AN ORDINANCE AMEMDING JEFFERSON COUNTY CODE OF ORDINANCES (2005), CHAPTER 5-10, THE SUBDIVISION ORDINANCE.

BE IT ENACTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

I. Repealer. Jefferson County Code of Ordinances (2005), Chapter 5-10 is hereby repealed.

II. Amendment. Chapter 5-10 is hereby amended by substitution of the following, to state:

"Chapter 5-10. SUBDIVISIONS.

SECTION 1. Short Title and Purpose.

A. Short Title. This ordinance shall be known as the "Subdivision Ordinance" of Jefferson County, Iowa.

B. Purpose. The purpose of this ordinance is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that agricultural land and all other existing land uses will be protected, and so that growth occurs in an orderly manner, and to promote the public health, safety and general welfare of the citizens of Jefferson County, Iowa.

SECTION 2. Definitions. For the purpose of this ordinance, certain words herein shall be defined, and interpreted as, follows: Words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term "shall" is always mandatory, and the term "may" is permissive.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having power of eminent domain.

2. "Administrative officer" means the person assigned by the Board of Supervisors the duty to administer this ordinance and enforce its provisions.

3. "Agricultural operation" means the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock as defined by Iowa Code, including beef cattle, sheep, swine, ostriches, rheas, emus, bison, farm deer, horses, goats or any hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, vegetable; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation management program.

4. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section.

5. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

6. "Auditor's Plat" means a subdivision plat required by either the County Auditor or the County Assessor prepared by a surveyor under the direction of the County Auditor.

7. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

8. "Board" means the Board of Supervisors of Jefferson County, Iowa.

9. "Conveyance" means the transfer of title to land, which may be evidenced by the filing of an instrument with the County Recorder, including any form of deed or contract.

10. "Corn Suitability Rating" (CSR) means a measure of a soil's ability to support raising corn has been used. CSR is a rating system that assigns an agricultural value to each soil type within the County. The values range from zero (0) to one hundred (100) points, with higher scores indicating higher agricultural value.

11. "County Engineer" means the professional engineer licensed in the State of Iowa designated as County Engineer by the Board of Supervisors.

12. "Cul-de-sac" means a street having one end connecting to another street and the other end terminated by a vehicular turn around.

13. "Division" means the dividing of a tract or parcel of land into two or more parcels by conveyance or for tax purposes, except the conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of the Ordinance.

14. "Easement" means an authorization by a property owner for another to use a designated part of his property for a specified purpose.

15. "Flood Hazard Area" means 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 Flood Insurance Administration.

16. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a one hundred (100) year flood without cumulatively raising the waterway surface elevation more than one (1) foot.

17. "Government lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

18. "Improvements" mean changes to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers and drainage ways.

19. "Lot" means a tract of land represented and identified by a number or letter designation on an official plat.

20. "Metes and bounds" description means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

21. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of Chapter 354 and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.

22. "Open space" means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.

23. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

24. "Parcel" means a part of a tract of land.

25. "Permanent real estate index number means" a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.

26. "Plat" means a map, drawing, or chart on which a subdivider's plan for the subdivision of land is presented to the Board of Supervisors for approval, and is intended, in its final form, to be recorded.

27. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.

28. A "preliminary plat" means a subdivider's proposed map, drawn to scale and including the subdivision's proposed layout, which shall comply with the requirements in section 6(B) of this ordinance and is intended to be used as the starting point for the development of a final plat.

29. A "public sewer system" means any system designed for the collection, treatment, and disposal of wastes that is not a private on-site sewage treatment system.

30. "Resubdivision" means any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat or preparing a plat of previously subdivided land.

31. "Street" means public or private property, not an alley, intended for vehicular circulation. In appropriate context, the term "street" may refer to the right-of-way bounded by the property lines of such public or private property, or may refer to the paving installed within such right-of-way.

32. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

33. "Subdivision" means the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided.

34. "Subdivision plat" means the recorded 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 the county where the land is located.

35. "Surveyor" means a licensed land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa.

36. "Tract" means an aliquot part of a section, a lot within an official plat, or government lot.

