
MAJOR SUBDIVISION CHECKLIST – QUASI-JUDICIAL PROCESS

Refer to Section 3.7 (pp 3-23 to 3-28) of the Polk County Subdivision Ordinance for step-by-step procedural process.

Subdivider is **required** to meet with the Polk County Administrator in a pre-application conference to informally discuss this ordinance and the Major Subdivision of land in Polk County. A sketch plan for major subdivisions and an environmental checklist for major subdivisions shall be provided to the Administrator for review. The environmental checklist regulations can be found in Section 5.3(B). Multi-phase developments must include a Master Plan showing individual phases in accordance with Section 4.3.

The plan shall be scaled and show the approximate layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions.

Major subdivisions that require a traffic impact analysis or the preparation of an environmental impact statement will be reviewed and approved through a **Quasi-Judicial Process**.

Quasi-Judicial Approval Process – The Administrator shall review the plat and multi-phased subdivision master plan in accordance with the requirements of this Ordinance and any other applicable ordinances. This review shall take not more than 15 working days. The administrator will conduct an application completeness review and notify the applicant of any deficiencies. The receipt of a revised application will restart the 15 day review period.

The Administrator may have the TRP review the plat and multi-phased subdivision master plan. The 15 working day limit may be extended to a total of 45 days if these agencies have been consulted and the Administrator is awaiting a reply.

The Administrator shall make recommendations in writing to the Planning Board to approve, approve with modifications, or deny the Preliminary Plat and Multi-Phased Subdivision Master Plan (if required). With the quasi-judicial approval process, the recommendations shall be presented to the Planning Board as evidence at the evidentiary hearing by the Administrator.

- A. Major subdivision preliminary plat approvals are quasi-judicial decisions approved by a simple majority vote of the Planning Board.
- B. Once a recommendation of the Administrator on the preliminary plat, environmental impact statement, and master plan (if required) has been prepared, or the 45-day period elapses without a recommendation, the Planning Board shall hold an evidentiary hearing to consider action of the preliminary plat at its next regularly scheduled meeting. A quorum of the Planning Board is required for this hearing. In addition, notice shall be given to other potentially interested persons by publishing a notice once a week for two successive calendar weeks in a newspaper having general circulation in the area. The first notice shall be not less than ten (10) or more than twenty-five (25) days prior to the hearing. All owners of the proposed subdivision parcel(s) and all owners of parcels of land abutting the proposed subdivision parcel(s) as shown on the Polk County tax listing shall be mailed a notice of the public hearing by first class mail at the last address listed for such owners on the Polk County tax abstracts.
- C. In approving a preliminary plat, the Planning Board may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Planning Board. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular subdivision.
- D. The applicant has the burden of producing competent, material and substantial evidence to establish the facts and conditions relating to preliminary subdivision plat approval including, but not limited to, an environmental impact statement, if required.
- E. The Planning Board shall approve the preliminary plat if it has evaluated the application for approval through a quasi-judicial process and determined that the applicant has demonstrated the following:

1. The proposed subdivision complies with all applicable standards and regulations of the ordinance and with all other applicable federal, state and county regulations.
2. The proposed subdivision is in harmony with the County's currently adopted Comprehensive Plan as well as other plans adopted by the Board of Commissioners.
3. Adequate facilities exist or will be provided prior to the time they are needed. For the purposes of this section, adequate facilities constitute those necessary for the functionality of the subdivision in compliance with this Ordinance and included, without limitation, roads, utilities, stormwater management, and waste and wastewater treatment facilities.
4. The proposed subdivision shall not result in significant negative environmental impacts, where direct, secondary, or cumulative. When making this determination, the Board shall give due consideration to any appropriate effective mitigating action(s) proposed or agreed to by the applicant.
5. The road system in the subdivision will connect to segments of the public road system with adequate capacity to handle the projected traffic flow, both on an average basis and at peak hours. Furthermore, the subdivision shall be located and designed as to provide direct access to the subdivision without creating substantial additional traffic in residential neighborhoods outside the subdivision.
6. From a hydrological perspective, the proposed subdivision is not expected to interfere with any presently existing legal use of water nor is it expected to impact the long-term sustainable supply of groundwater. Any discharges of wastewater to surface waters or to the ground shall meet the pretreatment requirements of the state, as well as any requirements of a municipality of the discharge is going to a municipal treatment facility.

