Ordinance No. 2005-2

Butte County Planning Commission

ATTENTION: This Subdivision Checklist must be completed and initialed by the Subdivider and Planning Director by 5:00 p.m. no later than two weeks before the Planning Commission Meeting.

SUBDIVISION CHECKLIST
REVISED MARCH OF 2011

Statement of Intent and Sketch Plan

SKETCH PLAN –submission requirements:

Must be initialed by Subdivider as being fully completed. Initials by Planning Director verifying all requirements completed.

Subdivider	Planning Director
_____	_____

a. Subdivision name and description;

b. Name(s) and address(es) of owner(s) and subdivider(s) and any existing mortgage holders;

c. Maps showing the general location of the property in context with surrounding properties;

d. Proposed property boundaries;

e. Significant natural and man made features of the proposed subdivision;

f. Lot and street layout (with acreage's to 1/2 acre)

g. A written report discussing the following:

(1) Proposed water supply and distribution supply;

(2) Present use of land contained with the proposed subdivision;

(3) Present use of adjacent land;

(4) Proposed improvement to be installed or constructed by the developer;

(5) Proposed sewage disposal system and soil types and suitability of soils for the proposed sewage disposal system;

(6) Type of structures and density of structures to be contained within the subdivision.

The subdivider shall pay a non-refundable fee of $100.0 per lot within the proposed subdivision to a maximum of $500.00 upon submission of the preliminary plan/plat.

Preliminary Plan:

Subdivider Planning Director

_____ _____

The subdivider or his representative shall submit to the Planning Commission ten copies of the preliminary plan and proposed drawings of the proposed subdivision which shall include the following:

1. Map or maps showing the following information:

   a. Name of proposed subdivision.

   b. Name and address, including telephone number of the subdivider.

   c. Name and address, including telephone number of the person responsible for subdivision design, improvement designs and surveys.

   d. Date, north arrow and graphic scale.

   e. Location of the property by legal description.

   f. Boundary of the proposed subdivision showing its location and dimensions.

   g. Names and addresses, including telephone numbers of all adjacent land owners.

   h. Present usage within the proposed subdivision and present use of adjacent land.

   i. Location of any existing or proposed development, utilities, power lines, easements and rights-of-way within the proposed subdivision and adjacent area.

   j. Location of drainage ways and areas subject to flooding within the proposed subdivision and adjacent area.

   k. Topography of the area displayed in not more than twenty (20) foot intervals when the terrain of the proposed area could affect its development.

   l. Location, dimension and area of all proposed or existing lots. All lots and blocks shall be numbered or lettered consecutively.

   m. Names, locations and widths of all existing and proposed streets or roads within the proposed subdivision and adjacent area, together with a map showing the point of connection with existing federal, state and/or county roads.

   n. Location and dimensions of all land proposed to be dedicated or reserved for parks, schools, or other public uses.

   o. Proposed improvements to be installed or constructed by the subdivider including roads, water systems, sewer development, utilities or other improvements to subdivision property.

Subdivider Planning Director

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2. Written reports or narratives covering the following:

   a. Proposed water supply and distribution system;

   b. Present use of land contained with the proposed subdivision;

   c. Present use of adjacent land;

d. Proposed improvements to be installed or constructed by the developer;

e. Proposed sewage disposal and soil types and suitability of soils for the proposed sewage disposal system:

NOTE: When individual sewage disposal systems are proposed by the subdivider, a written certification of a licensed South Dakota engineer certifying as to the adequacy and safety of individual sewage disposal systems proposed for the subdivision, including the adequacy of the proposed system in relation to the topography of the subdivision, of the subdivision, the proposed population density, soil conditions and water sheds located on or draining into or over the proposal subdivision, shall be shown on the plat. Soil percolation tests shall be conducted at a frequency of at least one (1) test per lot. The test location shall be recorded on the final plat. Where ground water problems exist, private sewage disposal systems may not be approved unless detailed plans for an adequate system, signed by a licensed South Dakota engineer, accompany the plat.

