

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## **SECTION I. SHORT TITLE**

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## **SECTION II. PURPOSE AND INTERPRETATION**

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## **SECTION III. RULES AND DEFINITIONS**

### **A. Statutory Authorization and Rules**

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### **B. Definitions**

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.



## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost

of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.



## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention



The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

## **J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;



3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the



jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.



22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost



of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**



Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

## **J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.



## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time



is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505)~~.

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant



in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost



of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## **SECTION V. GENERAL REQUIREMENTS**

### **A. Conformity to Official Map and Comprehensive Plan**

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### **B. Delayed Approval of Subdivisions**

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### **C. Conformity to Zoning Ordinance**

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### **D. Character of the Land**

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### **E. Established Monuments**

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### **F. Preservation of Natural Features**

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### **G. Erosion Prevention**

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

**J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable



difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.



## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both~~ as allowed by law. Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. ~~The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

1. ~~Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
2. ~~Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
3. ~~After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
4. ~~The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:



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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into



consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost

of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

## **J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.



## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_



Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners



## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.



## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost

of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.



## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention



The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

## **J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;



3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the



jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.



22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost



of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**



Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## **SECTION V. GENERAL REQUIREMENTS**

### **A. Conformity to Official Map and Comprehensive Plan**

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### **B. Delayed Approval of Subdivisions**

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### **C. Conformity to Zoning Ordinance**

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### **D. Character of the Land**

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### **E. Established Monuments**

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### **F. Preservation of Natural Features**

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### **G. Erosion Prevention**

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

**J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.



## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time



is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. **Building Setback Line:** A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. **Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. **County Board:** The Stevens County Board of Commissioners.
10. **County Surveyor:** The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. **Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. **Engineer:** The Stevens County Engineer.
13. **Final Plat:** A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. **Licensed Engineer:** A person licensed as a professional engineer by the State of Minnesota.
15. **Lot:** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. **Lot, Corner:** A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. **Lot, Interior:** A lot other than a corner lot.
18. **Lot, Through:** Any lot other than a corner lot which abuts more than one street.
19. **Lot Area:** The lot area is the land within the lot lines.
20. **Lot Depth:** The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. **Lot Lines:** The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant



in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost



of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

## **J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable



difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.



## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners

## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:



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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. **Building Setback Line:** A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. **Comprehensive Plan:** Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. **County Board:** The Stevens County Board of Commissioners.
10. **County Surveyor:** The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. **Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. **Engineer:** The Stevens County Engineer.
13. **Final Plat:** A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. **Licensed Engineer:** A person licensed as a professional engineer by the State of Minnesota.
15. **Lot:** A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. **Lot, Corner:** A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. **Lot, Interior:** A lot other than a corner lot.
18. **Lot, Through:** Any lot other than a corner lot which abuts more than one street.
19. **Lot Area:** The lot area is the land within the lot lines.
20. **Lot Depth:** The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. **Lot Lines:** The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.

## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into



consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost

of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.

## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

**J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.



## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed.~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;

3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_



Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the

jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

~~The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

- ~~1. Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
- ~~2. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
- ~~3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
- ~~4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners



## **STEVENS COUNTY SUBDIVISION ORDINANCE**

## **PREAMBLE**

### **SUBDIVISION ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN STEVENS COUNTY AND LYING OUTSIDE THE 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 AND RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## SECTION I. SHORT TITLE

This Ordinance shall be known, cited, and referred to as the Stevens County Subdivision Ordinance, except as referred to herein, where it shall be known as "this Ordinance".

## SECTION II. PURPOSE AND INTERPRETATION

Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions can bring about a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome environment, adequate services, and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Stevens County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

## SECTION III. RULES AND DEFINITIONS

### A. Statutory Authorization and Rules

This ordinance is adopted pursuant to the authority contained in Chapters 462, 505, 515, 515A, and 515B of the Minnesota Statutes, or successor statutes. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions ~~(Chapter 505).~~

### B. Definitions

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.

