be clearly identified on the plan as common open space.

11. Parks and School Sites Reserved: When a tract being subdivided includes lands proposed to be parks or school sites in the Comprehensive Plan, other official plan of the County or documented public organization plan, the subdivider shall indicate such areas on the plat. The area shall be reserved for a specified time period to allow the option to purchase the land for the intended use.

12. Power, Gas and Communication Lines: The Board and Commission recommend the underground installation of all utility lines as a preferred method. The subdivider is responsible for coordinating the installations with the selected utility companies. Transformers, pedestals and similar above-ground appurtenances shall be located so as to not be unsightly or hazardous.

A. Electric lines nominal voltage in excess of 15,000 volts shall be overhead.

B. Overhead electrical lines, if utilized, shall be placed in the easements provided in the rear of the lots or as determined by the service provider.

**45.45 EASEMENTS REQUIRED:** Easements shall be provided for utility services, including storm sewer drainage structures, where necessary. The width and location of the easements shall depend upon the type of utility and the access required by the utility provider or site conditions. Whenever any stream or major surface watercourse is located in the subdivision, easement provisions shall be made for the maintenance and unrestricted flow through the area.

## **STANDARDS FOR DESIGN AND DEVELOPMENT**

**45.50 POLICY STATEMENT:** The standards and details of design contained herein are intended only as minimum requirements (unless specifically noted otherwise) to allow the general layout of the subdivision to be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions to provide an economical, attractive and quality community.

**45.51 CHARACTER OF DEVELOPMENT:** The Board of Supervisors shall have the right to retain or modify the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the appearance and value of the area surrounding the subdivision and also to assure the implementation of the intended character and community style in the proposed subdivision.

**45.52 CONFORMANCE TO APPLICABLE CODES AND REGULATIONS:** No subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:

1. The Comprehensive Plan for Washington County and all other ordinances adopted by the County and all other applicable laws, ordinances and regulations of the appropriate local jurisdictions.
2. All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.
3. All applicable laws, rules and regulations of the State of Iowa and its duly constituted agencies.

**45.53 LAND USE CONSIDERATIONS AND SUITABILITY:** No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor or inadequate drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or Washington County residents, until such time as the unsuitable conditions or restrictions are corrected to the satisfaction of the Board of Adjustment. If any area within the proposed subdivision is found to be unsuitable for any of the reasons sited in this section, the Land Use and Planning Commission shall state its reasons in writing to the Board of Adjustment and the subdivider. The Commission shall base its findings upon its review and consideration of the technical reviews from the County Engineer, other County Departments and the Washington County Conservation Board. The subdivider may present data regarding such unsuitability and propose modifications of the conditions to the Board of Adjustment. A use approval or authorization from any regulating agency shall also be submitted. Upon review, the Board of Adjustment may approve or alter the proposed modifications regarding the unsuitable conditions and require additional covenants be placed on the property. This determination in written form shall be forwarded to the subdivider and Commission to be incorporated into the further plan submissions for the proposed subdivision. The criteria for the consideration of the land suitability and use are as follows:

1. Adverse soil conditions, poor or inadequate drainage and unsuitable topography found within the proposed subdivision may be corrected or modified by the subdivider upon submission of plans and documentation to the Board of Adjustment. The subdivider may provide plans to alleviate the difficulties where soil types indicate problems of erosion and sedimentation control, unstable bearing for streets and/or buildings and sanitary waste disposal. Documentation of lands previously altered or filled with non-earth or decomposing materials shall be submitted. Soil borings, soil classification and other tests may be utilized by the subdivider in preparing the remedial plans. The plan shall detail the proposed use and restrictions for each of the areas to be altered. Each individual lot, after the approved modifications, shall provide adequate buildable area for the proposed residence and the selected well and sewer system as detailed in the Board of Health Regulations and approved by the Environmental Administrator.

2. The use of lands subject to flooding, when included in a proposed subdivision, shall be limited by the requirements and subject to the approval of several regulating agencies. Building restrictions and controls in a flood hazard area are under the jurisdiction of the Iowa Department of Natural Resources.

**45.54 STANDARDS FOR IMPROVEMENTS:** The following standards shall be utilized for the installation of the improvements, common facilities and services.



1. Potable Water: All lots in the subdivision shall be provided with an adequate supply of potable water. The determination of the supply method and appropriate design for that system shall utilize the following criteria:

A. External public water supply utilizing the extension of a municipal or rural water supply of adequate capacity, where reasonably accessible and with an agreement between the parties, shall be considered for use in the proposed subdivision. When the proposed subdivision is located within one (1) mile or the extraterritorial area of a municipality (whichever is greater) or four (4) miles of a rural water supply line, the subdivider shall furnish evidence of discussion of the extension of water services with the parties involved. A statement by the municipality governing body or the water association relating to the opportunity to extend water services or statements from the municipality's or association's engineer and the subdivider's engineer regarding the feasibility of the extension would provide the needed detail. With an agreement, the subdivider shall provide a complete water distribution system including pipe, valves and other appurtenances extending from the source, into and through the subdivision with a service connection to each lot. The water distribution system shall be designed and constructed in accordance with the standards of the appropriate State agency, municipality or rural water association.

B. Water sources from within the proposed subdivision shall be utilized where the external public water source is not reasonably accessible. The determination for the use of two forms of central water supply or private individual well supply shall evaluate the total potential number of single family residential (SFR) lots and residents in the proposed subdivision. The approval of the water supply will be limited to the proposed subdivision. If lots are further subdivided, or adjacent land is subdivided, the size of the entire subdivided area will be considered in determining whether a public or non-public central water supply is required. The water system selection criteria shall be as follows:

- Private wells each providing service to a single family residence. - 6 private wells maximum in the subdivision.

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- Nonpublic central water systems - up to 12 single family residences maximum in the subdivision.

