

Steele County Subdivision Ordinance

STEELE COUNTY SUBDIVISION ORDINANCE

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SUBDIVISION ORDINANCE OF STEELE COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEELE COUNTY AND WITHOUT BOUNDARIES OF MUNICIPALITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS, ROADS AND OTHER IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL OF THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE STEELE COUNTY BOARD OF COMMISSIONERS DOES HEREBY ORDAIN:

SECTION 1. GENERAL PROVISIONS

101 Short Title.

This Ordinance shall be known as the "Subdivision Ordinance of Steele County", and will be referred to herein as "this Ordinance."

102 Purpose and Intent.

This Ordinance is enacted for the following purposes: to safeguard the best interests of Steele County; to assist the subdivider in harmonizing his interest with those of the County at large, as well as with those of the local municipalities located within the County; to prevent piecemeal planning of subdivision, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivision with the County Comprehensive Plan; to secure the rights of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities with the County.

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Steele County pursuant to "an act authorizing County planning and zoning activities; establishing a board of adjustment; authorizing the enactment of official controls, and providing penalties for violation thereof", passed by the Legislature of the State of Minnesota, Chapter 394, which regulations the Board of County Commissioners deems necessary for the health, safety, and general welfare of the County. The County can set standards and requirements in the regulations which may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, waste water treatment systems, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features.

103 Jurisdiction.

The regulations herein governing plats or surveys of the subdivision of land shall apply to all the areas of the County lying outside the incorporated limits of municipalities.

104 Application of 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 (2) 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. Division of land into tracts forty (40) acres or larger in area shall be exempt from the requirements of this Ordinance.

105 Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall be approved by the County Planning Commission and by the Board of County Commissioners 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 township. All variances to this ordinance shall be approved by the Steele County Board of Adjustments.

106 Compliance.

No plat or survey of any division of land into tracts less than forty (40) acres shall be entitled to record in the Steele County Register of Deeds Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Ordinance.

107 Building Permits.

No building permits shall be issued by Steele County for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been complied with.

SECTION 2. RULES AND DEFINITIONS.

201 Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules.

1. Words used in the singular shall include the plural, and the plural the singular.
2. Words used in the present tense shall include the future.
3. The word "shall" is mandatory and not discretionary; the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. The word "persons" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
6. All distance, unless otherwise specified, shall be measured horizontally.

In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

202 Definitions.

For the purpose of these regulations, certain terms and words are hereby defined as follows:

Attorney. The attorney employed by the county unless otherwise stated.

Block. The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

Boulevard. The portion of the street right-of-way between the curb line and the property line.

Butt Lot. A lot at the end of a block and located between two corner lots.

Certificate of Survey. Certification on a plat that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all monuments have been or will be correctly placed in the ground as shown or stated, and that the outside boundary lines are correctly designated on the plat.

Cluster Development. A pattern of subdivision development which places housing units into compact grouping while providing a network of commonly owned or dedicated open space.

Comprehensive Plan. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the County or any portion of the County.

Concept Plan. A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy. A print or reproduction made from a tracing.

Corner Lot. A lot bordered on at least two (2) sides by streets.

County. Steele County, Minnesota.

County Board. The Steele County Board of Commissioners.

Covenant Deed Restriction. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Development. The act of building structures and installing site improvements.

Double Frontage Lots. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

Easement. Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property

Engineer. The registered engineer employed by the County unless otherwise stated.

Environment Review. Procedures required in the preparation of Environmental Assessment Worksheet or Environmental Impact Statement as set forth by the Minnesota Environmental Quality Board and/or Steele County.

Fill. Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported and shall include the conditions resulting therefrom.

Final Plat. The final map, drawing or chart on which the plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.

Flexible Zoning Devices. Regulations where development is guided through use of density controls rather than traditional zoning lot area requirements.

Flood Plain. The area adjoining a watercourse which has been or hereafter may be covered by flood waters.

Grade/Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, e.g. a 3% upgrade means a rise of three feet per one hundred feet of horizontal distance.

Key Map. A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Lot (Of Record). A lot which is part of a subdivision or plat which has been filed in the Office of the Steele County Recorder, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Steele County Recorder.

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record or survey map, for the purpose of sale or lease or separate use thereof.

Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Minimum Subdivision Design Standards. The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Natural Waterway. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Ordinary High Water Level. The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to terrestrial. For watercourses, it 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.

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

Pedestrian Way. A public right-of-way to be used by pedestrians and non-motorized vehicles.

Person. An individual, firm, partnership, association, cooperation or organization of any kind.

Plat. A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Protective Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Quarter Quarter. A square measure of forty (40) acres being one quarter of a quarter section and lying wholly within a single section.

Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over eighteen percent (18%), as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Streets and Alleys

- a. **Street.** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial, parkway, throughway road, avenue, lane, place or however otherwise designated.
- b. **Collector Street.** A street which carries traffic from local streets to arterials.
- c. **Cul-de-sac.** A minor street with only one outlet and having a turn-around.
- d. **Service Street.** Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.
- e. **Local Street.** A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- f. **Alley.** A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
- g. **Arterial Street.** A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

Street Width. The shortest distance between the lines delineating the right-of-way of a street.

Subdivider. A person who submits a plat for the purpose of land subdivision as defined herein. The subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

Subdivision. The separation of an area, parcel, or tract of land into two or more parcel, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other uses or any combination thereof.

Surveyor. The County Surveyor or Engineer or a land surveyor registered under Minnesota State Status.

Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above as identified by the Zoning Administrator. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

Top of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above as identified by the Zoning Administrator. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

Tracing. A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Variance. A modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposes upon him by this Ordinance. Economic considerations alone shall not constitute a hardship.

Watercourse. Any natural or artificial waterway, stream, river, creek, channel, or canal in which water flows in a definite direction or course, either continuously or intermittently.

Watershed. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

Wetland. Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface of the land or covered by shallow water.

Zoning Ordinance. A zoning ordinance or resolution controlling the use of land as adopted by the county.

SECTION 3. PLATS: SUBMISSION PROCEDURE AND DATA.

Before dividing any tract of land into two or more lots or parcels within Steele County, the following procedures shall be followed:

301 Pre-Application Meeting.

Prior to the preparation of a preliminary plat, it is recommended that the subdivider or owners meet with the County Planning Commission, the Zoning Administrator, township officials, city officials within two (2) miles and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general concept plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The concept plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

The subdivider and surveyor are urged to avail themselves of the advice and assistance of the County Planning Commission and county planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

302 Preliminary Plat.

1. Procedure:

- a. **Approval of the County Planning Commission:** The preliminary plat shall be submitted to the County Planning Commission at least ten (10) days prior to the Planning Commission meeting at which consideration is requested. The County Planning Commission shall hold a public hearing on said preliminary plat. Notice of public hearing shall be published in the official newspaper designated by the County Board 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. In unincorporated areas, property owners of record within one-half (1/2) mile of the property in question shall be notified in writing. Property owners of record in incorporated areas and living within 500 feet of the property in question shall also be notified in writing. Written notice shall be given to the affected township and any incorporated municipality within two (2) miles of the proposed subdivision. The

Planning Commission and County Board shall act on each plat submitted within sixty (60) days of submission; failure to act shall be deemed as approval.

- b. **Approval of the County Board:** After review of the preliminary plat by the Planning Commission, such preliminary plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board.

In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission and/or County Board.

2. Data Required:

The subdivider shall prepare and submit a preliminary plat as follows, together with any necessary supplementary information:

- a. **Application Fee** - The preliminary plat shall be accompanied by a 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 which may thereafter be submitted.
- b. **Filing** - A minimum of five (5) copies of a preliminary plat of any proposed subdivision shall be filed with the Planning Commission.
- c. **Contents** - The preliminary plat shall contain the following information:
- (1) Proposed name of subdivision shall not duplicate or too closely resemble names of existing subdivisions.
 - (2) Legal description of the parcel, name, address, and telephone and/or fax number of the land owner, subdivider and surveyor.
 - (3) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.
 - (4) Date and north arrow.
 - (5) Existing Conditions:
 - (a) Location, width, and name of each existing or platted street, road or other public way, railroad, the utility right-of-way, parks, conservation districts, wildlife, and other public open spaces, and permanent buildings, within or adjacent to the proposed subdivision.
 - (b) All existing sewers, water mains, gas mains, culverts, power or communication cables or other underground installations within the proposed subdivision or immediately adjacent thereto.
 - (c) Boundary lines and ownership of adjoining lands.
 - (6) Proposed Development:

