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Jasper County, Iowa
Denise Allan County Recorder
File **2021-00008784**

Request to Change Ordinances

Recorder's Cover Sheet

Preparer Information:

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Return Document to:

Jasper County Auditor, 101 1st St N, Newton, IA 50208

Description: Ordinance #68

An Ordinance repealing Ordinances #36 & #36A in their entirety, and replacing with the following comprehensive land subdivision regulation, applicable to all unincorporated areas of Jasper County, Iowa and providing for the administration and enforcement thereof.

No Fee
Jasper Co. Auditor

JASPER COUNTY, IOWA
BEFORE THE BOARD OF SUPERVISORS

ORDINANCE #68

AN ORDINANCE REPEALING ORDINANCES #36 AND #36A IN THEIR ENTIRETY, AND REPLACING WITH THE FOLLOWING COMPREHENSIVE LAND SUBDIVISION REGULATION, APPLICABLE TO ALL UNINCORPORATED AREAS OF JASPER COUNTY, IOWA AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

WHEREAS, the Board of Supervisors deems it necessary for purposes of promoting the health, safety, and general welfare of Jasper County, Iowa and its citizens to enact such an ordinance, and,

WHEREAS, the Jasper County Planning and Zoning Commission has submitted its final report to the Board of Supervisors favoring the matters set forth herein; and,

WHEREAS, the Board of Supervisors has met all statutory requirements relating to the subject matters of this Ordinance;

**NOW, THEREFORE, BE IT ENACTED BY THE
BOARD OF SUPERVISORS OF JASPER COUNTY, IOWA:**

ARTICLE I
Title

This ordinance shall be known, cited, and referred to as the "*Jasper County Subdivision Ordinance*".

ARTICLE II
Purposes and Jurisdiction

The general purpose of this ordinance is to provide regulations and standards to guide land subdivision in Jasper County, Iowa in order to promote the public health, safety, convenience and general welfare of the county. The provisions of this ordinance shall be Administered to ensure the orderly growth and development of real estate situated in any unincorporated area of Jasper County, Iowa. Consideration shall be given to ensure adequate provision for traffic circulation, utilities, and other essential services.

To these ends Jasper County hereby adopts the provisions and the restrictions of Iowa Code §354.9, Code of Iowa, as may be amended from time to time, and the same are hereby in continuing fashion incorporated herein by this reference the same as though fully set forth herein.

ARTICLE III
Plat of Survey Required

3.1 Each grantor of equitable title of any new parcel created by division is required to have prepared a plat of survey, except that the County Auditor may require grantee(s) of any new parcel created by division, if any of such grantee(s) holds equitable title to any adjoining parcel(s) to combine the adjoining parcels with a plat of survey.

3.2 Each plat of survey required to be filed shall be prepared in compliance with the minimum requirements of this ordinance and Iowa Code Chapters 354 and 355, (as such statutory mandates may be from time to time amended), and subject to all other applicable rules and regulations of any governmental agency having jurisdiction.

3.3 Such plat of survey shall be promptly presented to the Jasper County Recorder, along with the necessary filing fees, and along with the following attachments:

3.3-A. Corner certificates as required by Iowa Code Chapter 355 and Iowa Administrative Code §193C-2, *et seq.*, except that if the appropriate corner certificates are already of record in such Recorder's office, then a copy of such existing corner certificates may be attached in lieu of new corner certificates.

3.3-B. A plat of survey checklist provided by the County through the office of the Jasper County Zoning Administrator which has been completed and signed by an Iowa-licensed Land Surveyor.

3.4. The Jasper County Recorder shall, upon receipt of a plat of survey and the required attachments, withhold such from recording and seek the review, comments and written approval of such survey and attachments from the Auditor, Assessor, Engineer, and Zoning Administrator relating to compliance with the required standards. The plat of survey shall not be qualified to be recorded if any deficiencies are noted by any of the aforesaid reviewing county officials, unless and until such deficiencies have been corrected to the reviewing official's satisfaction.

ARTICLE IV Subdivision Plat Required

4.1 A subdivision plat shall be made when any tract or parcel of land existing on the date of enactment of this ordinance is subdivided by repeated division or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. The required subdivision plat shall be in full compliance with the requirements of the Iowa Code and the Iowa Administrative Code and shall follow a procedures checklist to be developed and adopted by the Jasper County Zoning Board, as such may be modified from time to time.

Exceptions. A subdivision plat is not required when: (a) land is divided by conveyance to a governmental agency for public improvements, or (b) for the sale or exchange of small parcels of land to or between the owners of adjacent platted lots where such sale or exchange does not create additional lots, and where the land sold or exchanged constitutes less than fifty (50) percent of the area of the enlarged lot after such transfer.

4.2 A subdivision plat shall have a succinct name or title that is unique, as approved by the County Auditor. The plat shall include an accurate description of the land included in the subdivision and shall give reference to two section corners within the United States public land survey system in which the plat lies or, if the plat is a subdivision of any portion of an official plat, two established monuments within the official plat. Each lot within the plat shall be assigned a progressive number or letter designation approved by the County Auditor. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. A strip of land shall not be reserved by the Subdivider unless the land is of sufficient size and shape to be of practical use or service as determined by the governing body. Progressive block numbers or letters may be assigned to groups of lots separated from other lots by streets or other physical features of the land. The surveyor shall not assign lot numbers or letters to a lot shown within a subdivision plat unless the lot has been surveyed by the surveyor in compliance with Chapter 355 Code of Iowa, as may be amended from time to time.

The county auditor may note a permanent real estate index number upon each lot within a subdivision plat. Sufficient information, including dimensions and angles or bearings, shall be shown on the plat to accurately establish the boundaries of each lot, street, and easement. Easements necessary for the orderly development of the land within the plat shall be shown and the purpose of the easements shall be clearly stated. Where any lot in a subdivision adjoins property zoned for agricultural use, then an Agricultural Tolerance Easement similar to that attached hereto shall be required for all lots in the development as a condition to approval of any subdivision.

4.3 If a subdivision plat, described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section. The area of the irregular lots within the plat shall be shown and may be expressed in either acres, to the nearest one-hundredth acre, or square feet, to the nearest ten square feet. The surveyor shall not be required to establish the location of a 1/4 section line (1/4 of 1/4 section) by survey but is required to use and disclose reasonable assumptions in determining its approximate location for assessment and taxation purposes.

ARTICLE V
Administration / Uses of Other Land

5.1 The provisions of this ordinance shall be Administrator by the Jasper County Zoning Administrator and Planning and Zoning Commission of Jasper County.

5.2 Plats shall be pre-reviewed by the County Zoning Administrator, Director of Environmental Health, County Engineer and County Attorney, who will make their recommendations to the County Planning and Zoning Commission.