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- Public central water system – over 12 single family residences in the subdivision.

1) Private or nonpublic wells shall be utilized in the proposed subdivision as outlined in the selection criteria. The subdivider shall submit with the Preliminary Plat, acceptable evidence of the availability of water on the site. The subdivider may be required to make one (1) or more test wells within the boundaries of the proposed subdivision if the evidence is deemed unacceptable by the Environmental Administrator. Each test hole shall be numbered and its location and results shown on the Construction Plans. All tests shall be performed in accordance with the Board of Health Ordinance. The well(s) may be installed at the expense of the subdivider or at the expense of the subsequent lot owner(s) or homeowner's association at the time lot development takes place.

a) Private individual lot wells shall be approved and permitted by the Environmental Administrator utilizing the Board of Health Ordinance and this Ordinance.

b) Nonpublic central water systems shall be approved and permitted by the Environmental Administrator utilizing the Board of Health Ordinance and this Ordinance. The subdivider shall install a central water supply and distribution system including all the necessary pipe, valves and other appurtenances and a service connection

to each lot. The supply and distribution system shall be designed by a licensed engineer and the plans and details submitted with the Construction Plan. The well location(s), separation distances from septic systems and needed easements shall be indicated on the Preliminary Plat. The ownership, operation, testing and maintenance of the nonpublic central system shall be addressed with the protective covenants.

2) Public central water systems shall be permitted and regulated through the Iowa Department of Natural Resources. The subdivider shall provide the design and install the central water supply and distribution system, including all necessary pipe, valves and other appurtenances, according to the appropriate standards and specifications. A service connection to each lot shall be provided. The well location(s), separation distances from septic systems and needed easements shall be indicated on the Preliminary Plat. The plans and details as prepared by the subdivider’s engineer and submitted to the DNR shall be submitted with the Construction Plans. The ownership, operation, testing and maintenance of the public central water system shall be addressed with the protective covenants.

2. Sanitary Sewer: All lots in the proposed subdivision shall be provided with an approved, sanitary means of sewage disposal. The determination of the disposal method and the appropriate design for the system shall utilize the following criteria:

A. A municipal sewage treatment system of adequate capacity, where reasonably accessible and with the municipality agreement, shall be evaluated for use by the proposed subdivision. When the proposed subdivision is located within one (1) mile or the extraterritorial area of the municipality (whichever is greater), the subdivider shall furnish evidence of discussion of the extension of sewer services with the municipality. A statement by the municipality governing body relating to the opportunity to extend sewer services or statements from the municipality’s engineer and the subdivider’s engineer regarding the feasibility of the extension would provide the detail needed. With an agreement with the municipality, the subdivider shall provide a complete collection system including pipe and all appurtenances extending from the municipal connection, into and through the subdivision with a service connection to each lot. The sewer collection and transfer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and affected municipality regulations.

B. Sewage treatment and disposal within the proposed subdivision shall be utilized where a municipal facility is not reasonably accessible. The determination for the use of a central system or on-site sewer systems shall evaluate the total potential number of single family residential lots in the proposed subdivision and the type of water supply. The approval of the sewer system will be limited to the proposed subdivision. If lots are further subdivided, or adjacent land is subdivided, the size of the entire subdivided area will be considered in determining whether a central sanitary sewer system is required. The sewer system selection shall also consider the drainage across the proposed subdivision from sewer systems in existing subdivisions within five hundred (500) feet. The criteria utilized for determination of the use of a central sewer system based on the maximum number of planned and potential SFR lots shall be as follows:

	Public or any Central Water combined w/ <u>Private Ind. Wells</u>	Private <u>Individual Wells</u>
Central sewer system used when SFR lot numbers at or over:	25	15

The criteria for the two sewer systems shall be as follows:

- 1) Central sanitary sewer systems shall be permitted and regulated through the Iowa Department of Natural Resources. The subdivider shall provide the design and install the complete central sewer system, including all mains and appurtenances according to the appropriate standards and specifications. A service connection to each lot shall be provided. The plans and details for the sewer system as prepared by the subdivider's engineer and submitted to the DNR shall be submitted with the Construction Plans. The ownership, operation, testing and maintenance of the central sewer system shall be addressed with the protective covenants.
- 2) On-site sewer systems shall be utilized when a central system is not required. The subdivider shall detail the proposed sewer system location for each lot on the Preliminary Plat and submit acceptable evidence of the suitability of the soil for the on-site method of sewage treatment and disposal selected for each lot in the proposed subdivision. The on-site sewer systems shall be permitted and installed in accordance with the Board of Health Ordinance. For subsurface absorption installations proposed for any or all lots, one (1) or more soil boring tests as needed shall be submitted for the soil evaluation by a licensed engineer. Care shall be used during the construction to restrict compaction or any modification of the septic absorption field area. Lots where subsurface absorption systems are proposed shall provide adequate space for two (2) septic fields, the second to act as a replacement site when the first field fails. When subsurface sand filters are proposed or required, the subdivider shall provide the necessary utility easements and drainage collection and transfer lines including sampling ports. The on-site sewer systems, when approved, may be installed at the expense of the subdivider, or at the expense of a subsequent lot owner at the time of the lot development.
3. Storm Water Management: All lots and internal streets shall be adequately drained through the installation of enclosed storm sewers or surface drainage channels. The subdivider shall submit a plan for storm water control for all major subdivisions and minor subdivisions with over five (5) acres of total area. The total storm water drainage outflow rate from the subdivision with the improvements installed shall be designed to not exceed that rate prior to the modifications. The storm water drainage system shall be designed by a licensed engineer.
  - A. A general detail of the storm water control improvements shall be submitted with the Preliminary Plat and complete details with the Construction Plan. The ownership and maintenance of storm water control improvements shall be defined in the plan. The dedication and the continued maintenance of the same shall be addressed with the protective covenants.
    - 1) Storm water control improvements shall extend to the boundaries of the proposed subdivision to provide for the continuation to adjoining properties. Enclosed storm sewers, when utilized, shall be designed and built to SUDAS Standards.
    - 2) On-site detention facilities sufficient to capture the runoff of a twenty-five (25) year storm from the subdivision drainage areas shall be designed and installed. The release rate of storm water from the detention facilities shall be restricted so as not to exceed the volume produced by a five (5) year storm event. The outlet discharge from the subdivision surface drainage requiring a new waterway across adjacent property or enlarging an existing waterway will require an easement and/or flowage agreements with the affected abutting property owners for the outlet flow and potentially require storm water discharge permits. In cases where outflow enters a lake, river or stream, the subdivider shall construct and maintain a catch or sedimentation basin as required to prevent material deposits from entering the water bodies.