In making these determinations, the Planning Board may take into consideration any fair and reasonable conditions imposed pursuant to C above.

- F. The Planning Board shall have up to 60 days to approve, approve with modifications, or deny the Preliminary Plat.
- G. The Administrator shall notify the applicant, in writing, of the Planning Board's action. Once the Preliminary Plat has been approved, work may commence on roads and infrastructure.
- H. *Evidence / Presentation of Evidence at Evidentiary Hearing.* The provisions of this section apply to all evidentiary hearings.
 1. All persons who intend to present evidence to the Planning Board shall be sworn in by the Chairman at the beginning of the hearing.
 2. All findings and conclusions necessary to the issuance or denial of the requested preliminary plat shall be based upon competent evidence (evidence admissible in a court of law).
 3. The Planning Board Chair has the authority to limit testimony that is irrelevant.
 4. The entirety of an evidentiary hearing and deliberation shall be conducted in open session.
 5. Parties to an evidentiary hearing have a right to cross-examine anyone presenting evidence.
 6. Factual findings must not be based on hearsay evidence which would be inadmissible in a court of law.
 7. If a Planning Board member has prior or specialized knowledge about a case, that knowledge shall be disclosed to the rest of the Board and parties present at the beginning of the hearing.
 8. Members of appointed boards shall not vote on any administrative, advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable finance impact on the member.

Quasi-Judicial Decisions – A member of any board exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

9. The Planning Board, in conducting the hearing, has the authority to issue subpoenas to compel testimony or the production of evidence deemed necessary to determine the matter.

I. *Modification of Application at Hearing.*

1. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Planning Board, the applicant may agree to modify the request for preliminary plat approval, including the plans and specifications submitted.
2. Unless such modifications are so substantial or extensive that the Planning Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without a revised preliminary plat, the Planning Board may approve the preliminary plat with the stipulation that the plat will not be approved until plans reflecting agreed upon changes are submitted to the Administrator within 45 days.

Prior to approval of the final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 3.9.

The Final Plat shall be submitted not more than two (2) years after the date on which the Preliminary Plat was approved through the administrative process, otherwise such approval shall be null and void unless a written extension of this limit (not to exceed six months) is granted by the Planning Board on or before the two (2) year anniversary of the approval. Final plat approval may occur in states, not exceeding four (4) final plat recordings per each subdivision phase.

The Administrator shall review the Final Plat for compliance with the approved Preliminary Plat and Master Plan (if applicable), verify that all required infrastructure improvements have been completed or guaranteed in accordance with Section 3.9, and ensure that the Final Plat meets the requirements in Section 4.5.

The final plat must be recorded within fourteen (14) days and a copy of the recorded plat submitted to the Administrator.

MAJOR SUBDIVISION SKETCH PLAT – QUASI-JUDICIAL PROCESS

Sketch Plat Submission Date _____

Pre-Application Meeting Date _____

**(2) copies must be submitted at the pre-application meeting*

** The plan shall be scaled and show the approximate layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions.*

*** Must depict or contain the following information:**

- Name of proposed development
- Location (including township, county, and state)
- North arrow
- Boundaries of the property, distinctly and accurately represented with all bearings and distances shown (drawn to scale)
- Tax map number(s) of the property
- Adjacent property owners and tax map numbers
- The zoning classification(s) of the property to be developed and of adjoining properties (if applicable)
- Existing topographic conditions of the property
- Water courses, watershed, and preserved areas
- A sketch vicinity map showing the relationship between the proposed development and surrounding area
- Graphic bar scale
- Phase lines
- Proposed timetable for development
- Boundaries of floodplains or note stating that property is not within the floodplain
- Environmental assessment checklist (*See Section 5.3*)
- Existing street layout and right-of-way width
- Proposed street types
- Total acreage
- Total number of lots and/or units

Administrator Signature _____

Date _____

MAJOR SUBDIVISION MASTER PLAN PLAT – QUASI-JUDICIAL PROCESS (IF REQUIRED)

Master Plan Plat Submission Date _____ Administrative Review Due Date _____
(+15 working days)

* Master Plans shall be submitted with the Preliminary Plat for the initial phase.