5.3 The County Planning and Zoning Commission will then review the plat and submit their recommendation and the plats to the Board of Supervisors which shall have the final power to approve or disapprove the application.

5.4 The Administrator, Director of Environmental Health, County Engineer, County Attorney, Planning and Zoning Commission and/or Board of Supervisors each retain authority throughout the process to withhold approval of the subdivision pending resolution of suitable use restrictions or covenants or resource management easements recognizing prior, existing, or anticipated future usage of other property in the vicinity of the proposed subdivision.

5.5 Throughout the process, the Jasper County Board of Supervisors retains authority to waive or modify by formal Resolution on a case-by-case basis each and any provision of this general ordinance upon a finding that such waiver or modification will facilitate development without undue harm to the overall public interest.

ARTICLE VI
Definitions

6.1 For the purpose of this ordinance the language used herein shall be in accordance with the following rules:

6.1-A. The singular number shall include the plural and the plural, the singular.

6.1-B. The use of the present tense shall include the past and future tenses, and the future shall include the present.

6.1-C. The word *shall* is mandatory, the word *may* is permissive, and the word *should* is suggestive.

6.1-D. The word *building* shall include the word structure.

6.1-E. The word *Engineer* shall, unless otherwise modified, mean the Jasper County Engineer.

6.1-F. The word *specifications* or *standard specifications* shall refer to Jasper County Standard Specifications as adopted by the Board of Supervisors and on file with the County Auditor, as may be amended from time to time.

6.1-G. The word *Commission* shall, unless otherwise modified, mean the Jasper County Planning and Zoning Commission.

6.1-H. The word *Board* shall, unless otherwise modified, mean the Jasper County Board of Supervisors.

6.1-I. The words *he* or *his* or *him* shall be construed to include the feminine and neuter genders as well where the context so requires.

6.1-J. The word *Auditor* shall, unless otherwise modified, mean the Jasper County Auditor.

6.1-K. The word *Administrator* shall, unless otherwise modified, shall mean the Jasper County Zoning Administrator or designated Assistant Jasper County Zoning Administrator or another authorized designee.

6.1-L. The word *Attorney* shall, unless otherwise modified, mean the Jasper County Attorney or his designated Assistant Jasper County Attorney.

6.1-M. The words *Director of Environmental Health* shall mean the Jasper County Director of Environmental Health or other designee of the Jasper County Board of Health.

6.2 For the purpose of this ordinance, all words shall carry their customary meanings, except as specifically defined hereafter:

6.2-A. Acquisition Plat. 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 or utility purposes by an agency of the government, utility or other person or entity having the power of eminent domain.

6.2-B. Aliquot Part. 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.

6.2-C. Alley. Right-of-Way providing a secondary means of access to the side or rear of those properties whose principal frontage is on some other street.

6.2-D. Arterial Street. A public right-of-way which has or is planned to have a high degree of continuity which serves the movement of large volumes of traffic from one section of the County to another.

6.2-E. Auditor's Plat. A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

6.2-F. Building Line. A line designating the allowable proximity of a building to an adjacent street, alley or property line.

6.2-G. Collector Street. A street which carries traffic from minor streets to an arterial, including the principal entrance streets of a residential development and streets for basic circulation within such a development as designated in the Comprehensive Plan.

6.2-H. Commission. The Jasper County Planning and Zoning Commission.

6.2-I. Comprehensive Plan. The Comprehensive Plan for the development of Jasper County, Iowa, or any of its geographical parts, adopted by the Board of Supervisors, as may be from time to time amended, in effect at the time of the proposed subdivision plat review.

6.2-J. Conveyance. An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract, court order or other means of conveyance recognized as valid under the Iowa Land Title Standards in effect at the time of the filing of such instrument or entry of such order.

6.2-K. Cul-De-Sac. A minor street having one open end and being permanently terminated at the other end by a vehicular turn-around.

6.2-L. Division. Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement shall not be considered a division for the purpose of this chapter.

6.2-M. Easement. A grant by a property owner (equitable titleholder) of the use of land for specific purpose.

6.2-N. Final Plat. A map or plan of record of a subdivision, and any accompanying material as described in Iowa Code Section 354.

6.2-O. Forty-Acre Aliquot Part. One-quarter of one-quarter of a section.

6.2-P. Governing Body. The Board of Supervisors of Jasper County, within whose jurisdiction the land is located, which has adopted ordinances from time to time regulating the division of land.

6.2-Q. Government Lot. A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

6.2-R. Lot. A tract of land represented and identified by number or letter designation on an official plat.

6.2-S. Major Sub-Division. Any sub-division, which does not, for any reason, meet the requirements of a minor subdivision shall be classified as a major subdivision.

6.2-T. Marginal Access Street. A minor street which is parallel and adjacent to an arterial, and which provides access to abutting properties and protection from through traffic.

6.2-U. Metes and Bounds Description. A description of land that uses distances and angles, uses distance and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

6.2-V. Minor Street. A local street of limited continuity used

primarily for access to abutting properties and the local needs of a neighborhood or area.

6.2-W. *Minor Subdivision.* Any plat containing less than 5 lots, all of which must front on an existing street, and which does not require the construction of any public or community improvements, and which will not adversely affect the development potential of adjoining property.

6.2-X. *Official Plat.* Either an auditor's plat or a final subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor and assessor.

6.2-Y. *Parcel.* A part of a tract of land.

6.2-Z. *Pedestrian Way.* A public right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way or a crosswalk or other.

6.2-AA. *Permanent Real Estate Index Number.* A unique number or combination of numbers assigned to a parcel of land pursuant to §441.29, Code of Iowa, as may be amended from time to time.

6.2-BB. *Plat of Survey.* The drawn 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 an Iowa licensed land surveyor. The Administrator shall have authority to determine from time to time the medium or mediums required for preliminary and final plats of survey (e.g., mylar, paper, electronic, etc. or any combination).

6.2-CC. *Preliminary Plat.* A tentative map or plan of a proposed subdivision.

6.2-DD. *Private On-Site Wastewater Treatment And Disposal System.* All equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facility serving the equivalent of 15 persons (1,500 gallons per day) or less. This includes domestic waste whether residential or non-residential but does not include industrial waste of any flow rate. Included within the scope of this definition are building sewers, septic tanks, subsurface absorption systems, mound systems, sand filters, constructed wetlands and individual mechanical/aerobic wastewater treatment systems.

6.2-EE. Private Water Supply. Anything that is not a Public Water Supply.

