

C	HOW DO I SUBDIVIDE NEW LOTS FROM MY PROPERTY?
<p>This section describes the process for subdividing new lots from an existing lot in Clarke County. The guidance in this section applies to landowners interested in creating one or more lots for a variety of purposes including sale, gift, or estate planning purposes. Guidance for developing new residential subdivisions is located in the Information for Design Professionals section.</p>	
<p>Contact Person: Jeremy Camp, Senior Planner/Zoning Administrator (Planning Department) (540) 955-5131, jcamp@clarkecounty.gov</p>	
<p>Permits/Reviews Required:</p> <ul style="list-style-type: none">• Subdivision Plat Review – managed by Planning Department• Well/septic system review -- by Virginia Department of Health (VDH)• Review of new connections to public road (e.g., driveways, private roads) – by Virginia Department of Transportation	
<p>Information Required for Subdivision Plat Review Applications:</p> <ul style="list-style-type: none">• Completed Minor or Major Subdivision Application Form or Administrative Land Division Application Form• Subdivision Plat – prepared by the applicant’s surveyor<ul style="list-style-type: none">○ A minimum of five (5) hard copies and one (1) electronic copy shall be provided with the initial application○ A minimum of fifteen (15) hard copies and one (1) electronic copy shall be provided for Planning Commission review○ A minimum of three (3) hard copies shall be provided for final approval and recordation• Deed of Dedication (if required)• Environmental Inventory and Impact Statement (Major Subdivisions only)• Consumer Disclosure Statement (Major Subdivisions only)• Report evidencing soil suitability for proposed onsite sewage disposal systems – prepared by the applicant’s soil consultant(s)	

Overview

In order to subdivide a new lot, a subdivision review process must be followed as described in the [Clarke County Subdivision Ordinance \(Article II, Section 3 – Review Processes\)](#).

Whether a lot can be subdivided is dependent on several factors including but not limited to:

- The zoning district classification for the lot, such as Agricultural-Open Space-Conservation (AOC) or Rural Residential (RR) Districts.

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- Whether the resultant lots will conform to the lot dimensional requirements for that zoning district classification (e.g., minimum/maximum lot size, minimum lot width).
- Whether any existing structures will meet lot setback requirements following the subdivision.
- In the case of lots in the AOC and FOC Districts, whether the lot has available **dwelling unit rights (DURs)** to create a new lot or lots (See General Information Section 3 – What is Sliding-Scale Zoning?).
- If public water and/or public sewer is not available, whether a private well and onsite sewage disposal system can be constructed on the resultant lots.
- How the resultant lots will be able to access a public road.

When first considering a subdivision, it is highly recommended to schedule a **fact-finding meeting** with Planning Department staff to discuss your project on a conceptual basis. At this meeting, Staff can provide you with copies of the applicable regulations and application forms, and can also offer initial recommendations as to whether the proposed subdivision may or may not comply with County regulations. Staff will also discuss required application fees which may include additional fees for review by the County’s engineering consultant.

Another issue to consider is the location of the proposed lot or lots, particularly in the AOC and FOC Districts where preserving the rural character of these areas is important. The County has developed a series of design concepts for the location of newly subdivided lots that are intended for residential as opposed to agricultural or forestal use. Site specific circumstances may not allow application of all concepts, but, to the extent practical, these concepts should be followed when determining the location of new lots:

- Lots should not be arranged in a row along public roads.
- Lots should not be located as individual “islands” in the middle of larger parcels to avoid hindering the use of a field for agricultural purposes.
- Lots should not be located immediately adjacent to property under permanent open space easement.
- Lots should not be located so that the most likely house location is on the top of an exposed or prominent ridge or hill.
- Lots should be located in or adjacent to wooded areas.
- Lot boundaries should follow natural features, fence lines, or hedgerows.

- Lots should be located to minimize road length and maximize ease of emergency access, particularly in areas of steep slopes.
- Large residual lots should contain areas of steeper slopes and other environmentally sensitive features.

Before filing a subdivision application, an applicant will need to hire at their expense one or more design professionals to prepare required components for the application:

1. The applicant must hire a **licensed surveyor** to prepare a survey plat depicting the proposed subdivision.
2. If an onsite sewage disposal system will be used and the resultant lots are less than 40 acres in size, the applicant must hire a **soil consultant** to determine whether a compliant system can be installed on each resultant lot and to design such systems. If any lot has an existing dwelling that is served by an onsite sewage disposal system that is not recognized as a compliant system by the Virginia Department of Health (VDH), the soil consultant will need to determine whether the noncompliant system can be modified or must be replaced with a compliant system.

If the lot in question is located in Karst topography, resistivity testing is required (see [Section I – What is Resistivity Testing?](#)). The applicant's **soil consultant** or a **geotechnical professional** can perform resistivity testing which includes generating a report that is reviewed by the County's geotechnical engineering consultant. The applicant or their hired professional is responsible for submitting the report, an application application for Resistivity Testing Review, and the required fees with the Planning Department. Approval of the resistivity testing report by the County is a prerequisite for filing a subdivision application.

3. If a private access easement or other improvements will be constructed in conjunction with the subdivision, the applicant must hire a **licensed surveyor or engineer** to develop construction plans per [Subdivision Ordinance Section 3.4 \(Construction Plan Review Process\)](#).

Once the applicant has assembled all required components and is ready to file an application for a minor or major subdivision, a **pre-application conference** with Planning Department staff is required. The pre-application conference must be held no less than seven (7) days before the application is filed with the Planning Department for review. The purpose of the pre-application meeting is for Planning Staff to provide guidance on any outstanding or incomplete items that the applicant may have. This will help to ensure that the applicant files a complete application and that the review process can begin in a timely fashion. A pre-application conference is recommended but not required for administrative land division applications.

