

**NOTICE OF THE ADOPTION AND PUBLICATION OF
SUBDIVISION ORDINANCES FOR THE UNINCORPORATED AREAS
OF WOODBURY COUNTY, IOWA**

An ordinance establishing comprehensive subdivision regulations for the unincorporated areas of Woodbury County, Iowa and providing for the administration, enforcement, and amendment thereof in accordance with the provisions of Chapter 331.301 Code of Iowa, 2007 has been adopted by the Woodbury County, Iowa Board of Supervisors on the 22nd day of July, 2008. The ordinances are effective on the date in which the complete text of the ordinances is published. All previous subdivision ordinances are repealed upon the effective date of the new subdivision ordinances. The complete text of the newly adopted subdivision ordinances is published within this date's issue of this publication.

This notice is given pursuant to Chapter 331.302 Code of Iowa, 2007 and by order of the Woodbury County, Iowa Board of Supervisors.

Woodbury County, Iowa
Board of Supervisors
Douglas L. Walish, Chairman

**WOODBURY COUNTY
SUBDIVISION ORDINANCE**

**Adopted July 22, 2008
by the Woodbury County
Board of Supervisors**

TABLE OF CONTENTS

TABLE OF CONTENTS i

ARTICLE 1. GENERAL PROVISIONS.

Section 1.01: Short Title. 1

Section 1.02: Purpose and Intent. 1

Section 1.03: Authority 1

1. General. 1

2. Extraterritorial jurisdiction. 2

Section 1.04: Policy Interpretation 2

Section 1.05: Jurisdiction 2

Section 1.06: Exceptions. 2

Section 1.07: Enforcement. 2

ARTICLE 2. GENERAL PROCEDURE.

Section 2.01: Classification of Plats. 3

1. Boundary adjustment. 3

2. Simple division. 3

3. Minor subdivision. 3

4. Major subdivision. 3

5. Auditor’s plat. 4

Section 2.02: Preplat conference. 4

Article 3. PRELIMINARY PLAT PROCEDURE.

Section 3.01: Submission requirements for a preliminary plat. 5

Section 3.02: Procedure for review of preliminary plats 6

Section 3.03: Effect and duration of preliminary plat approval. 7

ARTICLE 4. FINAL PLAT PROCEDURES.

Section 4.01: Submission requirements for a final plat. 8

Section 4.02: Procedure for review of final plats 9

1. Minor subdivision final plats. 9

2. Major subdivision final plats. 11

Section 4.03: Recording. 12

ARTICLE 5. IMPROVEMENT REQUIREMENTS.

Section 5.01: Improvements required. 13

Section 5.02: Plans required. 14

TABLE OF CONTENTS

Section 5.03: Review and approval. 14
Section 5.04: Guarantees of performance. 14

ARTICLE 6. DESIGN STANDARDS.

Section 6.01: General. 16
Section 6.02: Conformance with general plan. 16
Section 6.03: Grading standards. 16
Section 6.04: Lots and blocks. 16
Section 6.05: Roads. 16
Section 6.06: Sanitary sewerage system. 17
Section 6.07: Water system. 17
Section 6.08: Stormwater facilities. 18

ARTICLE 7. DEFINITIONS.

Section 7.01: Construction of Terms. 19
Section 7.02: Definitions. 19

ARTICLE 1. GENERAL PROVISIONS.

Section 1.01: Short title.

This chapter shall be known, cited and referred to as the subdivision regulations of Woodbury County, Iowa.

Section 1.02: Purpose and Intent.

1. Purpose. The purpose of this title is to establish procedures, standards and regulations that:
 - A. Implement the general plan for the county;
 - B. Promote, preserve and protect the health, safety, morals and general welfare of the community;
 - C. Preserve architecturally, historically, and archeologically significant areas of the community;
 - D. Preserve environmentally sensitive areas of the community;
 - E. Provide a balance between the rights of landowners and the responsibility and authority of the county to review and regulate the subdivision of land and the installation of public improvements;
 - F. Provide for accurate, clear and concise legal descriptions of real estate in order to prevent boundary disputes or real estate title problems; and
 - G. Provide for a balance between the rights of individual land owners and the economic, social and environmental concerns of the public.
2. Intent. The intent of the regulations, procedures and standards set forth in this title is to:
 - A. Conserve the value of property throughout the community;
 - B. Encourage efficient urban development with appropriate use of land;
 - C. Protect soil from wind and water erosion;
 - D. Lessen congestion on the roads;
 - E. Secure safety from fire, flood, panic and other dangers;
 - F. Provide adequate light and air;
 - G. Prevent overcrowding of the land;
 - H. Avoid undue concentration or dispersal of population;
 - I. Promote conservation of energy resources and reasonable access to solar energy; and
 - J. Provide for the regulation and control of public facilities and services such as transportation, water, sewage disposal, sanitation, schools, recreation areas and other public improvements.
 - K. Encourage economic development.

Section 1.03: Authority.

1. General. The Board of Supervisors is authorized by the provisions of chapter 354 of the Iowa Code to review and consider approval of subdivision plats.

2. Extraterritorial jurisdiction. Pursuant to Section 354.9 of the Iowa Code, the county shall acknowledge the concurrent review and approval processes by municipalities of subdivisions located within the extraterritorial review jurisdictions of municipalities. The municipal extraterritorial jurisdiction area is either the area within two miles of the corporate boundaries of the nearest city or an area described in a specific agreement pursuant to Chapter 28E of the Iowa Code.

Section 1.04: Policy Interpretation.

