

An Overview of Washington County's Subdivision Process



The most complex of the land use application processes is that governing the subdivision process. A subdivision is the dividing of an original lot, tract or parcel of land into more than four (4) parts for the purpose of transfer of ownership or for the construction of improvements thereon. A person pursuing a subdivision will normally be working with an Idaho licensed engineer or a land use planner.

The reason Washington County regulates the subdivision process is to provide for the orderly growth and harmonious development of the County and thus insure goals relating to:

- Maintaining a good traffic circulation system through the development of coordinated systems.
- Insuring the utility and livability of individual property lots.
- Creation of an adequate water supply, drainage and sanitary sewage system.
- Insuring the availability of sites of schools, recreation areas, and other public facilities.
- Providing for the accuracy of legal descriptions in the land conveyance process.
- Maintaining an equitable relationship between public and private sector interests.

Idaho Code 50-1301(15) defines what is, and what is not a subdivision of land in Idaho. Among its provisions is one that affords cities and counties the opportunity to adopt their own definition. Washington County has exercised this option and has adopted an alternative subdivision definition.

Subdivision regulations are found in Washington County's Subdivision Ordinance. The ordinance provisions apply to all subdivision activity.

What Constitutes a Subdivision?

A division of an original lot, tract or parcel of land that is:

- Divided into more than four (4) pieces, or
- Dedication of any street or alley through or along any tract of land, or a cemetery.

Platting Phase Requirements

If a property is subject to subdivision regulation—the applicant must adhere to the following three-part public approval process:

Phase 1: Pre-application Meeting

Phase 2: Preliminary Plat

Phase 3: Final Plat

Phase One: Pre-Application Meeting

The subdivision applicant schedules a pre-application conference and is given a land use development report to fill out prior to the meeting. The development report is intended to help staff better assess the proposal's merits.

- The pre-application conference precedes the actual preparation of preliminary plans by the applicant. At the conference the applicant shares his development plan and is advised of platting procedures and requirements. Frequently, representatives of the Fire, Engineering, Road, Building, and Planning Departments attend the meeting.
- The applicant should present a general outline of the proposal including sketch plans and ideas regarding land use, street arrangements, lot arrangements, and tentative lot sizes. Additionally, the applicant should provide information about water supply and distribution, sewage disposal, surface drainage and street improvements.
- Agency staff will advise the applicant of the procedural steps necessary to accomplish the subdivision, the applicable design and improvement standards, as well as the general plat requirements.

Short Plat Procedure

The short plat is an alternative subdivision process that affords the application to be processed as both a preliminary plat and a final plat in a single process if all of the following conditions exist:

- The proposed subdivision does not exceed 10 lots.
- No new street dedication or street widening is involved.
- No major special development considerations are involved such as development on a hillside.
- All required information for both preliminary and final plats is complete and in an acceptable form.
- A short plat shall follow the procedures set forth in the subdivision ordinance.

General Requirements

Land that cannot be properly drained or subject to periodic flooding or otherwise unsuitable for residential use, as determined through staff assessment, shall not be subdivided.

Phase Two: Preliminary Plat Submittal Procedure



The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat.

- The applicant should provide the Planning and Zoning staff with all information essential to determine the character and general acceptability of the proposed development to avoid delay in processing the application.
- NOTE: Prior to preliminary plat review, it is mandatory that the applicant inform the Southwest District Health Department and any concerned Irrigation District of his/her tentative plans.

- Additionally, the applicant should acquire the general sewage disposal and water supply requirements from the appropriate agency. The subdivision shall also be designed to meet the specific requirements of the zoning district in which it is located.

Preliminary Plat Submission

In order for staff to proceed with the subdivision application, the applicant will need to pay the necessary fees and provide certain information that can be placed into a report that will be made available for purpose of public review and decision-making.

Preliminary Plan Submittal Information

There is a considerable amount of information required to be gathered and inserted into the preliminary plat document. The required information is found on pages 18, 19, 20 of the Subdivision Ordinance. The Subdivision Ordinance copies may be obtained at the Planning and Zoning Office.

Applicant—Narrative Requirement

The applicant will need to compose a narrative that explains in detail the merits of the subdivision proposal. The Narrative is important in that the Planning and Zoning Commission wants to know what the likely impacts may be if they approve the request.

Vicinity Map

The applicant will need to locate a vicinity map: **(P&Z staff will assist)**

- 8.5” x 11” in size
- Show location of the site on a County map.
- Show closest intersection.
- Show all properties within 300’ radius of the site.
- Site should be specifically marked.