37. "Utilities" mean systems for the distribution or collection of water, gas, electricity, wastewater, storm water, wind, telephone, cable television, and internet.

SECTION 3. General Provisions.

A. Requirements for Plat of Survey. A plat of survey shall be made, showing information developed by the survey:
1. for land which has been divided using a metes & bounds description, or for correcting descriptions of surveyed lands;
2. for any minor subdivision done with approval of the Administrative Officer and the Board pursuant to Section 3(C) of this ordinance.

The grantor or the surveyor shall contact the Jefferson County Auditor, who, for the purpose of assessment and taxation, shall review the division to determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. The plat of survey shall be prepared in compliance with 355.7 of the Code of Iowa and shall be recorded.

B. Subdivision Plat Requirements. Any tract of land which has been subdivided or shall hereafter be subdivided by the owner, or any subsequent owner, into three (3) or more parts, any

part of which is less than a quarter (1/4) of a quarter (1/4) of a section, for the purpose of laying out an addition, subdivision, or building lot shall be made in the form and containing the information as hereinafter set forth before selling or offering for sale any lots therein contained or placing the plat on record. For the purpose of determining three (3) or more parts, Jefferson County began counting recorded splits on December 14, 2004. Any other splits made before that date may still be covered by Iowa Code.

The administrative officer shall determine whether a property split triggers the provisions of the Subdivision Ordinance. If the split does not trigger this ordinance, the administrative officer shall so state in writing and that written determination shall be recorded with the deed or instrument transferring the property.

This subsection does not apply to splits made for the following purposes:

1. Mortgaging or financing of the property;
2. Adding land to abutting property or properties. Neighbors acquiring a parcel of land in this situation may use that land for any purpose. However, the parcel may not be sold to or developed by a third party without reconsideration of the applicability of this ordinance by the administrative officer.

C. Minor Subdivision Requirements.

1. A minor subdivision occurs where no more than four (4) lots are created in the manner described in Section 3(B) of this ordinance. All lots must be a minimum of 1 acre in size. All lots shall front on and have direct access from an existing public street. There shall be no construction of public improvements, including but not limited to public or private streets.
2. A minor subdivision does not require a preliminary plat.
3. A minor subdivision does not require compliance with Sections 4-7 of this ordinance except for Section 5(A-D).
4. A minor subdivision is not final until a plat of survey prepared according to Section 3(A) and complying with Iowa Code Section 355.7 is filed with the Jefferson County Recorder. Said plat of survey must have attached a copy of the resolution from the Board approving the minor subdivision and a letter from the County Engineer approving all drive entrances.

D. Recording of Plat. No subdivision plat, resubdivision plat, or street dedication within Jefferson County, Iowa, shall be filed for record with the County Reorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

Upon the approval of the final plat by the Jefferson County Board of Supervisors, it shall be the duty of the subdivider to immediately record such plat with the County Recorder, and an exact copy of the plat shall be filed in the offices of the County Auditor and County Assessor. Approval of the final plat by the Board of Supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the County Recorder within one hundred twenty (120) days after date of approval, unless, within that time, an extension based upon unusual circumstances is granted by the Board of Supervisors.

E. Fees Established. The Board of Supervisors shall, from time to time, establish by resolution fees for the review of plats and minor subdivisions. No plat for any subdivision, resubdivision, or minor subdivision shall be considered filed with the Board of Supervisors unless and until said plat is accompanied by the fee as established by resolution of the Board of Supervisors and as required by this ordinance.

F. Exception. Parcels created by the governments of the United States of America, the State of Iowa, or any political subdivisions thereof, shall be exempt from the requirements of this article.

G. Building Prohibited. No building shall commence on any lot, nor shall any structure be moved onto any lot, parcel or tract, where a subdivision is required by this ordinance unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance and until the improvements required by this ordinance have been installed.

H. Appeal of Disapproval or Denial of Board of Supervisors. Any appeal of the Board of supervisors' decision shall be made to the district court in accordance with Iowa Code Section 354.10 and shall be perfected within twenty (20) days as prescribed by that Section.

SECTION 4. Improvements.

