

DEVELOPMENT STANDARDS AND REGULATIONS – CHAPTER III

A tract of record means an individual parcel of land, other than land previously platted as a lot in a subdivision, as existed on July 1, 2001, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office. Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

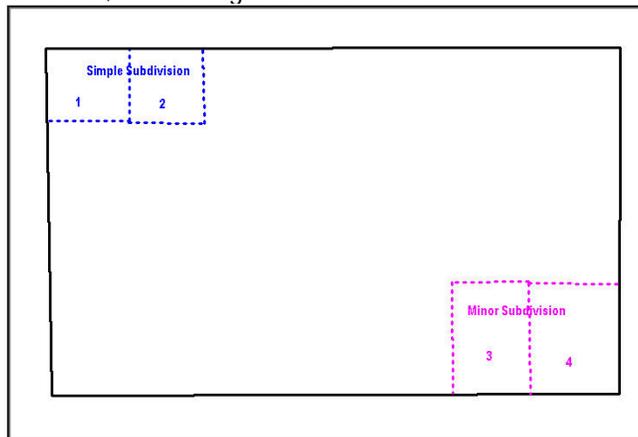
- (i) An instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or a record of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.
- (ii) An instrument of conveyance does not merge parcels of land under (i) above unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels.

SECTION 2-101 SIMPLE SUBDIVISION

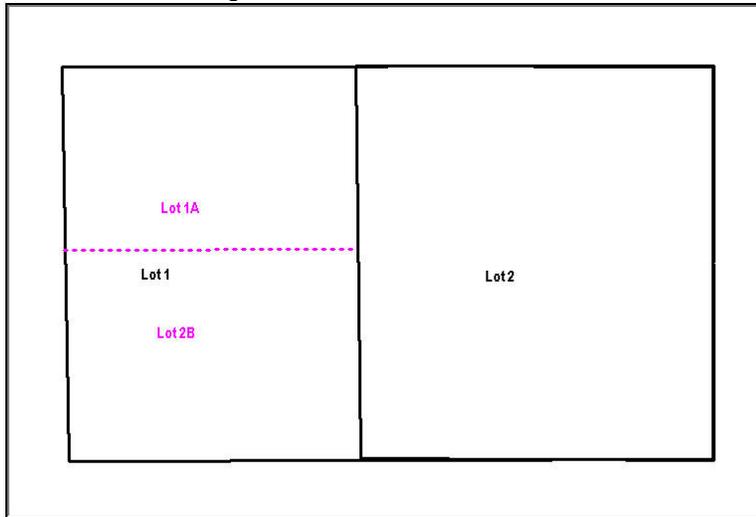
A simple subdivision is the division of a tract of record into not more than two (2) lots, each lot being smaller than 35 acres. An existing subdivision lot may be divided using the simple subdivision process so long as the division creates no more than two (2) lots each smaller than 35 acres within the existing subdivision or tract of record. Simple subdivision lots do not need to be configured to create a contiguous developed area. A subdivision shall NOT be classified as a **simple** subdivision under the following circumstances:

- A. The number of lots in the proposed simple subdivision in combination with existing lots or parcels on the underlying tract of record would result in more than five (5) lots or parcels each smaller than 35 acres. If more than five (5) such lots, the proposed subdivision must follow the **major** subdivision review process.
- B. The number of lots in the proposed simple subdivision in combination with existing lots on the underlying tract of record would result in more than two (2) but not more than five (5) lots or parcels each smaller than 35 acres. If more than two (2) but not more than five (5) such lots, the proposed subdivision must follow the **minor** subdivision review process.

Example 1: Landowner A owns a 160-acre tract of record. Landowner A develops a two-lot subdivision, each lot being five (5) acres in size. Landowner A sells the remaining 150 acres to B. B then proposes a two-lot subdivision on his 150 acres, each lot being less than 35 acres in size. B must follow the **minor** subdivision review process because B's proposal would create more than two (2) but less than five (5) lots, each smaller than 35 acres, on the original tract of record.



Example 2: Lot-owner A owns a lot in an existing two-lot subdivision. Lot owner A proposes to divide his/her subdivision lot into two (2) lots. Lot-owner A must proceed through the **minor** subdivision review process because the proposal creates more than two (2) lots, each smaller than 35 acres, in the existing subdivision.



