

Subdivision Administration—The Basics



The Venango County Regional Planning Commission (VCRPC) spends a lot of time working on subdivisions. So what is a subdivision and why is it so important that the Planning Commission reviews and approves them?

What is a Subdivision?

In order to understand this term, we first have to come to an understanding of the term **Lot**. A lot is a legally defined area of land, which can be sold or transferred as is. If you had a one-acre lot in Venango County, you would own a legally defined area of land that you could say:

** I own this land.*

** I can transfer it to someone else as a unit.*

Legally, you cannot sell only a third of that lot or use only point nine percent of it as collateral on a loan. All transfers are for the entire unit.

Of course, people do sell a third of their lot or use point nine percent of it as collateral on a loan all the time. They do this by changing the meaning of this lot to conform to the deal. To redefine the boundaries of this lot, the owner must undertake a **subdivision** of this land. This definition can cover a great many things.

** You can create two or more lots out of an existing lot.*

** You can transfer a part of your lot to become part of a neighboring lot. - This is what the VCRPC staff calls a **Part & Parcel** subdivision. Another example of this is when the landowner might transfer some land to a neighbor in return for some land transferred back to create a new boundary.*

There are some complications to the various subdivisions that the staff will discuss with you from time to time. That is why it is always a good idea to talk to the staff at the beginning of the process. Start with the **Subdivision Applications** and **checklists** available here.

Buildable Lots

One of the purposes of a Subdivision and Land Development Ordinance (SALDO) is to ensure that a person who subdivides his or her land creates a lot suited to the use for which it is proposed, usually a buildable lot. In this case, the goal of a subdivision ordinance is to make sure that if someone buys a lot created by the Subdivision process, then that person should be able to put a single-family house on that lot. Other acceptable lots under the current SALDO are agricultural lots, silvicultural lots and dedicated recreation or open space lots.

In general, when a subdivision comes in, the staff looks for these things:



* Is the lot of “Buildable” size? Some municipalities in the county have zoning ordinances telling the dimensional requirements for a lot; others have building ordinances with required dimensions. The VCRPC has regulations on the size required for a lot in municipalities without regulations of their own.

* The subdivision plan will have surveyed bearings and distances to describe the boundaries of the proposed lots. The subdivision administrator’s job is to find out if these bearings & distances add up and come back to the same point they started from. This is called **closure**.

* In a **Minor Subdivision**, there is a requirement that any new lot be on a Public Road. The one exception to this is a landlocked lot with a thirty three foot (33’) wide right-of-way to an existing public road.

* In a **Major Subdivision**, it is possible to create a new road; in fact, building a new road or reasonable facsimile automatically puts it in the Major Subdivision category. Also, once 10 lots have been created from one original tract of land (9 new lots plus what is left over as the 10th lot) any further subdivision will be a major subdivision.

* Finally, having a buildable lot means having the basic utilities of water and septic.

In most places in Venango County, it has been assumed that water is accessible to the site by simply drilling a well. If a site can get some kind of septic approval, then we have assumed that the site will have adequate water if the landowner drills a well. On the issue of septic disposal, however, the Venango County Regional Planning Commission has had more than a few requests to waive this requirement. This creates a **non-buildable lot**.

In order to apply for a septic waiver, the applicant must obtain a form called a **non-building waiver** from the municipal Sewage Enforcement Officer and PA Department of Environmental Protection (DEP), which gives information about the request so the staff can be sure where the proposed waiver is supposed to be, and a disclosure that the subdivider will include the required language in the Deed or other transfer documents that is being used. If, at some time in the future, someone does want to build on this lot, that owner must **re-submit the subdivision plans** to be given approval as a **buildable lot**.

These waivers usually occur when the VCRPC is considering a Minor Subdivision. These subdivisions are those that can be approved by the staff administratively. If, however the plans vary from the ordinance, then the applicant can ask for some sort of waiver from the Board.

MAJOR SUBDIVISION

A Major Subdivision is more like what people think of when they think of a subdivision. Streets are usually installed to access rows of housing or some major commercial or industrial development is created.

The first thing to remember about a Major Subdivision is that it requires **board approval**. Instead of the staff approving it administratively because it meets the letter of the Subdivision and Land Development Ordinance, the staff only makes review and recommendations to the Venango County Regional Planning Commission Board. The

Board is charged with reviewing the two plans for a Major Subdivision or Land Development.

TWO PLANS??

The Venango County Regional Planning Commission Board reviews the two plans submitted for a Major Subdivision or Land Development. First, the board is to review and approve the **Preliminary Plan**. This plan is more like a plan for development. The developer gives the Board detailed data on what is there now and then a detailed vision of what the proposed development is going to be. Required details are given in the SALDO.

The second plan is the **Final Plan**. In many ways this is a reiteration of the Preliminary Plan. For example, the Preliminary Plan may say that the developer will dedicate the street system to the municipality; the Final Plan will document that the street system has in fact been dedicated or a copy of the agreement is provided.



The difference between the two plans is also that the Preliminary Plan only gives general permission for the developer to put in some improvements. It is not required to be recorded with the recorder of deeds, and does not allow the developer to get any building permits or sell any lots. The Final Plan does need to be recorded after it is signed, and it does allow the developer to get building permits and sell lots.

The facts of the Preliminary and Final Plans are pretty much the same. That is why the Planning Commission will often do its board review of both plans at the same meeting. The Commission usually charges the staff with making sure the last items of the various plans are complete before the Subdivision Administrator and VCRPC Chairman sign the plans and they are recorded.

PERFORMANCE GUARANTEES

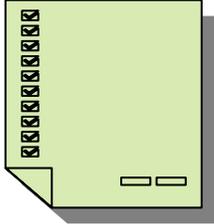
This guarantee is agreed upon so that the developer can put in the *improvements* (for example water and sewer pipes, storm drains, etc.) For residential subdivisions, these improvements can be built before any building permits are required. But, for commercial or industrial developments, the developer usually is not creating new lots, but is usually putting up a single building. The developer might need to put in the footers and foundation of that building, thus requiring a building permit, before installing all of the improvements called for in the Preliminary Plan. The Final Plan must be approved before building permits are issued.

To get all of the approvals for the subdivision as expeditiously as possible, the Municipalities Planning Code and the Venango County Subdivision and Land Development Ordinance allow for **performance guarantees**. The developer pledges a pre-agreed amount of money to pay for the required improvements; once the performance guarantee is in the Commission's possession, the Final Plan can be signed and recorded.

This process can be thought of as surety bonding, although there are different types of performance guarantees that are recognized by the Ordinance. Whatever the

procedure and whatever the amount, the performance guarantee must be approved by the Venango County Regional Planning Commission Board before being used.

There is a requirement for the Preliminary Plan that the developer indicates whether he or she wants to simply install the improvements or was seeking to use a performance guarantee. The VCRPC Board has the option to require a performance guarantee.



First Steps

Print the subdivision and land development applications that can be found here on the website, look through the Venango County Subdivision and Land Development Ordinance, then contact the staff at the VCRPC. The staff will help you through the process.