6.2-FF. Proprietor. A person who has a recorded interest in land, including a person selling or buying land pursuant to a recorded installment sale contract, but excluding persons holding a mortgage, easement, or other form of lienhold interest. As between contract seller and buyer, it shall be assumed for purposes of this ordinance that the seller holds legal title as a lienhold interest and that the contract buyer holds equitable title and is the owner of record all real estate interests and that consent to plat must be obtained from all such record titleholders under such installment sale contract.

6.2-GG. Protective Covenants. Contracts entered into between private parties, and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners. Such term may also reference any covenant or restriction, or resource management easement imposed upon the developer and the subdivision and its owners as a condition to approval of the subdivision.

6.2-HH. Public Sanitary Sewer. Anything that is not a Private On-Site Wastewater Treatment and Disposal System.

6.2-II. Public Water Supply. A system for the provision of piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes: (1) any collection, treatment, storage, and distribution facilities under control of the supplier of water and used primarily in connection with the system; and (2) any collection (including wells) or pretreatment storage facilities not under Control of the supplier which are used primarily in connection with the system.

6.2-JJ. Roadway. The developed portion of a street available for vehicular traffic.

6.2-KK. Street. A public right-of-way which affords primary means of access by pedestrians and/or vehicles to abutting properties.

6.2-LL. Subdivider. Any person who undertakes the subdivision of land as defined herein with the consent of all record legal and equitable titleholders and all record voluntary lienholders.

6.2-MM. Subdivision. A tract of land divided into three (3) or more lots.

6.2-NN. *Subdivision Plat.* The graphical representation of the subdivision of land, prepared by an Iowa 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.

6.2-OO. *Subdivision Design Standards.* The guides, principles and specifications for the preparation of subdivision plans, including Jasper County Standard Specifications for Public Improvements, as may be from time to time amended.

6.2-PP. *Surveyor.* An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Chapter 542B, Code of Iowa, as may be amended from time to time.

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

ARTICLE VII
Minimum Subdivision Standards & Improvement Requirements

7.1 Land Suitability. No land shall be subdivided which is found to be unsuitable for subdividing 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 or circumstances can be corrected in a lawful manner to the satisfaction of the Administrator. No land shall be subdivided in any manner which is inconsistent with the Comprehensive Plan or any other plan such as, but not limited to, a road plan, parks/open space plan, water plan, etc.

7.2 Land subject to flooding. Land subject to flooding, or located in a flood hazard area or floodway shall not be included in a subdivision unless and until:

7.2-A. The Iowa Department of Natural Resources or other authority having jurisdiction approves the subdivision plan.

7.2-B. Individual lots in the subdivision shall contain a suitable buildable area not within the floodway or flood hazard area as allowed or required by the zoning ordinance.

7.2-C. Such land is reserved as open space for recreational use by all subsequent owners in the subdivision or dedicated to and accepted by the county as public open space for recreational or flood control purposes.

7.3 Streets and Other Improvements Required. The subdivider shall, at his expense, install and construct all streets and other improvements required by this ordinance in conformance with the County Standard Specifications. In order to ensure compliance with the Standard Specifications, the required streets and other improvements shall be inspected by or as required by the Engineer, and the cost of all such required inspections shall be borne by the subdivider.

7.4 County Standard Specifications. In addition to the requirements set forth in this ordinance, the Engineer shall from time to time prepare, and the Board may from time to time adopt by resolution, technical standards for public improvements. Such technical standards shall contain the minimum acceptable specifications for the construction and maintenance of public improvements. Such standards may vary for classes of improvements, giving due regard to the extent and character of the improvement(s), and the area served by the improvement(s).

7.5 Subdivision Maintenance Requirements

7.5-A All Public Improvements and /or Lands within a subdivision, unless accepted by the Board, shall remain the property and responsibility of the subdivider, or successors in interest to the lands being subdivided. Each record owner of property within the subdivision shall be responsible for a pro rata share, as determined on a per lot basis, of any costs for said maintenance.

Exception: In those cases where the Board of Supervisors requires that a street, alley or other improvement be dedicated to the County and later accepts same, the subdivider will, at the time of acceptance of such street, alley or other improvement, post maintenance bonds of an amount, form and manner of execution approved by the County Attorney and Engineer, to maintain such street, alley and/or other improvements free of defects in materials and workmanship until the subdivision is fully developed or for a period of four years, whichever shall be the greater time.

7.5-B The record owner of any property within the subdivision, vacant or occupied, shall keep said property maintained to the Jasper County Property Maintenance Standards, as adopted by the Board of Supervisors and amended from time to time, and free of any condition or activity that is dangerous or detrimental to health or safety, injurious to the senses, interferes with the comfortable enjoyment of life or property or depreciates the value of any other property within or adjoining the subdivision as judged under prevailing appraisal practices, and shall bear total responsibility for any and all costs associated therewith.

7.5-C No subdivision shall be approved unless and until legal covenants, including a perpetual maintenance easement, running with the land sufficient to ensure that the County may, if necessary, cause any required maintenance or nuisance abatement to be performed, and assess all costs associated therewith, including all legal and administrative costs, against the responsible owner(s) of property within the subdivision, have been approved by the County Attorney and the Board.

7.6 Monuments. Durable iron monuments shall be placed at all lot and block corners, at all angle points in any line, at the end of all curves, and at such other points as may be required by the County Engineer in accordance with the survey monumentation requirements of Iowa Code Chapter 355, as may be amended from time to time.

7.6-A. The external boundaries of the subdivision, block corners, angle points and ends of curves shall be monumented in the field by iron rods of 1/2" to 5/8" diameter or pipes of 3/4" to 1" diameter at least thirty (30) inches long.

7.6-B. All lot corners and other points not referred to in section 7.6-A shall be monumented in the field by iron rods of 1/2" to 5/8" diameter or pipes of 3/4" to 1" diameter at least twenty-four (24) inches long.

7.6-C. All monuments shall be properly set, flush with the ground, by an Iowa licensed land surveyor within one (1) year after approval of the final plat. The surveyor shall affix a cap of inert material bearing an embossed or stencil cut marking of the Iowa registration

number of the surveyor on the top of each monument. The subdivider shall provide a performance bond in an amount approved by the Engineer to cover the required monumentation. If the subdivider does not provide the county with written verification containing the seal and signature of the surveyor that the required monumentation has been completed, the county may cash, or forfeit said bond and use the proceeds to complete the required monumentation.

7.7 Blocks. The lengths, widths and shapes of blocks shall be determined with due regard to: (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated; (2) Requirements as to lot size and dimensions; (3) Needs for convenient access, circulation, control and safety of street traffic, and, (4) Limitations and opportunities of topography and other natural features.