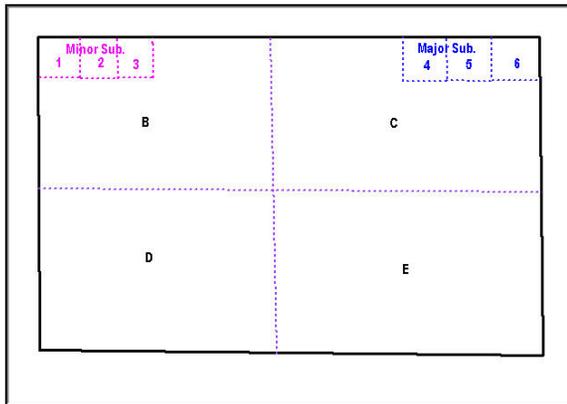
- C. The subdivision will be served by a central sewage disposal system or central water supply system not owned and operated by a public entity;
- D. The land to be subdivided is unsuitable for simple subdivision. Land unsuitable for simple subdivision is defined as: land that if subdivided would be detrimental to the health, safety, or general welfare of existing or future residents because of potential hazards including flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply or potential therefore as a result of the proposed subdivision as determined by the Planning Coordinator in consultation with the small wastewater administrator or other qualified professional, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of any of these features determined by the Commission to be detrimental to the health, safety or general welfare of existing or future residents if the land is subdivided does not preclude subdivision approval provided the subdivision is reviewed as a major subdivision and the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

SECTION 2-102 MINOR SUBDIVISION

A minor subdivision is the division of a tract of record into not more than five (5) lots, each lot being smaller than 35 acres. An existing subdivision lot may be divided using the minor subdivision process so long as the division creates no more than five (5) lots each smaller than 35 acres within the existing subdivision or tract of record. Minor subdivision lots shall be configured to create a contiguous developed area. Minor subdivisions must comply with the Minor Subdivision Review Process. A subdivision shall NOT be classified as a **minor** subdivision under the following circumstances:

- A. The number of lots in the proposed minor subdivision in combination with existing lots on the underlying tract of record would result in more than five (5) lots each smaller than 35 acres. If more than five (5) such lots, the proposed subdivision must follow the **major** subdivision review process.

Example 1: Landowner A owns a 160-acre tract of record. Landowner A divides the 160 acres into four 40-acre parcels and sells the four parcels to B, C, D and E. B proposes a three-lot subdivision on his/her 40-acre parcel, each lot being smaller than 35 acres. B may follow the **minor** subdivision review process. C then proposes a three-lot subdivision on his/her 40-acre parcel each lot being smaller than 35 acres. C must follow the **major** subdivision review process because C's proposal would create more than five (5) lots, each smaller than 35 acres, on the original tract of record.

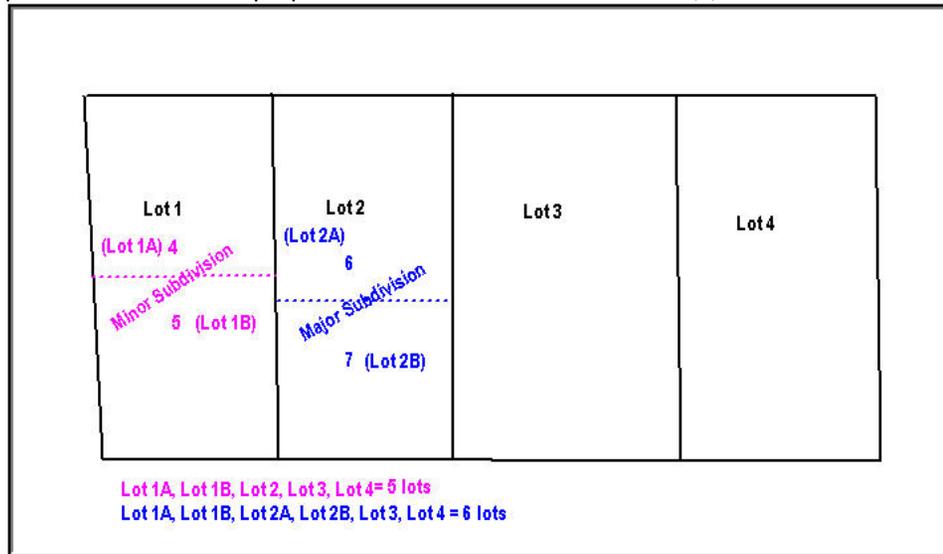


Example 2: Landowner A owns a 160-acre tract of record. Landowner A develops a two-lot subdivision, each lot being five (5) acres in size. Landowner A sells the remaining 150 acres to B. B then proposes a four-lot subdivision on his 150 acres, each lot being less than 35 acres in size. B must follow the **major** subdivision review process because B's proposal would create more than five lots, each smaller than 35 acres, on the original tract of record.



- B. The land to be subdivided is a lot in a platted subdivision and the number of lots created by the proposed division in combination with all other lots in the existing subdivision would exceed five (5) lots. If more than five (5) lots, the proposed subdivision must follow the **major** subdivision review process.

Example: Lot-owner A owns a lot in an existing four-lot subdivision. Lot owner A proposes to divide his/her subdivision lot into two lots. Lot-owner A may proceed through the **minor** subdivision review process because the proposal creates no more than five (5) lots within the existing platted subdivision. Lot-owner B then proposes to divide his/her lot into two (2) lots. Lot-owner B must proceed through the **major** subdivision review process because B's proposal would create more than five (5) lots within the existing subdivision.