1. The regulation of subdivision and subsequent development of land is an implementation of the county's general plan for orderly and efficient development of the community.
2. Land to be subdivided must be capable of safe use for building purposes.
3. Land to be subdivided should be served by adequate public improvements such as stormwater drainage, water, sanitary sewer, transportation facilities, schools, parks and recreational facilities if feasible.
4. Public improvements shall conform to the approved comprehensive general plan and standards acceptable to the County Engineer.
5. The provisions of this chapter shall be held to be the minimum requirements for the protection of the public health, safety and general welfare and are not intended to limit or annul any more restrictive regulation or private agreement.

Section 1.05: Jurisdiction.

1. The regulations in this chapter shall apply to any division, subdivision or resubdivision of a lot, tract or parcel of land either for the purpose of sale or transfer of the land or for building development, whether imminent or future.
2. These regulations shall not restrict the acceptance or granting of deeds or other dedications of land by the county or other government when such action is in the public interest and not for the purpose of circumventing these regulations.

Section 1.06: Exceptions.

1. The Board of Supervisors may make exceptions, modify or defer the requirements of this chapter based upon a finding that strict compliance may result in extraordinary hardship or practical difficulties and/or that such relief may better serve the purposes of these regulations.
2. No such exception, modification or deferral may be approved that has the effect of nullifying the intent and purpose of this chapter or is more than the minimum relief necessary for the hardship or difficulty cited.
3. The Board of Supervisors may impose conditions needed to assure that the purpose and intent of these regulations are met.

Section 1.07: Enforcement.

1. The Zoning Director shall administer the provisions of this chapter.
2. No certificate of zoning compliance, building permit, grading permit or certificate of occupancy shall be issued for any parcel of land divided contrary to the provisions of this chapter.

ARTICLE 2. GENERAL PROCEDURE.

Section 2.01: Classification of Land Divisions.

1. Boundary adjustment.
 - A. A division of a parcel to allow all or a portion of the parcel to be incorporated into one or more abutting parcels is a boundary adjustment if:
 - (1) Any new parcel created as a result of a boundary adjustment is incorporated with an abutting parcel into a unified parcel except that one new parcel may remain if it conforms to the dimensional standards for a lot in the zoning district.
 - (2) The total number of parcels at the conclusion of a boundary adjustment does not exceed the number of parcels prior to the boundary adjustment.
 - B. No review or approval processes by the Planning and Zoning Commission or the Board of Supervisors are required for a boundary adjustment.
2. Simple division.
 - A. A division of a lot, or tract into two parcels for which no construction of public improvements is required is a simple division.
 - B. Simple divisions may have an administrative review by county departments to determine if the parcels in the division have adequate public facilities for the intended use of the property and that the division otherwise is in compliance with all county code requirements.
 - C. If the administrative review of the plat of survey or other evidence of a division of land determines that the division requires provision of public facilities or otherwise is not in compliance with all county code requirements, the owner shall be informed that the division is in violation of county standards and that no development permits will be issued until a subdivision plat has been prepared, reviewed, approved and recorded pursuant to this chapter.
3. Minor subdivision.
 - A. A subdivision plat that has three or more lots in which no construction of public improvements is required is considered to be a minor subdivision. A subdivision which requires public improvements or grading may be classified as a minor subdivision by the Zoning Director based upon a finding that the public improvement or grading requirements are so minor in scale that no public interest would be served by submittal, review and approval of a preliminary plat.
 - B. The subdivider is not required to submit a preliminary plat; however, if, during the review of the final plat the county staff, the Planning and Zoning Commission or the Board of Supervisors determines a need for more information, submission of specific material that would have been a part of a preliminary plat may be required.
4. Major subdivision.
 - A. A subdivision plat that is not a minor subdivision because it requires construction of public improvements is considered to be a major subdivision.
 - B. The subdivider shall comply with the submittal and review requirements for both preliminary and final plats.

- C. A final plat that conforms to an approved preliminary plat does not require review and approval by the Planning and Zoning Commission.
- 5. Auditor's plat.
 - A. An auditor's plat is a plat required by the County Auditor in accordance the provisions of sections 354.13 through 354.17 of the Code of Iowa because either:
 - (1) An existing subdivision plat or plat of survey was not in compliance with the requirements of sections 354.4 and 354.6 of the Code of Iowa; or
 - (2) The descriptions of one or more parcels within a tract are not sufficiently certain and accurate for the purpose of assessment and taxation.
 - B. The County Auditor may submit an auditor's plat for review and approval. If the auditor's plat is found to comply with the standards for surveys in the Chapter 355 of the Code of Iowa, it shall be approved pursuant to Section 354.15 of the Code; however, the approval may reserve the county's right to deny issuance of any permits or certificates if the auditor's plat does not conform with the standards of this chapter for subdivisions including adequate public improvements required to serve developed property.

Section 2.02: Preplat conference.

- 1. A subdivider may request a preplat conference prior to preparation of materials to be submitted for review and approval of a subdivision plat.
- 2. The purpose of a preplat conference is to acquaint the county staff and utility company representatives with the proposed subdivision and to acquaint the subdivider with the procedures and standards of the county and the utility companies.
- 3. If a preplat conference is requested, the Zoning Director shall set the time and place and send meeting notices to representatives of the appropriate county departments and public utility providers as well as to the subdivider and the subdivider's engineer and/or land surveyor.
- 4. Sketch plan. The subdivider may provide a sketch plan showing the location of the proposed subdivision, the general location of any existing and proposed roads and other improvements and the arrangement of lots and land uses in relation to the surrounding area.