- (a) The location, grade, and width of proposed streets, roads, alleys, pedestrian ways and provision for extending streets to serve adjacent areas.
- (b) The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines.
- (c) Layout, numbers and approximate dimensions of lots and square footage of each lot, the number of each block, and letters for each outlot. No lot or outlot shall be less than the minimum size requirements of the zoning ordinance.
- (d) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed or covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- (e) Building setback lines with dimensions.
- (f) Indication of any lots on which a use other than residential is proposed by the subdivider.
- (g) The zoning district on and adjacent to the tract.
- (h) Vicinity map, at a legible scale, to show the relationship to the plat to its surroundings.
- (i) Show adequate building site and feasibility of on lot soil absorption for sewage facilities on plats in the R-1 residents district.
- (j) Grading plans showing how the site will be graded and showing the final contours into the existing contours. The plans shall also include an erosion control plan.
- (k) Indication of any protective covenants on the proposed subdivision.

3. Supplementary Requirements:

Upon request of the Planning Commission and/or County Board, supplementary information shall be submitted.

a. **Additional Platting Data Required in Shoreland Areas.**

Land Suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government 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, near-shore aquatic conditions unsuitable for water-based recreation, 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.

Consistency with other controls. Subdivisions must conform to all official controls of this ordinance. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Steele County Sewage and Wastewater Treatment Ordinance can be provided for every lot.

Each lot shall meet the minimum lot size and dimensional requirements of the Steele County Zoning Ordinance, including at least a minimum contiguous undisturbed area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems.

Information requirements. Sufficient information must be submitted by the applicant for the Planning Commission and County Board to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
2. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.
3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods.
4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom and sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion both during and after construction.
5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data.
6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

303 Final Plat.

1. Procedure:

The final plat may be submitted for approval as follows:

- a. **Approval of the County Planning Commission:** The final plat shall be submitted to the County Planning Commission at least ten (10) days prior to a Planning Commission meeting at which consideration is requested. The Planning Commission and County Board shall act on each plat submitted within sixty (60) days of submission; failure to act shall be deemed as approval. In case the plat is disapproved, the subdivider shall be notified of the reason for such action.
- b. **Approval of the County Board:** After review of the final plat by the Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways, and parks, or other open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve

a plat shall be set forth in the proceedings of the County Board and reported to the subdivider applying for such approval.

2. Data Required:

The subdivider shall submit a final plat together with any necessary supplementary information.

- a. **Filing** - A minimum of five (5) copies of a final plat shall be filed with the Planning Commission.
- b. **Contents** - The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and as required below:
 - (1) Proposed name of subdivision shall not duplicate or too closely resemble names of existing subdivisions.
 - (2) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in seventy-five hundred (7,500) feet.
 - (3) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments in true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of each lot of every block or portion of a block, points of curvature and points of tangency or road lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade.

In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, or bearings and distances. Permanent Steele County Land Corner Cast Iron Monuments shall be placed at all section and quarter section points and meander and witness points within the subdivision or on its perimeter.
 - (4) Location of lots, streets, roads, highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii, delta angle and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown dimensions shall be shown from all angle points of curve to lot lines.
 - (5) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block.
 - (6) The exact locations and widths of all roads to be dedicated.
 - (7) Location and width of all easements to be dedicated. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
 - (8) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north arrow.
- c. **Filing Fee:**

The final plat shall be accompanied by a recording fee as established by Minnesota State Statute 357.18.

SECTION 4. SUBDIVISION DESIGN STANDARDS.

401 Street and Thoroughfares.

The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining undivided area may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

- (1) **Street Width and Grade** - Street right-of-way widths shall be determined in the comprehensive plan and official map and, where applicable, shall conform to county and state standards for trunk highways. If there is no such plan or standard, right-of-way widths shall be determined by the engineer.
- (2) **Street Intersections** - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.
- (3) **Tangents** - A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- (4) **Deflections** - When connecting street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, one hundred (100) feet for all other streets. The Planning Commission may allow greater or lesser sight distances at the recommendation of the engineer.
- (5) **Street Jogs** - Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- (6) **Local Streets** - Minor streets shall be laid out so that their use by through traffic is discouraged.
- (7) **Cul-de-sac** - The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.
- (8) **Street Surfacing** - Street surfacing by the developer shall be reviewed and approved by the County Engineer.
- (9) **Access to Arterial Streets** - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and established crossroads where possible.
- (10) **Local Service Drives** - Where a proposed plat is adjacent to a major thoroughfare, the County Board may require the developer to provide a marginal access street along the right-of-way of such facilities or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.