1. Administrator: See Zoning Administrator.
2. Alley: A public right-of-way which affords a secondary means of access to abutting property.
3. Attorney: The Stevens County Attorney.
4. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
5. Boulevards: That portion of a street right-of-way between the curb (or curb line) and property line.
6. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party

walls without openings, such portion of such building so separated shall be deemed a separated building.

7. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street, or highway right-of-way line defining a portion of the lot between said right-of-way line and said setback line on which buildings or structures may not be placed.
8. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and county facilities prepared by Nason, Wehrman, Knight, and Chapman in 1969.
9. County Board: The Stevens County Board of Commissioners.
10. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
11. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
12. Engineer: The Stevens County Engineer.
13. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Stevens County Recorder.
14. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
15. Lot: A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as required by this Ordinance, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.
16. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
17. Lot, Interior: A lot other than a corner lot.
18. Lot, Through: Any lot other than a corner lot which abuts more than one street.
19. Lot Area: The lot area is the land within the lot lines.
20. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
21. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.

22. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
23. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
24. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
25. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Stevens County Recorder prior to the adoption of this Ordinance.
26. Lot Width: The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
27. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
28. Owner: Any individual, firm, association, syndicate, co-partnership, 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.
29. Persons: Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
30. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, ie. the Stevens County Planning Commission.
31. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
32. Public Land: Land owned and/or operated by a governmental unit.
33. Publication: An official notice as prescribed by State Statutes.
34. Shall: Means mandatory.
35. Standards and specifications for Improvements: The standards and specifications for construction or required improvements in new subdivisions.
36. Street: A public right-of-way which affords a primary means of access to abutting property.
37. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
38. Street, Local: A street intended to serve primarily as an access to abutting properties.
39. Street, Private: A street which is not dedicated to the community for public use.

40. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
41. Street, Half: A street designed to provide access to only one side of the right-of-way.
42. Street Pavement: The wearing surface of a street.
43. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
44. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
45. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
46. Subdivision, Minor: A subdivision that is intended to be reviewed administratively without need for a public hearing or approval by the County Board.
- 46.47. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- 47.48. Used For: to include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- 48.49. Zoning Administrator: The duly appointed Stevens County Zoning Administrator.
- 49.50. Zoning District: An area as prescribed by the Stevens County Zoning Ordinance.



## SECTION IV. PLATTING PROCEDURES

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

### A. Minor Subdivision

The purpose of a minor subdivision is to allow for simple subdivisions of land that may be approved administratively and do not require a public hearing. The Stevens County Zoning Administrator is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements. The provisions of this section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid the standard platting requirements. A minor subdivision shall be allowed at the discretion of the Administrator but generally may be utilized if all of the following conditions are met:

1. The division of property must include the entire property, including remainder parcels within the same Government Lot or Quarter-Quarter section;
2. The division of property must not result in more than six (6) parcels or lots being created (including any remnant property). Any re-subdivision of lands that occur within a three (3) year time frame shall be considered one subdivision for the purposes of the six-parcel limitation;
3. The division(s) must meet all applicable requirements of the Stevens County Zoning Ordinance, including minimum lot dimensions, and requirement for minimum buildable area, and must be suitable for its intended use;
4. The division(s) must not involve or require the dedication of any interests to the public such as easements or roads, except where specifically exempted under this Ordinance;
5. All parcels created by the division or reconfiguration of land shall have adequate access to an existing public road right-of-way or public road easement that has been accepted by the County or relevant township(s) by plat, resolution, or maintenance, except where landlocked parcels are combined by a deed restriction, administrative order, or other legal document recorded with the County Recorder's office. For the purposes of this requirement, adequate access shall mean a minimum 33-foot wide permanent ingress/egress easement if the lot it provides access to is up to two times the minimum lot size for the relevant zoning district. Where the proposed lot size exceeds two times the minimum lot size, access shall mean that the proposed parcel contains at least 66-feet of public road frontage leading to the lot's buildable area;
6. In the case of divisions intended to adjust existing lot lines or to attach divided parcels to adjacent parcels such that no net increase in the number of parcels or lots is achieved, no non-conforming parcel may be created or left over except by variance or with the recording of a deed restriction, administrative order or other legal document restricting the use of such parcel;
7. The Minor Subdivision, if approved, shall be documented by an approved and recordable plat meeting the requirements of Minnesota Statutes 505, except that the Administrator may allow for the following alternative means of description subject to the standards listed:

- a. Metes and Bounds Description Only: A metes and bounds description (without a site plan/ sketch plan or Certificate of Survey) may be allowed for any division resulting in no more than two parcels or lots (including any remnants from the parent parcel) which can be described in halves or quarters of a section, down to a quarter quarter quarter section (approximately 10 acres). No more than one (1) metes and bounds description may be allowed on the original parent parcel within a three (3) year timeframe.
  - b. Scaled Site Plan/Sketch: A metes and bounds description with a scaled site plan/sketch prepared by a licensed land surveyor may be allowed for any resulting lot or parcel not subject to 7a. immediately above and which is at least 5 acres in size and at least 300 feet in width, except that divisions involving existing farmsteads located long distances from public roads may be allowed provided the lot width fronting the road and leading to the farmstead is no less than 33 feet in width and the lot dimensions excluding the access strip meets the 5 acre/300 ft width requirement. Monuments reflecting corners and points of inflection need not be placed in the ground by a licensed land surveyor;
  - c. Certificate of Survey: A metes and bounds description with a Certificate of Survey may be allowed for divisions that cannot be described in halves or quarters of a section, down to a quarter quarter quarter section involving lots less than 5 acres in size OR less than 300 feet in width provided monuments are placed by a licensed land surveyor at corners and significant points of inflection as deemed appropriate by the Administrator;
8. The subdivider may, at any point, opt out of the minor subdivision process and apply instead for a standard subdivision under the terms and procedures of this ordinance.

## **B. Preliminary Plat**

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the Subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next available meeting of the County Planning Commission as a public hearing. The required publication shall be made and notices shall be sent to the subdivider, all property owners of record within five hundred (500) feet of the affected property in incorporated areas (cities), and/or in unincorporated areas (townships), all owners or record within one-half (1/2) mile of the affected property. (5/2/93)
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as required by law or as the County Board desires to have an opinion on the proposal.
4. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
5. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration. The Planning Commission shall study the practicability of the Preliminary Plat taking into

consideration the requirements of Stevens County and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.

6. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve or disapprove, the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
7. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
8. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

## **B. Final Plat**

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary plat, file with the ~~Planning Commission~~Zoning Administrator ~~10 copies a PDF or equally accessible electronic copy~~ of the Final Plat; the Preliminary Plat and Final Plat will be considered void more than 6 months passed the approval date of the Preliminary Plat unless an extension is requested in writing by the subdivider and for good cause granted by ~~the Planning Commission and~~ the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV ~~F~~ of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this Section shall be forwarded to the ~~Planning Commission~~Zoning Administrator, who shall place them on agenda of the next available County Board meeting for their consideration.
6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV ~~C~~ of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the ~~Chairman of the Planning Commission and the~~ appropriate officials of the County as required by Minnesota Statutes or this Ordinance and may be filed by the applicant

in the Stevens County Recorder's Office. Two mylar copies of the final plat shall be submitted to the County – one for recording and the other to the Zoning Administrator. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.

8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the record.