* Approval of a Master Plan need not be renewed unless an increase in the number of lots, or overall density or change in the connectivity to adjacent parcels or roads is proposed.

* Three (3) full-size copies for staff review; three (3) full-size copies and one (1) reduced (11 x 17) copy for the Planning Board.

*** Must depict or contain the following information:**

- Name of proposed development
- Location (including township, county, and state)
- Name and address of owner of record
- North arrow
- Boundaries of the property, distinctly and accurately represented with all bearings and distances shown (drawn to scale)
- Tax map number(s) of the property
- Adjacent property owners and tax map numbers
- The zoning classification(s) of the property to be developed and of adjoining properties (if applicable)
- Existing topographic conditions of the property
- Water courses, watershed, and preserved areas
- Original submittal date
- Revision dates
- A sketch vicinity map showing the relationship between the proposed development and surrounding area
- Scale of drawing in feet per inch in words or figures (no smaller than 1" = 200')
- Graphic bar scale
- Phase lines
- Proposed timetable for development
- Proposed lot lines and corners, lot and block numbers and other dimensions including acreage
- Building setbacks in table format
- Existing buildings or structures, railroads, and bridges on the property
- Boundaries of floodplains or note stating that property is not within the floodplain
- Designation of slopes greater than 50%
- A statement regarding the proposed method of stormwater management
- Existing uses of the land within the proposed subdivision
- Proposed school sites, parks, or other open spaces
- Proposed street types
- Total acreage
- Total number of lots and/or units
- Area of each lot in acres
- Proposed acreage in street right-of-way
- Proposed acreage & percent of overall development in open space
- Proposed acreage in parks, lakes, or other public land usage
- Overall density per acre
- Overall percentage and acreage of open space

Administrator Signature _____ Date _____

Master Plan Plat Approved by Planning Board? Yes No Date _____

PB Chair Signature of Master Plan Approval _____

MAJOR SUBDIVISION PRELIMINARY PLAT – QUASI-JUDICIAL PROCESS

Preliminary Plat Submission Date _____ Administrative Review Due Date _____
(+15 working days)

* Preliminary plats shall be clearly and legibly drawn at a scale of not less than two hundred (200) feet to one (1) inch, acceptable to the Register of Deeds of Polk County.

* Preliminary plats for the phases of a multi-phase development shall be submitted not more than two (2) years after the date on which the Master Plan was approved, otherwise, such approval shall be null and void unless extended vested rights have been granted in accordance with NCGS 160D.108 or a development agreement has been approved in accordance with NCGS 160D.1001-12.

* For multi-phase development, Master Plan phase lines shall be shown on the Preliminary Plat.

* For multi-phase development, when a subdivider proposes to construct new roads without initially subdividing lots, the subdivider may present a Preliminary Plat to the Planning Board for approval of the roads only. This option is provided to allow developers the flexibility of designing and platting lots after road construction in order to adjust the subdivision to the existing terrain. A second preliminary plat providing lot subdivision must be submitted for administrative approval by the Planning Board.

* Three (3) full-size copies for staff review; three (3) full-size copies and one (1) reduced (11 x 17) copy for the Planning Board.

