

CHAPTER 1: TITLE AND APPLICATION

1-1 TITLE

This Ordinance shall be known as the "Kandiyohi County Subdivision Ordinance #9B", and will be referred to herein as "this Ordinance."

1-2 VALIDITY

In any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid; such decision shall not affect the validity of the remaining portions of this Ordinance.

1-3 PURPOSE AND INTENT

1. This Ordinance is enacted for the following purposes:
 - a. To protect and provide for the public health, safety, and general welfare of the County.
 - b. To preserve land in tracts large enough for viable agricultural operations.
 - c. To protect existing and future investments and property values.
 - d. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County.
 - e. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
 - f. To prevent the pollution of air, streams, lakes; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the County.
 - g. To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the Zoning Ordinance.
 - h. Promote cooperation between the County and Townships in the administration of this Ordinance.
 - i. Implement the Comprehensive Plan.

1-4 JURISDICTION

1. The regulations herein governing plats and the subdivision of land shall apply to all areas of the County outside the incorporated limits of municipalities.
2. Pursuant to Minnesota Statutes 394.24, as may be amended from time to time and County policy, the County's adopted Comprehensive Plan, as amended, shall serve as the basis upon which land use and development shall be regulated. This Ordinance shall not conflict with and shall be based upon and implement the County's Comprehensive Plan.

3. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

1-5 APPLICATION OF THIS ORDINANCE

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or re-platting of land or lots.

1-6 RULES

The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction as applicable.

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tense includes the present tense.
3. The masculine gender includes the feminine gender.
4. Whenever a word or term defined hereinafter appears in this Ordinance, its meaning shall be construed as set forth in such definition.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. The word “shall” is mandatory, and the word “may” is permissive.
7. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

1-7 DEFINITIONS

The following words or terms, whenever they occur in this Ordinance, are defined as follows:

Alley – Public right-of-way that affords a secondary means of access to abutting property.

Applicant – The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

Best Management Practices (BMP’s) – Means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of

time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Block – An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a public water body.

Board of Adjustment – The official Board with the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted by the County, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Buildable Lot Area – The contiguous area of a lot which is sufficient in area and physically capable of accommodating the construction of sewage treatment systems, buildings, and driveways, while still providing adequate setbacks. Land located below the delineation line of a delineated wetland cannot be included in calculating the buildable lot area.

Building Setback Line – A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Certificate of Survey – A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Cluster Development – A subdivision development planned and constructed to group housing units into relatively tight patterns while preserving agricultural or providing a unified network of commonly owned open space, making the most efficient use of the natural amenities of the land, and meeting overall density regulations of this Ordinance and the Zoning Ordinance.

Common Interest Community – Common Interest Community shall have the meaning given in Minnesota Statutes section 515B.1 – 103, subdivision (10); or successor statutes.

- a. Condominium shall have the meaning given in Minnesota Statutes, section 515B. 1-103, subdivision (11); or successor statutes.
- b. Cooperative shall have the meaning given in Minnesota Statutes, section 515B. 1-103, subdivision (13); or successor statutes.
- c. Flexible Common Interest Community shall have the meaning given in Minnesota Statutes, section 515B. 1-103, subdivision (18); or successor statutes.
- d. Leasehold Common Interest Community shall have the meaning given in Minnesota Statutes, section 515B. 1-103, subdivision (19); or successor statutes.
- e. Planned Community shall have the meaning given in Minnesota Statutes, section 515B. 1-103, subdivision (25); or successor statutes.

Comprehensive Plan – The documents that make up the Comprehensive Plan for the County.

Conservation Subdivision – A method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources. Site designs incorporate standards of low impact development, such as the use of private roads, preservation of trees, shoreline, unique resources, and scenic

vistas. These developments emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

County – Kandiyohi County.

County Board – Kandiyohi County Board of Commissioners.

Design Standard – Specifications to land owners or sub dividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

Developer – An individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Double Frontage Lots – Where property abuts more than one public road right-of-way.

Easement – The right of a person, or government agency to use public or private land, owned by another, for a specific purpose.

Government Lot – The fractional part of a section (public land survey) protracted by office procedures from field notes and designated by boundary limits, area and number (not always) on the township plat. A typical U.S. patent description could be: “Government Lot 1, Section 2, T 122N R36W of the 5th Principal Meridian”.

Hardship – As defined in Minnesota Statutes, Chapter 394.

Highway – Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a County numerical route designation.

Hydric Soil – For the purposes of this Ordinance, hydric soils shall include land located below the delineation line of a delineated wetland.

Lot, (Parcel or Tract) – An area of land designated by metes and bounds, registered land survey, plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, transfer or separation thereof.

Lot, (Parcel or Tract) of Record – Any lot, parcel or tract that was recorded by deed or filed as a separate lot, parcel or tract in the Office of the County Recorder on or before the effective date of this Ordinance.

Lot Area – The land area within the lot lines.

Lot, Corner – A lot with at least two (2) sides fronting on a road.

Lot Coverage – Determined by dividing that area of a lot that is covered by impervious surface or roofed areas by the gross area of that lot.

Lot Depth – The average horizontal distance from the front lot line to the rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Lot, Double Frontage – An interior lot having frontage on two streets.

Lot, Interior – A lot other than a corner lot.

Lot Width – The horizontal distance between the side lot lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level.

Metes and Bounds – A description of real property which is not described by reference to a lot or block shown on a recorded plat, but is defined by starting at a known point and describing, in sequence, the lines forming the boundaries of the property.

Official Control – Official Control shall have the meaning given in Minnesota Statutes, section 394.22 subdivision 6; or successor statutes.

Open Space – Land used for agricultural, natural habitat, pedestrian corridors and/or recreational purposes that is undivided, permanently protected from future development and under common ownership.

Ordinary High Water Level – Means a mark delineating the highest water level that has been maintained for sufficient period of time to leave evidence upon the landscape. The ordinary high water level is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Out lot – Land shown on a plat that may be deemed un-buildable because of topography or soils or land that is a remnant either too small or odd shaped for development.

Parks and Playgrounds – Public lands and open spaces in the County dedicated or reserved for recreation purposes.

Pedestrian Way – A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Plat – The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, chapter 505; or successor statutes, and containing all elements and requirements set forth in all official controls adopted pursuant to Minnesota Statutes, chapter 394 and 505; or successor statutes.

Plat, Final – A drawing or map of a subdivision, meeting all of the requirements of the County and in such form as required by the office of the County Recorder.

Plat, Preliminary – The preliminary drawing or map, prepared by a Licensed Land Surveyor, indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Planned Unit Development – A method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and that incorporates clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, town-homes, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, campgrounds, recreational vehicle parks, resorts, hotels, motels or any combination of these. Planned unit developments shall also include any conversion of pre-

existing structures and land uses in order to utilize this method of development. All planned unit developments shall contain at least three (3) contiguous acres of lot area above delineated wetlands, with a lot width of three hundred (300) feet.