#### **C. Required Improvements**

Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

#### **D. Payment for Improvements**

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, 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 portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

#### **E. Construction Plans**

1. If so ordered, construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction material shall be submitted to the County Engineer for his estimate of the total cost

of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by Section IV F of this Ordinance. The ~~tracings of the~~ plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of ~~gas and electric facilities~~utilities shall be submitted to the County Engineer and Zoning Administrator upon the submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat, unless otherwise determined by the County. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

#### **F. Contract for Installation of Improvements**

Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

#### **G. Financial Guarantee**

1. At the option of the County Board, the Board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
  - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The County shall be entitled to reimbursement from said deposit for cost and expense incurred by the County for the inspection of the construction and for the completion or work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
  - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County

Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

#### **H. Completed Improvements**

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

#### **I. Inspection of Improvements**

At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection(s) to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

#### **J. Modification of the Design of Improvements**

If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferably to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

#### **K. Proper Installation of Improvements**

If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

#### **L. Public Acceptance of Recreation Areas**

Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

**M. Public Acceptance of Streets**

The approval of the Planning Commission of a Final Plat shall not be deemed to constitute or be evidence of any acceptance by any municipality, town, county, or the state of any street, easement, or other right-of-way shown on such Final Plat.



## SECTION V. GENERAL REQUIREMENTS

### A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to ~~the any adopted~~ Official Map adopted by Stevens County and be in harmony with the Comprehensive Plan.

### B. Delayed Approval of Subdivisions

Where a proposed park, playground, school site or other public site as shown on the Official Map and/or Comprehensive Plan is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

### C. Conformity to Zoning Ordinance

All subdivisions shall conform to the Stevens County Zoning Ordinance and Zoning Map.

### D. Character of the Land

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.

### E. Established Monuments

All international, federal, state, county and other official monuments, bench-marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and quarter-quarter section corner monuments shall be completely and adequately described on the Final Plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

### F. Preservation of Natural Features

The Planning Commission may establish for preservation the natural features which add value to a development and to the County such as trees, groves, water courses and falls, wetlands, beaches, historic spotssites, vistas, and similar irreplaceable assets.

### G. Erosion Prevention



The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

#### **H. Requirements for Subdivisions ~~in Shoreland Zoned Areas~~**

- a. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 18.B of the County Zoning Ordinance, 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 community.
- b. **Consistency with other controls.** Subdivision must conform to all official controls of this community. 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 Subsections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subsection 5.1, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **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.
- d. **Platting.** All subdivisions ~~in shoreland areas~~ that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision. ~~(Amended 6/18/07)~~

#### **I. Environmental Review Procedures**

- a. **Purpose.** Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.
- b. **When Required.** The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the

subdivision by the County. (Contact the Zoning Administrator for more information on these procedures.)

- c. Costs Incurred.** In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the County may require the applicant to pay a fee equal to the actual cost incurred by the County, including the cost of County staff time including direct salary and fringe benefit costs, the cost of consultant or other professional fees incurred in completing any portion of the review process, the cost of printing and distributing documents, the cost of any public hearings or public meetings held in conjunction with the application, and other direct costs of the County in the review process. The County shall provide the applicant with an itemized listing of the costs incurred if requested by the applicant within 30 calendar days of the date of the billing.

**J. Registered (Torrens) Land Survey Procedures**

- a.** It is the intention of this Ordinance that all registered land surveys in the County shall be presented in the form of a standard plat in accordance with the standards set forth in this Ordinance, the Zoning Ordinance, and all other applicable requirements and that the County shall approve the arrangement, sizes, and relationships of the proposed tracts in such a registered land survey before the document is recorded. Unless such an approval has been obtained, no construction or placement of structures or other improvements shall take place on tracts which have been so subdivided by registered land surveys. Further, the County may refuse to improve, repair, or maintain any tracts to be used as streets or roads.