A. Improvements Required. The subdivider shall, at their own expense, install, construct and maintain any improvements required by this ordinance. In no case shall Jefferson County own, operate or maintain the improvements required in this ordinance. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the County, and as shown on the approved final plat.

Exception: Public secondary roads which are currently a part of the Jefferson County Secondary Road System, after being improved by and at the developer's expense as required by this ordinance, shall be maintained by Jefferson County.

B. Inspection.

1. All improvements shall be inspected to ensure compliance with the requirements of the final plat. The cost of such inspection shall be borne by the subdivider.
2. Failure to satisfactorily complete all improvements shall be considered a violation of this ordinance. A new violation occurs each day all the improvements remain incomplete beyond the agreed upon deadline.

C. Minimum Improvements. Non-agricultural or residential subdivision, or any subdivision which will include any new road, or alteration of natural drainage ways, or the installation of sewage collection or water facilities, shall adhere to the following minimum standards. The improvements set for the below shall be considered the minimum improvements necessary to protect the public health, safety and welfare:

1. Streets: The subdivider of land being subdivided shall be responsible for construction of all streets. All streets shall be constructed so as to meet the standards of Jefferson County as set

by Board of Supervisor resolution. In all plats where private roads are to be approved, a Road Association Agreement shall be established to (1) guarantee access to all lots, (2) ensure repair and maintenance of said facilities, and (3) provided for any necessary utility easements.

2. Sanitary Sewer System. Adequate provisions for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sanitary sewer system is available within one (1) mile, the developer shall require each individual lot owner to connect to the existing system at the time of home construction. If the proposed subdivision is greater than one (1) mile from an existing system, or the governing body of the system denies access, the developer shall require each individual lot owner to install a disposal system consistent with Jefferson County Ordinance, at the time of construction.

3. Storm Sewer System. The developer shall install and construct a storm water drainage and /or storm sewer system adequate to serve the area. This should include anticipated extension of use to serve additional areas, so as to prevent undue runoff onto adjacent lands.

4. Other improvements. The developer shall be responsible for the installation of grading and seeding or sodding of all lots and all necessary soil erosion control measures during construction; the planting of any required trees; and the installation of street signs and street lighting as required. The developer of land within subdivisions adjacent to an agricultural operation will be fully responsible for the construction of perimeter fencing. Maintenance of said fencing shall be the responsibility of all subsequent owners.

5. Streams and Watercourses: Whenever any stream or surface watercourse is located in an area that is being subdivided, the developer shall, at the developer's expense, make provisions for drainage of surface water.

D. Easements Required. Utility Easements: Where required for the placement of present or future utilities, easements shall be shown on the plat and shall be granted by the owner No buildings or structure except when necessary for utilities shall be permitted on such easements.

E. Maintenance of Improvements. Unless otherwise approved by the Board of Supervisors, improvements required to be installed shall remain on the property and the responsibility of the subdivider or successors in interest to the lands being subdivided. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not need to assume maintenance responsibility for such improvements(s), have been approved.

SECTION 5. Minimum Standards for the Design of Subdivisions.

A. Standards Prescribed. The standards set forth in this ordinance shall be considered the minimum standards necessary to protect the public health, safety, and general welfare.

B. Land Suitability. No land shall be designated for development that is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse

geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the Board of Supervisors. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Board of Supervisors shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Board of Supervisors may reaffirm, modify, or withdraw its determination regarding such unsuitability.

C. Protection of Agricultural Land. Jefferson County considers any tract of land with an average corn suitability rating (CSR) of 55 or higher to be productive agricultural soil. There exists a rebuttable presumption that land with an average CSR value of 55 or higher should be preserved for agricultural use.

D. Lands Subject to Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the Board of Supervisors. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area.

Land located within a flood hazard area or a floodway may be included within a plat as follows, subject to the approval of the Board of Supervisors:

1. Included within individual lots in the subdivision, subject to the limitations of this section.

2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the Board of Supervisors, providing for its care and maintenance by such owners.

3. If acceptable to the Board of Supervisors, dedicated to the County as public open space for recreation or for flood control purposes.