Planning Commission – Kandiyohi County Planning Commission.

Private Road/Roadway – A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Protected Water – Water bodies or watercourses so identified on the Public Waters Wetlands Inventory/Map published by the Minnesota Department of Natural Resources, State of Minnesota.

Protective Covenants – Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Public Water – A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of these regulations, any body of water that has the potential to support any type of recreational pursuit or water supply purpose. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivisions 15 and 18.

Registered Land Survey – Registered Land Surveys are surveys performed for the identification of registered (Torrens) lands in accordance with the requirements of Minnesota Statutes, chapter 508; or successor statutes. Registered Land Surveys are not plats, are not signed by landowners and may not dedicate public rights.

Registered Land Surveyor – A land surveyor licensed and registered in the State of Minnesota.

Road – A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road, Cul-de-sac – A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Road Right of Way Width – The shortest distance between lines of lots delineating the road right-of-way.

Setback – The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and a road, property line, top of bluff, or the ordinary high water level of a lake, stream, river, or other protected water.

Sewage Treatment Ordinance – The Kandiyohi County Sewage Treatment Ordinance #27.

Subdivision – The creation of one (1) or more lots under the provisions of this Ordinance. The term includes re-subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

Variance – Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

Vicinity Map – Also known as a key map or location map. A map drawn to comparatively small scale that shows the area proposed to be platted.

Wetland – A surface water feature classified as a wetland in the United States Fish & Wildlife Service Circular No. 39 (1971 edition).

Zoning Ordinance – The Kandiyohi County Zoning Ordinance #9A.

CHAPTER 2: ADMINISTRATION

2-1 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

Before any plat shall be recorded or be of any validity, it shall be approved by the Planning Commission and by the County Board as having fulfilled the requirements of this Ordinance. Where any municipality has adopted extra-territorial subdivision platting regulations as provided by State law, any proposed plat lying within two miles of said municipality shall also be submitted to and approved by said municipality.

2-2 COMPLIANCE

The Planning Commission and County Board shall serve as the platting authority for all areas of the County lying outside the incorporated limits of municipalities in accordance with Minnesota Statute Chapters 394 and 505, as may be amended from time to time. No plat or re-plat shall be filed or accepted for filing by the Office of the County Recorder unless adopted by the affirmative vote of the majority of the members of the County Board approving such plat or re-plat.

2-3 LAND USE – BUILDING PERMITS

No land use or building permits shall be issued by the County for the construction of any building, or structure to any land or to any lot in a subdivision, as defined herein that has not received final approval pursuant to this Ordinance.

2-4 POLICY

1. It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the plat as subject to the control of the County pursuant to the Comprehensive Plan for the orderly, planned, efficient and economical development of the County.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, storm-water management, wetland protection, potable water, domestic facilities, transportation facilities, storm-water improvements, and any other necessary improvements.
3. Each lot created under the provisions of this Ordinance must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, important fish and wildlife habitat,

presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the County.

4. Only land above the ordinary high water level of public waters can be used to meet lot area standards, lot width standards must be met at both the ordinary high water level and at the building setback line. Only land above the ordinary high water level of public waters can be used to determine the allowable densities for planned unit developments and conservation subdivisions.
5. The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, Zoning Ordinance, and the Comprehensive Plan.
6. No subdivision of land shall conflict with the provisions of the Comprehensive Plan, Zoning Ordinance, or Official Maps.
7. A plat or subdivision shall not be approved where a variance will subsequently be required in order to use a lot for its intended purpose.

2-5 VIOLATIONS AND PENALTIES

2-5-1 Sale of Lots from Unrecorded Plats

It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or re-plat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or re-plat shall have first been recorded in the Office of the County Recorder.

2-5-2 Receiving and Recording Unapproved Plats

It shall be unlawful to receive or record in any public office any plans, plats or re-plats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and the County Board.

2-5-3 Misrepresentations as to Construction, Supervision, or Inspection of Improvements

It shall be unlawful for any developer, person, firm or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, street or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the County Board, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

2-5-4 Penalty

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine

and/or by imprisonment as authorized by law for punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

2-6 APPEALS

All appeals of the decisions of the Zoning Administrator or regarding this Ordinance shall be made directly to the Board of Adjustment. Appeals must be filed within ten (10) days of the date of the decision of the Zoning Administrator. The Board of Adjustment shall hold a public hearing within sixty (60) days from receipt of a written appeal and shall dispose of all requests within sixty (60) days of the hearing. The decision of the Board of Adjustment shall be final.

2-7 FEES

To defray administrative costs of processing requests for subdivisions, a fee shall be paid by the applicant. Such fee shall be established by resolution of the County Board.

CHAPTER 3: DESIGN STANDARDS

3-1 BLOCKS.

1. Blocks in residential subdivisions shall normally not exceed thirteen hundred twenty (1,320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, the Planning Commission may require that pedestrian ways through the block be located near the center of the block.
2. The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for commercial/industrial use shall be of such width to accommodate structures and required off-street parking, access and loading facilities.

3-2 LOTS

1. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Zoning Ordinance.
2. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Zoning Ordinance.
3. Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.
4. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable.
5. Every lot must have the minimum width measured at the front yard setback, at the Ordinary High Water Level and at the setback from the Ordinary High Water Level of an abutting lake or stream.
6. Setbacks shall be shown on all lots and shall not be less than the setbacks required by the Zoning Ordinance.

7. Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Chapter 12, section 12-4 of the Zoning Ordinance.
8. All remnants of lots below minimum lot size left over after subdividing of a larger tract must be added to adjacent lots.
9. Out lots may be platted within a subdivision to delineate future development phases or commonly owned spaces. The out lot shall be sized in a manner to accommodate its intended use.

3-3 ROADS, HIGHWAYS, STREETS AND ALLEYS

1. The arrangement of highways shall conform as nearly as possible to the Comprehensive Plan. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of highways shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
2. Local roads and streets should be so planned as to discourage their use by non-local traffic. Dead-end streets, roads and cul-de-sacs shall normally not be longer than a quarter-mile (1/4), including a terminal turn-around which shall be provided at the closed end, with an out-side curb radius of at least fifty (50) feet and a right-of-way radius of not less than sixty (60) feet. Where intended future platting will connect with a road in a proposed plat so as to make a through street, but the plat presently being submitted would have a dead-end road until such future platting is completed and developed, a platter shall offer an easement on lands adjacent to the end of the road shown on the plat to allow for an adequate turnaround by road maintenance vehicles, which easement shall be recorded and shall be effective until such time as a through street is developed.
3. Where the plat to be submitted includes only part of the tract owned or intended for development by the developer, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the developer.
4. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future roads and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.
5. Under normal conditions, roads shall be designed so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be seventy (70) degrees. Road intersection jogs with an offset of less than one hundred fifty (150) feet shall be avoided.
6. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State or Federal highway, provisions shall be made for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way (i.e., back- or frontage road). Such distance shall be determined with due

consideration for the minimum distance required for approach connections to future grade separations, or for lot depths.