7.7-A. Block lengths shall not exceed one thousand four hundred (1,400) feet, or be less than the following unless approved by the Board of Supervisors upon written application of the proprietor or Administrator:

Type of Street	Minimum Block Length
Arterial	500 feet
Major Collector	400 feet
Minor Collector	300 feet
Local Service	200 feet

7.7-B. Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential at mid-block street crossings to provide circulation or for access to public/common use facilities.

7.8 Lots. The lot size, width, depth, slope and orientation, and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

7.8-A. Minimum and maximum lot dimensions shall be as specified in the zoning ordinance, as may be amended from time to time.

7.8-B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for

the off-street service and parking facilities required by the type of use and development contemplated.

7.8-C. The subdividing of the land shall be such as to provide, by means of a public or private street, each lot with satisfactory access to an existing public street.

7.8-D. Implied Dedication of Easements for Emergency and Utility Services. Each subdivision shall provide for access to each lot therein for all emergency services and utilities. Approval of a final plat shall carry with it inherent full authority to all public and private entities for such use of all public and private streets and alleys within the subdivision, with or without any additional writings for emergency and utility purposes UNLESS the plat otherwise adequately provides for such access to all lots within the subdivision.

7.8-E. Large lot subdivisions. Where the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical and functional arrangement of smaller lots.

7.8-F. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

7.8-G. Side lot lines shall be substantially at right angles or radial to street lines. Side lines of lots formed by radial projections shall form a lot having not less than twenty (20) feet across the rear property lines.

7.8-H. Corner lots for residential use shall have additional minimum width of a required front yard to permit appropriate building setback from an orientation to both streets.

7.9 Streets. The Subdivider shall grade and improve all streets within the subdivision to the full required right-of-way width of the street and otherwise in accord with this ordinance and at all times subject to the direction of the Jasper County Engineer. The County Engineer shall from time to time promulgate and make available at his/her offices at a reasonable cost the Jasper County Standard Specifications concerning

roads, alleys, utilities and ways. Such Jasper County Standard Specifications, as may be amended from time to time by the Engineer and approved by the Board of Supervisors, are by this reference incorporated herein and made a part hereof. No street or way shall become eligible for consideration for acceptance by the County unless it is first shown to the satisfaction of the Engineer that such is in full compliance with standards promulgated by law and those promulgated from time to time by the Engineer and previously approved by the Board of Supervisors. The Jasper County Standard Specifications promulgated by the Engineer and approved by the Board of Supervisors shall include the following general requirements at a minimum and may be more stringent at the discretion of the Engineer:

7.9-A. All streets shall be sodded or seeded with grass or other approved vegetation in a manner which shall provide suitable protection from erosion over any unsurfaced area of the right-of-way in accordance with Jasper County Standard Specifications.

7.9-B. Street profiles and the necessary drainage plans to serve the area shall be determined and designed by a Registered Professional Engineer for the Subdivider. All construction of such facilities shall be in accordance with such profiles and plans and the Standard Specifications and shall be subject to the recommendations, supervision, inspection, and approval of the County Engineer.

7.9-C. Alleys shall not be permitted in a residential district unless deemed necessary by the Commission.

7.9-D. The arrangement, character, extent, width, grade and location of all streets shall conform to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

7.9-E. The arrangement of streets in a subdivision shall either; provide for the continuation of existing principal public streets in surrounding areas or conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

7.9-F. Local service streets shall be so laid out that their use by through traffic will be discouraged.

7.9-G. Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, double frontage lots with screen planting contained

in a nonaccess reservation along the rear property lines, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of the residential or other proposed properties and to afford separation of through and local traffic.

7.9-H. Where a subdivision borders on or contains a railroad right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, but in no case be less than one hundred fifty (150) feet.

7.9-I. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

7.9-J. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

7.9-K. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than one hundred (100) feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

7.9-L. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect another street at less than seventy (70) degrees. More than two (2) streets intersecting at the same location is prohibited.

7.9-M. Property lines at street intersections shall be rounded with a radius of not less than twenty-five (25) feet or comparable chords in lieu of the rounded corner may be permitted by the County. Greater radius may be required at intersections of collector and arterial streets.

7.9-N. Roadway, right-of-way and alley minimum widths shall not be less than as shown in the table below. Greater widths may be required, and each situation will be subject to review and approval by the Administrator on a case-by-case basis. Such minimum is subject to change from time to time if necessary to comply with any other governmental agency requirements in effect as of the time of the particular subdivision approval application.

Street Type	Right-of-Way	Roadway Surface
Arterial	100 feet	31 feet
Major Collector	70 feet	31 feet
Minor Collector	60 feet	31 feet
Local Service Through Street	60 feet	29 feet
Loop Street and Cul-de-sac	60 feet	25 feet
Alley	20 feet	20 feet

7.9-O. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this ordinance, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

7.9-P. Dead-end streets, designed to be so permanently, shall not be longer than six hundred (600) feet except where the Commission has approved a maximum length not to exceed one thousand (1,000) feet due to property limitations. Such streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred four (104) feet. The Commission may approve a T or Y type turnaround in lieu of the circular turnaround. Temporary turnarounds may be required by the Administrator or Commission on dead-end streets that are intended to be extended in the future.

7.9-Q. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission and the Jasper County E911 Service Board.

7.9-R. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Grade
Arterial	6%
Collector	7%
Minor Collector	8%
Local Service	8%
Cul-de-sac	8%
Marginal Access	8%

7.9-S. No street grade shall be less than 0.5 percent where drainage is carried within the traveled roadway, but a grade of 0.4% may be considered in isolated areas subject to approval by the Board of Supervisors based on recommendations of the Engineer.

7.9-T. If access to a subdivision is from a non-paved county road, and the County Engineer determines that the trips generated by the subdivision would increase the use of that non-paved road to an unacceptable level, the County Engineer may require the subdivider to pave, to county specifications, said road from the subdivision access to the nearest paved public road, but said subdivider may be reimbursed by any subsequent subdivider who then gains access to said improved road on a proportional basis as determined by the County Engineer.

7.10 Potable Water Facilities. Where a public water system is accessible, the Subdivider shall at his expense connect to said water system and install adequate water facilities to meet the needs of the development and shall take into consideration the possible future needs of adjoining areas. The size, design and construction of these improvements shall be in accordance with the Standard Specifications and the design standards of the Iowa Department of Natural Resources and be approved by the Engineer and the public water supply to which connection is made.

7.10-A. Fire hydrants shall be required in all subdivisions which are connected to a public water system with enough capacity to provide fire protection flows. Subdivisions without a fire flow capacity water system may be required to provide a dry hydrant system. Fire hydrant design and locations shall be approved by the fire department serving the fire protection district in which the subdivision is located.

7.10-B. If a public water supply is not available, a private water supply may be used, provided that construction is in accordance with requirements of the Iowa Department of Natural Resources and Jasper County Health Department and that permits are issued approving the private water supply for human consumption.