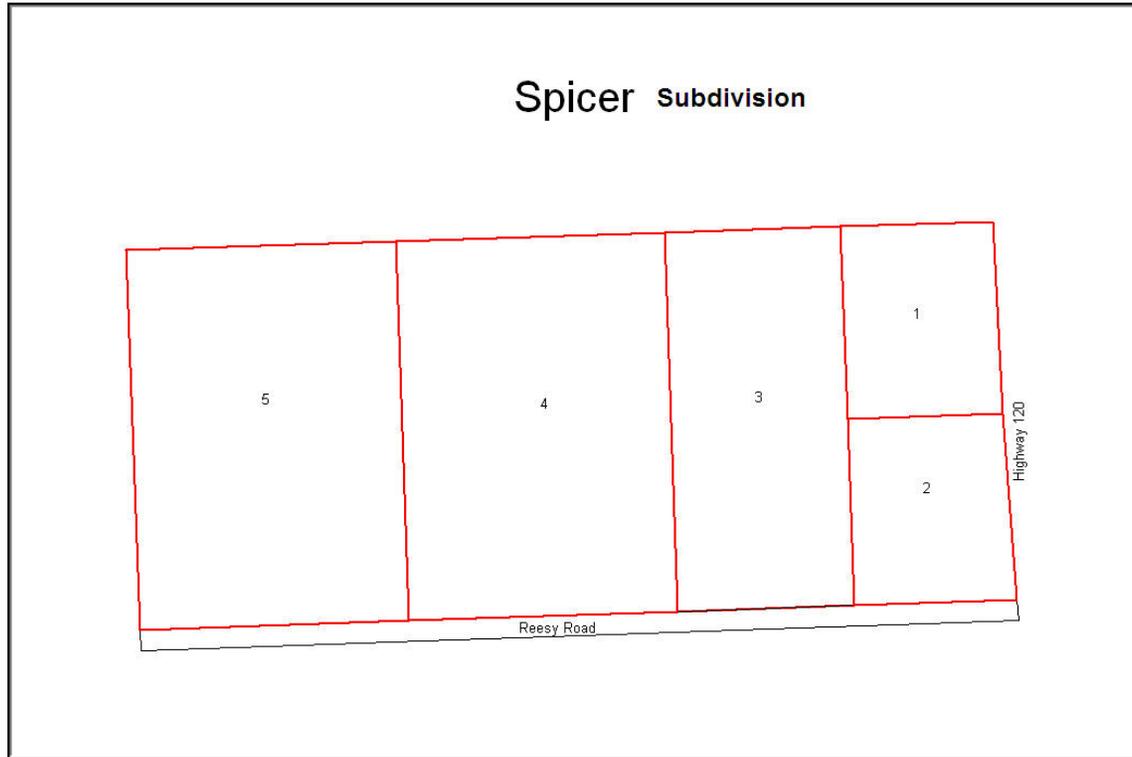


- C. The subdivision will be served by a central sewage disposal system or central water supply system not owned and operated by a public entity;
- D. The land to be subdivided is unsuitable for minor subdivision. Land unsuitable for minor subdivision is defined as: land that if subdivided would be detrimental to the health, safety, or general welfare of existing or future residents because of potential hazards including flooding, landslides, steep slopes, rock falls, high water table, polluted or non-potable water supply or potential therefore as a result of the proposed subdivision as determined by the Planning Coordinator in consultation with the small wastewater administrator or other qualified professional, high voltage lines, high pressure gas lines, danger from fire or explosion or other hazardous features. The presence of any of these features determined by the Commission to be detrimental to the health, safety or general welfare of existing or future residents if the land is subdivided does not preclude subdivision approval provided the subdivision is reviewed as a **major** subdivision and the hazards are eliminated or will be overcome by approved design and construction plans, where applicable.