7. Access drives onto County roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. Access drives onto township roads shall be approved by the appropriate township board.
8. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as on-site loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than twenty (20) feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.
9. Dedication of half streets or roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.
10. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads, highways, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions shown below. Road and highway classifications are as shown on Minnesota Department of Transportation’s Functional Classification Map or as otherwise classified by the Planning Commission.

Public Ways Dedicated	Minimum right-of-way Width
State Arterial Highway	200 feet
Major Collector Highways	120 feet
Minor Collector Highway & Paved County Highway	110 feet
County Gravel Roads	100 feet
County Curb and Gutter Roads	80 feet
Township Roads	66 feet
Marginal Service, Access Roads	66 feet
Alleys & Cart-ways	33 feet
Pedestrian Way	15 feet

11. Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of rights-of-ways, these shall be required. Right-of-way widths for major inter-city highways shall also meet standards established by the Minnesota State Highway Department.
12. Road and highway design standards shall be as required by the latest addition of “A Policy on Geometric Design of Highways and Streets” published by the American Association of State Highway and Transportation Officials and rules established by state, county or township authorities with jurisdictional responsibility for a road or highway. The County Engineer shall determine if applicable road design standards have been or can be met within the platted road or highway right of way.

13. Proposed streets or roads shall be offered for dedication as public rights-of-ways. No private streets or roads shall be permitted, unless approved as part of a PUD or Conservation Subdivision.

3-4 EASEMENTS

1. Easements shall be provided for utilities where necessary.
 - a. Utility easements at least ten (10) feet wide shall be provided along the side, and/or front, and/or rear line of lots, unless a greater width is required by the County Engineer. Where underground utilities are being installed, a 10 foot wide front, side or rear yard easement may be required.
 - b. On Township roads a ten (10) foot wide front yard utility easement shall be required.
 - c. On State and County Highways additional right-of-way width shall be dedicated as deemed necessary by Minnesota Department of Transportation and/or the County Engineer and no utility easement will be given adjacent to the highway (whether on front, side, or rear yard of any lot), unless approved by the above-described agencies.
 - d. Utility and drainage easements shall be dedicated on the final plat for the required use.

3-5 EROSION AND SEDIMENT CONTROL STANDARDS

The purpose of this Section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the County. An erosion and sediment control plan shall be submitted to and approved by the Zoning Administrator prior to construction of a new plat, or when the Zoning Administrator determines an erosion and sediment control plan is necessary due to potential impacts of construction on the property or surrounding properties. All plans shall comply with the Minnesota Pollution Control Agency NPDES Phase II permits and this Ordinance.

3-5-1 Specific Standards

1. No land disturbing activity shall result in active gully erosion or create negative off-site impacts.
2. No land disturbing activity shall result in an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
3. No land disturbing activity shall result in the creation of unstable slopes which persist after the completion of the development.
4. Permanent or temporary soil stabilization shall be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, but not to exceed fourteen (14) days after a substantial portion of rough grading has been conducted unless an extension is granted by the Zoning Administrator. Soil stabilization measures shall be selected to be appropriate for the time of year, site conditions and estimated duration of use.
5. An erosion and sediment control plan, when required by the Zoning Administrator shall include the following:
 - a. Location map. An 11'x17" map locating the site in relation to the surrounding area.
 - b. Indicate north. Show the direction of north in relation to the site.
 - c. Scale. Indicate scale in relation to the actual size of the site, usually in feet per inch.

- d. Benchmark. Show the established elevation affixed to a permanent object which can be used to check grade.
 - e. Plan preparer. Indicate the name and phone number of the individual or agency responsible for preparation of the plan.
 - f. Contact person. Give the name and phone number of the individual responsible for plan implementation.
 - g. Existing contours. Show existing two foot contours of the site extending at least 200 feet beyond the property boundaries.
 - h. Final contours. Show all proposed changes to the existing contours due to land disturbance.
 - i. Existing vegetation. Indicate existing woods, tree lines, cultivated areas, grass/hay fields, CRP, wetlands and other vegetative types.
 - j. Disturbed area. Identify the disturbed acreage for each drainage area. Include roads and lot clearing.
 - k. Utilities. Show the locations of storm sewer, sanitary sewer, water supply, electrical and other utilities in the area of the proposed development.
 - l. Location of BMP. Indicate the location of erosion and sediment control practices proposed for the site.
 - m. Implementation schedule. Outline the proposed order of land clearing, road installation and other aspects of construction.
 - n. Critical erosion areas. Identify areas susceptible to erosion during and after construction. Critical erosion areas are areas which are prone to accelerated erosion, areas which have slopes of 12% or greater, areas of long, continuous slopes or areas which contain erosive soils.
 - o. Limits of disturbed areas. Show the extent of the areas which must be disturbed to accommodate the proposed construction.
 - p. Sediment pond. Show the location of any temporary pond to be used to collect sediment during construction.
 - q. Adjacent areas. Describe neighboring areas which could be affected by land disturbance.
 - r. Temporary erosion control plan. Indicate how erosion on the site will be temporarily controlled until permanent erosion control can be implemented (seeding and mulching rates, sod installation, etc.)
6. Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.
 7. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
 8. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
 9. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt fences) and other measures intended to trap sediment on-site shall be constructed prior to or concurrent with any grading and shall be functional before upslope land disturbance takes place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within fourteen (14) days of installation.
 10. Storm water runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility.
 11. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Slopes which will not be vegetated within one (1) year of construction shall be provided with additional slope

stabilizing measures until the problem is corrected. Slopes that are found to be eroding excessively shall immediately be provided with additional slope stabilizing measures until the problem is corrected.

12. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity and peak flow rate of storm water runoff.
13. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a twenty five (25) year frequency storm without eroding.
14. Rip-rap shall be placed at culvert outfalls in accordance with applicable MnDOT standard specifications.
15. All storm sewer inlets which are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
16. Construction vehicles and other equipment shall be kept out of watercourses to the maximum extent possible.
17. Wherever construction vehicle access routes intersect paved public roads, provisions, such as rock construction entrances, shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surfaces.
18. All temporary erosion and sediment control measures shall be properly disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the Zoning Administrator.
19. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended functions.

3-6 STORM WATER MANAGEMENT

The purpose of this Section is to prevent or reduce, to the most practicable extent, the effect or impacts of storm water runoff and to provide for the protection of public waters and natural and artificial water storage and retention areas within the County. Further, this Section clarifies the performance standards as they pertain to standards and specifications for conservation practices and storm water planning activities.

3-6-1 Performance Standards

All storm water management plans shall be completed by a currently licensed professional engineer of the State of Minnesota. Storm water management plans shall be followed within the County as described in this section.

1. General Standards.
 - a. The need for storm water management facilities may be reduced by incorporating or restoring the use of natural topography and features, such as wetlands, ponds, natural swales and depressions to the degree that they can accommodate the additional flow of water without compromising the integrity of the natural feature. When development density, topographic features, soil or vegetation conditions are such that natural features are not sufficient to handle storm water runoff, various types of constructed

facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used.