7.11 Sanitary Sewer Facilities. Where a public sanitary sewer system is available, the Subdivider shall endeavor to contract for service and, if connection to such system is allowed, shall install adequate sanitary sewer facilities, and shall bear all costs associated therewith. Such design shall take into consideration the possible future needs of adjoining areas, be in accordance with the County standard specifications, be approved by the DNR and the Public Sanitary Sewer provider

7.11-A. Where sewage pumping stations are required to connect to a public sanitary sewer system, the size, design, and location of said pumping stations will be determined by the public sanitary sewer supplier, and the Engineer. The Subdivider may be required to install the lift station together with all required appurtenances and force main, but cost adjustments will be made by the public sanitary sewer supplier in proportion to which the area outside the subdivision, but served by the pumping station, bears to the total area served by the pumping station.

7.11-B. If the Subdivider connects to a sewage pumping station connected to a public sanitary sewer the subdivider may be required to pay to that public sanitary sewer supplier his pro rata share of the cost of the pumping station and force main according to the ratio of area the subdivision has to the total area served by the sewage pumping station.

7.11-C. Where a public sanitary sewer system is not available, the subdivider shall, at his expense, have a Private On-Site Wastewater Treatment and Disposal Plan prepared by an Iowa Registered Professional Engineer, a Licensed Private On-Site Wastewater and Disposal Designer, or an employee of the Jasper County Environmental Health Division and such Plan must be approved by the Director of Environmental Health.

7.11-D If it appears that connection to a public sanitary sewer system may be available within a reasonable time, the Subdivider, at his expense, may be required to install dry sanitary sewer mains in accordance with the County Standard Specifications in addition to other sanitary facilities.

7.11-E. If installation or connection to a public sanitary sewer is not required for subdivision approval, but a public sanitary sewer later

becomes readily accessible to the subdivision, the owners of lots in the subdivision may be required to connect to said public sanitary sewer at the owner's expense upon receipt of notice from the Director of Environmental Health, and it shall thereafter be unlawful for any such owner or occupant to maintain upon such property a private on-site wastewater treatment or disposal system.

7.12 Storm Water. The subdivider of land being platted may be required to install and construct an underground or other suitable storm water drainage and/or a storm sewer system adequate to serve the area, including possible extension of use to adjoining areas which will prevent an increase in runoff higher than prior to development on adjacent lands. If a public or private nonprofit storm sewer system is available, the developer may be required to connect to such system. Design of all required storm sewer and or drainage systems shall be based upon a 10-year reoccurrence interval. For storms greater than the 10-year, the developer may be required to use the 100-year storm reoccurrence interval information for design of overland flow drainage. The developer may be required to install detention or retention facilities as designed by the developer's engineer and approved by the County Engineer.

7.12-A. The Engineer may require that the subdivider provide storm water calculations to assess storm water impact to adjoining land.

7.12-B. Sump pumps and footing drains may be required in relation to all construction except where footing drains gravity flow directly into a storm sewer line or approved drainage channel. Any required sump pumps and footing drains shall be installed pursuant to the standard specifications for streets and utility improvements as adopted by Jasper County.

7.12-C. All storm sewer design and construction shall be done in accordance with Jasper County Standard Specifications.

7.13 Utilities. The source of domestic water supply and type of sewage disposal shall accompany each plat for the information of the Commission, the Engineer and the Board of Supervisors.

7.13-A. All utility lines, including electric lines, shall be underground. It shall be the responsibility of the Subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation within necessary rights-of-way and easements.

7.13-B. *Construction plans for all required improvements such as, but not limited to: roads or streets, public water supply, storm water facilities, and public sanitary sewer*

systems shall be prepared by an Iowa Registered Professional Engineer for the Subdivider at the Subdivider's expense, and approved by the Engineer. The improvements shall be constructed in accordance with such plans and the County Standard Specifications, and shall be subject to the supervision, inspection and approval of the Engineer, other administrative authority, and, if applicable, the providing utility. All required improvements, except sidewalks, shall be installed and approved or payment and performance bonds posted therefor prior to construction of any buildings on any of the subdivision lots. A performance bond will be posted with the final plat for any sidewalks that are to be installed in the future. Maintenance bonds may also be required to be delivered with the final plat.

7.13-C. The location and depth of all underground utilities shall be in accordance with Jasper County Standard Specifications and the general utility location plan prepared by the County Engineer.

7.13-D. Natural Gas. Where it is reasonably available, natural gas may be required to be extended to each lot within a new subdivision.

7.14 Street Lights. Streetlights may be required to be installed to illuminate all roadways and sidewalk surfaces as determined by the electrical power (distribution lines) provider and approved by the Board of Supervisors upon recommendation of the County Engineer, and in accordance with the design of Jasper County Standard Specifications. Streetlights may also be provided along the streets adjoining the subdivision.

7.15 Easements for Utilities and/or Walkways. Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be not less than seven and one-half (7.5) feet in width on each side of all rear lot lines and side lot lines where necessary for poles, wires, conduits, storm sewer and sanitary sewers, gas, water and heat mains and other utility appurtenances. Easements for sidewalks or other walkways shall be not less than ten (10) feet wide and for trails a minimum width of sixteen (16) feet will be provided where necessary when located outside the street right-of-way. Greater width easements may be required in some cases.

7.16 Subdivision Boundary Fences. No subdivision will be approved until the developer has reached a fencing agreement with the owner of any agricultural property which shares a common boundary with said subdivision, or a decision has been issued by the Township Trustees in accordance with Chapter 359A of the Iowa Code and accepted by all affected property owners. The developer shall place a 10' easement along the entire length of any boundary fence on the subdivision side and provide access to said easement. Any subdivision boundary fence will be considered a public improvement for the purposes of this ordinance.

7.17 Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction or both as will be adequate for the purpose.

Parallel streets or parkways may be required in connection therewith. If it is deemed advisable by the Commission or the Engineer, such watercourse or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as designed and established by an Iowa Registered Professional Engineer for the Subdivider.