4. Fire Hydrant/Protection:

A. The subdivider shall provide an adequate water supply for fire protection based upon the recommendations of the affected fire department(s) and the guidelines of the National Fire Protection Association. The three main sources for consideration are:

- 1) Fire hydrants shall be installed with the public water supply extended from a municipal water source. The water mains should be sized to meet the specifications for the nearest fire department. The fire hydrants shall be installed in accordance with the Uniform Fire Code.
- 2) A fill pipe located at the perimeter of a municipality with adequate supply or a rural water supply well or storage site. An adequate access road and a secure and convenient fill pipe would be required. This water source shall be evaluated by the affected fire department(s) and is based primarily on the distance between the pipe and the site (usually a maximum of 3 miles).
- 3) Dry hydrants shall be designed to provide a suitable water source in the proposed subdivision or as close as possible to the site. The construction details shall be furnished with the Construction Plans. The standpipe specifications and details are available through the NFPA and the terminal cap sizing from the affected fire department. This water source shall be evaluated by the affected fire department(s) and is based mainly on the volume and dependability of the supply. Another factor evaluated for an off-site hydrant is the distance from the pipe to the site (usually a maximum of 3 miles).

B. The access road to the dry hydrant location shall be designed for all-weather use and be evaluated by the County Engineer. The Dry hydrant locations shall utilize the following guidelines:

- 1) On site construction shall include the dedication of the access and dry hydrant to the homeowner's association. Maintenance shall be provided by the association as outlined in the protective covenants.
- 2) Construction on a remote site shall be at the expense of the subdivider. Before the construction is started the following information may be required:
  - a) An easement or lease agreement for the site and access road.
  - b) Right-of-way use agreement with municipality, County or State.
  - c) Water use agreement between the applicable fire departments and the owner.
  - d) Maintenance of the road provided by the proposed subdivision homeowner's association or group of nearby associations or residents with an agreement.

5. Streets: All lots within the proposed subdivision shall be given access to a private or public street. All subdivision streets shall be held and maintained as private streets. All subdivision streets including those providing access to a public street shall be a separate lot owned by the subdivision lot owners or homeowner's association. The planning, design and construction of all new or existing streets within the proposed subdivision shall consider the following criteria:

A. All proposed streets shall be designed and constructed to provide adequate access for but not limited to fire, ambulance and police services.

B. Street planning in the proposed subdivision shall provide ease of circulation as well as convenient access to adjoining streets and potential streets within and adjacent the subdivision. The following criteria shall be utilized:

- 1) Continuation of existing or planned streets shall be incorporated into the proposed subdivision street and lot planning. Proposed streets shall provide for the continuation or completion of any existing streets (constructed or recorded) or any street extensions which are part of an approved preliminary plat in adjoining property. The width of the street planned as a continuation into the proposed subdivision shall not be less than that of the existing street or planned street.
- 2) Future recommendations involving elements of a Comprehensive Plan or Street Plan for the area of the proposed subdivision shall be utilized in the street and lot planning. Extension of the streets to the subdivision boundaries shall be incorporated into the Preliminary Plat when recommended by the Plan, the Commission or other County departments.
- 3) Plats for large lot subdivisions shall consider the street and lot arrangement for the future local streets created by the division of the large lots. Easements for the future street area along with the needed utilities shall be detailed on the plat.

C. Access to County or State roads shall utilize the following planning criteria:

- 1) The number of access locations onto the public streets shall be minimized in the planning of the streets and lots within the proposed subdivision. The public street traffic volume or classification shall determine the number and spacing of access locations utilizing the County Road Standards or appropriate IDOT regulations.
- 2) A single access point onto the public street shall be limited to a maximum of ten (10) lots located along the proposed subdivision street. A through or loop street with a second access point shall be provided when that number is exceeded.
- 3) Public street access through existing private streets from a proposed subdivision shall be granted upon approval of the owners of the existing streets. Where the private streets exist as of the effective date of this Ordinance, the proposed subdivision plat shall not be considered until the subdivider has secured in writing the approval of all the owners of the affected existing private streets. This approval shall indicate the willingness of all of the existing lot owners or homeowner's association to enter into a new homeowner's association or other agreement with the legal document binding all existing and future owners to the repair and maintenance of the affected existing private streets.

D. Access to existing public streets from bordering lots in a proposed subdivision shall be limited by the number of adjacent lots in each one thousand three hundred (1300) feet of street length. Applicable Iowa Department of Transportation regulations, County Road Standards and safety considerations shall be utilized in the determination. All access is to be placed at the direction of the County Engineer. No access shall be permitted to an existing public street from any lots where access is available to a private street within the proposed subdivision. Bordering lot street access evaluation shall utilize one of the following:

- 1) A maximum of four (4) adjacent lots in one thousand three hundred (1300) feet of street length each with individual access are permitted after complying with the evaluation criteria. A driveway turnaround area shall be planned for each individual lot access to minimize vehicles backing into the street. Consideration shall also be given to providing

sufficient residence setback distance from the public road right-of-way to establish a frontage street to serve future additional lots.