Article 3. PRELIMINARY PLAT PROCEDURE.

Section 3.01: Submission Requirements for a Preliminary Plat.

For a major subdivision, the subdivider shall prepare and file a preliminary plat and supportive materials with the Zoning Division for review and approval in accordance with the following requirements:

1. A completed application for approval of the preliminary plat;
2. Nonrefundable processing and engineering check fees, as established by resolution of the Board of Supervisors, to defray administrative and engineering review costs;
3. Sufficient copies as determined by the Zoning Director of preliminary plat map that has been prepared by a professional engineer or land surveyor, drawn at an appropriate scale to clearly show the following required information:
 - A. A title in the form of " Preliminary Plat of (proposed name of the subdivision)" . Re-subdivisions shall be labeled as such in a subtitle.
 - B. A legal description of the property with a statement of the area of the property rounded to the nearest 0.1 acre.
 - C. Names, addresses and telephone numbers of the owner(s), subdivider, engineer or land surveyor or any of their agents.
 - D. North arrow and graphic scale.
 - E. Existing and proposed zoning district classification
 - F. A layout in plan view of the subdivision, including
 - (3) The boundary and dimensions of the proposed subdivision in relation to monuments for two U.S. public land survey system corners or two corners of a recorded subdivision.
 - (4) Dimensions and bearings of lots and rights-of-way. Sequential numbering of lots shall also be indicated. Outlots, labeled either as unsuitable for building or as reserved for future development, shall be indicated by sequential letter labels. Road names and approximate grade shall be indicated.
 - (5) Existing and proposed utility systems, including facility size and location, for water, sanitary sewer and storm drainage facilities. Preliminary plans for proposed public improvement systems shall be indicated.
 - (6) Existing and proposed gas mains, pipelines, electric transmission and distribution lines, and telecommunication lines.
 - (7) Existing and proposed easements for public and private utilities, drainage and access. Dimensions and bearings (if different from another given boundary) of the boundaries of the easements shall be shown.
 - (8) Approximate boundaries of areas subject to floods as indicated on the Official Flood Plain Zoning Map adopted by Section 5.03-3 of the Woodbury County Zoning Ordinance.
 - (9) Approximate boundaries of stormwater retention/detention areas, wetlands, streams, and wooded areas.
 - (10) Names of all adjoining subdivisions.

PRELIMINARY PLAT PROCEDURE

4. A vicinity map, either on the preliminary plat map or separate, drawn at an appropriate scale, indicating road patterns, lot lines and other significant features of adjacent land which represent constraints and/or opportunities for the proposed development of the subdivision.
5. Either separately or on the preliminary plat map, layouts and preliminary designs of public improvements that meet standards acceptable to the County Engineer.
6. Sufficient copies as determined by the Zoning Director of grading plans, either separately or on the preliminary plat map, including existing and proposed topography, proposed slopes and compaction rates as required for a grading permit application including a drainage report and an erosion control plan that meet standards acceptable to the County Engineer, respectively. If a grading permit for the grading required for the subdivision development has been issued pursuant to the County grading regulations prior to application for approval of the preliminary plat, a statement to that effect may be submitted in lieu of a new grading plan. The grading plan must describe the intended final grading of the subdivision even if the intent is to leave significant phases of the grading to be completed as part of the development of individual lots after the final subdivision plat has been approved.
7. If sanitary sewerage is to be disposed in septic systems on site, either a report by qualified professionals on percolation tests conducted on each soil type within the subdivision or a written acceptance by the Siouxland District Health Department of known percolation capability for the soils within the subdivision.
8. Any graphic materials prepared on computer aided drafting systems shall also be submitted on electronic media.
9. Other pertinent information requested by representatives of county departments or public utilities.

Section 3.02: Procedure for Review of Preliminary Plats.

1. Distribution. The Zoning Division shall distribute copies of the preliminary plat materials to the Planning and Zoning Commission, appropriate county departments, public agencies and public utilities.
2. Schedule. Complete preliminary plat submittals shall be included on the agenda of the Planning and Zoning Commission in accordance with the established administrative schedule.
3. Staff review. The appropriate county, public agency and public utility staff shall review the preliminary plat and prepare reports of their findings and comments to the Planning and Zoning Commission prior to the public hearing on the preliminary plat.
 - A. The County Engineer shall specifically review the preliminary design of public improvements and the grading plan including the drainage report and the erosion control plan.
 - B. The Zoning Director shall specifically review the conformance of the preliminary plat layout to the design standards of these regulations and conformance with the goals and objectives of the county's general plan. The Zoning Director may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.

PRELIMINARY PLAT PROCEDURE

4. Planning and Zoning Commission review.
 - A. Public hearing. The Planning and Zoning Commission shall conduct a public hearing on the preliminary plat. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four, nor more than twenty, days prior to the date of the hearing.
 - B. Review and recommendation. The Planning and Zoning Commission shall review the preliminary plat and the staff reports and such other information as may be brought forward during the public hearing to determine whether the plat conforms to the ordinances, the general plan and other policies of the county. To assure conformance with the goals and objectives of the county's general plan, the Planning and Zoning Commission may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties. The Planning and Zoning Commission shall forward a report of its findings and recommendation to the Board of Supervisors with a copy of the report and recommendation to the property owner, the subdivider, and the engineer and/or land surveyor for the subdivision.
5. Board of Supervisors review.
 - A. The Board of Supervisors shall review the preliminary plat, the staff reports and the report and recommendation of the Planning and Zoning Commission and other information to determine whether the preliminary plat conforms to the ordinances, the general plan and other policies of the county.
 - B. To assure conformance with the goals and objectives of the county's general plan, the Board of Supervisors may condition their approval to require providing use restrictions in order to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
 - C. Within 30 days from the receipt of the report and recommendation of the Planning and Zoning Commission, the Board of Supervisors shall approve, approve with conditions, or disapprove of the preliminary plat; however, the Board may table the matter with the consent of the subdivider.