Subdivision Plat Review Process

There are three different types of subdivision plat review processes each with their own set of procedures, application requirements, and fees:

1. If the applicant is subdividing one lot into two lots, the **minor subdivision** review process applies ([Subdivision Ordinance Section 3.2.1](#)). This process requires review and approval by the **Planning Commission**.
2. If the applicant is subdividing one lot into more than two lots, the **major subdivision** review process applies ([Subdivision Ordinance Section 3.2.2](#)). This process requires review and approval by the **Planning Commission**.
3. If the applicant is subdividing one lot into two or more lots and all of the resultant lots will be 100 acres or larger, the **administrative land division** review process applies ([Subdivision Ordinance Section 3.3.1](#)). This process requires review and approval by the **Zoning Administrator**.

Below are the general steps to follow for these review processes:

- **STEP 1** – Contact the Planning Department to schedule a fact-finding meeting on your proposed subdivision as described in the Overview section above. Obtain copies of the regulations, application form, and fees from Planning Staff.
- **STEP 2** – Hire design professionals to prepare the subdivision plat, evaluate the lots for onsite sewage disposal systems (if applicable), and design any proposed private access easement (if applicable) or other improvements as described in the Overview section above. If a new onsite sewage disposal system or modification of an existing system is proposed, resistivity testing (if required) must be completed and approved by the County’s geotechnical engineering consultant before a subdivision review application may be filed. See [Guidance Manual Section I \(What is resistivity testing?\)](#) for more information.
- **STEP 3** – Once the proposed subdivision plat and any other required work by design professionals is completed, contact the Planning Department to schedule a pre-application conference no less than seven (7) days prior to filing a complete application. If this is an **administrative land division** application, a pre-application meeting is recommended but not required.
- **STEP 4** – File the complete application, proposed subdivision plat, application fees, and all other required components with the Planning Department prior to the monthly filing deadline (see the Information for Design Professionals section for a schedule of filing deadlines). The Zoning Administrator will review the application for completeness and forward to applicable agencies for review and comment.

The review timeframe for minor subdivision and major subdivision applications is **60 days from the date of first review by the Planning Commission**. For administrative

land division applications, the review timeframe is **60 days from the date that the Zoning Administrator determines the application to be complete.**

➤ **STEP 5** – Review and action on the applications is as follows:

- Administrative land divisions – The Zoning Administrator will take action to approve or disapprove the application. If the application is disapproved, the Zoning Administrator will provide the reasons for disapproval in writing and the applicant may file a corrected application for review. The Zoning Administrator will take action to approve or disapprove the corrected application within 45 days of receiving a complete application.
- Minor subdivisions – The Zoning Administrator will place the minor subdivision application on the next available Planning Commission Business Meeting agenda for consideration. Any new or revised materials submitted by the applicant must be provided no less than three (3) business days prior to the Work Session at which the Commission will discuss the application in advance of the Business Meeting. The Commission will take action at the Business Meeting to approve or disapprove the application. If the application is disapproved, the Zoning Administrator will provide the reasons for the Commission’s disapproval in writing and the applicant may file a corrected application for review.

If an applicant files a corrected application including all required fees, the Zoning Administrator will place the corrected application on the next available Planning Commission Business Meeting agenda for first review. The Commission will take action to approve or disapprove the corrected application within 45 days of their first review of a corrected application.

- Major subdivisions – The Zoning Administrator will place the major subdivision application on the next available Planning Commission Business Meeting agenda for consideration and shall schedule a Public Hearing. Any new or revised materials submitted by the applicant must be provided no less than 14 days prior to the scheduled Public Hearing date. The Commission will take action at the Business Meeting to approve or disapprove the application. If the application is disapproved, the Zoning Administrator will provide the reasons for the Commission’s disapproval in writing and the applicant may file a corrected application for review.

If an applicant files a corrected application including all required fees, the Zoning Administrator will place the corrected application on the next available Planning Commission Business Meeting agenda and schedule Public Hearing. The Commission will take action to approve or disapprove the corrected application within 45 days of their first review of a corrected application.

➤ **STEP 6** – Once the plat has been approved by the Zoning Administrator or Planning Commission as applicable, a final record plat must be completed. The record plat

includes any changes or notes required as a condition of approval and will contain signature blocks for the property owner and applicable government officials. Once the record plat is completed and signed by all parties, it must be recorded along with a deed of dedication in the Clarke County Circuit Court Clerk's Office. Approval of a plat becomes null and void if the plat is not recorded within six months of the approval date by the Zoning Administrator or Planning Commission. A copy of the recorded plat shall also be provided to the Planning Department.

ZONING AND SUBDIVISION ORDINANCE REFERENCES:

Zoning Ordinance

- [Section 3 – Sliding-Scale Zoning](#) – Contains rules for dwelling unit right allocation and usage.
- [Section 4 – Zoning Districts](#) – Contains lot dimension requirements by zoning district.

Subdivision Ordinance

- [Section 2.2 – Application Submission and Acceptance](#) – Contains general rules for submitting an application, required pre-application conferences, application completeness, and deferral or withdrawal of applications.
- [Section 2.3 – Public Hearings](#) – Contains general rules for public hearings which are required for major subdivision applications.
- [Section 3.2.1 – Minor Subdivision](#) – Contains the review process for minor subdivisions.
- [Section 3.2.2 – Major Subdivision](#) – Contains the review process for major subdivisions.
- [Section 3.3.1 – Administrative Land Division](#) – Contains the review process for administrative land divisions.
- [Section 3.4 – Construction Plan Review Process](#) – Contains the review process for construction plans (if required)
- [Section 4 – Plat and Construction Plan Requirements](#) – Contains the requirements for these applications and the required form and contents for plats, construction plans, and documents.