- 7.18** When any subdivision land abuts, adjoins, or acquires access to a body of water impounded in whole or in part by or supported financially in whole or in part by Jasper County, the subdivider will be required to enter into a Board-approved agreement to repay Jasper County for its cost relating to such impoundment as determined by the County Engineer before the proposed subdivision can be approved. Any subsequent subdivider whose subdivision abuts, adjoins, or acquires access to that same impoundment may be required by the County to reimburse the original subdivider on a proportional basis as determined by the County Engineer and approved by the Board.
- 7.19** Covenant of Forbearance. A Covenant of Forbearance similar in content to that shown immediately below shall be of record and made applicable to all residential lots either prior to or concurrent with the filing of the final official plat:

“Owners, occupants, and other interest holders of a residential lot in an unincorporated area of Jasper County, Iowa, including each residential lot in the subject subdivision, shall forebear any complaint or suit based in whole or in part upon any lawful commercial, professional, agricultural, agri-business, or other lawful use of any lands within one-half mile to any part of the development in which the lot is situated. Such provision and requirement of forbearance may be enforced by the developer, any owner, occupant or other interest holder of any lot in the development, and/or by any landowner engaged directly or indirectly in any aforesaid lawful use or operations upon any part of such land within one-half mile to any part of the development in which the residential lot is situated.”

ARTICLE VIII
Specifications for Plats and Plans

8.1 Preliminary Plat. The Preliminary Plat shall be drafted and/or computer-generated on suitable reproducible mylar or other material of suitable quality at a scale of one hundred (100) feet to one (1) inch or larger on 24" x 36" size sheet. If available without undue burden to the Subdivider, the Administrator may also require that such be submitted in a format consistent with then-existing County computer equipment and program. The Preliminary Plat shall show:

8.1-A. Initial submittal date and all subsequent revision/resubmittal dates, scale, and north point.

8.1-B. Location of the plat by quarter section, township and range, and any other necessary legal description to describe the boundary lines of the proposed subdivision.

8.1-C. Approximate total area of the proposed subdivision.

8.1-D. Names and mailing addresses of each record owner, each Subdivider, the surveyor, the project engineer or other person who prepared such plat, and the attorney for the owners/Subdividers in relation to the project.

8.1-E. Topographic map, reference to County datum, of the area showing contours at a minimum of two (2) foot intervals.

8.1-F. Water elevations of any adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall, when possible, refer to established County datum.

8.1-G. Location and initial proposed name of the subdivision to be approved and location and names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.

8.1-H. Present zoning district classifications of the land sought to be subdivided and all adjacent lands.

8.1-I. Location, widths, and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and

structures, section and township lines, and such other data as may be required by the Commission within the area being subdivided and within one hundred (100) feet of the exterior boundaries thereof.

8.1-J. Location, size, and flow elevations, to County datum, of existing and proposed sanitary and storm sewers, locations and size of water mains, fire hydrants, culverts and other underground facilities within the area being subdivided and within one hundred (100) feet of exterior boundaries thereof. Also, to include location of easements for gas lines, electric and telephone lines or poles, and street lights if other than within street right-of-way.

8.1-K. Lengths and bearings of the exterior boundaries of land being subdivided.

8.1-L. The location and width and name of all proposed streets, rights-of-way, and easements, whether public or private, for public and private utilities. Street names shall be the same as existing street names if the proposed street is an extension of the existing street. Access to public streets shall be required in all subdivisions. The location, type and size of subdivision identification signs shall be indicated on the plat. The subdivision identification sign shall be in compliance with the provisions of the zoning ordinance.

8.1-M. Approximate dimensions of all lots.

8.1-N. Approximate radii of all curves and lengths of all tangents.

8.1-O. Approximate finish grades of all streets and surface drainage facilities with spot elevations given as necessary in critical areas, and where severe cuts or fills are proposed.

8.1-P. Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development, with a statement of the conditions of such dedication or reservation.

8.2 Final Plat. The Final Plat shall be drafted and/or computer-generated on suitable reproducible mylar or other material of suitable quality at a scale of one hundred (100) feet to one (1) inch or larger on 24" x 36" size sheet. If available without undue burden to the Subdivider, the Administrator may also require that such be submitted in a format consistent with then-existing County computer equipment and program. Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Commission. The Final Plat shall show:

8.2-A. All information required and shown on the preliminary plat as required in Section 7.1 of this ordinance.

8.2-B. Accurate angular and lineal dimensions for all lines, angles and curvatures used to describe boundaries.

8.2-C. True angles and distances to the nearest street lines or official monuments.

8.2-D. Lines of adjoining streets and alleys, with widths and names.

8.2-E. Township, county and section lines accurately tied to the lines of the subdivision by distance and angles.

8.2-F. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets and radii for all rounded corners.

8.2-G. Exact dimensions of all lots.

8.2-H. Identification of all lots and blocks using consecutive numbers.

8.2-I. Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon.

8.2-J. All lands dedicated for public use, other than street, shall be marked Dedicated to Public. All protective or deed covenants or private restrictions shall be shown on the plat or correctly referenced.

8.2-K. Building set back lines as established by the Restrictive Residence Districts Ordinance or deed restrictions.

8.2-L. Where community type water and/or sewerage facilities are not available, a statement that any lot sold or transferred will have a minimum width and area equal to that shown on the plat to accommodate private well and wastewater disposal system.

8.2-M. When a proposed entrance of the subdivision is onto a controlled access street or road, letter of approval from the County's Engineer regarding such entrance shall accompany the final plat. Where such control is exercised by the Iowa Department of Transportation, the approval of that body or its designee shall accompany the Final Plat.

8.2-N. Certification by an Iowa-licensed Land Surveyor that the plat represents a survey made by him that the monuments and markers shown thereon exist as shown.

8.2-O. Every Final Plat shall also be accompanied by:

8.2-O-1. A brief Consent to Plat from the owner(s) and spouse(s) and each any and lienholder signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The Consent to Plat by the owner(s) should also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if such dedication has been approved by the Engineer and accepted by the Board of Supervisors.

8.2-O-2. An affidavit and bond as provided for in Iowa Code §354.12, as may be amended from time to time, may be recorded in lieu of the consent of any lienholder. When a mortgage or lien holder consents to the subdivision, a release or partial release of mortgage or lien shall be recorded for any areas conveyed to the County or dedicated to the public.

8.2-O-3. An opinion letter from an Iowa-licensed attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the record owners and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

8.2-O-4. A certificate from the Jasper County Treasurer stating that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond.

8.2-O-5. A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property or public use other than utility easements, shall be accompanied by the documents listed in subsections 1, 2 and 3 together with a certificate from the County Treasurer that the land is free from certified taxes other than certified special assessments.

8.2-O-6. A Resolution of the Board of Supervisors indicating Final Plat approval signed by the Board Chairperson and attested by the County Auditor.

8.2-O-7. Such maintenance or other bond or other form of security as required under the terms and provisions of this ordinance.