2) More than four (4) adjacent lots in one thousand three hundred (1300) feet of street length or less, when required by the evaluation criteria, shall utilize one of the following to reduce the number of access points:

- a) An interior parallel street with access locations to the existing street as needed and the lots placed with the rear abutting the existing street. An easement at the rear of the lots shall provide a buffer.
- b) A series of cul-de-sac or loop streets, entering from and planned at right angles to the existing street. The rear of the adjacent affected lots shall abut the existing street and include an easement for a buffer.
- c) A frontage street serving all or several of the lots and separated from the existing street by a buffer and having suitable access to the existing street.

E. Limited access highways & railroad R-O-W's which are adjacent a proposed subdivision and affect the planning shall utilize the following criteria:

1) In residential subdivisions consideration shall be given to adding a buffer strip to the rear of the lots when the rear of the lots are abutting a railroad or limited access highway right-of-way.

2) Non-residential subdivision lots adjacent a railroad or limited access highway right-of-way shall be of sufficient depth to ensure suitable size for commercial or industrial sites when streets are located at the front of the lots and when the rear is placed adjacent that right-of-way.

3) Interior streets parallel to the railroad or limited access highway when intersecting a street which crosses the railroad or highway at grade shall, to the extent practical, be at a distance of at least two hundred twenty five (225) feet from the railroad or highway right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of the appropriate approach gradients.

F. The following criteria shall be utilized for the planning, design and construction of all street improvements:

1) Alleys shall not be approved in residential subdivisions with normal street frontage except where justified by the continuation of an existing alley from an abutting subdivision block or other special conditions. Alleys may be provided in business areas or industrial districts for adequate access to block interiors and for off street loading or service purposes. Dead end alleys shall be provided with a turn-around area with a minimum right-of-way diameter of one hundred ten (110) feet or greater as needed for the proposed use.

2) Dead end streets shall not be approved, except where a street is terminated at the subdivision boundary adjacent property considered for future development. This temporary dead end street shall service four (4) lots maximum. A temporary circular right-of-way or other form of turn around with a street surface the same as required in the subdivision shall be constructed at the end of the street which is greater than one lot in length.

3) Street intersections shall be designed with the following features to provide for safety and orderly traffic flow:

- a) No more than two (2) streets shall intersect or cross at the same point.
- b) The angle of intersection of street center lines shall be as near as possible to a right angle. Variations are allowed between 80 and 100 degrees.
- c) Intersections of the street centerline offsets shall be a minimum of one hundred fifty (150) feet apart, except where topography, or other physical conditions require variations from that distance.

4) Cul-de-sacs may be permitted if no other feasible alternatives can be utilized. Streets that connect with other streets, or loop streets are preferable for circulation, maintenance and fire protection. The following criteria shall be utilized for cul-de-sac streets for residential lots:

- a) The street shall be no longer than seven hundred fifty (750) feet and service no more than ten (10) lots. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. A street length up to one thousand (1000) feet may be permitted provided the street traffic surface width is increased by ten (10) feet from that normally required, to provide adequate access for emergency and service vehicles.
- b) The turnaround shall have a right-of-way diameter of one hundred ten (110) feet plus sufficient easements for utilities, drainage and other services. The traffic surface of the turnaround shall be a minimum of eighty five (85) feet in diameter. For commercial or industrial subdivisions, the turnaround diameter shall be increased by twenty (20) feet or more with a corresponding increase in the traffic surface as needed.

5) Half streets platting will not be permitted. Where there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission and approved by the Board.

6) Parkways or special types of roads designed for the proposed subdivision may be utilized by requesting variances from the standards detailed herein to allow the design to conform to the topography or other special features of the area.

7) Additional right-of-way dedication shall be required for any subdivision, excluding a property split, having frontage on an existing public street which does not meet the fifty (50) feet minimum from the road centerline required for an Area Service "A" County road. Additional right-of-way dedications may be needed for other County or State roads.

8) Subdivision entrances to County roads shall be constructed and maintained by the subdivider or property owner without cost to the County and comply with Chapter 14 Washington County Ordinance. The construction specifications, warranty and maintenance of any entrance dedicated to the County shall be addressed with the acceptance and dedication documents filed with the Final Plat. Entrances to State highways shall comply with the specifications and permit requirements of the IDOT, Highway Division, and obtain authorization from the Resident Construction Engineer. The following criteria shall be utilized, in addition to that listed above, for the entrance design and construction:

- a) High volume entrances, determined by the County Engineer when evaluating vehicles per day usage, may require higher design standards to assure safety and avoid exceeding the adjoining road capacity.

b) School bus turnarounds or loading zones at the subdivision entrance with the County road may be required for any subdivision planned with four (4) or more residential lots. The school bus turnaround or loading zone, if required, shall be constructed in accordance with the design requirements of the appropriate school district or IDOT and placed adjacent to the County road within the subdivision's property.

9) Subdivision streets shall be designed and constructed to the specifications and standards as recommended by the County Engineer and approved by the Board of Supervisors. Roads to be dedicated to the County shall utilize the County Road Standards and subdivision private streets shall utilize the Subdivision Streets Standards. Any existing private streets within the proposed subdivision shall be upgraded to meet the applicable standards. Washington County does not accept the ownership of the subdivision streets and does not assume the maintenance and responsibility for the same.