- b. Soil laden runoff shall be treated before it is allowed to enter any water body. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes, manmade materials and facilities.
- c. Storm water rate control. When required by the Zoning Administrator, a storm water management plan shall include the design of all storm water management facilities necessary to manage increased runoff so that the 10-year, and 100-year storm peak discharge rates from the property boundary do not exceed pre-development conditions and so that accelerated channel erosion on and off-site will not occur as a result of the proposed land disturbing or development activity.
- d. The minimum design capacity of all drainage systems shall accommodate the runoff from a ten (10) year storm event. All drainage systems and facilities shall be designed to withstand the runoff from the critical one hundred (100) year event or accumulative antecedent conditions without damage to the system or facility, downstream areas and without significant risk to human health and safety.
- e. The applicant or their successors shall be responsible for the installation and maintenance of any temporary or permanent measures identified in the storm water management plan. At the time of completion of the development, those structures, measures and systems constituting the storm water runoff facility may be permanently maintained by the Township after official acceptance by the Township Board, by a legally organized homeowner's association, by a watershed district after official acceptance by the district or by other means acceptable to the County.
- f. An application for a storm water management plan shall be accompanied by a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of site grading and erosion/sediment control costs necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the storm water management plan.
- g. Storm water volume control. For protection of downstream water bodies and properties, post development runoff volumes shall not exceed pre-development conditions. For protection of downstream water bodies, the most current Best Management Practices (BMPs) shall be employed to reduce the general impacts of runoff volume and rates. Development resulting in the creation of impervious surfaces must explicitly address the use of BMPs to limit the loss of pervious areas. BMPs to be evaluated shall include, but not be limited to, vegetated swales, pond outlets perched above ground water levels, roof drainage to pervious areas, depressed casual storage areas, minimization of the number and width of parking stalls, "rural section" roads and road width minimization and mitigation of disturbed soils.
- h. Prevention of downstream nuisance and damage. When conditions do not permit post-development runoff volumes to be equal to pre-development conditions, the applicant shall provide a study, which demonstrates that, increased storm water runoff volumes above pre-development conditions will not adversely affect downstream properties or water resources. The study shall include, at a minimum, an evaluation of downstream landlocked lakes and ponds and lakes and ponds with inadequate outlets where flood levels could be increased by added runoff volume; and downstream drainage paths that are not public waters that are inadequate to convey added runoff volumes as evidenced by (a) a lack of

public easements or access to the drainage facility; (b) existing channel erosion prior to discharge to public waters; (c) undersized drainage systems or drainage systems in disrepair; and (d) other downstream drainage conditions that would tend to create nuisance conditions or safety problems.

- i. Storm water management facilities must be designed, installed and maintained consistent with the most current Best Management Practices.
- j. Developments shall be planned and conducted in a manner that will minimize the extent of disturbed area, runoff velocities, erosion potential and both reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected and facilities or methods used to retain sediment on site.
- k. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation, maintenance and clean out that assures continued effective removal of sediment carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.

3-6-2 Specific Standards for Storm Water Conveyance and Rate Control Facilities.

1. All storm water management calculations submitted to the Zoning Administrator for review as part of a storm water management plan shall include sufficient information for the Zoning Administrator to evaluate the changes to the storm water drainage characteristics within the watershed areas affected by the proposed land disturbing activity. The applicant shall include calculations which clearly show the effects of this development on the peak rate of discharge, the time of concentration, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site. The Zoning Administrator may require the applicant to provide any additional information, calculations or data needed to complete the review of a storm water management plan.
2. The storm water calculations submitted for review shall be based upon standard hydrological and hydraulic analysis methods that are acceptable to the Zoning Administrator. Calculations that are based upon unproven methodologies or apply proven methodologies incorrectly shall be determined by the County to be unacceptable and shall be returned to the applicant for correction and be resubmitted.
3. Acceptable hydrological methods and procedures to determine peak runoff discharge rates and runoff volumes for all development, except for street and highway pavement drainage systems, shall be the standard methods of the Natural Resources Conservation Service SCS TR 55 and the SCS TR 20 Methods as defined in the current Hydrology Guide for Minnesota.
4. Precipitation events for the Rational Method shall be for the two (2), ten (10) and one hundred (100) year twenty-four (24) hour frequency storm events using the U.S. Weather Bureau Technical Paper No. 40 rainfall intensity duration curves for a Type II rainfall distribution.
5. Acceptable hydrological methods and procedures to determine peak runoff discharge rates for street and highway pavement drainage systems, inlet capacities and piped storm sewer systems shall be based upon the Rational Method as defined in the current Minnesota Department of Transportation Drainage Manual.
6. Where development site drainage discharges to an existing roadway, ditch, storm sewer or other public facility, the applicant shall provide, as part of the calculations, all survey, utility or other topographic data

of the existing condition needed for the Zoning Administrator to determine that the proposed development does not impact or degrade any critical roadway element or negatively impact the safety, maintenance or function of the public facility.

7. Drainage areas. Storm water management plans shall show existing and proposed drainage areas used for storm water analysis, including off-site portions of sub watersheds that are partly located on the property for which the plan is being prepared. Where drainage areas include runoff from off-site areas, those areas may be shown and measured from maps at larger scales (e.g. United States Geological Survey Quadrangle Maps) if better mapping is not reasonably available. In all drainage areas, the direction of flow for each area and the travel path used for determining the Time of Concentration shall be shown. No direct entries for determining the Time of Concentration shall be allowed without prior approval by the Zoning Administrator.
8. Runoff curve numbers (RCN). Storm water management plans shall include a detailed breakdown of existing and proposed runoff curve numbers.
9. Soil types. Storm water management plans shall identify the boundaries of the soil types present on-site and their hydrologic classification and acreage.
10. Pre-development conditions. The Hydrologic Soil Group Runoff Curve Numbers shall be use to analyze pre-development conditions based on the site land use for the previous five (5) years.
11. For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an un-drained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.
12. Impervious coverage. Storm water management calculations shall list the new impervious area created in each sub watershed and shall include the assumptions and calculations used for determining impervious areas, such as house pad, driveway and outbuildings.
13. Runoff calculations. The applicant shall provide calculations for ten (10) and one hundred (100) year peak discharge rates for each sub watershed comparing pre-development conditions and proposed post-development conditions.
14. Where pre-development conditions indicate no runoff, the infiltration capacity required elsewhere in this Ordinance may be used to demonstrate compliance with a no runoff requirement for the storm frequency and duration being considered.
15. Storm water management plans shall show preexisting drains and tile lines. Storm water facilities shall be designed assuming that tile lines will no longer function unless an easement is supplied for future maintenance and the applicant demonstrates that the tile line has design capacity and service condition that makes it a suitable component of the storm water management system.
16. Storm water management plans shall include an evaluation of landlocked lakes and ponds in the design analysis and demonstrate that runoff from a full year of runoff in the 100 year wet year will not exceed the predicted 100 year flood level.