SECTION 2-103 MAJOR SUBDIVISION

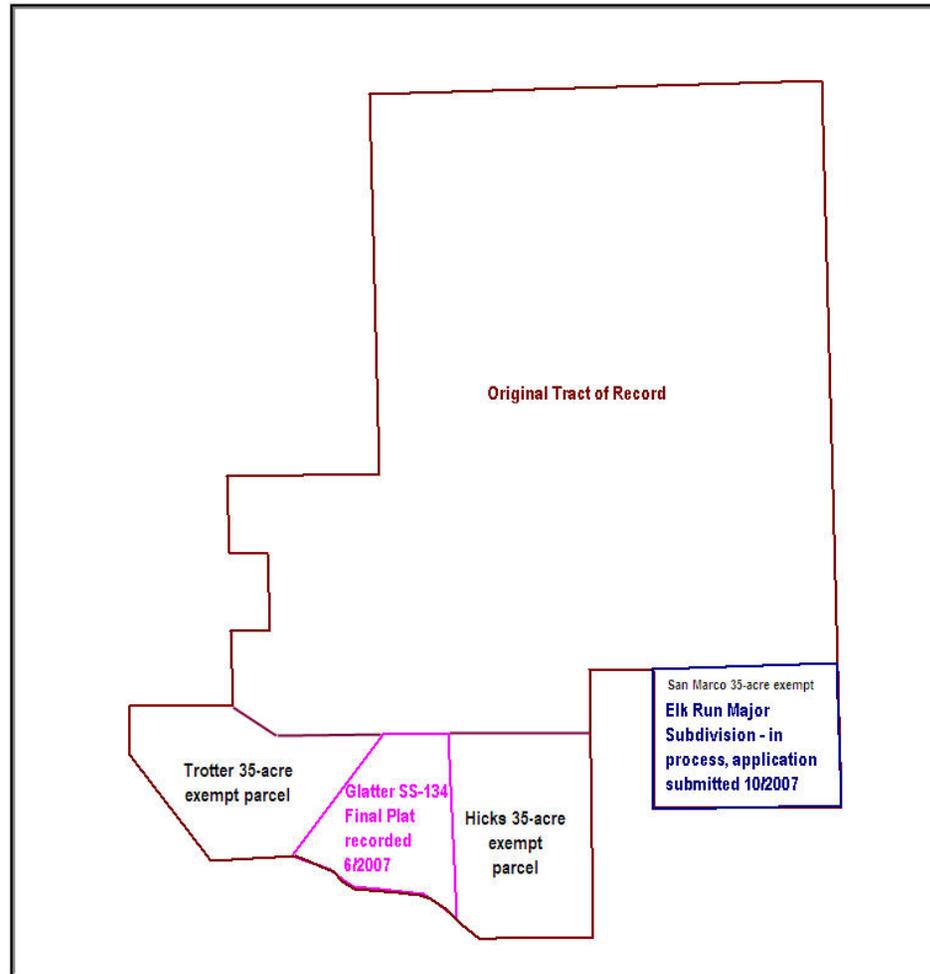
A major subdivision is the subdivision of a tract of record into six (6) or more lots, each smaller than 35 acres. Major subdivisions lots shall be configured to create a contiguous area. A major subdivision also includes any subdivision that does not qualify as a simple or minor subdivision. Major subdivisions must comply with the Major Subdivision Review Process.

Spicer Subdivision



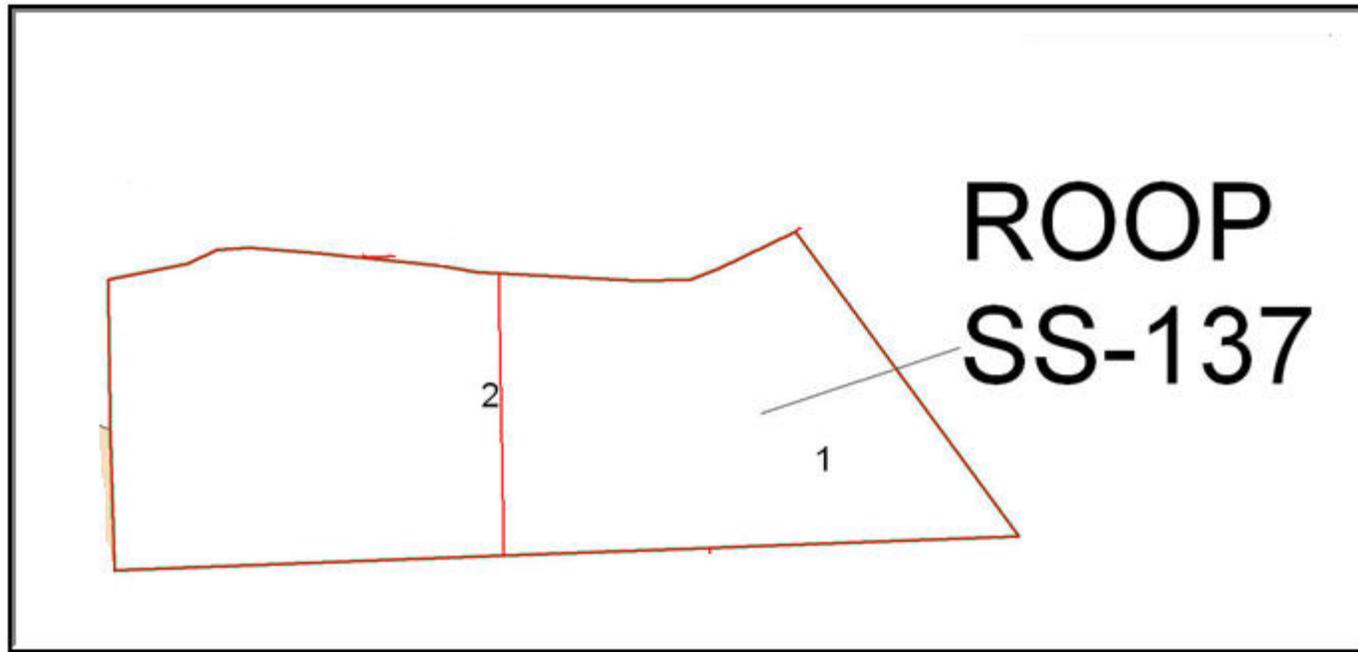
There are five lots within this existing subdivision. Any further division of any of the lots cannot be considered a simple subdivision because any division would create more than two (2) lots within the existing subdivision. Any further division of the lots cannot be a minor subdivision because any division would create more than five (5) lots within the existing subdivision. Therefore, any subdivision of any of the lots within this subdivision would be classified as a major subdivision.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