G. Traffic generation from the proposed subdivision onto existing County roads shall be evaluated by the County Engineer in relation to the type of traffic surface on those roads utilizing the County Road Performance Standards for Subdivisions. If the considered road is non-paved, and the trips generated by the proposed subdivision would increase the use of that non-paved County road to an unacceptable level, the County Engineer may require the subdivider to upgrade, to the County Road Standards, said road from the subdivision access to the nearest hard surface County road. The recommendation would be completed after an agreement reached between the subdivider, County Engineer and Board. The County Road Performance Standards for Subdivisions shall be recommended by the County Engineer and approved and adopted by the Board of Supervisors.

H. Road Assessment Agreement. For any proposed subdivision utilizing an existing county gravel road for primary access, the subdivider shall provide covenants running with each of the lots of the plat providing for the participation of each lot owner in a secondary road assessment district agreement under Chapter 311. Iowa Code. Two types shall be provided:

1) Road Improvement – The purpose of the agreement is to provide for the future improvement of the same county road from the access point(s) to the nearest hard surfaced county road at a time scheduled by the Board of Supervisors in the County Five (5) Year Road Construction Program.

2) Dust Control – The purpose of the agreement is to provide for the surface improvements for dust control only along the existing county gravel roads on the most commonly traveled route(s) to the nearest hard surfaced county road(s). The annual assessments are to be made on lots with development in progress or completed. The County Dust Control Policy shall be utilized to determine and allocate the assessment.

6. Street, Regulatory and Address Signs: All street name signs and all traffic control signs on all streets within and all intersections within or abutting the subdivision shall be assigned and installed as outline in the following sections. Building number signs for locations within the proposed subdivision shall be assigned and installed according to current County Code requirements.

A. The traffic control signs on all streets within the subdivision shall be recommended and detailed on the preliminary plat. A stop sign shall be installed at the intersection of each subdivision street with a public road. The street regulatory signs shall be in accordance with the latest edition of the Manual of Uniform Traffic Control Devices and other applicable County standards and regulations. The cost, installation and maintenance of the traffic



control signs shall be provided by the developer or homeowner's association through covenants or other agreements.

B. The approved names and numbers of all new streets in the subdivision shall be shown on the Preliminary Plat and conform to the prevailing street address system detailed in Chapter 11 of the County Code, Uniform Rural Address System. The New Street Name Application provided at the pre-application conference, shall be completed and submitted to the 911 Services Board and Board of Supervisors for action prior to the name inclusion on the Preliminary Plat. The street signs will be furnished, installed and maintained by the County with the cost billed to the developer and future lot owners and/or as outlined in Chapter 11.

C. The building numbers for residences, business and buildings on all public and private streets within all subdivisions shall be assigned and displayed in compliance with Chapter 11 of the County Code. The cost, installation and maintenance are provided by the County and/or as outlined in Chapter 11.

7. Reserved

8. Sidewalks: Where provided, sidewalks shall be constructed of portland cement concrete and shall be not less than four (4) inches thick except at the driveways where the thickness shall not be less than six (6) inches. The minimum width of the walk shall be four (4) feet and the grade shall conform to that of the curb and pavement and set approximately two (2) inches above top of curb. The sidewalks shall be located within the street right-of-way, parallel to and within two (2) feet of the lot line. The sidewalk construction and installation shall comply with ADA requirements.

9. Perimeter Fences: The subdivider shall assume responsibility for all boundary fences with adjacent land with agricultural use by means of a valid and recorded fence agreement(s) between the subdivider and the adjacent landowner(s). The responsibility shall be passed on to subsequent lot owners or the homeowner's association with provisions in the covenants requiring the transfers with each lot sale or upon the establishment of the homeowner's association. Where the entire perimeter fence length lies on a single lot, the subdivider may defer responsibility to that lot owner.

A. Fence agreement content shall include the following:

- 1) A statement binding on both parties (association), their heirs and assigns.
- 2) Documentation that the agreement shall run with the land.
- 3) A termination clause effective upon the subdivision of the adjoining property for non-agricultural purposes.
- 4) A statement negating any currently recorded fence agreement for any portion of the perimeter of the proposed subdivision.

B. The inability to obtain the signature of the owner(s) of any adjacent property for the new fence agreement(s) shall utilize the following method to satisfy the requirement. Provide proof that the said owner(s) of the adjoining property used for agricultural purposes has received the following information regarding the proposed fence agreement(s) by restricted certified mail:

- 1) Copies of this Ordinance sections 45.44.9 and 45.54.9.
- 2) A copy of the fence agreement prepared for the said property owner and signed by the subdivider.

3) Notice that the subject fence agreement can be withdrawn by the subdivider if not signed within thirty (30) days of receipt of the same by said property owner.

C. The type of fence constructed shall utilize the tight fence as defined in Iowa Code Chapter 359A Section 20 as a minimum standard to reach an agreement for the fence design, appearance and construction between the parties involved.

10. Open Space: All residential subdivisions shall be so designed as to meet the open space or neighborhood park needs of their residents. Common or individual open space shall be provided through planned public use areas in a variety of forms.

A. Large lot subdivisions shall not be required to set aside open space provided that at least ninety (90) percent of all lots in the proposed subdivision average one and one half (1 ½) acres or more in area and all lots have suitable open area. Adequate deed restrictions with said lots shall limit any subsequent lot re-subdivisions.

B. Residential subdivisions containing ten (10) or more lots shall dedicate a minimum of twenty thousand (20,000) square feet usable, common open space and in addition:

1) For each lot over ten (10) lots total, an additional two thousand (2,000) square feet of open space shall be dedicated.

2) The common open space areas need not be contiguous to each other, but no lot shall be less than ten thousand (10,000) square feet in size and at least one lot twenty thousand (20,000) square feet in size.

3) The length of the common open space shall not be more than five (5) times the width, except for bikeways or hiking trails.

4) The common open space land shall be clearly designated on the plan as to the character of use and development. The areas shall provide direct access or utilize appropriate easements and shall be intended for the private use of all the subdivision residents.