Section 3.03: Effect and Duration of Preliminary Plat Approval.

1. An approved preliminary plat authorizes the subdivider to proceed with detailed engineering design of public improvements. The approval also constitutes issuance of a grading permit as required by the County grading regulations, if not previously issued.
2. The approval of a preliminary plat by the Board of Supervisors is valid for a period of one calendar year. If a final plat for all or a portion of the area within the preliminary plat has not been filed within one year, the approval shall be void unless the Board of Supervisors approves a time extension.

ARTICLE 4. FINAL PLAT PROCEDURES.

Section 4.01: Submission Requirements for a Final Plat.

The subdivider shall prepare and file with the Zoning Division a final plat and supportive materials in accordance with the standards for a subdivision plat in sections 354.6, 354.11 and 355.8 of the Code of Iowa which shall include:

1. A completed application for approval of a final plat;
2. A nonrefundable filing fee, as established by resolution of the Board of Supervisors, to defray administrative costs;
3. Sufficient copies as determined by the Zoning Director of a final plat for review in a size acceptable to the county recorder containing the following:
 - A. A title in the form of "Final Plat of (proposed name of the subdivision)". The name of the subdivision shall not duplicate the name of any existing subdivision in the county, except that successive adjacent final plats of a coordinated development may carry the same name distinguished by ordinal numbering. Re-subdivisions shall be labeled as such in a subtitle.
 - B. A legal description of the property with reference to monuments for two U.S. public land survey corners or two corners of a recorded subdivision and a statement of the area of the property rounded to the nearest 0.01 acre.
 - C. A certificate of the land surveyor who prepared the plat stating that it was prepared under his direction and that it conforms to the requirements of Chapter 355 of the Code of Iowa.
 - D. Names, addresses and telephone numbers of the owner, subdivider, and land surveyor.
 - E. North arrow and graphic scale.
 - F. An accurate map of the final plat drawn at a scale of 1 inch equals 100 feet unless a different scale has been approved by the Zoning Director. The map shall include:
 - (1) A layout in plan view of the subdivision, which illustrates the layout of lots, outlots, blocks, rights-of-way and easements. All dimensions necessary for locating said lots, outlots, rights-of-way, easements and monuments shall be shown in measurements accurate to the nearest 0.01 foot and to the nearest second of angular measurement. Curve data shall be shown either in tabular form or radius dimensions on the map.
 - (2) The location and description of all benchmarks and monumentation of lot corners.
 - (3) Road names. Road names shall be chosen to avoid confusion in sound and spelling with other road names in Woodbury County and nearby jurisdictions.
 - (4) The layout of lots and roads and the name of adjacent subdivisions and developments shall be shown in relation to the subdivision in dotted or dashed lines.
4. One original final plat in a size and form acceptable filing with the County Recorder. The original final plat need not be submitted with the initial filing of review materials,

FINAL PLAT PROCEDURES

but must be submitted prior to the final plat consideration by the Board of Supervisors.

5. The following documents required in the section 354.11 of the Iowa Code for recording a subdivision shall be on the face of the final plat in a form acceptable to the County Recorder:

- A. The consent of the owners to the platting including any dedication of land to public use.
- B. The consent of any mortgage or lien holders to the platting.
- C. An attorney’s title opinion regarding the land being platted.
- D. A certified resolution of the Board of Supervisors either approving the plat or waiving the right to review the plat.
- E. A certificate of the County Treasurer stating that the land is free from certified taxes and either free from special assessments or that the special assessments are secured by bond.
- F. A certificate of the County Auditor stating that the name of the subdivision has been approved.
- G. For a minor subdivision, a certified resolution of the Planning and Zoning Commission stating its recommendation on the plat.
- H. For a major subdivision, a certificate of the Zoning Director stating that the final plat conforms to an approved preliminary plat.
- I. For subdivisions plats subject to concurrent review and approval by a municipality pursuant to its extraterritorial subdivision review jurisdiction, a certified resolution of the city council of said municipality.
- J. A certification by the County Engineer (and the appropriate City Engineer for subdivisions located within the extraterritorial review area of a city) stating that:
 - (1) Required public improvements conforming to the county’s standards have been installed, inspected and maintenance assured, or
 - (2) Required public improvements shall be installed pursuant to an agreement and security provided by the subdivider.

6. The following additional documents shall accompany the final plat in a form acceptable to the County Recorder.

- A. Original signed agreements or covenants (including performance security instruments when appropriate) related to future public improvements, use restrictions or other issues required as a condition for the approval of the final plat.

7. Any graphic materials prepared on computer aided drafting systems shall also be submitted on electronic media.

Section 4.02: Procedure for Review of Final Plats.

1. Minor subdivision final plats. Minor subdivisions do not require a preliminary plat, but the final plat does require a review and recommendation by the Planning and Zoning Commission.