- (11) **Street Names** - Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. All other streets shall be named in accordance with the county's adopted naming system.
- (12) **Turn Lanes** - Turn lanes shall be in accordance with Steele County's policy on turn lanes, as adopted September 12, 1995 or in accordance with the most recent amendment.
- (13) **Half Streets** - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.
- (14) **Hardship to Owners of Adjoining Property** - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

402 Blocks.

The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1,300 feet or shorter than 300 feet only if the Zoning Administrator and County Engineer agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles. Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks, and other destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

403 Lots.

- (1) **Size** - The lot dimensions shall be such as to comply with the minimum lot areas specified in the zoning ordinance.
- (2) **Side lot lines** - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
- (3) **Lots** - Shall be graded so as to provide drainage away from building locations.
- (4) **Natural Features** - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, watercourses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety, and stability to the proposed development.
- (5) **Lot Remnants** - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
- (6) **Double Frontage Lots** - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.
- (7) On large lots (1 acre or more), buildings, septic tanks, and drainfields shall be located in such a way as to allow future subdivision of the land.

404 Sewage Disposal.

The applicant must provide information explaining why extensions and connections to municipal services is not practical or possible. If municipal services become available, such subdivision shall be required to connect to the municipal services. Where lots can not be connected with a public sewage system, provisions must be made for sanitary sewage facilities, consisting of a central plant or individual disposal devices for each lot. The size and relative location of on-site sewage systems shall be governed by Minnesota Pollution Control Agency's "Individual Sewage Treatment Systems Standards" Chapter 7080 and the Steele County Sewage and Wastewater Ordinance and any other applicable regulations.

405 Tree Removal and Conservation of Vegetation.

All subdivisions shall be planned, designed, constructed, and maintained so that:

- (1) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
- (2) Existing native vegetation is not disturbed, injured, or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
- (3) Following construction, vegetation suitable to the site shall be planted. All tree planting plans shall be reviewed by the SCS (Soil Conservation Service) and approved by the County Board.

406 Erosion and Sediment Control.

The following guidelines shall be applied in the subdivision and construction of land areas:

- (1) Grading plans shall incorporate erosion and sediment control plans. These plans shall be approved by the county prior to the start of any grading or excavating activities.
- (2) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (3) Development activities shall be conducted and staged to minimize soil erosion; the smallest practical increment of land shall be developed at any one time and that increment shall be subjected to erosion for the shortest practical period of time, not to exceed a single construction season.
- (4) Sufficient control measures and retention facilities shall be put in place prior to commencement of each development increment to limit soil loss from the development site.
- (5) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the development area. The soil shall be restored to a depth of six (6) inches and shall be of a quality at least to the soil quality prior to development.
- (6) During construction, wetlands and other water bodies shall not be used as sediment traps.

407 Drainage.

The natural drainage system shall used as far as is feasible for the storage and flow of runoff.

The following requirements shall also apply:

- (1) Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.
- (2) No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, or rerouted without written permission from the Steele County Board.
- (3) Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainways may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.
- (4) The drainage system shall be constructed and operational as quickly as possible during and after construction.

408 Easements.

All easements shall be dedicated by appropriate language on the plat as required by MSA 505.02, Subsection 2.

- (1) **Provided for Utilities** - Easements at least twelve (12) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.
- (2) **Drainage** - Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff from a ten (10) year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

All easements required for public purposes shall be provided at locations approved by the governing body. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plans.

Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

409 Steep Slopes.

Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that no construction or grading will be conducted on slopes steeper than 18% in grade unless it can be demonstrated through satisfactory design that the area can be built upon without problems with soil erosion or danger from slides.