17. Storm water management plans shall identify the location of conveyance systems and clearly identify all dimensions, cross sections and outlet elevations.
18. Storm water management plans shall include the locations of all property lines, lot lines, section lines and adjacent plats.
19. Storm water management plans shall contain information, which clearly identifies all elevations, and grades for streets, ditches, ponds, wetlands, lakes, pipe inverts and pipe outlets.

3-6-3 Specific Standards for Wet Detention Basins

1. All wet detention basins shall be designed and constructed in accordance with the W.W.Walker Method (1987) described in the Best Management Practices.
2. Designs for wet detention basins shall include, but not be limited to, calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillways, basin profiles and basin cross sections.
3. In the CI zoning district, skimmers shall be included on the outlet of wet detention basins. Construction details of the skimmers shall be shown on the construction plans for the wet detention basin.
4. Ground water sensitivity. Wet detention basins located in areas identified as being highly susceptible to ground water contamination, except ground water discharge areas, shall be designed so that the bottom of the basin is located at least three feet above the seasonal high ground water elevation and/or bedrock and be lined with two (2) feet of soil having a permeability less than five (5) minutes per inch.

3-6-4 Specific Standards for Volume Control.

1. Infiltration volume and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturation infiltration rate from the table below. Documented site-specific infiltration or hydraulic conductivity measurements may be used in place of the values in the following table, if approved by the Director. The goals of these BMPs are to minimize the amount of directly connected impervious surface created, to preserve the infiltration capacity of the soil and to incorporate practices into the design which are capable of allowing the infiltration of one-half (½) inch of runoff from impervious surfaces within seventy-two (72) hours.

Soil Group Infiltration Rate (in/hr) Soil Texture

- A. 0.3 sandy, loamy sand or sand loam
- B. 0.15 silt loam or loam
- C. 0.07 sandy clay loam
- D. 0.03 clay loam, silty clay loam, silty clay or clay

Source: *Urban Hydrology for Small Watersheds (SCS, June 1986)*

2. Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting.
3. Areas of permanent pools tend to lose infiltration capacity over time and shall not be accepted as an infiltration practice.
4. New constructed storm water outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

3-6-5 Specific Standards for Areas of Moderate or High Susceptibility to Ground Water Contamination.

1. Infiltration areas shall have either natural undisturbed soil or be lined with at least two feet of soil with a permeability of five (5) minutes per inch or slower as defined in the Ground Water Protection Plan.
2. Infiltration areas shall be at least three feet above the seasonal high ground water elevation and/or bedrock.

CHAPTER 4: PRELIMINARY PLAT

4-1 PLATTING REQUIRED

1. With the exception of those divisions of land specifically provided for in Chapter 8, section 8-2 of this Ordinance, and this section, all subdivisions of land located within the R-1, R-2, R-3 and CI Districts shall be platted in accordance with the provisions of this section.
2. The Zoning Administrator may waive the platting requirements for a single lot subdivided from a large parcel that shall meet the minimum lot size of the zone. This provision is not intended to allow piecemeal subdivision of land; rather, it is intended to allow onetime exceptions to the platting requirements of this Ordinance for onetime single lot divisions.

4-2 SKETCH PLAN

In order to ensure that all applicants for subdivisions are informed of the platting procedure and the requirements of this Ordinance and related ordinances, the applicant is encouraged to consult with the Zoning Administrator and the County Engineer. At the time of this initial conference, the applicant should present a sketch plan for review. The plan shall be drawn to scale, and should show the proposed subdivision of the property, the street layout, significant topographical and physical features and adjacent land use. The developer should make use of quadrangle maps; air photo maps, half section maps or other maps or plats to construct the sketch plan.

4-3 PREPARING THE PRELIMINARY PLAT

1. The owner or applicant shall file with the Zoning Administrator:
 - a. Completed application forms for the proposed subdivision.
 - b. An application fee as established by the County Board. Such fees to be used for the expense of the County in connection with the review, inspection, approval or disapproval of said plat that may thereafter be submitted.
 - c. A minimum of fifteen (15) copies of the preliminary plat; eight (8) at a minimum of 20 x 30 inch and seven (7) 11 x 17 inch.

4-4 PRELIMINARY PLAT REQUIREMENTS

Preliminary plat information shall be shown on the plat map. However, some information may be submitted in other forms as approved by the Zoning Administrator. The plat map and documents shall contain the following information:

1. The proposed name of the plat.
2. Names and addresses of the owners, developer, agent, applicant, surveyor, engineer and other principles involved in the development of the plat.
3. Graphic scale between one (1) inch = fifty (50) feet and one (1) inch = two hundred (200) feet depending on the size of the plat and the detail of the information to be shown.
4. North point and vicinity map.
5. Total acreage of the land to be subdivided.
6. Boundary line survey and legal description. Identify any property within the subdivision that is registered (torrens).
7. Proof of ownership.
8. Date of preparation.
9. Any additional information as may be requested by the Zoning Administrator.

4-5 EXISTING FEATURES TO BE SHOWN

1. Existing public and private roads, showing width of roads, and any associated easements.
2. Location, size, and capacity of all existing agricultural tiles; to a distance of one hundred (100) feet beyond the property.
3. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries of the parcel to be subdivided, including the current uses of those properties.
4. Existing buildings and any impervious surface.
5. Topography at two (2) foot intervals, unless determined otherwise by the Zoning Administrator. A contour map of the surrounding properties may also be required.
6. Delineated wetland boundaries for all wetlands located within the plat boundaries that are not public waters or public waters wetlands, including a copy of the complete wetland delineation report
7. Waterways, watercourses, lakes, and public water.
8. The one hundred (100) year flood elevation and Regulatory Flood Protection Elevation, if available.
9. In the shoreland district the toe and top of any bluffs present, and the minimum setback.
10. In the shoreland district the ordinary high water level and highest known water level.
11. The shoreland district boundary, if any portion of the plat is located in the shoreland.

12. Mapped soils according to the Kandiyohi County Soil Survey.
13. Any additional information as may be requested by the Zoning Administrator.