Applicant—Putting it all Together

After the applicant has completed all of the data, it is now time to set an appointment with the Planning and Zoning staff and wrap up the application process.

- ✓ The subdivision application, development report, narrative, preliminary plat, vicinity map, assessor’s map, and narrative must be given to the Planning and Zoning staff.

****Preliminary Plat Checklist****

- An Idaho licensed land surveyor in accordance with requirements set forth in the Subdivision ordinance **must** prepare the plat.
- required information: (1/2 mile minimum radius, scale optional)
 - Six (6) copies of a vicinity map and six (6) copies of the preliminary plat (scale of not less than 1’ = 100’) showing the following:
 1. Scale, date and north arrow;
 2. Approximate lot dimensions;
 3. Numbered lots and blocks;
 4. Public dedications – streets, parks, schools, etc.;
 5. Proposed street names;
 6. Buildings and improvements;

7. Water bodies, courses and flood plains;
8. Surface and subsurface drainage;
9. Storm sewers;
10. Sanitary sewers;
11. Irrigation water ; and
12. Contour lines

- Six (6) copies of Preliminary engineering plans for streets, water sewers, sidewalks and other required public improvements.
 - One (1) copy of the proposed restrictive covenants.
 - For hillside developments (average slope of ten percent (10%) or more) the subdivide shall submit a soils report, geology report, hydrology report, grading plan, information on method of vegetation and re-vegetation and information on means of maintenance.
 - For developments within a floodway or flood way fringe (using the Army Corps of Engineers standards.) the sub divider shall submit the general location of all planned improvements, location of the present water channel, planned rerouting of waterways, method of flood proofing buildings and means of insuring improvements within the flood prone areas.
 - For developments within areas of critical concern an environmental assessment shall be submitted which answers the following questions:
 - 1) What changes will occur to the area of environmental concern as a result of the proposed development?
 - 2) What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
 - 3) What changes in the area of environmental concern are unavoidable? and
 - 4) What beneficial or detrimental affect would the development have on the environment (i.e., animal life, plant life, social concerns, economic, noise, visual, etc.)?
 - One 8.5" x 11" copy of the plat
 - If the preliminary plat approval expires prior to application for final plat approval, the plat must be resubmitted as a new case with required fees.
 - The applicant will pay a fee for the subdivision application along with any other land use development fees such as a zone change, special use permit.
- ✓ The applicant must all furnish a legal property description when the application is submitted. The legal description may be found in the property deed, acquired from the Washington County Assessor's Office, or secured from the Title Company where the property transaction occurred.

Technical Review

The Technical Review Committee is a group with expertise to pay special attention to the design principles and standard associated with roads, neighborhood circulation, utility methods and systems, water, septic and any other technical aspect of the subdivision, as well as potential impact on emergency services, schools and other public services.

- The Technical Review Committee will review the submitted material for compliance with the public objectives as outlined in the subdivision ordinance.

- Staff and Committee members may visit the site and the surrounding area to determine what conditions of approval should be attached to the subdivision pursuit.
- After the Technical Review Committee makes a recommendation to the Planning and Zoning Commission, staff sets a public hearing before the Planning & Zoning Commission.

Staff—Preparation for the Public Hearing

- ✓ The Planning and Zoning staff will send letters to all residents within a 300-foot radius of the proposal and any others that might be impacted, advising the public of the public hearing.
- ✓ The staff will publish the subdivision request in the newspaper of jurisdiction and post the property site with signage announcing the date and time of the public hearing.
- ✓ With the information provided by the applicant, Planning and Zoning staff starts the process of developing a staff report that will be available to the public and the legislative body that hears and decides this matter.
 - As the staff report is under construction, other County departments and agencies are notified for their review and comments; frequently, they will add comment or conditions that are incorporated into the staff report.
 - It is important to note that staff tries to strike a balance between being an advocate for the applicant's land use proposal and serving the public's best interest which may not be one and the same thing.
 - Some of the land use considerations that staff and Technical Review Committee evaluate relative to a subdivision request are:
 - A review of the existing zoning and comprehensive plan map to determine if it is compatible with the intended land use.
 - A determination of the adequacy of existing or proposed schools, parks, and other public spaces as possibly affected by the subdivision proposal.
 - An inspection of the site in relationship to major roads, utility systems and adjacent land uses.
 - An evaluation of any unusual problems such as topography, utilities, flooding, etc.
 - An evaluation of the general road layout with particular attention to collector and arterial roads, as well as future neighborhood transportation circulation patterns.
 - A review of the road plans for compliance with the County road standards and for tentative determination of road and drainage improvement requirements and flood control measures.
 - An evaluation of the land use in relationship to other relevant land uses that may be affected by the subdivision proposals.
 - An evaluation of the method of sewage disposal, water supply, irrigation and storm drainage systems.
 - The applicant is furnished a copy of the staff evaluation prior to the public hearing and apprised of staff's position on the proposal.