410 Density Credit

In order to protect environmentally sensitive areas such as wetlands, marshes, steep slopes, woodlands, a density credit system may be allowed for residential developments allowing smaller lot sizes than that normally allowed in the district on the developable land in return for leaving the environmentally sensitive areas open, provided that MPCA and Steele County Sanitary Ordinance standards for private sewer systems can be met. However, the overall density standards of the district cannot be exceeded.

411 Public Land Dedication

- (1) **Dedication of Land.** In all new subdivisions where the County and the Township agree that common land is needed or would be an asset for the subdivision, the subdivider shall be required to dedicate parks, playgrounds, or common open space a suitable tract of land in general containing at least ten (10) percent of the residential area within the boundaries of the subdivision, which land shall be in excess of any land dedicated for streets and roadways or for drainage or similar uses. Land shall not be dedicated as parks, playgrounds, or common open space until such lands have been approved by the Township for the purpose to which they are to be dedicated. The land shall be without restrictions or reservations and shall be transferred by deed to the Township. The subdivider shall leave such dedicated land in a condition suitable to the County Board. The location, type, and use of the land shall comply with the comprehensive plan.
- (2) **Payment in Lieu of Dedication.** In all other new subdivisions, as defined in the ordinance, the subdivider shall be required to pay, in lieu of land dedication, a fee per lot for maintenance and development of parks. Said fee per lot shall be set by the County Board.

SECTION 5. IMPROVEMENTS REQUIRED.

501 Improvements Listed and Described.

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- (1) **Monuments** - Monuments of a permanent character, as required by Section 505.02, M.S.A., shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.
- (2) **Streets** - All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with design standards specified by the County.

Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future date.
- (3) **Paving** - The County Board may require that all streets be improved with a concrete or bituminous surface. Paving shall be required if central sewer and/or water services are provided. If central sewer and/or water services will not be provided for at least ten (10) years, paving may be required. If central sewer and/or water services are to be provided within ten (10) years, paving may not be required until after the central sewer and/or water services are installed. The County may require a cash deposit to be used for paving the streets after central sewer and water services are provided. Streets to be paved shall be surfaced for five-ton axle weight capacity.
- (4) **Concrete Curb and Gutter** - Concrete curb and gutter may be required for all paved streets. Designs shall conform the standards found in the State of Minnesota Department of Transportation, Standard Plates Manual.
- (5) **Sidewalks** - Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.

- (6) **Water Supply** - Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

Where a municipal connection is determined to be unfeasible, the subdivider shall install a system providing each lot with an adequate supply of potable water.

- (7) **Street Lighting** - Street lighting of a type approved by the county may be required at all intersections within the subdivision.
- (8) **Drainage** - A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches may be seeded to prevent erosion.
- (9) **Public Utilities** - All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles. When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing.

SECTION 6. PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

601 General.

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be paid for by the subdivider provided, however, that in the case of an improvement, the cost of which would be by general policy of the County Board to be assessed only in part to the improved property and the remaining cost to be paid out of general tax levy, the County Board may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the public. If an improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the County Board may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same; and in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

602 Required Agreement Providing for Proper Installation of Improvements.

Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct said improvements at his sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board which shall include provisions for supervision of details of construction by the County Engineer and grant to the Engineer the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the County in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in 603 as follows.

The amount of the deposit and the penal amount of the bond shall be one and one-half times (1-1/2) the estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County. The time for completion of work and the several parts thereof shall be determined by the County Board upon recommendation of the County Engineer after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

603 Deferral or Waiver of Required Improvements

The County Board may defer or waive at the time of final plat approval subject to appropriate conditions, the provision of any or all such improvements that, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy of lack of connecting facilities.

Whenever it is deemed necessary by the County Board to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the cost of the future improvements to the County prior to signing of the final subdivision plat, or the applicant may post a financial guarantee ensuring completion of said improvements upon demand of the County.

604 Financial Guarantee.

The contract, provided by 602 above, shall require the subdivider to make an escrow deposit or in lieu thereof furnish the performance bond as follows:

- (1) **Escrow Deposit** - An escrow deposit equal to one and one-half (1-1/2) times the total cost of the improvements shall be made with the County, including cost of inspection by the County of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the final plat; but the County shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the County for completion of the work in case of default of the subdivider under said contract and for any damages sustained by the County on account of any breach thereof. Upon completion of the work and termination of any liabilities to the County or the subdivider under said contract, the balance remaining of said deposit shall be furnished to the subdivider.
- (2) **Performance Bond** - In lieu of making an escrow deposit above described, the subdivider may furnish the County with a public contract of performance bond equal to one and one-half (1-1/2) times the cost of the improvements, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the County Engineer, including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The bond shall be approved by the County Attorney and filed with the County Recorder.