f. Type of structures and density of structures to be contained within the subdivision

g. The impact of the proposed subdivision upon the adjacent properties and the county as a whole;

h. If septic systems will be used for sewage disposal, sufficient information shall be provided to determine the suitability of soils and other conditions within the proposed subdivision to determine suitability of lands for the safe installation of septic systems in accordance with South Dakota laws and regulations of the Department of Environment and Natural Resources, including, but not limited to, those contained in ARSD 74:53:01 and 74:03:01. Percolation tests for each lot within the proposed subdivision shall be submitted if no central sewer system is proposed;

i. Provisions for the establishment and maintenance of Homeowners Associations, including drafts of proposed Articles of Incorporation and By-laws, or other means of providing for maintenance and upkeep of roads, common areas, water and sewer systems and for the enforcement of convenants within the proposed subdivision;

j. A copy of the agreement between the subdivider and any utility company anticipated to provide water, gas, electrical or telephone service to the subdivision, outlining the financial arrangements that have been made to install utilities.

Subdivider Planning Director

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3. Draft of covenants to be recorded and run with the land, identifying and providing for the following:

a. Provisions for assessment of lots to fund the Homeowners Association, provide for repair and maintenance of common areas, and enforcement of covenants;

b. Types of homes and other structures permitted within the Subdivision;

c. Provisions limiting maintenance of animals within the subdivision;

d. Provisions prohibiting accumulation of junk, trash, debris, unlicensed motor vehicles, and provisions for regular removal of garbage;

e. Provisions for construction and maintenance of perimeter fences;

f. Provisions for abatement of nuisances;

g. Provisions for installation of septic systems in accordance with any ordinances adopted by Butte County, including, but not limited to, those contained in ARSD 74:53:01 and 74:03:01;

h. Provisions limiting amendment of Covenants and Homeowners Association Articles and/or Bylaws, without the consent of the Butte County Planning Commission and Board of County Commissioners until a majority of lots within the proposed subdivision have been sold, and thereafter, according to the terms of the Covenants, Articles and/or by-laws;

i. Requiring all property owners within the Subdivision to mark or identify each improved property in accordance with rules adopted by the Butte County E-911 Coordinator;

j. Provision limiting use of improved property within the Subdivision to single family residential use, unless otherwise permitted by the action of the Butte County Commission in approving such subdivision;

Subdivider Planning Director

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4. Disclosure Statement. A full disclosure statement shall be submitted for review and approved by the County Commissioners – prior to approval of a final plat. Copies of disclosure statements will be filed with the Register of Deeds and kept at the office of the County Auditor and will be available on request to the public. Copies of disclosure statements shall be provided to each prospective purchaser, prior to entering into any binding sale agreement. Disclosure statements shall clearly and concisely present all the facts related to the following items:

a. Street construction and maintenance (including snow removal responsibility).

b. Water supply – design criteria and maintenance responsibilities.

c. Sewage disposal-design criteria and maintenance responsibilities.

d. Restrictive covenants – where copies are available and describe how they are enforced.

e. Association fees –should be listed and described as to allocations of funds, penalties for non-payment, procedure for change in fees.

f. Garbage disposal – statement to define financial and physical responsibilities.

g. Telephone company construction charge – statement to define financial responsibility.

h. Cable TV charges – statement to define financial responsibilities.

i. Street and traffic control signs and devices – statements to define construction and maintenance responsibilities.

j. Street lighting, if required – define construction and maintenance responsibilities, if lighting is provided for.

k. Culverts, drainage – define construction and maintenance responsibilities.

l. The manner in which amendments to any covenants may be made.

m. Fire protection – status and description.

n. Building Codes – statutes of applicable codes which apply to construction within the subdivision.

o. Electricity – statement to define financial responsibility for construction and connections.

p. Postal service – define level of service and responsibility of homeowner and developer as concerns mailbox construction and maintenance.