FINAL PLAT PROCEDURES

- A. Distribution. The Zoning Division shall distribute copies of the final plat to the Planning and Zoning Commission, the appropriate county departments and public utilities.
- B. Staff review. The appropriate county departments shall review the final plat and prepare reports of their findings and comments to Planning and Zoning Commission prior to the public hearing on the final plat.
 - (1) The County Engineer shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data.
 - (2) The Zoning Director shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents
 - (3) To assure conformance with the goals and objectives of the county's general plan, the Zoning Director may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
- C. Planning and Zoning Commission review.
 - (1) Public hearing. The Planning and Zoning Commission shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing.
 - (2) Review. The Planning and Zoning Commission shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county. To assure conformance with the goals and objectives of the county's general plan, the Planning and Zoning Commission may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
 - (3) The Planning and Zoning Commission shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
- D. Board of Supervisors review.
 - (1) The Board of Supervisors shall review the final plat, the staff reports, the report and recommendation of the Planning and Zoning Commission and any other information to determine whether the final plat conforms to the ordinances, the general plan and other policies of the county.
 - (2) To assure conformance with the goals and objectives of the county's general plan, the Board of Supervisors may condition their approval to require an agreement providing use restrictions in order to preserve and

FINAL PLAT PROCEDURES

improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.

- (3) Upon receipt of the planning commission report and recommendations, the Board of Supervisors shall approve, approve with conditions, or disapprove of the plat; however, the Board may table the matter with the consent of the subdivider. An approval shall be in the form of a resolution to be certified as part of the final plat.

2. Major subdivision final plats. Major subdivision final plats that conform to an approved preliminary plat do not require a review and recommendation by the Planning and Zoning Commission.

(For major subdivision final plats that do not conform to an approved preliminary plat, distribution, review and approval processes shall be the same as for a minor subdivision pursuant to subsection 1 above, including review and recommendation by the Planning and Zoning Commission.)

- A. Distribution. The Zoning Division shall distribute final plat materials to the Board of Supervisors, appropriate county departments and public utilities.
- B. Staff review. The appropriate county departments shall review the final plat and prepare reports of their findings and comments to Planning and Zoning Commission prior to the public hearing on the final plat.

- (1) The County Engineer shall review the final plat to:
 - (a) Determine conformance with the engineering design standards of these regulations;
 - (b) Verify accuracy of the legal descriptions and survey data.
 - (c) Assure that all public improvements have been properly installed, or in conformance with Section 5.04 of these regulations, assured to be installed within a specific time, or deferred indefinitely.

- (2) The Zoning Director:
 - (a) Shall review the final plat to determine conformance with any approved preliminary plat, with the design standards of these regulations, and with the required form of the plat and related documents
 - (b) Shall make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties in order to assure conformance with the goals and objectives of the county’s general plan.

- C. Board of Supervisors review.
 - (1) The Board of Supervisors shall review the final plat, the staff reports, and any other information to determine whether the final plat conforms to the ordinances, the general plan, the approved preliminary plat and other policies of the county.
 - (2) To assure conformance with the goals and objectives of the county’s general plan, the Board of Supervisors may condition their approval to require an agreement providing use restrictions in order to preserve and

FINAL PLAT PROCEDURES

improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.

- (3) Upon receipt of the plat and staff reports and recommendations, the Board of Supervisors shall approve, approve with conditions, or disapprove of the plat; however, the Board may table the matter with the consent of the subdivider. An approval shall be in the form of a resolution to be certified as part of the final plat.

Section 4.03: Recording.

Upon approval of the final plat, the certified resolutions of the planning commission, if any, and the Board of Supervisors shall be executed on originals of the final plat documents in a form acceptable to the county recorder and returned to the subdivider. The subdivider shall then proceed with the other steps required under the Code of Iowa to complete the process of recording the final plat of the subdivision and all related documents.

ARTICLE 5. IMPROVEMENT REQUIREMENTS.

Section 5.01: Improvements Required.

Any public improvements necessary to serve the proposed subdivision as well as to extend systems of public facilities to serve adjacent property shall be required as a condition for approval of a final plat. Before any final plat of a subdivision is approved by the Board of Supervisors, the public improvements required by this section shall have either been installed, deferred indefinitely or for a specific period of time, in which case, such installation shall be assured as provided in Section 5.04 below. The improvements may include, but are not limited to:

1. Monuments. Permanent monuments at each lot corner, point of curvature, point of tangency and control point as required by section 355.6 of the Code of Iowa shall be confirmed or placed by the land surveyor who certifies the final plat of the subdivision.
2. Grading. The subdivider shall grade any or all of the subdivided property so that each lot will be suitable and useful for the construction of structures and other improvements. All grading shall be in conformance with the Woodbury County grading regulations.
3. Roads. All public roads required to serve the lots within the subdivision and roads extended to provide access to property adjacent to the subdivision shall be constructed in conformance with current design standards of the Statewide Urban Design and Specifications (SUDAS). Any subdivision road not designed and constructed in accordance with these requirements shall be a private road unless specifically accepted by the Board of Supervisors based upon a recommendation by the County Engineer.
4. Sanitary sewer. If feasible, sanitary sewer service to all lots within the subdivision as well as sanitary sewer extended to property adjacent to the subdivision shall be constructed in conformance with current design standards of SUDAS. If construction of sanitary sewer is infeasible, alternative means of providing for disposal and/or treatment of wastes may be approved, subject to approval of the Woodbury County District Health Department.
5. Water supply. If feasible, public water distribution mains, service lines and fire hydrants for all lots within the subdivision as well as water service extended to property adjacent to the subdivision shall be constructed in conformance with current design standards of SUDAS. If connection to the public water system is infeasible, private wells may be approved.
6. Stormwater facilities. Stormwater facilities such as storm sewers, drainage ditches and swales, retention and detention basins as required to protect all properties within, adjacent and downstream from the subdivision shall be constructed in conformance with current design standards of SUDAS.
7. Private utilities. Private utility systems including, but not limited to, electricity, natural gas, and telecommunication services shall be installed either by the respective private utility companies or private contractors to serve each lot in the subdivision according to the industry standards adopted for each utility system. All utility systems shall be constructed underground except electrical transmission lines and appurtenances such as transformers and junction boxes and gas pressure relief valves. All utility system facilities shall be located in utility easements, on the property of the util-

ity company or in the public right-of-way in conformance with current design standards of SUDAS.