## SECTION VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All Plats shall conform to the following standards:

### A. Conformity to the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

### B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets: Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

### C. Streets

1. Widths: All right-of-way widths and road widths shall conform to the following minimum dimensions, the standards as established by the Stevens County Engineer, or as otherwise approved by the County. The County may require greater widths when deemed necessary.
  - a. Local street (urban section) - ~~70-66~~ foot right-of-way width, 36 foot road width.
  - b. Local street (rural section) - ~~70-66~~ foot right-of-way width, 28 foot road width.
  - c. Cul-de-Sacs - 80 foot right-of-way radius, 65 foot road radius.
2. Grades: All centerline gradients shall be at least 0.3 percent and shall not exceed 8 percent.
3. Local Streets: Local streets shall be so aligned that their use by through traffic will be discouraged.
4. Cul-de-Sacs: The maximum length of cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to the end of right-of-way, unless the County finds that topographic or other considerations necessitate greater length.
5. Service Streets (Roads): Where a subdivision abuts or contains an existing or planned major traffic-carrying thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such

right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts or for commercial purposes in the appropriate district. Such distances shall also be determined with regard for the requirements of approach grades and future grade separation.

6. Half Streets: Half streets shall be prohibited.
7. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts and approved planned unit development.
8. Hardship to Owners of Adjoining Property Avoided: The street arrangement shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **D. Intersections**

1. Angle of Intersection: The angle formed by the intersection of two streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.
3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Corners at the entrances to the turn around portion of cul-de-sacs shall be rounded by a radius of not less than 20 feet.

#### **E. Trees**

Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line. Any tree branches which hang over the road right-of-way are subject to damage or removal due to right-of-way maintenance or other permitted activities within the right-of-way, for which the County shall not be held liable.

#### **F. Street Names and Signs**

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of a proposed street duplicate existing street names, including phonetic similarities. Street name signs shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs. Stop and/or Yield signs shall be placed at all streets intersecting with highways, arterial streets and collector streets, and as determined by the Stevens County Engineer or appropriate road authority.

#### **G. Lots**

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel, local residential streets shall be avoided. The lot arrangement shall be such that there will be no foreseeable

difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

2. Size and Dimension: Minimum lot areas and ~~lateral~~ dimensions shall be as set forth in the Stevens County Zoning Ordinance. Land below the ordinary high water level (OHWL) of a lake or stream classified in Sections 4.12 or 4.13 of the Stevens County Zoning Ordinance shall not be included within minimum lot area calculations of any lot in a subdivision.
  - a. Reduced Lot Widths. To allow reasonable flexibility in the design of lots within a subdivision, lot widths may be reduced at either a front or rear lot line (but not both) when approved by the County and provided that the number of lots created via this flexibility does not result in a net increase in the number of lots beyond what would have been otherwise allowed. ~~the total number of lots in a subdivision does not exceed the total linear road feet serving the subdivision divided by the minimum lot width of the district where the subdivision is located. Lots designed and approved to be served by existing roads shall be calculated separately from lots to be served by newly constructed roads.~~
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.
6. Access: All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance or as otherwise approved by the County in a subdivision review.
7. Double Frontage Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

## **H. Monuments**

Monuments shall be placed in locations on the boundary of the subdivision and within it as required by Chapter 505 of the Minnesota Statutes, except that delayed monumentation shall not be approved. Durable monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Monuments shall be placed at all quarter section and quarter corners within the subdivision or on its perimeter.

**I. Sewage Disposal**

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system. For all lots created after January 23, 1996 that are to be served with a private on-site system, there shall be a minimum of two soil treatment and dispersal areas that support systems as described in MN Rules parts 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

**J. Water Supply**

Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.

**K. Drainage**

The design of each subdivision shall make adequate provision for storm and flood water runoff channels or basins.

**L. Easements**

The County, when determined necessary or appropriate, may require that the subdivider provide permanent or temporary easements for the purpose of drainage, stormwater retention and/or treatment, public or private utilities, sidewalks, trails, vehicle turn-around areas or other purposes as determined appropriate and in the interest of public safety and the general welfare.

**M. Non-Residential Subdivisions**

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the County that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
3. Special requirements may be imposed by the County with respect to street, curb, gutter, and sidewalk design and construction.
4. Special requirements may be imposed by the County with respect to the installation of public utilities, including water, sewer, and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing upon existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

## **SECTION VII. PARKS, OPEN SPACE, AND NATURAL FEATURES**

### **A. Existing or Proposed Areas**

Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or County by the subdivider if the governing body approves such dedication.