4-6 PROPOSED FEATURES TO BE SHOWN

1. Proposed lot lines, dimensions, gross square footage of each lot, and square footage above the delineated wetland boundaries on all lots.
2. The location, grade, and width of proposed streets, roads, and any provision for extending streets to serve adjacent areas, together with preliminary road plans showing, at a minimum, alignment, profile and representative cross sections.
3. General plans for installation of sewer, storm water retention and/or drainage facilities. Include storm water management calculation and plans for the proposed development.
4. Proposed lot and block numbers.
5. The minimum setback requirements with resulting building envelope.
6. Indication of any lots on which the applicant proposes a use other than residential.
7. Grading plans showing how the site will be graded and showing the final contours into the existing contours.
8. Proposed easements for utilities, drainage, and storm water storage.
9. Proposed soil borrow areas for any new road within the plat boundary.
10. Identification of any physical characteristics of the site constituting a susceptibility to erosion or siltation, including effects to any adjacent property, and identification of the erosion control measures, if any, to be used to prevent any erosion or siltation.
11. The Zoning Administrator may require an erosion and sediment control plan in accordance with Chapter 3, 3-5 of this Ordinance.
12. The Zoning Administrator may require a storm water management plan in order to reduce the amount or protect the quality of storm water runoff that may be created during and after the process of development. In instances when a storm water management facility will require future maintenance, the developer shall submit a plan that shall indicate how the facility will be maintained and who will be responsible for the maintenance of the facility. Storm water management practices and facilities shall be developed and designed in accordance with Chapter 3, 3-6 of this Ordinance.
13. A report, prepared by a Minnesota Pollution Control Agency (MPCA) licensed designer, on the feasibility of individual sewage treatment systems, (ISTS) on each lot or, where approved by the Zoning Administrator, a communal or shared sewage system serving the subdivision. The report shall provide for the location of two (2) standard soil treatment systems as defined in Minnesota Rules Chapter 7080 per lot, unless the subdivision is proposed to be connected to a municipal sewer system or the Zoning Administrator

has deemed that a communal or shared sewage system is appropriate. The report shall follow the rules of the Sewage Treatment Ordinance and Minnesota Rules Chapter 7080, as may be amended, and shall include at least the following information:

1. Sufficient soils information as is necessary to adequately characterize the soils on each lot, including at least the following information:
 - a. The complete results of at least two (2) soil borings per lot that are at least two (2) inches in diameter. The boring log shall include indication of depth to redoximorphic features, depth to standing water, soil type, soil color, soil texture, soil structure, and any other information necessary to providing an accurate assessment of the soils for sewage treatment. Soil borings shall extend at least two (2) feet beyond redoximorphic features or at least six (6) feet in depth, which ever is less.
 - b. A soil survey map indicating the boundaries of the proposed subdivision
 - c. Soil pits may be substituted for soil borings at a rate of at least one pit per lot or as otherwise approved by the Zoning Administrator as providing a sufficient characterization of the soils on the lots. Soil pit logs shall include the same minimum information required for soil boring logs. Soil pits shall extend at least two (2) feet beyond redoximorphic features or at least six (6) feet in depth, which ever is less.
 - d. A map of the proposed subdivision indicating the proposed or potential sewage treatment system locations.
 - e. A description of the type of system(s) that could be proposed for the respective lots in light of the soils information gathered and other considerations unique to the proposed subdivision.
14. Such other information as may be requested by the Zoning Administrator, County Engineer, County Surveyor, or Planning Commission.

4-7 SUBMITTING THE PRELIMINARY PLAT

4-7-1 Application

1. Upon receipt of the preliminary plat, completed application form and application fee, the Zoning Administrator shall refer copies of the preliminary plat as follows:
2. Seven (7) copies to the Planning Commission
3. One (1) copy to the County Engineer
4. One (1) copy to the County Surveyor
5. One (1) copy to the Town Board in the Township where the property is located.
6. One (1) copy to any incorporated municipality within two (2) miles of the proposed subdivision.
7. One (1) copy to the Natural Resource and Conservation Service.

8. One (1) copy retained by the Zoning Administrator.
9. If the proposed subdivision is located in any shoreland district or any flood plain district as defined in Minnesota Statutes, Sections 105.485 and 104.02 respectively, one (1) copy to the Commissioner of the Minnesota Department of Natural Resources or his designated representative.
10. One (1) copy to the Minnesota Department of Transportation District Office.

4-7-2 Procedure

1. The preliminary plat application shall be considered to be officially filed when the Zoning Administrator has received and examined the application and has determined that the application is complete. The Planning Commission shall hold a public hearing on said preliminary plat. Notice of public hearing shall be published in a paper of general circulation at least ten (10) days prior to the hearing date. Public notice shall consist of a general description of the proposal, the time, date, and place of hearing. Defects in the public notices shall not abrogate or annul subsequent proceedings provided a good faith attempt was made to give proper notice.
2. The applicant or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed subdivision.
3. The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance, the Zoning Ordinance, and the Comprehensive Plan.
4. The Planning Commission shall take action on the application with a motion of approval, approval with conditions or denial that shall include findings of fact, and shall be entered in the proceedings of the Planning Commission and transmitted to the applicant in writing.
5. If the Planning Commission approves the preliminary plat, the applicant must submit a complete application for final plat within one (1) year after said approval or approval of the preliminary plat shall be considered void, unless an extension is requested in writing by the developer, and for good cause, is granted by the Planning Commission. If the applicant fails to submit the final plat to the Zoning Administrator within the designated period without requesting and receiving an extension of time, the approval and endorsement of the preliminary plat, will be deemed void, and the applicant shall initiate a new proceeding in the manner provided in Chapter 4 of this Ordinance.

CHAPTER 5: FINAL PLAT

5-1 GENERAL REQUIREMENTS FOR APPLICATION

1. Approval of a preliminary plat by the Planning Commission is an acceptance of the general layout, as submitted, and indicates to the developer that he may proceed toward final plat approval in accordance with the Planning Commission approval of the preliminary plat, including conditions.
2. The final plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall conform to all the requirements of Minnesota State Statutes, Chapter 505, as may be amended. The final plat shall be submitted no later than one (1) year after the date of approval of the preliminary plat, or

approval of the preliminary plat shall be considered void. The Planning Commission may, for good cause grant an extension if requested in writing by the developer.

3. The final plat application shall have incorporated all the conditions of the Planning Commission approval of the preliminary plat. In all other respects the final plat shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat that the developer proposes to record and develop at that time, provided that such portion conforms to all the requirements of this Ordinance.

5-2 SUBMITTING THE FINAL PLAT

5-2-1 Submittal

1. Three (3) copies of the final plat shall be submitted to the Zoning Administrator. He shall refer them to the County Engineer, and County Recorder for review, and retain one (1) copy.
2. One (1) copy of any title declaration, deed restriction, restrictive covenant, or homeowner's association documents in recordable form, shall be submitted to the Zoning Administrator by the designated deadline to a Planning Commission meeting at which consideration is requested.
3. A developer's agreement as required in Chapter 6 of this Ordinance.
4. Such other information as may be requested by the Zoning Administrator.

5-3 FINAL PLAT APPROVAL

5-3-1 Procedure

1. The final plat application shall be considered to be officially filed when the Zoning Administrator has received and examined the application and had determined that the application is complete.
2. The procedure for the review by the Planning Commission and action by the County Board are the same as for a preliminary plat except that no public hearing is required in processing the final plat.
3. Prior to approving a final plat the County Board shall receive a report from the County Engineer certifying that the improvements required by this Ordinance have met or will meet minimum road building requirements. Drawings showing all improvements as built shall be filed with the County Engineer.
4. The County Board shall approve or deny the final plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered in the proceedings of the County Board and transmitted to the applicant in writing.