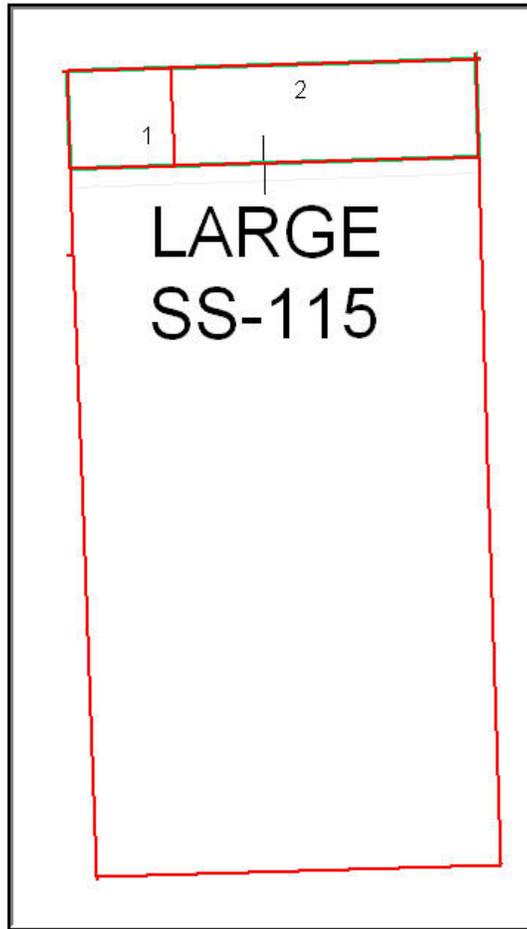
The original tract of record is shown with the dark red line. The Glatter SS-134 created one lot (approved 6/2007) and is shown in pink. The Elk Run Major Subdivision, in process of creating six lots (Special Use Permit approved 12/2007) and is shown in blue. Per Chapter I, Division 2-400: "Applications will be processed and acted upon in the order they are received. An application may be submitted and processed under the assumption that all previously submitted applications will be approved." Therefore, any new division proposed on the original tract of record, including within the Trotter parcel and within the Hicks parcel could not be done as a simple or a minor subdivision under the regulations as seven lots less than 35 acres already exist or are in the process of existing on the original tract of record.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



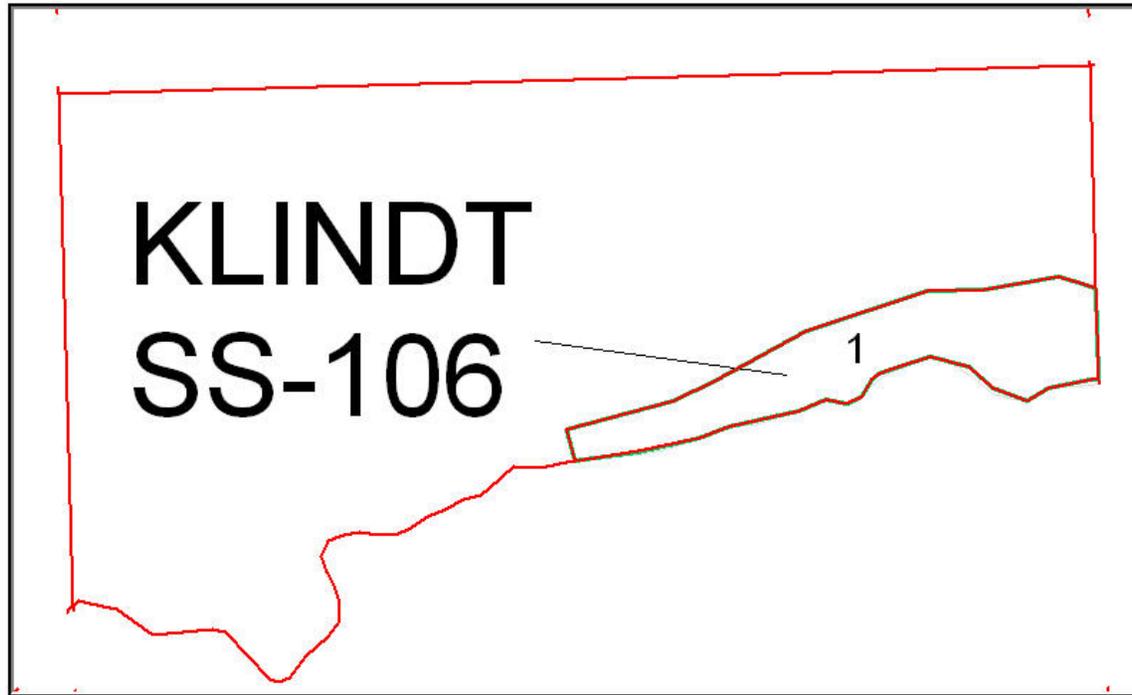
The Roop SS-137 created two lots within the original tract of record. Any further division of either lot would either be a minor subdivision or a major subdivision. For instance, if the owner of Lot 1 proposed a four lot subdivision, he/she could complete it as a minor subdivision as there would be no more than 5 lots within the existing subdivision or tract of record (4 new lots, 1 old lot). After this process were started or completed, if the owner of Lot 2 wanted to subdivide Lot 2 into 2 lots, he/she would have to do a major subdivision as there would be 6 lots within the existing subdivision and tract of record (4 lots within Lot 1 and 2 lots within Lot 2).