ARTICLE IX
Procedures for the Submittal of
Subdivision Plans and Plats

9.1 Preapplication Procedure. Before subdividing any tract of land and previous to the filing of an application for conditional approval of a Preliminary Plat, the owner or sub-divider, shall schedule a pre-application meeting with the County Zoning Administrator, Jasper County Environmental Health, County Attorney and County Engineer to discuss the subdivision plans. The meeting shall be attended by the sub-divider and/or his engineer. If any portion of the land being subdivided lies within 2 miles of any municipality within the county which has adopted subdivision regulations, the Zoning Administrator will notify the appropriate municipal representative in writing and shall invite said municipal representative to the pre-application meeting in accordance with the provisions of Iowa Code Chapter 354.9, as may from time to time be amended. This step does not require formal application, fee or filing of plat with the Commission.

9.1-A. Preapplication Submittal Requirements. The sub-divider shall provide the following plans and data at the pre-application meeting.

9.1-A-1. A location map showing the relationship of the proposed subdivision to existing county facilities and utilities which will serve or influence it, or which the subdivision will impact. This map shall include the development name and location; scale, north arrow, and date; transportation facilities such as roads or streets, railroads, airports; nearest incorporated municipal area; public areas, parks, or recreation areas; and any other information that is requested by the Zoning Administrator.

9.1-A-2. A sketch plan on a topographic survey may (if available) show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include reference to county datum of the area showing contours at a minimum of 2-foot intervals and water elevations of adjoining lakes, rivers, and/or streams at date of survey and their approximate high and low water elevations (which shall, when possible, refer to established county datum).

9.1-A-3. General information about the subdivision including, but not limited to, existing land

characteristics, available utilities, proposed number and size of typical lots, protective covenants, proposed improvements, and legal documents that will run with the land to ensure future maintenance of those improvements by subsequent owners or others.

9.1-A-4. The Administrator may request other information deemed necessary to adequately evaluate the submittal.

9.1-B. Report To Subdivider. Within fifteen (15) days after such meeting and discussion, the County Zoning Administrator shall report to the sub-divider in writing that the plans and data as submitted do or do not, in his opinion, meet the objectives of this ordinance. If the County Zoning Administrator concludes that the plans and data or any part thereof do not meet the objective of these regulations, the Administrator's written report shall identify, any claimed deficiencies and the bases therefor and shall suggest changes which the Administrator deems initially sufficient to bring the preliminary submittal into compliance with the provisions of this ordinance. A copy of the Administrator's report shall be presented to the County Commission, the County Attorney, and the County Engineer, but will in no way bind the Commission or others to the findings of such report.

9.2 Preliminary Plat Procedure. If, after following the pre-application procedure set forth in this ordinance, the Subdivider wishes to continue with the project, he shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as specified in this ordinance, and/or any other materials requested by the Administrator.

9.2-A. Preliminary Plat Initial Submission. The Subdivider shall make his initial submittal of a Preliminary Plat to the Administrator a minimum of 45 days prior to a regularly scheduled meeting of the Commission to receive formal review of the plat at that meeting. The Subdivider's initial submittal will include 4 complete copies of the Preliminary Plat along with any required fees according to Jasper County Community Development Fee Schedule (as may be amended from time to time by the Board). The Administrator shall

immediately refer one (1) copy to the Engineer for review. Within 15 days of the initial submittal, the Administrator and Engineer shall review the Preliminary Plat and make a written report to the Subdivider indicating any required revisions to the Preliminary Plat. The report shall also indicate the date by which the revised Preliminary Plat must be resubmitted to the Administrator for re-review prior to the scheduled Commission review date.

9.2-B. Preliminary Plat Revision Submission. The Subdivider shall submit four (4) complete copies of the Revised Preliminary Plat including all the revisions required by the Administrator's report by the date indicated in that same report. If, upon review by the Administrator and Engineer, the Subdivider has made all the revisions required in the Administrator's Report, and the revised Preliminary Plat is submitted by the required date, a meeting of the Commission will be scheduled, and the Administrator will endeavor to notify the Subdivider of the time, date, and place for review of the Preliminary Plat by the Commission. If all of the revisions required in the Administrator's Report have not been made, or the revised Preliminary Plat is not submitted by the required date, the Administrator will notify the Subdivider that the date for review of the Preliminary Plat will be postponed to allow for proper public notice as required by Iowa law and any applicable rules and regulations of the Commission.

9.2-C. Preliminary Plat Review - Commission. The Subdivider shall provide the Administrator with 10 complete copies of the Preliminary Plat twenty (20) days prior to date set for formal review before the Commission. The Commission may make non-binding recommendations to the Board of Supervisors to approve, approve with conditions, or deny the Preliminary Plat. The Subdivider will be notified of the time, date, and place for final hearing before the Board of Supervisors.

9.2-D. Preliminary Plat Hearing - Board of Supervisors. Within thirty (30) days from receipt of the recommendations from the Commission relating to the Preliminary Plat, the Board of Supervisors shall endeavor to convene for purposes of reviewing same. If the Preliminary Plat is denied or modified by the Board, the Subdivider may appeal the Board's decision in the Jasper County offices of the Iowa District Court within twenty (20) days of the Board's decision. If the Preliminary Plat is approved by the Board, with or without modifications, if practicable the Board's action shall be noted on three copies of the plat and then signed by the Chairman of the Board and attested to by the County Auditor. Triplicate originals or certified copies of the Board's Resolution relating to such action shall also be prepared. One copy set will be

returned to the Subdivider for compliance with final plat requirements.

9.2-E. Approval of the Preliminary Plat shall confer upon the applicant the following rights for a two (2) year period from the date of approval:

9.2-E-1. That the general terms and conditions under which the preliminary approval was granted will not be changed.

9.2-E-2. That the applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

9.2-E-3. Not more than two (2) building permits on any defined Lot or combination of Lots or parts of adjacent Lots shown on the approved Preliminary Plat and zoned for Residential use, and not more than one (1) building permit on land zoned for Commercial or Industrial use, may be issued by the Administrator prior to final plat approval. No structural improvement placed thereupon may be occupied or used or sold prior to the granting of final approval for the subdivision by the Board of Supervisors and recording of the Final Plat.

9.3 Final Plat Procedure. Before consideration of a final subdivision plat: (1) the Subdivider shall have installed/constructed all public and/or common improvements indicated on the approved Preliminary Plat or otherwise required under this ordinance, and (2) the Board shall have accepted all dedicated improvements by formal resolution, and (3) the Subdivider shall have posted with the Board a maintenance bond covering all such improvements and indemnifying the County from any repair or replacement expenses for a period of four years from the date of acceptance thereof. Before passage of any such resolution of acceptance, the Engineer shall report that said improvements meet all County specifications and ordinances, or other requirements and agreements between the Subdivider and the County, and that he has received two sets of as-built plans on mylar showing all utilities in exact location and elevation.