*** Must depict or contain the following information:**

- Name of proposed development
- Location (including township, county, and state)
- Name and address of owner of record
- North arrow
- Boundaries of the property, distinctly and accurately represented with all bearings and distances shown (drawn to scale)
- Tax map number(s) of the property
- Adjacent property owners and tax map numbers
- The zoning classification(s) of the property to be developed and of adjoining properties (if applicable)
- Existing topographic conditions of the property
- Water courses, watershed, and preserved areas
- Date(s) of survey(s)
- Original submittal date
- Revision date(s)
- A sketch vicinity map showing the relationship between the proposed development and surrounding area
- Scale of drawing in feet per inch in words or figures (no smaller than 1" = 200')
- Graphic bar scale
- Phase lines
- Proposed timetable for development
- Proposed lot lines and corners, lot and block numbers and other dimensions including acreage
- Name, address, and registration number registered land surveyor
- Building setbacks in table format
- Existing buildings or structures, railroads, and bridges on the property
- Boundaries of floodplains or note stating that property is not within the floodplain
- A statement regarding the proposed amount of grading to take place (*See Section 5.18*)
- A statement regarding the proposed method of stormwater management
- Existing uses of the land within the proposed subdivision
- Proposed school sites, parks, or other open spaces
- Environmental impact statement (*See Section 5.3*)
- Landscaping plan, if applicable
- Lighting plan, if applicable
- Existing street layout and right-of-way width
- Proposed street types, including cross-sections
- Road name(s) and designation of private or public dedication
- NCDOT written approval of any public road plans, if applicable
- Utility and other right-of-ways or easements of record on and abutting to the subdivision

- Transmission lines
- Approximate location of natural gas lines
- Approximate location of water and sanitary sewers existing, size and plans for connection to private community or public community or public systems
- Storm sewers, culverts, detention ponds, and other drainage facilities, if any (proposed)
- Other infrastructure details deemed necessary by the Administrator
- Total acreage
- Total number of lots and/or units
- Area of each lot in acres
- Proposed acreage in street right-of-way
- Proposed acreage & percent of overall development in open space
- Proposed acreage in parks, lakes, or other public land usage
- Average lot size
- Overall density per acre
- Overall percentage and acreage of open space
- Certifications:
 - o *Certificate of Approval for Preliminary Plat.* This certifies that the Polk County Planning Board approved the preliminary plat of the _____ subdivision on the _____ day of _____, 20_____.

 Chairman, Polk County Planning Board

- o Grading and Erosion Control Plan and a North Carolina Department of Environmental Quality (NCDEQ) written approval, if applicable.
- o NCDEQ written approval for a community or public sanitary sewer system, if applicable.
- o NCDEQ written approval for a public or community water system, if applicable.
- o A written statement that: "The Polk County Health and Human Services Agency has expressed no opinion as to the suitability of private septic systems or water systems on this property. Each lot is subject to individual inspection and approval of septic systems."
- o A copy of any required NCDOT driveway permit application.
- o Any other information considered by the subdivider, the Planning Board, the TRP, and/or Administrator to be pertinent to the review of the plat.

Administrator Signature _____ Date _____

Preliminary Plat Approved by Planning Board? Yes No Date _____

PB Chair Signature of Preliminary Approval _____

Final Plat **MUST BE** Submitted By (*two years from preliminary approval*) _____; otherwise, such approval shall be null and void unless a written extension of this limit (not to exceed six months) is granted by the Planning Board on or before the two (2) year anniversary of the approval (Section 3.8, Step 7A, Administrator Review & Approval of Final Plat).

MAJOR SUBDIVISION FINAL PLAT – QUASI-JUDICIAL PROCESS

Final Plat Submission Date _____

Administrative Review Due Date _____
(+15 working days)

** Final plats shall be clearly and legibly drawn by a registered land surveyor currently licensed in the State of North Carolina by the NC State Board of Registration for Professional Engineers and Land Surveyors.*

** The plat shall be drawn at a scale of not less than two hundred (200) feet to one (1) inch and shall be drawn on a sheet acceptable to the Register of Deeds of Polk County.*

** Final plat approval may occur in stages, not exceeding four (4) final plat recordings per each subdivision phase.*

** Prior to approval of the final plat, the subdivider shall have installed the improvements specified in this Ordinance or guaranteed their installation as provided in Section 3.9.*

** The Final Plat shall be submitted not more than two (2) years after the date on which the Preliminary Plat was approved through the administrative process, otherwise such approval shall be null and void unless a written extension of this limit (not to exceed six months) is granted by the Planning Board on or before the two (2) year anniversary of the approval. Final plat approval may occur in stages, not exceeding four (4) final plat recordings per each subdivision phase.*