5. **Attention: the disclosure statement must be filed with the plat. In order to be in proper legal form for filing, the following information must be on the disclosure statement:**

1. Owner and Subdivider name.
2. Address of Owner and Subdivider.
3. Legal Description of Property.
4. Notarized Signature of the Owner and Subdivider.
5. Information as to whom prepared the Disclosure Statement to include name, address and telephone number.
6. The Planning Commission shall examine the Preliminary Plans. If satisfied that all preliminary information has been properly submitted, the Planning Commission shall set a date for public hearing on the proposed subdivision at the next scheduled Planning Commission meeting. Notice of the date and time for public hearing shall be conspicuously published once each week for two successive weeks prior to the hearing in the legal newspaper of Butte County. The notice shall describe the general location, nature and extent of the proposed subdivision, the copies of the Preliminary Plans may be inspected at the office of the Butte County Auditor, and that any interested person may appear at the public hearing to comment, or may summit written comments on the proposed subdivision.

   Hearing Date for Preliminary Plan: _____

7. The Planning Commission shall require written notice of the proposed subdivision to be given to all adjacent landowners who may be affected by the proposed subdivision. The written notice shall specify the general nature and extent of the proposed subdivision, the date and time of public hearing, and the right to appear personally, by an attorney or representative, and to submit written comments.
   Date Completed by Subdivider _____

8. Within 30 days after the public hearing, the Planning Commission shall consider the proposed subdivision and approve or disapprove it, or approve the subdivision with additional requirements.
   Date of Consideration: _____

Section 4 – Final Plan

Subdvider Planning Director

_____ _____

1. The following information is required for final plats of subdivisions:

   a. The original or reproducible final plat shall be drawn in black ink upon tracing cloth or tracing vellum fifteen (15) by twenty-six (26) inches or eight and one-half (8 ½) by fourteen (14) inches. The scale shall be one (1) inch equals one-hundred (100) feet for tracts under forty (40) acres, and one (1) inch equals four hundred (400) feet for tracts over forty (40) acres.

2. The final plat shall show the following information:

   a. The boundary lines of the subdivision including distances and angles or bearing and all section lines.

   b. Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use, to include acreage contained in each.

   c. All roads, streets and alleys shall be designated as “DEDICATED PUBLIC RIGHT-OF-WAY” or “DEDICATED PRIVATE ROAD”, with the exception of private driveways.

   d. The length of all straight lines, angle of intersection, length of curves and radius. All dimensions of each lot shall also be shown thereon. All dimensions shall be in feet and decimals of a foot. The boundaries of the property locations, scales and true north shall be shown. The acreage of each lot to two decimal places.

e. Numbers to identify each lot and block.

f. Minimum building and setback lines on all lots and other sites. Setbacks shall be at least 50 feet from the front of the lot, and at least 25 feet from the sides and rear boundaries of each lot.

g. Easement lines for services or utilities.

h. Subdivision name, scale, north point, and date.

3. The following written information:

a. Written reports on water and sewer systems required by Article V, Section 2 establishing compliance with DENR requirements including, but not limited to, those contained in ARSD 74:53;01 and 74:03:01, and

b. Reports or certifications establishing compliance with all design and plan standards contained in Article V, and any conditions or requirements of the preliminary approval.

4. To insure that the developer installs or constructs those improvements listed in Article V and/or set forth by the Planning Commission, the final plat will not be approved until such improvements are completed or provided for by surety.

If any part of this checklist shall conflict with the Ordinance, the Ordinance shall control.

Before final approval of the Butte County Commissioners, it is the responsibility of the developer, Engineer or property owner to have a check made out to the Register of Deeds for the exact amount of the recording fees. This is to be attached to the Final Plat and documents when presented to the Butte County Commissioners. If the check or cash for exact amount is not attached, the final approval will not be done.