### **B. Proposed Subdivision Areas**

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the County may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision to the County Board, to be used for park acquisition or development in accordance with Minnesota Statutes 394.25, subdivision 7, or successor statutes as seen fit by said Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other public use lands in the total subdivision except streets, alleys, or easements other than those leading directly to such sites shall be dedicated at the time the first addition is platted.

## SECTION VIII. DOCUMENTS TO BE FILED

### A. Preliminary Plat

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
  - a. Proposed name of subdivision
  - b. Location by section, township, range or by other legal description.
  - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
  - d. Graphic scale.
  - e. North point.
  - f. Date of preparation.
  - g. General location map.
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
  - a. Boundary line of proposed subdivision, clearly indicated.
  - b. Total approximate acreage.
  - c. Platted streets, railroad right-of-way and utility easements.
  - d. Boundary lines and ownership of adjoining unsubdivided land.
  - e. Sewers, water mains, culverts, or other underground facilities.
  - f. Existing permanent buildings and structures.
  - g. Topographic contours, showing limiting site characteristics such as water courses, lakes, marsh areas, at ten-foot intervals or less from United States Geological Survey maps or more accurate sources topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
  - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.
  - i. For subdivisions involving shoreland-zoned areas:
    1. 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;
    2. adequate soils information to determine suitability for buildings 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;



3. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - d. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - e. a line or contour representing the ordinary high water level, the Atoc@ and the Atop@of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Amended 6/18/07)
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

## **B. Final Plat**

Shall contain the following information and/or items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat.
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required by the Stevens County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angels and curvatures used to describe boundaries, streets, easements, and other important features.
8. Plans for water supply, sewage disposal, drainage, and flood control.\*\*
9. Soil Borings.\*\*
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

\*\* Provide as attachments to the Final Plat, if required by the County Board or Planning Commission

13. Examples of signature block:

a. Form for approval by the Planning Commission:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

b. Form for approval by the County Board:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Chairman

Signed \_\_\_\_\_ Secretary

c. For acceptance by owner(s)

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Signed \_\_\_\_\_ Owner (co-owner)

Signed \_\_\_\_\_ (co-owner)

d. Form for acceptance by mortgage holder(s):

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Mortgage  
Holder

e. Form for acceptance by registered land surveyor:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ Registered  
Land Surveyor

f. Form for acceptance by County Recorder:

This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_ County  
Recorder

14. Supplemental Document Required (At the discretion of the County Board or  
Planning Commission):

- a. An Attorney's opinion of title showing title or control of the property to be subdivided.

## SECTION IX. ADMINISTRATION AND ENFORCEMENT

### A. Responsible Officials

It shall be the duty of the Stevens County Zoning Administrator, acting on behalf of the Stevens County Board of Commissioners, to see that the provisions of this Ordinance are properly enforced.

### B. Jurisdiction and Interpretation

The regulations herein governing plats and the subdivision of land shall apply to all the areas of Stevens County lying outside the corporate limits of municipalities, unless otherwise provided herein. Any subdivision of land within Stevens County subject to this ordinance that is filed for recording must first be prepared, reviewed, and approved in accordance with the provisions of this Ordinance.

Exceptions: This ordinance shall not apply to the following:

1. Subdivisions creating or rearranging lots within a cemetery in accordance with MN Statutes 306, 307 or other applicable state law (subdivision of a parcel to create the external boundaries of a cemetery is not excepted from the provisions of this ordinance);
- 1.2. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements; or
3. Subdivisions resulting from court orders.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the County to promote the purposes for which they are adopted.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

### C. Building Permits and Public Improvements

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all

requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the Final Plat is granted and same has been duly recorded in the office of the Stevens County Recorder.

#### **D. Appeals**

Any person or persons, corporation, or public officer aggrieved by any order, requirement, decision, or determination made by the Stevens County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Stevens County Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision.