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



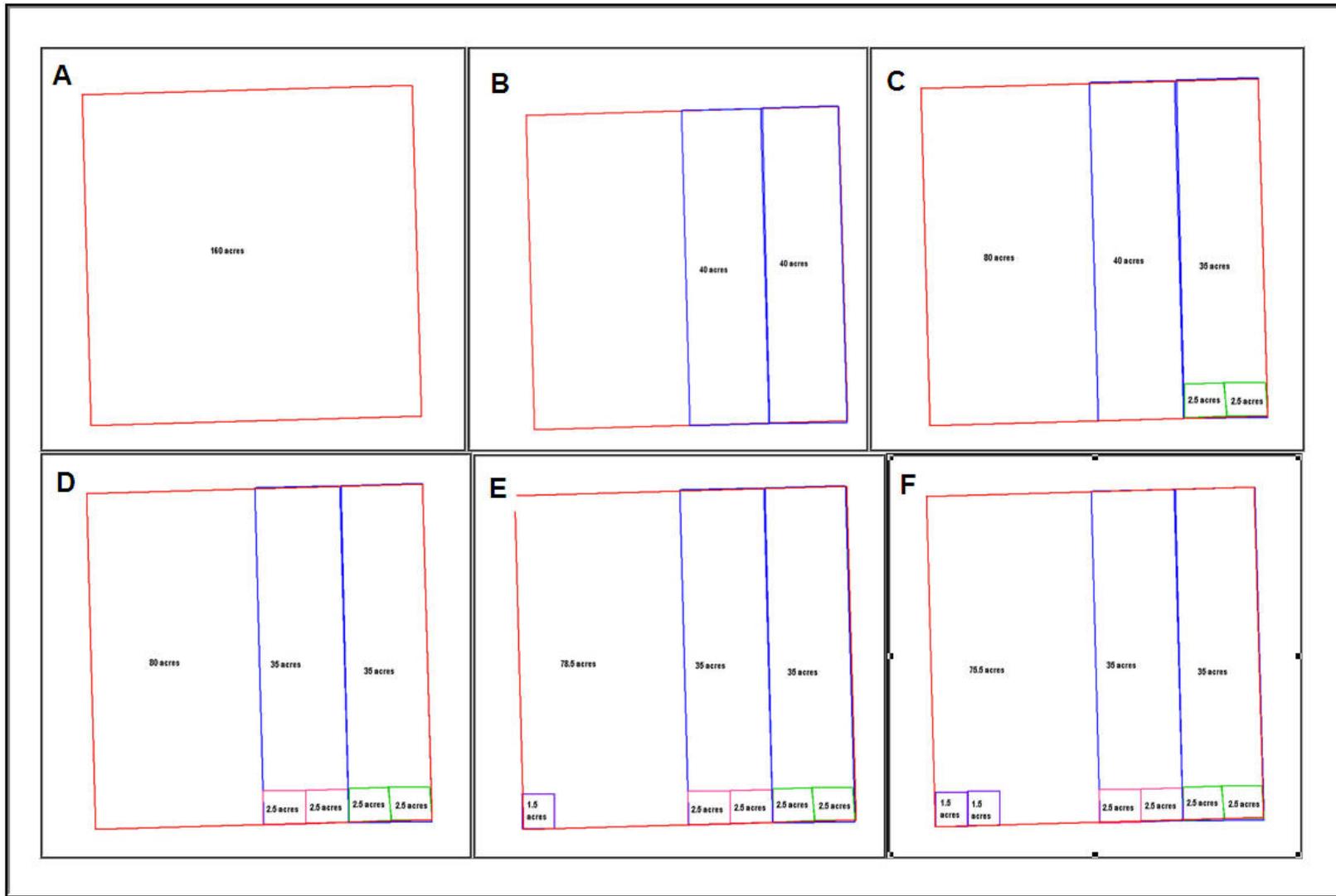
The Large SS-115 created 2 lots within the original tract of record. Assuming Lot 1 and Lot 2 cannot be divided any further, any further division within the “exempt” parcel would be either a minor or major subdivision, depending upon the number of lots total within the original tract of record. They could create 3 lots within the exempt parcel with a minor subdivision or four or more lots within the exempt parcel with a major subdivision.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