E. Soil Erosion and Sediment Control. The subdivider shall submit a letter of intent including a soil erosion and sediment control plan for the entire area of the proposed subdivision. The owner shall bear responsibility for controlling erosion of the subdivision by such methods as seeding, sodding, earth dikes, sediment basins or other controls as deemed necessary. No preliminary plat and/or final plat shall be granted approval unless it includes a soil erosion and sediment control plan. The following general standards shall apply:

1. Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.

2. Earth movements, such as grading, topsoil removal, mineral extractions, stream course changing road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to minimize erosion and sedimentation and to least disturb the natural fauna, flora , water course, water regiment and topography.

F. Drainage Requirements. The subdivider shall submit a letter of intent including a drainage control plan for subdivisions with natural drainage courses and waterways. Natural drainage courses and waterways within any subdivision shall be preserved. No preliminary plat shall be granted approval unless it includes a drainage control plan. All natural drainage courses and waterways within any subdivision shall be either preserved in their natural state or imporved in accordance with all state and federal laws and regulations.

G. Street Standards. The following standards shall apply to public or private roads, and all private streets to be located within the subdivision.

1. Secondary (public) roads.

   a. All subdivisions shall be serviced by a paved or bituminous seal coat surfaced public road.

   b. For proposed subdivisions not serviced by a paved or bituminous seal coat surfaced public road, it shall be the responsibility of the developer to improve the roadway from each entrance of the subdivision to the nearest paved bituminous seal coat surfaced public road. Paving plans must comply with all county standards, be prepared by a professional engineer who is licensed to practice in the State of Iowa, and be approved by the County Engineer and the Board of Supervisors.

   c. If the subdivision is serviced by a gravel road, the developer shall pay the cost of creating a stabilized sub-base and seal-coating the roadway to the nearest paved road. If the seal-coat requires additional applications, the developer or successors in interest to any part of the subdivision shall be responsible for the cost of the additional application. No subdivision shall be approved until and unless legal covenants, running with the land, sufficient to ensure that the County will not assume the full responsibility for creating a stabilized sub-base, seal-coating, and maintaining the gravel road have been approved.

   d. All new driveways proposed as part of the subdivision shall conform to Jefferson County Ordinance.

   e. All new streets, public and private, shall be named and all newly erected structures shall be numbered and marked in accordance with Jefferson County Ordinance.

2. Subdivision (private roads):

   a. The minimum specifications for streets for new subdivisions in Jefferson County shall be adhered to as established by resolution.

b. All newly erected structures shall be numbered and marked in accordance with Jefferson County Ordinance.

3. Cul-de-sacs:

a. All cul-de-sacs proposed, as part of the subdivision shall be approved by the County Engineer.

b. The maximum length of any proposed cul-de-sac shall be 750 feet.

H. Block and Lot Standards. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions.

1. All lots shall be a minimum of 1 acre. However, a variance may be granted for those lots serviced by a public sanitary sewer system.

2. Block and lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

3. Block and lot arrangement and design shall be such that all lots will have direct access to a platted roadway. Indirect access via an easement, shared driveway, or unusual shaped lots with a single strip of land for access is unacceptable.

4. Unless unavoidable, lots shall not front or have direct access to arterial streets or county roads. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

SECTION 6. Procedures and Submission Requirements for Plats.

A. Board Approval Required. Final approval of the proposed subdivision plat shall be made by the Board of Supervisors. The subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the Administrative Officer ten (10) copies of the preliminary plat conforming in detail to the requirements set forth in this ordinance.

2. The subdivider shall also prepare and file with the Administrative Officer one (1) digital copy of the preliminary plat meeting the requirements of this ordinance and in a format required by the County Engineer.

B. Requirements of the preliminary plat. The preliminary plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100'). A sheet size shall not exceed twenty-four inches by thirty –six inches (24"x 36"). 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.

The preliminary plat shall be clearly marked "Preliminary Plat" and shall show or have attached thereto, the following:

1. Title, scale, north point and date on each sheet.

2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county, and shall be approved by the County Auditor.