Exception 1: This requirement may be waived if the Subdivider has posted with the County, cash or a satisfactory surety bond or certified check or other sufficient security, guaranteeing to

the County that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. The amount thereof shall be for not less than one and one-half times the estimated cost of the improvements, including all inspection services and tests conducted by the County and approved by the Engineer. The legal form of any bond or other form of surety or security shall be subject to approval by the County Attorney. If surety is posted, final acceptance of the plat will not constitute final acceptance by the County of any improvements to be constructed. Improvements will be accepted only after construction thereof has been completed and inspection by the County Engineer, who may then certify to the Board that the improvements have been completed in conformance to specifications and standards and ordinances of the County and any other applicable laws, rules or regulations. No public funds may be expended in the Subdivision until such improvements have been completed and accepted by the Board of Supervisors. Bonds to secure any liens as provided in §354.12, Code of Iowa, as may be hereafter amended, are required and shall be subject to approval by the Board of Supervisors.

Exception 2: Upon application by any person or upon its own motion, the Board of Supervisors may waive or modify any of the provisions, procedures, or other requirements of this ordinance at any time upon proper application in case of re-subdivision where only the size, shape or arrangement of the Lots are being changed.

Exception 3: Upon application of any person or upon its own motion, the Board of Supervisors may waive or modify any of the provisions, procedures, or other requirements of this ordinance relating to the construction and installation of some or all of the improvements relating to dedication of land or rights-of-way to public use where such dedication is in excess of the needs of the Subdivision or where such improvement is desired by a public agency in lieu of a purchase or condemnation proceeding.

9.3-A. Final Plat Initial Submission. The Subdivider shall make his initial submittal of a Final Plat to the Administrator a minimum of 45 days prior to a regularly scheduled meeting of the Commission to receive formal review of the plat at that meeting. The Subdivider's initial submittal will include 4 complete copies of the Final Plat. The Administrator shall immediately deliver one (1) copy to the Engineer for review. Within 15 days following such initial submittal, the Administrator, Environmental Health, Engineer and County Attorney shall review the Final Plat and such review panel shall make a written report of its findings to the Subdivider indicating any required revisions to the Final Plat. The report shall also indicate the date by which the revised Final Plat, if any, must be resubmitted to the Administrator for re-review

prior to the scheduled commission review date.

9.3-B. Final Plat Revision Submission. If revision of the proposed Final Plat is required by the review panel, then the Subdivider shall submit three (4) complete copies of the Revised Final Plat including all such required revisions by the date indicated in that same report. If, upon review by the Administrator, the Subdivider has made all the revisions required in the review panel's report, and the revised Final Plat is submitted, the Administrator will notify the Subdivider of the time, date and place for review of the Final Plat by the Commission.

9.3-C. Final Plat Review - Commission. The Subdivider shall provide the Administrator with 10 complete copies of the Final Plat twenty (20) days prior to date set for formal review before the Commission. The Commission may make recommendations to the Board to approve, approve with conditions, or deny the Final Plat. The Subdivider will be notified of the time, date, and place for final hearing before the Board of Supervisors. If the Commission does not recommend approval of the final plat of a subdivision or proposes further modifications thereto, the Board of Supervisors may nonetheless consider the proposed final plat and deny or approve or modify same and accept any or all streets, alleys, ways, easements, parks, or areas preserved for or dedicated to the public by unanimous vote of each elected Supervisor.

9.3-D. Final Plat Hearing - Board of Supervisors. Within thirty (30) days from receipt of the recommendations from the Commission relating to the Final Plat, the Board of Supervisors shall endeavor to convene for purposes of reviewing same. If the Final Plat is approved by the Board, with or without modifications, if practicable the Board's action shall be noted on three copies of the plat and then signed by the Chairman of the Board and attested to by the County Auditor. Triplicate originals or certified copies of the Board's Resolution relating to such action shall also be prepared. One copy set will be returned to the Subdivider for compliance with final plat requirements. Upon final approval by the Board of Supervisors, two (2) prints of the approved Final Plat, one (1) set of as-constructed plans, one (1) set of construction plans, and one copy of all supporting documents required by law shall be filed with the Administrator.

9.3-E. Appeal. If the Final Plat is denied or modified by the Board, the Subdivider may appeal the Board's decision in the Jasper County offices of the Iowa District Court within twenty (20) days of the Board's decision.

9.3-F. Recording of Plat/Finality. Upon receipt of all required approvals, the Subdivider shall promptly cause the Final Plat to be filed with the Recording Officer of Jasper County, Iowa in the manner provided by law, at which time such Final Plat shall thereafter for all purposes be recognized as an Official Plat and as being in full force and effect.

ARTICLE X
Amendments

10.1 Hardship. Where the Board finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of this ordinance.

10.2 Major Subdivision. The standards and requirements of these regulations may be modified by the Board in the case of a planned program for a self-contained, complete community or a neighborhood unit, which would in the judgment of the Board provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which would also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan.

10.3 Conditions. In granting variances and modifications, the Board shall weigh the benefits or hardships against the general standards and objectives of this ordinance; and may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE XI
Amendments

Any provision of this ordinance may be waived, modified, eliminated, or amended from time to time by the Board of Supervisors on a case-by-case basis either upon its own motion or upon motion or other form of written recommendation from the Commission or any other person.

ARTICLE XII
Schedule of Fees, Charges and Expenses

The Board of Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for plat approval and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Administrator and may be amended only by the Board of Supervisors. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

ARTICLE XIII
Conflicts

Wherever the requirements of this ordinance are at variance with the requirements of any applicable and superseding law, rule, regulation, or ordinance, the most restrictive or that imposing the higher standard shall govern.

ARTICLE XIV
Severability


Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this ordinance or the ordinance as a whole.

ARTICLE XV
Enforcement as a County Infraction

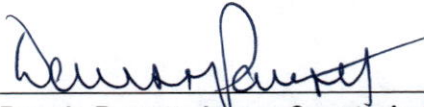
Any violations of any provision of this ordinance shall be enforced as County infractions according to procedures established by law, as may from time to time be amended. Any person, firm or corporation violating any of the provisions of this ordinance commits a County infraction and shall upon a finding that a violation has occurred be made to pay a penalty fee equal to the maximum then allowed for County infractions under Iowa law for each infraction, including maximum enhanced penalties for any subsequent or continuing infraction(s). Each day that an infraction is permitted to exist shall constitute a separate infraction. Enforcement of the provisions of this ordinance may also be initiated or assisted by means of an action in law or equity as the case may be in the Jasper County offices of the Iowa District Court.

ARTICLE XVI
Effective Date

This Ordinance shall be in full force and effect January 1, 2022 after its final passage, approval and publication as provided by law. All previous subdivision ordinances are considered null and void.



Doug Cupples, Chairman
Jasper County Board of Supervisors



Dennis Parrott, Jasper County Auditor