The Klindt SS-106 created one lot within the tract of record. Assuming that Lot 1 cannot be divided further, someone could create one more lot with the simple subdivision process within the "exempt" parcel. They could create up to four lots within the "exempt" parcel with the minor subdivision process, and any more than five lots would require a major subdivision process. Or assuming that Lot 1 could be divided further, Lot 1 could be split into two lots with the simple subdivision process, then any further division within the original tract of record would require a minor or major process.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



A – Original Tract of Record 160 acres

B – Owner sells two 40 acre parcels, exempt by State Statute from subdivision review

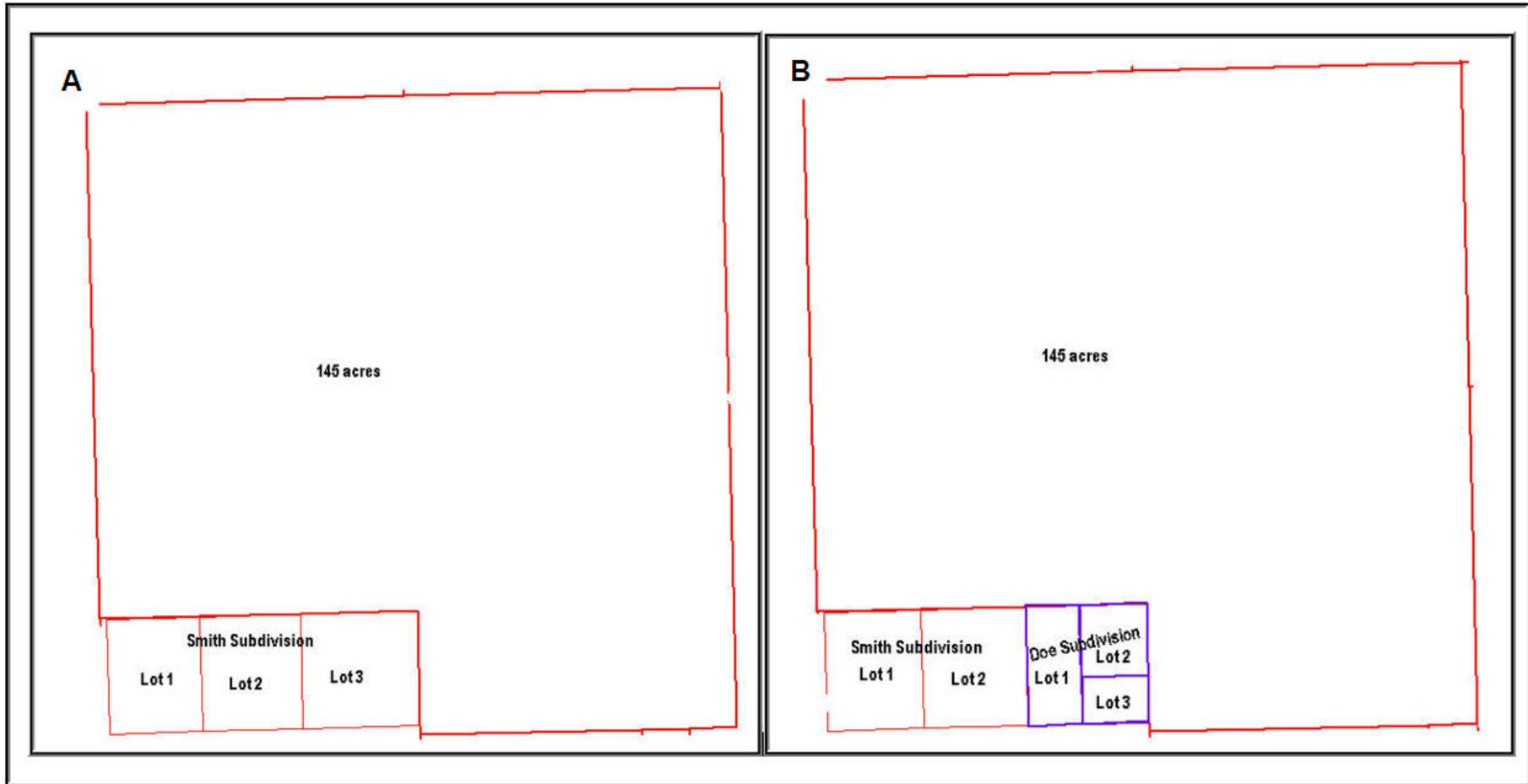
C – First person does a simple subdivision of two lots, with 35 acre exempt parcel (2 lots under 35-acres on original tract of record)

D – Second person does minor subdivision of two lots, with 35 acre exempt parcel (4 lots under 35-acres on original tract of record)

E – Third person does a minor subdivision of one lot, with a 78.5 acre exempt parcel (5 lots under 35-acres on original tract of record)

F – Third person wants to create another lot, must do a major subdivision (6 lots under 35-acres on original tract of record)

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.