3. The name and address of the owner and the name, address and profession of the person preparing the plat.

4. A key map showing the general location of the proposed subdivision in relation to surrounding lands.

5. The names and locations of adjacent subdivisions and the names of record owners and locations of unplatted land located within five hundred (500) feet of the proposed subdivision boundary.

6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.

7. Contours at vertical intervals of not more than two (2) feet, if the general slope of the site is less than ten (10) percent, and at vertical intervals of not more than five (5) feet, if the general slope is ten (10) percent or greater.

8. The legal description of the area being platted.

9. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

10. The layout, numbers and approximate dimensions of proposed lots.

11. The location, width and dimensions of all streets.

12. Present and proposed utility systems, including, but not limited to, sanitary and storm sewers, other drainage facilities, water systems, gas mains and electric utilities.

13. Proposed easements showing locations, widths, purposed and limitations.

14. Parcels or areas of land proposed to be dedicated or reserved for open space, schools, parks, playgrounds, or other public, semi-public or community purposes, showing proposed surfacing material.

15. A general description of all minimum improvements to be created within the subdivision.

16. Any other pertinent information and necessary information.

17. The fee, as required by this ordinance.

C. Duration of Approval of Preliminary Plat. Approval of the preliminary plat by the Board of Supervisors shall be valid for a period of eighteen (18) months from the date of approval. In the event that a final plat has not been approved within the eighteen (18) month period, the preliminary plat shall be void. The subdivider shall then be required to resubmit the preliminary plat for approval in the same manner as previously prescribed.

D. Requirements of the Final Plat. Following approval of a preliminary plat, as provided for in Sections 6(A) and 6(B) of this ordinance, the subdivider shall, within eighteen (18) months from the date of approval of the preliminary plat, unless such time period has been extended, file with the Administrative Officer ten (10) copies of the final plat or a portion of the final plat for the area covered by said preliminary plat as approved by the Board of Supervisors. The subdivider shall also file one (1) digital copy of the final plat.

The final plat shall be drawn at a scale of one-inch equals one hundred feet (1"=100'). Sheet size shall be no greater than eighteen inches by twenty-four inches (18"x 24") nor smaller than eight and one-half inches by eleven inches (8 ½ "x 11") and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin.

The final plat shall be clearly marked "Final Plat" and shall show the following as set forth within Chapters 354 & 355 of the Iowa Code.

1. The name of the subdivision, as approved by the County Auditor.

2. Name and address of the owner and subdivider.

3. Scale graphic bar scale, north arrow and date on each sheet.

4. All monuments to be of record, as required by Chapter 355, Code of Iowa.

5. Sufficient survey data to positively describe the boundaries of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

6. All distance, bearing curve, and other survey data.

7. All adjoining properties shall be identified and, where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made.

Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

8. Street names and a clear designation of public alleys.

9. Block and lot numbers.

10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.

11. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities, including: gas, power, telephone, cable television, water and sewer, easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

12. All interior excepted parcels, clearly indicated and labeled "not a part of this plat".

13. Legal description.

14. The minimum unadjusted accepted error of closure for all subdivision boundaries, which shall be 1:10,000 and shall be 1:5,000 for any individual lot.

15. A statement by a licensed land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyors and bearing the surveyor's Iowa registration number or seal; and a sealed certification of the accuracy of the plat by the licensed land surveyor who drew the plat.

E. Attachments to the Final Plat. The following shall be attached to and accompany any final plat at the time of recording:

1. A certificate by the owner and his or her spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse.

2. An attorney's opinion showing that the fee title to the subdivision is free from encumbrance other than those secured by an encumbrance bond.

3. Certificate from the County Treasurer that the subdivision land is free from unpaid taxes.

4. A copy of any existing encumbrance bonds.

5. A statement of restrictions that run with the land and become covenants in the deeds of lots.

6. A statement by the developer setting out a timetable, no longer than two (2) years, for satisfactory completion of all improvements.

7. Unless all improvements are complete prior to the filing of the final plat, a statement by the Administrative Officer that a performance bond in an amount equal to the full cost of the improvements outlined in 6.05(f) above, as estimated by the County Engineer and/or his designee, has been approved by the County Attorney and filed with the County Auditor. Said performance bond shall mean either a surety bond or a cash deposit which is legally sufficient to secure to Jefferson County that the said improvements will be constructed in accordance with this ordinance.