** The Administrator shall review the Final Plat for compliance with the approved Preliminary Plat and Master Plan (if applicable), verify that all required infrastructure improvements have been completed or guaranteed in accordance with Section 3.9, and ensure that the Final Plat meets the requirements in Section 4.5.*

** The final plat must be recorded within fourteen (14) days and a copy of the recorded plat submitted to the Administrator.*

*** Must depict or contain the following information:**

- Name of proposed development
- Location (including township, county, and state)
- Name and address of owner of record
- North arrow
- Boundaries of the property, distinctly and accurately represented with all bearings and distances shown (drawn to scale)
- Tax map number(s) of the property
- Adjacent property owners and tax map numbers
- Date(s) of survey(s)
- A sketch vicinity map showing the relationship between the proposed development and surrounding area
- Scale of drawing in feet per inch in words or figures (no smaller than 1" = 200')
- Graphic bar scale
- Proposed lot lines and corners, lot and block numbers and other dimensions including acreage
- Name, address, and registration number of registered land surveyor
- Building setbacks in table format
- Existing buildings or structures, railroads, and bridges on the property
- Boundaries of floodplains or note stating that property is not within the floodplain
- Proposed school sites, parks, or other open spaces
- Existing street layout and right-of-way width
- Proposed street types, including cross-sections
- Road name(s) and designation of private or public dedication
- Subdivision Roads Disclosure Statement prepared in accordance with NCGS 136-102.6(f)
- Utility and other right-of-ways or easements of record on and abutting to the subdivision
- Transmission lines
- Approximate location of natural gas lines
- Approximate location of water and sanitary sewers existing, size and plans for connection to private community or public community or public systems
- Storm sewers, culverts, detention ponds, and other drainage facilities, if any (actual)
- Other infrastructure details deemed necessary by the Administrator
- Total acreage
- Total number of lots and/or units
- Area of each lot in acres
- Proposed acreage in street right-of-way

- Average lot size
- Location of control corners
- Location and description of all monuments, reference markers and property and lot corners designation of any and all wetlands
- Certifications:
 - *Certificate of Survey and Accuracy.* I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____ etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____ A.D., 20____.

Professional Land Surveyor

License Number

_____ County, North Carolina

- *Certificate of Ownership and Dedication.* I hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all roads and other easements to public use, where applicable.

Owner(s)

Date

- *Certification of Private Water/Septic Systems (if applicable).* If the Health Department has not approved private water or septic systems, then the following written statement shall be included on the plat: “The Polk County Health and Human Services Agency has expressed no opinion as to the suitability of private septic or water systems on this property. Each lot is subject to individual inspection and approval of septic systems.”
- *Certificate of Approval of Design and Installation of Streets, Utilities, and Other Required Improvements (if applicable).* I hereby certify that all streets, public utilities and other required improvements have been installed in an acceptable manner and according to NC Department of Transportation and/or Polk County specification and standards or as otherwise provided for in this Ordinance, or that guarantees for the installation of the required improvements in an amount and manner satisfactory to Polk County have been submitted.

Professional Engineer

Date

Registration Number

- *Private Road Maintenance Statement (if applicable).* A maintenance statement for private roads shall be submitted to the Planning Board with the Final Plat and recorded at the Register of Deeds at the time the Plat is recorded.
- *Watershed Certificate of Approval for Recording.* I certify that the plat shown hereon complies with the County’s Watershed Protection requirements and is approved by Polk County for recording in the Register of Deeds Office.

Administrator

Date

NOTICE: This property is located within a Public Water Supply Watershed – Development restrictions apply.

- *Flood Damage Prevention Certificate of Approval for Recording.* I certify that the plat shown hereon complies with the County’s Flood Damage Prevention Ordinance requirements and is approved by Polk County for recording in the Register of Deeds office.

Administrator

Date

- *Certificate of Approval for Recording Final Plat.* I, _____, Administrator, certify that the said Board fully approved the final plat of the Subdivision entitled _____.

Administrator

Date

Administrator Signature _____ Date _____

Applicant Signature _____ Date _____

Date Recorded at Register of Deeds (*within 14 days of final approval*) _____