At the Public Hearing

The public hearing is conducted before the Planning and Zoning Commission. The Commission is composed of nine citizen volunteers from Washington County who have schooled themselves in land use matters. * A possible delay in the hearing process occurs when the Planning and Zoning Commission body lacks a sufficient quorum to hear this matter which happens from time to time due to unexpected circumstances. In that situation, the Planning and Zoning staff makes every effort to timely reschedule the subdivision permit.

Public hearings are held on the third Tuesday of every month at the regular meeting. The meeting is presided by the Planning and Zoning Commission Chairperson. The hearing procedures as required by Idaho Code are as follows:

- Staff will first present a report on the application.
- The applicant or his/her representative presents a summary of the request.
- Next, testimony from those in support is received, followed by testimony from those neutral to the proposal, then those in opposition to the proposal. NOTE: While various individuals are providing testimony, the reviewing body may ask questions of staff or the applicant about various aspects of the subdivision.
- Finally, the applicant or his/her representative is afforded an opportunity for rebuttal.
- Public testimony is closed after the rebuttal and no further oral or written testimony is allowed.

Hearing Body Decision

After testimony is closed, the reviewing body will consider the facts and render a decision that the preliminary plat is or is not approved. If not, the applicant will be informed of the changes that might be made to gain approval. If the plat is approved the applicant's surveyor then draws the final plat. When the administrator determines that the final plat conforms to the approved preliminary plat, the administrator presents it to the Board of Commissioners.

- The Hearing Body will evaluate the subdivision's compatibility with the Comprehensive Plan, and its compliance with the standards and objective set forth in the County Zoning Ordinance.
- It should be noted that hearing body members are prohibited from engaging in personal conversations or receiving private correspondence about the land use matter from the applicant or any other affected person after the application is submitted until after the decision is rendered.
- Sources of delay during or after the public hearing process:
 - There has been conflicting testimony that may require further time to resolve.
 - The Commission is waiting for an agency response.
 - Commission has heard an overwhelming amount of new testimony and needs additional time to complete their decision.

Conditions of Preliminary Plat Approval

- ✓ If the plat is approved, it is generally valid for a period of twelve (12) months from the date of Planning and Zoning Commission action.
- ✓ Failure to obtain final plat approval and to record the final plat in accordance with provisions of the subdivision ordinance within the prescribed time frame shall cause the preliminary plat to become null and void. Should the plat become invalid, the applicant will need to start the process again.
- ✓ No extensions shall be permitted unless granted by the Commission.
- ✓ Preliminary plat approval does not assure final acceptance of streets for dedication or the continuation of zoning requirements in existence at the time of receiving preliminary plat approval.
- ✓ The conditions, upon which approval of the preliminary plat is granted, shall not be substantially changed unless authorized by the Commission. At the discretion of the Commission, the applicant may be required to reapply for preliminary plat approval.

Phase Three: Final Plat



This stage includes the final design of the subdivision, engineering of public improvements, and the applicant's submittal of the plat and plans. The final plat process includes review and approval by the Planning and Zoning Administrator, County Engineer, Road supervisor, Fire District, irrigation district of jurisdiction and any other agency having review authority.

Request for Final Plat Approval and Recordation of Plat

Prior to submitting the application for final plat approval, the applicant shall have completed the following:

- ✓ Preparation of the final plat by a land surveyor licensed in the State of Idaho.
- ✓ As noted above, the final plat shall conform substantially with the preliminary plat as approved by the Planning and Zoning Commission.
- ✓ The plans and specifications shall be prepared following the standards and specifications adopted by the Planning and Zoning Commission.
- ✓ Received approval by the County Engineer and any other agency having plat review authority.
- ✓ Financial guarantee for construction and completion of improvements will be submitted to the County Engineer for approval.
- ✓ Application for final plat approval shall be submitted to the Planning and Zoning Administrator in accordance with the procedures set forth in the Subdivision Ordinance.