8. A resolution and certified plat approved by the Board of Supervisors.

9. The applicable fee.

10. A statement by the Administrative Officer that all applicable fees have been paid.

F. Procedure for Review & Approval of Final Plat.

1. The Administrative Officer shall provide copies of the final plat to the County Engineer, and such other persons as are necessary for review, and shall schedule that plat for review by the Board of Supervisors within thirty (30) days upon receipt of the final plat. The Administrative Officer shall furnish the County Auditor a copy to be maintained for public viewing.

2. The Administrative Officer and the County Engineer shall examine the plat for compliance with applicable ordinances and standards of the County, shall examine its conformance with the preliminary plat, and shall formulate a report to be given to the Board of Supervisors at the time of the Board's review meeting. Pursuant to Iowa code Section 354.10; approval or denial of the subdivision plat shall occur within sixty-days (60) from the date of application for final approval.

3. If the plat is found to conform to the applicable ordinances and standards of the County, to substantially conform to the preliminary plat, and if it appears that approval will not be in conflict with the purposes of this ordinance, as set out in Section 1(B) above, the Board of Supervisors may approve the final plat and cause its approval to be entered on the plat. The Board of Supervisors may also adopt and pass a resolution accepting the final plat. The County Auditor, upon approval of the final plat by the Board of Supervisors shall certify the resolution and the final plat as evidenced by a seal, signature and date appearing on both documents.

4. If the final plat is disapproved by the Board of Supervisors, the reasons for such disapproval shall be conveyed in writing to the subdivider.

5. The passage of a resolution by the Board of Supervisors accepting the final plat shall constitute final approval of the platting of the area shown on the final plat. The subdivider shall cause a certified copy of the approved final plat to be recorded in the office of the County Recorder before Jefferson County will recognize the plat as being in full force and effect.

6. Any changes made to the final plat after approval of the Board of Supervisors shall be subject to the provisions of this ordinance.

SECTION 7. Other Provisions.

A. Open Space Requirement. For all subdivisions, a minimum of one half acre is required to be set aside as common open space. Additionally, .10 acres will be provided as common open space per each lot proposed. As a condition of approving all subdivision, the subdivider shall submit with the final plat a subdivider's agreement regarding the liability for and maintenance of the open space, common ground or recreation area. The land area required for storm water detention, streets, sidewalks, utilities, and wastewater treatment shall not be included in the land area required to meet the open space requirement.

B. Sale of Lots Within a Proposed Subdivision. It shall be a violation of this ordinance to record the sale of any lot or lots within a proposed subdivision until such time as the final plat has been recorded in the office of the Jefferson County Recorder.

C. Variances. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Supervisors may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured. However, such variance modification or waiver shall not have the effect of nullifying the intent and purpose of this ordinance or the Jefferson County Land Preservation Ordinance. In no case shall a variance or modification be more than a minimal easing of the requirements as necessary to eliminate the hardship. In so granting a variance the Board of Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modifies, or waived. If a request for variance is denied, an appeal may be made in conformance with Section 3(H) of this ordinance.

SECTION 8. Penalty: Any person violating these rules or any provision thereof, shall be guilty of a simple misdemeanor and shall be subject to any and all penalties described in Jefferson County Home Rule Ordinance 1-20."

III. Severability. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provisions, or part thereof not adjudged invalid or unconstitutional.

IV. Publication, Hearing, Approval, Adoption, and Filing of:

AN ORDINANCE AMEMDING JEFFERSON COUNTY CODE OF ORDINANCES (2005), CHAPTER 5-10 THE SUBDIVISION ORDINANCE.

Board of Supervisors approval on _____ _____, 2009.

_____

CHAIRMAN, BOARD OF SUPERVISORS

Publication of full text on _____ _____, 2009, in _____.

Filed in Jefferson County Home Rule Ordinance Book Number _____ on _____ _____, 2009.

_____
JEFFERSON COUNTY AUDITOR