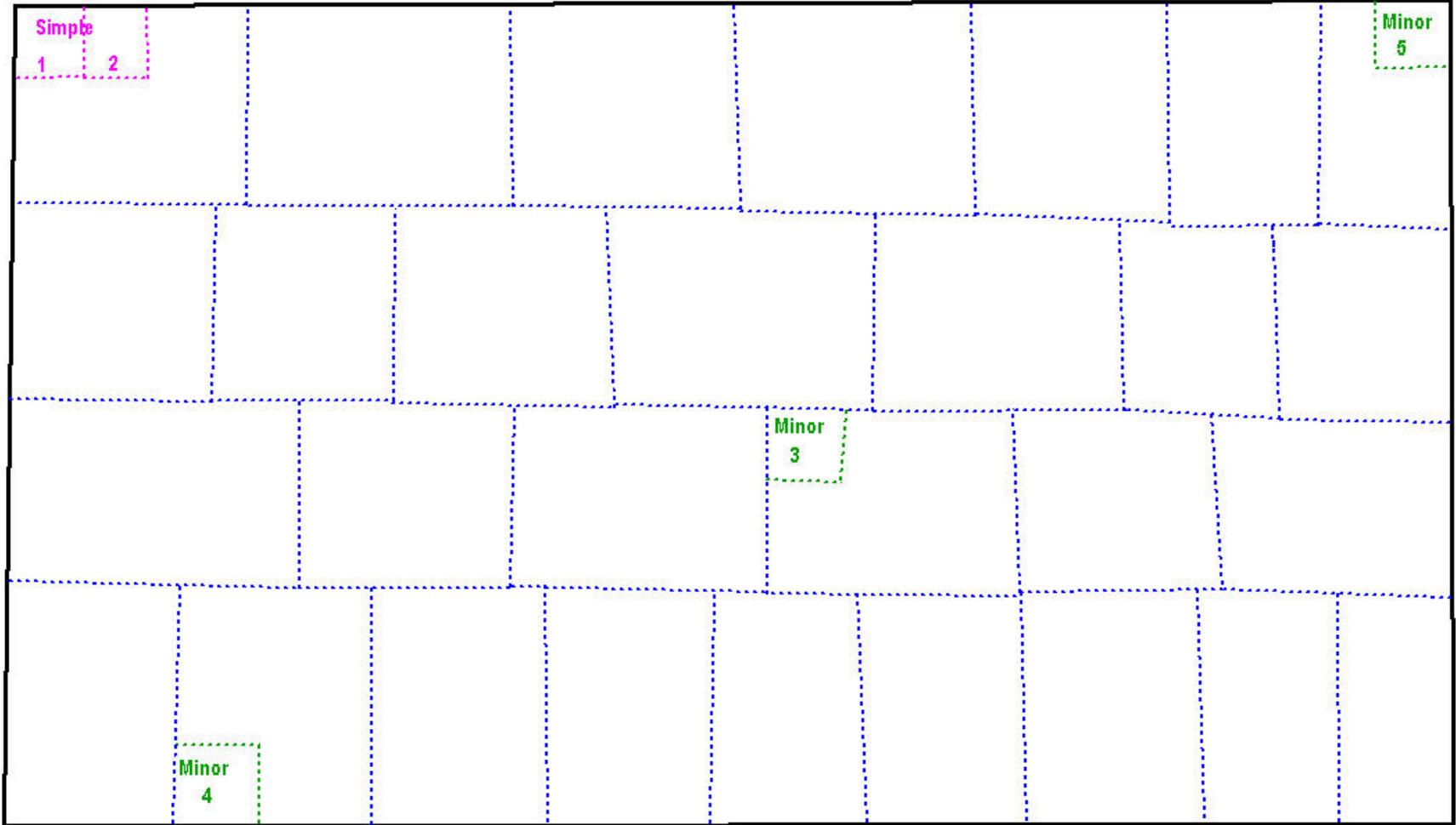


A – Three lot minor subdivision done within an original tract of record.

B – Owner of Lot 3 wants to divide their lot into 3 lots – minor subdivision as there are only 5 total lots

Any further division within the subdivision or within the original tract of record would be a major subdivision.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.



- Original Tract of Record
 - - - - - 35-acre exempt parcels (assume all are 40 acres)
 - - - - - 2 lot simple subdivision (assume lots are max 2.5 acres each)
 - - - - - 3 separate one-lot minor subdivisions
- Any further division within the entire original tract of record would be by major subdivision.

All examples assume that Zoning and prior Subdivision Plats/Conditions allow for further subdivision. These are meant for examples only and do not guarantee that the properties used for the examples can be divided in the manners that the examples describe.