8. Other. Other improvements may be required as a condition for approval of a subdivision.

Section 5.02: Plans Required.

The subdivider shall provide four sets of the design plans and specifications for the required public improvements, prepared and certified by a professional engineer. The plans of improvements shall be in conformity with the approved preliminary plat and grading plan of the subdivision and shall conform to standard engineering practices, the design standards of this chapter and the current design standards of SUDAS. This requirement for submittal of plans and specifications may be deferred if the public improvements will be deferred indefinitely as part of agreements related to the approval of the final plat of the subdivision.

Section 5.03: Review and Approval.

The county engineering division shall review the plans of improvements to assure conformance with the approved preliminary plat and grading plan, standard engineering practices, the standards of this chapter, the requirements of the current design standards of SUDAS and, shall approve, approve with conditions, or disapprove the plans of improvements in a timely manner. Copies of the plans of improvements with acknowledgment of approval by the authorized county staff members as well as any comments shall be returned to the subdivider. No construction shall begin on public improvements until the plan of improvements has been approved. No construction field changes shall be made without the written approval of the county engineering division.

Section 5.04: Guarantees of Performance.

In lieu of the requirement that public improvements be completed prior to approval of the final plat, the subdivider may enter into an agreement to complete said public improvements. Said agreement shall be filed as part of the recording of the final plat in the office of the County Recorder.

1. Unless specific public improvement requirements have been deferred indefinitely, such agreement shall provide for completion and acceptance of said improvements within one year unless specifically extended by the mutual agreement. The performance of such construction shall be assured by one of the following forms of security subject to approval by the county attorney and acceptance by the Board of Supervisors:
 - A. A cashier's check or an escrow account at an acceptable institution in an amount equal to 110 percent of the estimated cost of the improvements to be constructed as approved by the County Engineer. The subdivider may withdraw or reduce the amount of the security in amounts approved by the county engineering division as improvements are constructed and inspected. Not more than 90 percent of the security may be withdrawn prior to filing of the required maintenance bonds and acceptance of the improvements by the county. An escrow account that requires only the signature of the County Auditor or the County Treasurer for release of funds will meet the requirements of this form of security.
 - B. A surety bond issued by an acceptable insurance or bonding company upon which the subdivider is a principal and the county is the sole obligee. The bond shall be in an amount equal to 110 percent of the estimated cost of the im-

IMPROVEMENT REQUIREMENTS

provements to be constructed as approved by the County Engineer. The assignment of contractor's performance bonds will not satisfy this provision.

- C. An irrevocable letter of credit from an acceptable financial institution in an amount equal to 110 percent of the estimated cost of the improvements to be constructed as approved by the County Engineer. The letter of credit shall provide that if all required improvements are not completed and accepted within the time allowed, the county may draw sufficient funds from the letter of credit to finance the construction of any remaining required improvements.
- D. A petition, waiver of notice and consent to special assessments for the design and installation by the county of the required improvements. This form of security may be used when the time limit for performance is longer than one year or undetermined. The petition, waiver and consent must be in a form that extends in effect to subsequent owners to assure that the public improvements may be constructed when feasible.

Exception: For required private utility services, no security shall be required to assure the performance by the subdivider or the successor in interest of the installation pursuant to the agreement required herein. Utility services shall be installed by the respective utility companies in accordance with their agreements with the county.

- 2. For public improvements that have been deferred for an indefinite period of time, an agreement binding the subdivider, his successors and assigns to either construct said public improvements or accept assessments for a share of the cost of such improvements at such time as the Board of Supervisors determines it to be in the public interest for such public improvements to be constructed.

ARTICLE 6. DESIGN STANDARDS.

Section 6.01: General.

General standards for the design and layout of subdivisions are set forth in this section. Specific standards for design of public improvements are found in standards acceptable to the County Engineer.

Section 6.02: Conformance with General Plan.

The location, classification, size and character of roads and other public facilities required for a subdivision shall conform to the general plan for Woodbury County and any other specific plans that may be adopted by the Planning and Zoning Commission or the Board of Supervisors.

Section 6.03: Grading Standards.

Grading of the subdivision shall meet the standards for slopes, setbacks and compaction acceptable to the County Engineer. Erosion control shall be provided during and after grading in accordance with the requirements of standards acceptable to the County Engineer.

Section 6.04: Lots and Blocks.