5) The common open area may include environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be contiguous and suitable for active recreation.

6) The common open area may include bikeways or hiking trails provided paths are of adequate width, are placed on a well drained subsoil base and are surfaced with a suitable material. As an incentive, the land area designated for a bikeway or hiking trail shall count as two (2) times the actual area towards fulfilling the minimum open space requirement, provided that at least twenty thousand (20,000) square feet of other open space has been set aside for active and passive use.

7) The following shall not be included in or considered in the open space:

a) Areas reserved for the exclusive use or benefit of an individual tenant or property owner.

b) Dedicated streets, common well sites, sewer treatment facilities, drainage storage areas, ponds, open drainage ditches, other public right-of-ways, and other areas deemed unsuitable open space.

c) Vehicular drives, parking, loading and storage areas.

d) Easements and other restricted areas for high power overhead transmission lines or large gas lines.

8) Suitable provisions for maintenance and upkeep of the open space shall be provided through the protective covenants or other similar agreements as may be approved by the Board.

11. Parks and School Sites Reserved: When a tract of land to be included in a proposed subdivision, is documented in the Comprehensive Plan or other official plan as an intended

park or school site, an option to purchase shall be honored for a limited time. The proposed park or school sites shall be reserved for three (3) years giving the County, other authorized public agency or school district the option to purchase the land at the appraised raw land value prior to the subdivision. The purchase price, established by a certified land appraiser, shall also include one-half (1/2) of the cost for grading and paving, including curbs, of the portion of any streets that are contiguous to the site and any taxes and interest incurred by the subdivider between the date of reservation and date of purchase by the public agency. Should the park or school sites not be purchased within three (3) years, the subdivider may then revise the Final Plat.

12. Power, Gas & Communication Lines: Underground placement is the preferred method of installation for all utility lines or cables. Any utility installation shall be made in compliance with the applicable codes and regulations. The subdivider and all lot owners shall be responsible for compliance with the rules and regulations of the service providers for the respective installed utilities and that responsibility shall be detailed in the subdivision covenants. The subdivider and lot owners shall be responsible for making the necessary arrangements with the utility companies for the installation of such facilities.

**45.55 EASEMENTS REQUIRED:** Granted access to areas shall be provided for utility services and other common services and facilities. The widths and extent of these easements shall be detailed on the plat and attached documents. The property or lot owners shall not erect any permanent structures on the land but shall have the right to make any other use of the land, subject to such easement, which is not inconsistent with the rights of the grantee.

1. Utility Easements: Easements for sanitary sewer, storm sewer facilities, and water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be ten (10) feet in width. All easements shall be established for water, sewer, electrical, telephone, cable and other as yet unidentified technologies, as needed at the front, rear and side of each lot and provide continuity of alignment from block to block. Except where prohibited by topography or lot boundaries, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities.

2. Future Water and Sewer Services: Easements shall be provided for the installation of future public or non-public central water supply lines and central sewer collection lines to all lots in the proposed subdivision. This consideration shall be utilized in areas where the total lot numbers and future expansion warrant the extension of those services from a proposed adjacent subdivision or a nearby municipality.

3. Large Service Utility Easements: Whenever high voltage overhead electrical lines or underground gas transmission lines are located in or near the subdivided area, easements shall comply with the distance setbacks and clear areas required by the applicable utility owner. Any additional setback or safe zone distances required by the State of Iowa or Federal utility commissions or other regulatory agencies shall also be implemented.

4. Easements Along Streams and Watercourses: Whenever any stream, drainage way or major surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's expense, make adequate provisions for the protection of the channel to assure that it will properly carry the surface water from and the upstream water through the area. Upon evaluation and recommendation by the County Engineer and/or an Iowa Department of Natural Resources official, the subdivider shall provide the recommended easement of not less than fifty (50) feet up grade from each bank. The width of the easement shall be dependent on the

area of land drained by the watercourse and designed through observed, computed or anticipated storm water drainage through and from the proposed subdivision.

5. Open Space Access: Parks, common land or open space situated in the interior blocks of a proposed subdivision shall have direct access to the surrounding streets by an easement at least twenty (20) feet wide and the maintenance of the same shall be covered by the protective covenants or other agreement.

**45.56 BLOCK STANDARDS:** Block layout shall enable development to meet the Subdivision Ordinance requirements for convenient access, circulation, control and safety of street traffic.

1. Block Length: The length of blocks shall not be less than five hundred (500) feet and not more than one thousand three hundred (1,300) feet in length. Crosswalks may be required for any block or cul-de-sac that exceeds six hundred (600) feet in length to provide access to a school, park, library or other public gathering site within one-fourth mile of the development.

2. Block Width: Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth and in no case shall the width be less than two hundred sixty (260) feet. A width of not less than one hundred sixty (160) feet shall be utilized where a single tier of lots parallels a limited access highway, an arterial street, railroad or other barrier to allow for a buffer strip installation.

**45.57 LOT STANDARDS:** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to the topography and the character of the development and adjacent property.

1. The minimum dimensions for lots shall be in accordance with the bulk and density standards of the applicable building district within which the subdivision is located. The depth and width of lots intended for commercial or industrial purposes shall be adequate to provide for off-street parking, loading and other requirements for such development uses.

2. Every lot shall abut and have access to a private or public street. Lots considered with access to an existing County road, arterial or collector street shall plan the lot arrangement as to minimize the number of access points.

3. All side lot lines shall be substantially at right angles to straight or radial to curved street center lines unless the Commission shall agree that a variation to this requirement will provide a better street and lot arrangement.

4. All lots shall be orientated with the front as the common lot line facing the street right-of-way line. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

5. Double frontage lots shall be avoided except where necessary to provide the separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation. Those lots shall front on a parallel collector or local street. Commercial or industrial lots may allow double frontage access with consideration given to minimizing access locations on arterial streets.