605 Construction Plans.

Construction plans for the required improvements conforming in all respects to the standards of the County and the applicable ordinances, shall be prepared at the subdivider's expense by a Professional Engineer who is registered in the State of Minnesota; and said plans shall contain his seal. Such plans, together with the quantity of construction items, shall be submitted to the County Engineer for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in section 6 subdivision 2. The tracings of the plans approved by the County, plus two prints, shall be furnished to the County to be filed by the County.

SECTION 7. MODIFICATIONS, EXCEPTIONS, AND VARIANCES.

701 Variances.

The Board of Adjustments may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted

without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons why justify the modifications. The Board of Adjustments may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Ordinance.

702 Applicability.

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

SECTION 8. LAND DIVISION.

801 General.

In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the County Zoning Administrator who shall submit copies of such division to the County Engineer.

No building permit shall be issued until said description has been received by the Zoning Administrator.

802 Small Subdivision.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the County Board, following consideration of the Planning Commission shall have the power to vary the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done.

In particular, for small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following consideration by the Planning Commission, so determines, and following compliance with procedures as follows:

(1) Parcel Split for Single family residence

a. **Procedure for requesting a parcel split.** An application for a parcel split shall be filed with the Planning and Zoning Department. The application shall be accompanied by plans showing such information as the Department may require for propose of this Ordinance. The plans shall contain sufficient information for the Department to determine whether the proposed parcel spit will meet all applicable standards if the parcel split is granted. The application shall include the following:

1. Name, address, and telephone and/or fax number of the applicant and property owner.
2. Legal description of the parcel involved in the request for the parcel split.

3. A site plan showing all pertinent dimensions, buildings, structures and significant natural features having an influence on the parcel split.

4. Any other information the Department deems necessary.

b. The Steele County Planning and Zoning Department or the Zoning Administrator or designee shall have the authority to review a parcel spit within ten (10) working days which may be extended an additional ten (10) working days upon good cause.

c. Any aggrieved person may appeal the approval or denial of a parcel split within five (5) days after receipt of the decision by filling an appeal with the County Coordinator for a determination by the County Board.

d. No application for a parcel split which has been denied shall be resubmitted for a period of six (6) months from the date of said denial, except on the grounds of new evidence of proof of change on conditions found to be valid.

e. A violation of any condition set forth in granting a parcel of split shall be a separate violation of this Ordinance and may result in revocation of a permit granted on the basis of the parcel split.

- (2) **Creation of 3 to 5 Lots** - When any parcel of land is divided to result in from three (3) to not more than five (5) lots, submission requirements such as soil tests and topography information shall be as required by the Planning Commission. Transfer of title or the process of subdivision may be by filing of a final plat or registered land survey. Additional information may, however, be required by the Planning Commission, or County Board following review of the preliminary plat. The County Board may require the filing of a final plat in lieu of a registered land survey.

SECTION 9. REGISTERED LAND SURVEYS.

901 Registered Land Surveys.

The conveyance of parcels of land less than 40 acres shall be by platting or a boundary survey by a registered land surveyor, unless such conveyance is of property which was a lot of record before this amendment was adopted.

SECTION 10. VIOLATIONS AND PENALTY.

Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than seven hundred dollars (\$700) for each offense or imprisoned for not more than ninety (90) days, or both. Each day during which compliance is delayed shall constitute a separate offense.

SECTION 11. EXISTING CODES.

The provisions of this Subdivision Ordinance are in addition to and not in replacement of the provisions of the Steele County Zoning Ordinance, Floodplain Ordinance, and Wastewater Ordinance. Any provisions of the Zoning Ordinance relating to platting shall remain in full force and effect except as they may be contradictory to the provisions of this Subdivision Ordinance.

SECTION 12. REPEAL OF CONFLICTING ORDINANCE.

All other Subdivision Ordinances or parts thereof, in force at the time of this Ordinance takes effect and inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall be in force and effect from and after its adoption and publication according to law.