5-3-2 Certifications Required

1. Certification of the adoption of the plat and the dedication of streets, roads, and other public areas notarized by the owner and by any mortgage holder of record. The mortgage holder of record may record a notarized consent to file a plat form with the final plat in lieu of the certification.

2. Certification notarized by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
3. Certification by the County Auditor/Treasurer showing that taxes and special assessments currently due on the property have been paid in full.
4. Certification of the approval with the date and signature of the Chair of the Planning Commission, attested to by the Secretary of the Planning Commission, and by the Chair of the County Board, attested to by the County Auditor/Treasurer.
5. Certification by the applicant's attorney that the proper evidence of title has been presented and that all parties with an interest in said property have been included in the execution of the final plat.
6. Certification by the County Recorder indicating the filing date, folder number, and document number of the final plat.

5-3-3 Recording

1. If the final plat is approved by the County Board, the developer shall record two standard sized mylars of the final plat, and one 11 x 17 inch mylar, within the Office of the County Recorder within one hundred eighty (180) days after the date of approval, otherwise the approval of the final plat shall be considered void. The developer shall also file with the Office of the County Recorder one (1) up-to-date (within thirty (30) days) title insurance policy or title opinion by the applicant's attorney at the time the plat is presented for recording.

CHAPTER 6: BASIC IMPROVEMENTS

6-1 RESPONSIBILITY

All required improvements shall be installed and furnished by the developer, including all costs of inspection, at the sole expense of the developer and at no expense to the County.

6-2 STANDARDS AND REQUIREMENTS

Engineering requirements, standards for plans, the required improvements, and the standards for design and installation shall conform to such standards and specifications as adopted by the County and any additional or more restrictive standards adopted by the Township in which the subdivision is located.

6-3 DEVELOPER'S AGREEMENT

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into a three-way agreement in writing with the Town Board and County requiring the developer to furnish and construct said improvements at the developer's sole cost and in accordance with plans and specifications and/or pay appropriate costs for improvements or other costs associated with the plat. The agreement shall further provide for the development of any other conditions of the approved preliminary plat. The developer's agreement shall include the following:

1. Identification of the required inspections.
2. A financial guarantee to ensure completion of all required improvements.
3. The time for completion of the work shall be determined by the Town Board and County upon recommendation of the Township, County Engineer, and/or the Zoning Administrator after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
4. One (1) copy of the developer agreement executed by the applicant, Town Board, and the County shall be submitted to the Zoning Administrator at the time of final plat approval.

6-4 INSPECTIONS

All of the required improvements to be installed under the provisions of this Ordinance and the developer's agreement shall be inspected during the course of construction by the Township, the County Engineer, or their agents at the expense of the developer.

6-5 COMPLETION OF IMPROVEMENTS

The period within which required improvements must be completed shall be incorporated in the financial guarantee and shall not in any event exceed two (2) years from the date of final plat approval.

In the case of a subdivision for which no financial guarantee has been posted, if the improvements are not completed within the time period specified in the developer's agreement, the preliminary plat approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of such financial guarantee and developer's agreement, the Town Board and County may declare the financial guarantee to be in default and require that all the improvements be installed.

The County shall not release a financial guarantee for improvements required until the Town Board, the County Engineer, or their agents has certified that all required improvements have been satisfactorily completed and until the developer's engineer or surveyor has certified to the Town Board, the County Engineer, or their agents, through submittal of detailed plans, or survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Town Board, the County Engineer, or their agents, that the layout of the line and grade of all public improvements is in accordance with the construction plans for the subdivision and that the improvements are completed, and are ready for acceptance by the Town Board. Upon such approval and recommendation, the Town Board shall accept the improvements for dedication in accordance with established procedure.

6-6 FINANCIAL GUARANTEE

Before a final plat is approved by the County Board the developer of the land covered by the said plat shall install all improvements required under this ordinance, or execute and submit to the County a financial guarantee. The financial guarantee shall take one (1) of the following forms:

1. Escrow Deposit:

- a. An escrow deposit in cash, certificate of deposit or time certificate payable to the County or other approved form, shall be made to the County Auditor/Treasurer in a sum equal to one hundred twenty five percent (125%) of the total cost as estimated by the Town Board, and/or County Engineer, including the cost of inspection, legal and administrative costs incurred by the Town Board, and/or County, of all of the improvements to be furnished and installed by the developer pursuant to the developer's agreement and which have not been installed by the developer prior to the approval of the final plat.
- b. The Town Board and/or County shall be entitled to reimburse itself out of said deposit for any cost or expense incurred by the Town Board and/or County for completion of work in the event of default of the developer under said agreement, and for any damages sustained by the Town Board and/or County on account of any breach thereof. Upon completion of the work and termination of any liability to the Town Board and/or County of the developer under said agreement, the balance remaining in deposit shall be refunded to the developer.
- c. Immediately upon completion of said work, the Town Board and/or County shall submit to the developer an itemized bill in detail, setting forth the actual cost of acceptance of said work by the Town Board and/or County.
- d. In the event that the cash escrow is reduced below one hundred twenty-five (125) percent of cost of work to be completed, the Town Board and/or County may stop work on the subdivision until the escrow deposit is replenished to the amount of one hundred twenty-five (125) percent of the cost of the remaining development work.

2. Letter of Credit:

- a. The developer may furnish the County with a letter of credit from a financial institution providing authorization and guarantee to the Town Board and/or County that the Town Board and/or County may draw on the developer's account, amounts not to exceed the required financial guarantee. The required financial guarantee shall be the sum equal to one hundred twenty five (125) percent of the total cost as estimated by the Town Board and/or County Engineer, including the cost of inspection by the Town Board and/or County, of all of the improvements to be furnished and installed by the developer pursuant to the agreement and which have not been completed prior to the approval of the final plat. The letter of credit shall be irrevocable, and shall provide for sixty (60) days notice to the Town Board and/or County and approval by the County of any change, amendment, or termination. The letter of credit shall be accepted as a financial guarantee only after review and approval by the Town Board and/or County.
- b. In the event that the letter of credit is reduced below one hundred twenty-five (125) percent of cost of work to be completed, the Town Board and/or County may stop work on the subdivision until the letter of credit is replenished to the amount of one hundred twenty-five (125) percent of the cost of the remaining development work.

3. Bond:

- a. A bond in a form acceptable to the County Auditor/Treasurer in an amount equal to one hundred twenty-five (125) percent of the total cost of improvements as determined by the Town Board and/or County Engineer.

6-7 ROAD AND HIGHWAY IMPROVEMENTS

1. The full width of the right-of-way shall be graded, including the sub grade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the County Board.
2. All roads shall be improved in accordance with the standards and specifications for road construction as approved by the County Board.
3. All roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Board.
4. If curb and gutter are to be installed, they shall be constructed as required by the standards and specifications for road construction as approved by the County Board.
5. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County Board.
6. Road signs of the standard design approved by the County Board shall be installed at each street or road intersection.