6. Corner lots shall have sufficient extra width to provide the same buildable width as adjacent lots after deducting the required side street setbacks and easements.

7. All lot lines at street intersections shall have a radius of not less than twenty five (25) feet at the corner. A greater radius may be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

8. Cul-de-sac lots shall have a minimum lot width of forty (40) feet at the street property line or right-of-way as measured by the chord length.

9. Flag lots are permitted if the stem extending from the street to the lot is a minimum of forty (40) feet wide. The lot size and shape requirements for the bulk of the lot shall be the same as required for the other lots in the development.

10. Outlots should be discouraged. Assigned lots with inadequate area for building purposes should be designated for open or recreational areas and maintenance provided through agreements with the subdivider and covenants.

11. The minimum net lot area and minimum lot width for each single family residence lot shall be as follows:

<u>Sewer System</u>	<u>Public or any</u>		<u>Private</u>	
	<u>Central Water</u>		<u>Individual Well</u>	
Municipal or Central Sewer	(ft. <sup>2</sup> )	(ft.)	(ft. <sup>2</sup> )	(ft.)
	15,000	(100)	20,000	(100)
On-Site Sewer	40,000	(125)	54,000	(175)

Minimum net lot area – excluding all easements of record.

- excluding the area below the 100 year flood elevation.
- excluding road right-of-way.

The Environmental Administrator may require larger lots after the preliminary evidence submitted with the plat indicates unsuitable soil conditions and the need for a larger area for the selected sewage method. Additional lot area may also be required to provide the needed separation distance from wells, water supplies, bodies of water, adjacent septic discharge lines or seepage flow areas to minimize the risk to resident’s and public health and safety. The Environmental Administrator may deny permits for lots that meet the minimum lot sizes but which do not comply with State Code or County Ordinance.

**45.58 ALTERNATE TYPES OF SUBDIVISIONS:** The purpose of this section is to provide diversity in the concepts and methods utilized to design subdivisions.

1. Planned Unit Development: The purpose of this section is to allow a single or multiple ownership project involving a related group of residential, commercial and associated uses to be planned as a single land use unit rather than as an aggregation of individual activities located on separate lots. The Planned Unit Development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the subdivision or site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a Planned Unit Development does not eliminate the need of compliance with the provisions of this Ordinance. Protective covenants shall be submitted with the Final Plat for both residential and combined use subdivisions detailing the liability for and maintenance of the open space, common or recreational areas.

A. Cluster Subdivision providing residential sites where the requirements may be varied provided that adequate open space be included to ensure that the average land area per single family dwelling shall be equal to or greater than that permitted for conventional lot layout in the area in which the subdivision is located. The following provisions shall apply:

- 1) Open space, common or recreational area shall be provided for the use and benefit of all the subdivision residents and the same stated in the covenants.
- 2) The majority of the grouped lots should abut the open space, common or recreational area with the remainder of the lots provided access through a walkway easement and with appropriate screening provided.
- 3) The total land area of the subdivision divided by the total number of single residential units provides the average land area per residential unit. Total land area of the subdivision shall include all open space, common and recreational areas, but shall not include land set aside for ponds and lakes within the subdivision, or the traffic surface area of the subdivision streets.
- 4) At no time shall approval be granted to subdivisions which include lots containing less than fifty percent (50%) of the lot area considered minimal, unless the use of common water and sewer systems provide modifications of the rule.

B. Combined use subdivision shall provide the same percentage of open space or common area recommended in the cluster residential subdivision. The open space should be utilized as a landscape buffer or barrier separating the residential units from the commercial or associated uses.

2. Non-Residential Subdivisions: When a proposed subdivision for commercial or industrial purposes is planned, the following provisions shall apply:

A. General. If a proposed subdivision includes land that is designated for industrial or commercial purposes, the layout of the subdivision with respect to such land may be subject to additional provisions as the Board and Commission require. A proposed non-residential subdivision shall be subject to all the requirements of this Ordinance and shall conform to the recommended land use and other regulations established in the Comprehensive Plan and other ordinances and standards in effect.

B. Standards. In addition to the principles and standards in this Ordinance for the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Board that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- 1) Proposed industrial and commercial parcels shall comply with any zoning ordinance governing the area involved.
- 2) Street right-of-way width and pavement thickness shall be adequate to accommodate the type and volume of traffic anticipated in the designated areas.
- 3) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
- 4) Special requirements may be imposed by the Board and Commission for the installation of public utilities, including water, sewer, and storm water drainage.
- 5) Every effort shall be made to protect adjacent residential areas from the potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when needed.

**45.59 SITE AND AREA PROTECTION:** The purpose of this section is to minimize the impact of the construction of the subdivision on the site and upon the adjacent property.

1. Construction activities erosion and storm water pollution control: The subdivider shall prepare permits and affidavits certifying the control measures to be implemented during the construction activities and as detailed on a pollution prevention plan.

A. The subdivider shall prepare an affidavit concerning land disturbing activities for the Washington County Soil and Water Conservation District acknowledging the soil loss sediment limit which regulations prohibit from leaving the proposed subdivision site.

B. A general storm water permit No. 2 application shall be prepared for the Iowa Department of Natural Resources when applicable. A pollution prevention plan for the proposed subdivision outlining the erosion control methods shall be prepared and submitted with the Construction Plan as outlined in this Ordinance.

2. Protection of Drainage Tile: If an existing functioning drain tile is found and damaged during the construction or relocation is required, the repairs or modifications shall be implemented under the guidelines of Iowa Code, Section 468.600 all.