1. Block length between intersecting roads shall be appropriate to serve circulation needs within and through the subdivision.
2. Each lot in a subdivision shall have at least 25 feet of frontage on a public road right-of-way. Access cannot be solely from an alley.
3. Double-frontage lots are allowed in residential areas only in order to avoid driveways on major roads.
4. Side lot lines should be approximately perpendicular to the front lot line or radial to curved front lot lines.
5. The minimum width and depth of lots shall be determined by the bulk regulations of the zoning district. Usable building sites shall remain when all required setbacks and easements are taken into account; corner lots should be wider than interior lots to allow for corner side yard setbacks.
6. Flag lots are discouraged except when necessary to provide access when normal lot patterns are impossible to achieve due to topography or existing lot patterns.
7. Reverse corner lots, which have a common border between their rear lot lines and the side lot lines of adjacent lots, are discouraged because they disrupt the uniform setbacks on the intersecting roads and because they complicate utility access along the rear lot lines of the adjacent lots.

Section 6.05: Roads.

1. Private Roads. Private roads shall comply with the standards for public roads with regards to geometry, grading, and right-of-way size. Private roads may substitute alternative roadway surfaces for the paving standard acceptable to the County Engineer, provided the subdivider enters into a paving agreement that would be binding upon the owners of property in the subdivision at such time in the future as the road may be accepted as a public road.
2. Topography. Road patterns should conform to topography in order to maximize the utility of building sites with minimum grading.

3. Road grades. The minimum and maximum grades of roads are set forth in current design standards of SUDAS.
4. Right-of-way widths. The minimum right-of-way width for roads dedicated as part of a subdivision plat shall conform to current design standards of SUDAS.
5. Paving. To be accepted as part of the County secondary road system, subdivision roads must be paved in conformance to the current design standards of SUDAS in regard to materials, width and depth.
6. Continuity and alignment.
 - A. If practical, roads should be extensions of existing roads, but if an offset is necessary, it should be at least 125 feet from centerline of one intersecting road to the other.
 - B. Roads should intersect as nearly as possible to right angles with a minimum angle of intersection of 75 degrees.
 - C. Roads should not terminate in a dead-end except at the edge of a subdivision when an extension is planned to extend the road farther in subsequent developments. Dead-end roads shall have a temporary turn-around on either dedicated right-of-way or temporary easements.
7. Cul-de-sacs.
 - A. Cul-de-sacs longer than 500 feet shall only be allowed where physical limitations prohibit other access to property.
 - B. A circular turnaround shall be provided at the closed end of a cul-de-sac.
8. Sight distances. Maximum vertical and horizontal curvatures of roads are determined based upon sight distance factors in current design standards of SUDAS.

Section 6.06: Sanitary Sewerage System.

1. If feasible, all lots shall be served by sanitary sewer facilities of sufficient capacity for the intended use of the property.
2. Lots that cannot be served by sanitary sewer may be served by individual or group sanitary facilities subject to approval by the inspections division.
3. Lots that cannot be served by a public sanitary sewer system may be served by individual or group septic systems subject to approval by the Woodbury County District Health Department.
4. The size, materials and installation of the sanitary sewer facilities shall be in conformance with current design standards of SUDAS.

Section 6.07: Water System.

1. If feasible, all lots shall be served by public water supply facilities of sufficient capacity for the intended use of the property.
2. Lots that cannot be served by public water supply facilities may be served by individual or group wells and water treatment subject to approval by the Woodbury County District Health Department
3. The size, materials and installation of public water supply facilities shall be in conformance with current design standards of SUDAS.

Section 6.08: Stormwater Facilities.

Stormwater management within subdivisions shall be in conformance with standards acceptable to the Iowa Department of Natural Resources regulations and the County Engineer and current design standards of SUDAS and current.

ARTICLE 7. DEFINITIONS.

Section 7.01: Construction of Terms.

The following rules shall be applied in the interpretation of terms in these regulations, except when the context clearly requires otherwise.

1. Words used in one tense or form shall include other tenses and derivative forms.
2. Words in the singular shall include the plural and the plural shall include the singular.
3. Words of one gender shall include the other gender.
4. The words "shall" and "must" are mandatory. "Shall" imposes a duty; "must" states a requirement.
5. The word "may" is permissive or confers a power.
6. The word "person" includes individuals, firms, corporations, partnerships, companies, associations and other similar legal entities.
7. Words not specifically defined herein should be construed according to context and normal usage of the language, except that technical words and phrases and other words which have acquired an appropriate meaning in law, shall be construed according to such meanings.
8. If there is a difference of meaning or implication between the text of these regulations and any heading, caption or illustration, the text shall control.
9. References to requirements of the "state code", the Iowa Code or the Code of Iowa are synonymous and refer to the Code of Iowa, in effect on the date of adoption of these regulations.

Section 7.02: Definitions.

When used in these regulations, the following terms shall have the following meanings ascribed to them, except when the context clearly requires otherwise.

1. **Alley.** A public right-of-way, less than twenty feet wide and not intended for traffic circulation, which serves as a secondary means of vehicular access to abutting properties.
2. **Auditor's plat.** A subdivision plat required by the County Auditor or the assessor, pursuant to sections 354.13 through 354.17 of the Code of Iowa.
3. **Cul-de-sac.** A minor road having only one end open to traffic that is permanently terminated by a vehicular turnaround. Cul-de-sac may also refer to a paved circular turnaround at the end of such a dead-end road.
4. **Dedication.** A conveyance of an ownership in real property to the county or other public agency for public use in conformance with the provisions of section 354.19 of the Code of Iowa.
5. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation and drilling operations or storage of equipment or materials.
6. **Dimensional standards.** Requirements or limitations of structure height, location, setback or yard dimensions, and maximum ground coverage.