6-8 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS

1. Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the County Board.
2. Water facilities, both public and private, including pipefittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the County Board.

6-9 PUBLIC UTILITIES

Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

6-10 PUBLIC SITES AND OPEN SPACES

1. In subdividing land or re-subdividing an existing plat, due consideration shall be given by the developer and by the Planning Commission upon review, to the dedication or reservation of suitable sites for schools, parks, playground, conservation area, or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. Whenever the proposed park or recreational area is partially or completely within a proposed subdivision, the preliminary and final plats of said subdivision shall show the proposed site as reserved and the County shall have one year from date of approval of the preliminary plat by the Planning Commission in which to purchase said land or to initiate condemnation proceedings with respect thereto.

2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in larger scale neighborhood unit development not anticipated in the Comprehensive Plan, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such a development for schools, parks, and other neighborhood purposes.

6-11 COMMON INTEREST COMMUNITIES

1. A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to the open space development standards of the applicable zoning district contained in the Zoning Ordinance.
2. Common Interest Communities shall meet the minimum guidelines established in the “Common Interest Community Plat Manual of Minimum Guidelines”; or successor manual.
3. Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in the Zoning Ordinance.
4. The conversion of existing common interest communities, resorts, mobile home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by standard plat pursuant to the requirements of this Ordinance and the applicable requirements of Minnesota Statutes, Chapter 515A and Chapter 515B; or successor statutes, and shall be further subject to the following:
 - a. When considering approval of conversions, the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to municipal systems where they are available.
 - b. The developer shall make every effort to minimize the degree of nonconformity with existing lot area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
 - c. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
 - d. To the extent possible, the common open space, individual properties and other elements of the Common Interest Community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

CHAPTER 7: VARIANCES

7-1 PROCEDURE

The Planning Commission may recommend approval of a proposed plat notwithstanding the inability of the applicant to comply with the strict terms of this Ordinance, under the following conditions:

1. The inability to strictly apply the provisions of this Ordinance is not due to circumstances or conditions created by the applicant.
2. Strict application of the provisions and requirements of this Ordinance will create an undue hardship.
3. Relief from the strict application of the provisions of this Ordinance will not diminish or impair the value of properties in the vicinity, nor create a condition that will injure the health, welfare, use or quiet enjoyment of neighboring property owners or the citizens of the County.
4. Relief from the strict application of the requirements of this Ordinance will not impede orderly development or be detrimental to the goals, intent and provisions of the Comprehensive Plan, the Zoning Ordinance, or this Ordinance.
5. In such cases the Planning Commission shall also recommend to the County Board such conditions, as it deems prudent or advisable in conjunction therewith, to protect the public interest.
6. Upon the recommendation of the Planning Commission that a plat be approved despite failure to comply with all provisions of this Ordinance, the County Board, in its sole discretion, may approve such plat if it finds that approval is consistent with Subparagraphs 1 through 4, above. In so doing, the County Board may impose such conditions, as it deems necessary to protect the public interest.
7. The provisions of this Section pertain only to the terms of this Ordinance, and in no way are intended to modify or vary the terms of the Zoning Ordinance or any other ordinance, statute or regulation.
8. The Board of Adjustment, appointed by the County Board, shall act upon all questions as they may arise in the administration of this ordinance. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made in the enforcement of this ordinance.

CHAPTER 8: REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

8-1 REGISTERED LAND SURVEYS

It is the intention of this Ordinance that all registered land surveys in the County shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Unless such approvals have been obtained from the Planning Commission and County Board in accordance with the standards set forth in this Ordinance, land use/building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys and the County may refuse to take over tracts as streets or roads, or to improve, repair or maintain any such tracts unless so approved.

8-2 CONVEYANCES BY METES AND BOUNDS

1. A land survey by a registered land surveyor showing all improvements and acreage shall be required to be recorded with the deed for any subdivision of land less than forty (40) acres, or less than a full government lot. Unimproved land, for the purpose of transfer of ownership for agricultural purposes shall be exempt from the surveying requirement. However, a building permit request for a site that had been previously exempted shall require a land survey by a registered land surveyor and be recorded prior to issuance. Such survey shall be 11" x 17", signed and dated.
2. A copy of any instrument of conveyance that subdivides an existing tax parcel of record in all zones shall be submitted by the County Auditor/Treasurer to the Zoning Administrator for review prior to processing. The Zoning Administrator shall examine each such instrument to determine whether or not:
 - a. It is presently a separate parcel of record, or
 - b. It is a designated lot of a recorded plat, or
 - c. The conveyance is accompanied by a variance approved by the Zoning Administrator and the County Board of Adjustment, or
 - d. Is by reason of an involuntary transfer (i.e., judgment, foreclosure, or
 - e. The provisions of Chapter 8, section 8-2, # 2 shall not apply to a decree of distribution or decree of descent that implements the provisions of a decedents will and decrees or distributes an existing home and building site, unless it results in a lot which would be unbuildable for which a building permit could not be issued or
 - f. It meets the requirements of the Zoning Ordinance, Chapter 5, section 5-3, Building Eligibilities, or
 - g. It meets the requirements of Chapter 4, section 4-1 of this Ordinance.
 - h. It is prohibited to subdivide any land in a manner that would create a non-conforming use or parcel.
3. If the conveyance does not comply with any of these conditions, the Zoning Administrator shall give notice by mail to the parties to the conveyance of the zoning restrictions applicable to the parcel.
4. The Zoning Administrator may waive the above conditions if:
 - a. A conveyance is to be recorded to correct an error in a previously recorded description of a parcel,
 - b. If it is to correct a property line to conform to existing buildings or improvements, or
 - c. If the subdivision is of a lot in a platted area that adjacent landowners are purchasing, provided they combine their respective portions of the lot with their existing lot or lots for building or sale purposes.
 - d. If the subdivision is being purchased by an adjacent land owner, provided the subdivision be combined to his existing parcel for building or sale purposes, and provided the remaining land does not become a non-conforming use or parcel.
 - e. The subdivision is an existing building site.
 - f. The Zoning Administrator would determine subdivisions for purposes of mortgage.
5. A variance granted by the Board of Adjustment shall be properly recorded in the Office of the County Recorder.
6. If the subdivision is approved, the applicant shall record the deeds in the office of the County Recorder within forty-five (45) days after the date of approval otherwise the approval of the subdivision shall be considered null and void.

8-3 NON-CONFORMING CONVEYANCES

The County shall not issue a land use/building permit for the construction of any building, structure or improvement to land included in or remaining after any conveyance that is found to be in violation of section 8-2 of this Chapter. The County shall not issue a conditional use, variance, or land use/building permit for the use, occupation or enjoyment of such land. Any person, who constructs, erects, alters, or moves any improvement, building or part thereof upon any such land without obtaining a necessary conditional use, variance, or land use/building permit shall be in violation of this Ordinance and shall be subject to penalties as provided in Chapter 2, section 2-5 of this Ordinance.