3. Protection of Sensitive and Native Areas: Environmentally sensitive and primitive areas should be avoided to the greatest extent possible for consideration in a proposed subdivision. Such areas include, but are not limited to, slopes in excess of 25%, native forest growth, native prairie grasses, and wetlands. If a subdivision is proposed for such an area, the subdivider shall present a protection plan or preservation and/or restoration plan to the County Conservation Board for review and their comments and the plan forwarded to the Land Use and Planning Commission.

**45.60 RESERVED**

**45.70 RESERVED**

**45.80 RESERVED**

## **ENFORCEMENT & OTHER PROVISIONS**

**45.90 ENFORCEMENT, VIOLATIONS & PENALTIES.** The provisions of this Ordinance shall apply to all land, property and development in the unincorporated area of Washington County, Iowa, except as otherwise provided in this Ordinance. In addition to other remedies and penalties prescribed by the law, the provisions of this Ordinance shall be enforced as follows:

1. It shall be unlawful for any person, who has equitable or legal title to, or any executor or administrator exercising possession or control or person with legal authority over real estate located in unincorporated Washington County to divide a tract of real estate into two or more parcels or lots, unless the appropriate plat is prepared and submitted in accordance with the provisions of this Ordinance. Violations of this Ordinance shall be punished as a civil infraction with penalties as provided in the Washington County Code of Ordinances.

2. A person who does not have an approved plat which complies with the requirements of this Ordinance, and who knowingly or with the intent to defraud, transfers or sells property that is subject to the provisions of this Ordinance is guilty of a county civil infraction, and shall be penalized as provided in the Washington County Code of Ordinances.

3. A person who does not have an approved plat which complies with the requirements of this Ordinance and who conceals or misrepresents that fact to obtain a permit, license or certificate issued by a county, municipal or state agency or government is guilty of a county civil infraction and shall be penalized as provided in the Washington County Code of Ordinances.

4. Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.

5. The Board of Supervisors shall not permit any public improvements to be made with County funds, nor shall any County funds be expended for road maintenance or improvements or any other services in any area, the plat of which, has not been officially recorded prior to the date of adoption of this Ordinance or until the plat complies with the provisions of this Ordinance and said improvements are officially dedicated to the County.

**45.91 SEVERABILITY.** If any section or provision of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section or part thereof not adjudged invalid or unconstitutional.

**45.92 VARIANCES.** A request for modification of specific requirements of this Ordinance may be made to the Board of Adjustments where, owing to the unusual conditions of the site, the strict application of the standards or requirements will, in an individual case, result in extraordinary hardship to the subdivider. The granting of a variance shall secure the public interest, protect and preserve the affected natural resources, assure the continuance of the intent and purpose of this Ordinance and permit the reasonable development of the land.

A property owner or designated representative shall initiate a variance request by submitting an application and fee with the Subdivision Coordinator in conjunction with a Preliminary Plat or Minor Subdivision application. The application shall be forwarded to the Board of Adjustment and proceed as follows:

1. The applicant seeking the variance shall submit the following information:

A. The complete scope of the request in written form, including the extent of and the reason for the modification, and all of the facts used as basis for the request. 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 this Ordinance or by reason of exceptional topographic conditions or other extraordinary natural circumstances, the strict application of this Ordinance actually prohibits the practical use, as proposed, of the applicant's property in a manner which is similar to that afforded the adjacent property owners.

B. Evidence of the ability and intent of the applicant to proceed with the actual construction in accordance with the submitted Preliminary Plan and Construction Plan after issuance of the variance.

2. The Board of Adjustment shall consider the following criteria when making a decision on the request:

A. The variance requested arises from the physical condition or conditions which are unique to the property in question and 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 the enactment of this Ordinance.



B. The granting of the variance will not adversely affect the health, safety, prosperity, general welfare or rights of the adjacent property owners or residents.

C. The strict application of the provisions of this Ordinance, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, would constitute unnecessary hardship or impose unreasonable restrictions upon the property owner, unique to this application.

D. The granting of the variance will be in harmony with and preserve the intent and purpose of this Ordinance.

E. The variance will be only a minimal easing of the standards or requirements as necessary to reduce the hardship and allow the reasonable development of the property. Street standard variances, if any, will not reduce the traffic capacity of any affected street.

F. The variance will not adversely affect the County's Comprehensive Plan or in any manner vary the provisions of other County ordinances or regulations.

3. The Board of Adjustment shall act to approve, approve with conditions or deny the application for a variance at the hearing called for the consideration. The Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied and modified. The action taken shall be by written record and include the findings of fact and refer to all the evidence submitted. The action shall be completed prior to the Land Use and Planning Commission meeting for the same subdivision consideration.

4. Any variance granted under the authority of this Ordinance shall be subject to revocation if the variance is conditionally approved, and any of the required conditions are not fulfilled.

**45.93 AMENDMENTS.** This Ordinance may be amended by the Board of Supervisors after due consideration. Such amendments as may be proposed shall first be submitted to the Subdivision Coordinator for review and recommendations by the Land Use and Planning Commission. Any County resident or organization may propose an amendment by providing the wording or language in written form and a statement of the need and justification. The Commission shall hold a public hearing after the required publication of notice and after review provide a recommendation to adopt, adopt with text modification or deny adoption of the proposed amendment. The Commission's written recommendation shall be forwarded to the Board, after which the Board shall give the required notice and hold a public hearing on the same. After the hearing, review of the Commission report and consideration, the Board shall act upon the request. The amendment shall be in full force and effect after the final passage and adoption by the Board and publication as required by law.

**45.94 FEES ESTABLISHED.** The Board of Supervisors shall establish by resolution fees for the review of plats and plans. The fees shall be paid with the application submission to the Subdivision Coordinator, made payable to the County Treasurer and are not refundable.

**45.95 WHEN EFFECTIVE.** This Ordinance shall be in full force and effect after its final passage, adoption, and publication as required by law.

5-12-2005 effective date with publication.

Revised 4-29-2008 effective date with publication.