- ✓ Attachments to application shall include:
 - Appropriate fees
 - Title report that has been prepared within two (2) weeks of final plat submittal.

Final Plat Submittal

All of the requirements for final plat submittal as outlined in the subdivision ordinance shall be met prior to the final plat being accepted, including final plat fee payment.

- Applicant submits an application for final plat approval to the Planning and Zoning Administrator.
- Upon receipt of the final plat, the Planning and Zoning Administrator submits it for agency review and comment.

****Final Plat Checklist****

- Subdivision final plat application
- One 18" x 27" Mylar copy of the final plat
- One 8.5" x 11" copy of the final plat. (Must be prepared by a Idaho licensed land surveyor in accordance with requirements set forth in the subdivision ordinance.)
- Three (3) copies of the final engineering drawing for streets, water, sewers, sidewalks and other public improvements.
- Method of assuring the construction of all improvements, which may include: construction before filing plat, cash deposit, certified check, negotiable bond, irrevocable bond as letter of credit (one hundred ten percent (110%) of estimated cost).
- Check made payable to Washington County in accordance with the County's adopted fee schedule.

Because the subdivision process is elaborate, the applicant is encouraged to purchase and rely upon the Washington County Subdivision Ordinance for specific information. In the event the language outlined in this newsletter conflicts with that found in the ordinance for specific information, the ordinance language shall prevail.

This is a general overview of the subdivision process. If you have questions that have not been answered by this overview, do not hesitate to ask the Planning and Zoning staff for assistance.



SUBDIVISION APPLICATION

APPLICANT

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

EMAIL: _____

NAME OF PROPOSED SUBDIVISION: _____

REPRESENTATIVE

NAME: _____

STREET ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

EMAIL: _____

DATE RECEIVED _____ RECEIPT NO. _____

ACCEPTED BY _____ DATE OF HEARING _____

THIS APPLICATION WILL NOT BE DEEMED COMPLETE AND WILL NOT BE ACCEPTED BY P&Z STAFF UNTIL ALL REQUIRED ITEMS AND FEES ARE SUBMITTED.

(OFFICE USE)

Application

- Preliminary Plat Number of Lots _____ Minor Subdivision Major Subdivision
- Combining Preliminary & Final Plats Final Plat
- Minor Re-plat or Amendment to a recorded Plat
- Vacation of a Subdivision Plat, Lot, Road, Easement, etc.

Site Information

Section _____ Township _____ Range _____ Quarter _____ Total Acreage _____

Tax Parcel Number(s) _____

- Floodplain Hillside (slope > 15%) CAFO area Fire hazard area

Cost List

Rezone:

Application fee of \$100.00 and a deposit of \$500.00.

The \$100.00 is non-refundable. Out of the \$500.00, we deduct the following:

- copying and postage for P& Z Commission packets and neighbor notification
- legal notices published in local papers
- mileage for commission members, and administrative costs.

Any monies remaining after costs are deducted will be refunded.

If the rezone is approved the applicant proceeds with the platting phase.

Preliminary Plat:

Application fee of \$100.00 and a deposit of

Subdivisions: 1-9 lots*	\$500 + \$25 per lot	plus \$1,500 retainer
Subdivisions: 10 + lots	\$1,000 + \$25 per lot	plus \$2,500 retainer

*Minor subdivisions (fewer than 10 lots) may be considered together.

The \$100.00 is non-refundable. Cost deducted out of the deposit is:

- copying and postage for P& Z Commission packets and neighbor notification
- legal notices published in local papers
- mileage for commission members, and administrative costs.
- Technical review
- County Engineer review and approval of preliminary plat (**and** final plat for a minor subdivision)

Applicant will need to hire an Idaho licensed land surveyor to prepare the plat.

Applicant will need to contact Southwest District Health and pay their fee. Currently those costs are \$250.00 for a review and \$300.00 per lot.

Final Plat:

Cost deducted out of the deposit is:

- copying and postage for P& Z Commission packets and neighbor notification
- legal notices published in local papers
- mileage for commission members, and administrative costs.
- Technical review
- County Engineer review and approval of final plat and signature page.

If the plat is approved the applicant goes before the County Commissioners for their approval of the plat and their signatures on the Mylar.

Applicant will need to take the Mylar copy of the final plat and signature page to Idaho Blue Print and pay the cost for the silver image emulsion copy.

Applicant will need to take the Mylar and silver image emulsion to the recorders office. For recording a plat, the fee is \$11.00 for the first 100 lots. For each additional lot it is \$0.50.