DEFINITIONS

7. **Division.** The splitting of a parcel or tract of land into more than one parcel or tract of land for development, conveyance or tax purposes. The term may be used as distinct from a subdivision.
8. **Easement.** An interest in real estate granted by an owner to another entity which allows a specified use or occupancy of the real estate, or which restricts the rights of the owner to a specified use or occupancy of the real estate.
9. **Effective date.** The date upon which the requirements of this ordinance become effective. Generally, either (a) the date of publication of notice of adoption by the Board of Supervisors or a date set with regard to an amending ordinance, or (b) the date that real property comes under the jurisdiction of Woodbury County by means of severance (de-annexation) from a municipality. With regard to provisions dealing with lots of record, the effective date shall be January 11, 1971.
10. **Final Plat.** A subdivision plat map drawn to the standards of section 355.8 and pursuant to the provisions of sections 354.6 through 354.11 of the Code of Iowa.
11. **Frontage.** The length of a front lot line measured along a public right-of-way.
12. **General Plan.** The General Development Plan of Woodbury County, (the Plan) adopted by the Board of Supervisors as a statement of public policy intended to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the county. Also sometimes referred to as a comprehensive plan, the General Development Plan serves as a guide for the requirements of this ordinance and other regulations related to physical development.
13. **Grade.** Depending on context:
 - A. The elevation of the surface of the ground or paving; or
 - B. The physical process of changing the surface of the ground; or
 - C. The slope of paving or ground surface expressed as a percentage of rise to run.
14. **Improvements.** Changes and additions to the land necessary to prepare it for building sites, including but not limited to, road paving, grading, monuments, stormwater facilities, sanitary sewers, water mains, fire hydrants, sidewalks and pedestrian ways.
15. **Legal description.** A written statement describing the boundaries or the area of a parcel or tract of land that is sufficiently explicit for the purpose of sale and conveyance, recording, tax assessment and collection.
16. **Lot, Subdivision.** A land parcel within a subdivision, identified by number, intended as a unit for transfer or development.
17. **Lot, Double-frontage.** A lot, other than a corner lot, that has frontage on two roads; also referred to as a "through lot". Generally, the bulk requirements for a front setback apply to both frontages.
18. **Lot, Flag.** A lot with less than the required lot width at the front setback as specified in the bulk regulations for a zone that widens to the required minimum width farther from the road. Flag lots are intended to allow development of parcels that would otherwise be undevelopable due to constraints of terrain or size and shape of the original parcel.
19. **Lot of record.** Land designated as a separate and distinct parcel in a subdivision plat which has been filed of record by the County Recorder or a parcel of land described

DEFINITIONS

in a deed filed of record prior to the effective date of Woodbury County's original subdivision regulations on January 11, 1971.

20. **Lot, Reverse corner.** A corner lot in which the side road lot line is a continuation of the front lot line of the lot to its rear.
21. **Outlot.** A tract within a subdivision not intended for development due either to a restriction that makes the land unsuitable for building or to reserve the land for future development. Outlots are indicated by alphabetic labels (i.e., Outlot A, Outlot B, etc.)
22. **Owner.** The holder of legal title or any equitable interest as filed of record in the offices of the county recorder.
23. **Parcel.** Generally, any specified land area. More specifically, a part of a tract of land.
24. **Plan of improvements.** The maps, engineering design drawings, specifications, plan and other information necessary to define and describe the location, design, capacity, materials, and other characteristics of a proposed subdivision improvement.
25. **Planning and Zoning Director.** The official appointed by the Board of Supervisors to administer the provisions of this ordinance.
26. **Plat.** A graphic representation and supporting documentation of a plan for division of land.
27. **Plat of survey.** A graphic representation of one or two parcels of land prepared by a land surveyor as an illustration of a metes and bounds description of the parcels.
28. **Preliminary plat.** Maps and supportive information indicating the proposed layout of a subdivision and preliminary design of required public improvements.
29. **Replat or resubdivision.** A subdivision plat that includes land that has previously been included in a recorded subdivision plat.
30. **Right-of-way.** A parcel of land intended to be occupied for roads, sidewalks, utilities and other public purposes. On a subdivision plat, rights-of-way are to be separate and distinct from other lots or parcels. Rights-of-way intended for public facilities shall be dedicated to public use and title transferred to the appropriate public agency.
31. **Road.** All property dedicated or intended for public or private road, road, highway or roadway purposes or to public easements for such thoroughfares. The term is sometimes used to indicate the area of the traveled way within a right-of-way or easement.
32. **Simple division.** A division of a tract or lot of record into two parcels for which no construction of public improvements is required. Consecutive divisions resulting in more than two parcels from the original tract a lot of record require a subdivision plat.
33. **Subdivider.** The owner or agent of the owner who undertakes to cause a parcel of land to be designed, constructed as a subdivision.
34. **Subdivision.** A division of a parcel or tract of land or lot of record into more than two lots or parcels for immediate or future conveyance or development.
35. **Subdivision, Major.** A division of land that requires public improvements; a division of land that can not be classified as either a simple division or a minor subdivision.
36. **Subdivision, Minor.** A subdivision that has three or more lots for which no construction of public improvements is required

DEFINITIONS

37. **Subdivision plat.** A plat filed pursuant to the requirements of Chapter 354 of the Iowa Code for the purpose of division of land into lots or other tracts for the purpose of development or conveyance of title. (See also "final plat").
38. **Tract.** A fractional part of a section of land or a lot within a subdivision.
39. **Utilities.** The services and facilities that provide usefulness and amenity for developed property. Utilities may include, but are not limited to, sanitary sewer, water, natural gas, electricity, telephone, cable television and other telecommunication systems.
40. **Zoning Director.** (See Planning and Zoning Director)