The decision of the Stevens County Board of Adjustment shall be subject to appeal to the District Court in Stevens County as provided by law. The Stevens County Board of Adjustment shall function in compliance with State Law.

#### **E. Amendment**

This Ordinance may be amended whenever the public necessity, convenience, and the general welfare warrant such amendment. Proceedings for an amendment shall be initiated by:

1. A petition of the owner or owners of property within Stevens County;
2. A recommendation of the Planning Commission; or
3. Action of the County Board.

Upon receipt, in proper form, of the application and other requested material, the Planning Commission shall conduct a public hearing in a location to be prescribed by the Planning Commission. Notice of the time and place of such public hearing shall be given pursuant to Chapter 394.26 of the Minnesota Statutes, or successor statute.

Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board. Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.

After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.

The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

#### **F. Violation, a Misdemeanor**

It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the County Board any violations of these regulations.

Any violation of this Ordinance shall constitute a misdemeanor punishable ~~by imprisonment for not more than 90 days or a fine of not more than \$300 or both as allowed by law.~~ Time

is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such actions.

Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION X. MISCELLANEOUS

### A. Variances

1. Where the Stevens County ~~Board of Commissioners and the Planning Commission~~Board of Adjustment finds that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the ~~County Board and Planning Commission~~Board of Adjustment finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may recommend to the County Board waiver of such requirements subject to appropriate conditions and the County Board shall determine whether such variance shall be granted.
3. ~~Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.~~Procedure.
  - a. The applicant for a variance shall file an application in writing in the office of the Zoning Administrator on an application form provided by the Zoning Administrator and pay a fee as listed in the County Fee Schedule when the application is filed. An application determined to be incomplete by the Zoning Administrator shall be returned to the applicant within ten (10) business days. Incomplete applications shall not be referred to the Planning Commission until it has been determined to be complete by the Zoning Administrator.
  - b. The County Zoning Administrator shall refer the application to the Board of Adjustment for a public hearing and cause notice of such hearing to be properly published in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within one-quarter mile (1,320 feet) of the affected property or the ten (10) properties nearest the affected property (whichever would provide notice to the greatest number of owners) shall be given notice of the date the Board of Adjustment will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city the incorporated limits of which lie within two (2) miles of the proposed variance.
  - c. The applicant or their authorized representative shall appear before the Board of Adjustment and answer any questions concerning the proposed variance.
  - d. A decision shall be made by the County Board, upon recommendation from the Board of Adjustment, within sixty (60) days after the complete application for a variance has been received by the Zoning Administrator. All decisions by the County Board in granting variances shall be final except that any aggrieved person or persons or any department, board or commission of the



jurisdiction of the State shall have the right to appeal to the District Court in the county in which the land is located on questions of law and fact within thirty (30) days of the decision of the County Board.

- e. A certified copy of the granted variance shall be filed with the Stevens County Recorder or Registrar of Titles by the Zoning Administrator.
  - f. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Planning Commission's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - g. No application for a variance shall be resubmitted for a period of one (1) year from the date that the request is denied, except the Zoning Administrator may allow a new application if, in his/her opinion, new evidence or a change in circumstances warrant it.
  - e.h. Work on any project requiring a variance shall begin within one (1) year of the issuance of the variance or it shall expire.
4. In the granting of variances from this Ordinance, the County Board and ~~Planning Commission~~Board of Adjustment shall require such conditions as will, in their judgement, secure substantially the objectives of the requirements or standards so varied and to protect adjacent properties and the public interest.
5. Any variances granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

## **B. Fees**

Fees for subdividing may be established by the Stevens County Board of Commissioners. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

The County may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the County for direct costs relating to professional services provided during the review, approval and inspection of the project. The County may charge the applicant a rate equal to the value of the service to the County. Services provided by County staff or contract professionals will be billed at an established rate.

## **C. Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## **D. Effective Date**

This Ordinance shall become effective immediately upon its passage and publication.

**E. ~~Amendment~~ Adoption of Plat Manuals by Reference**

The Minnesota Land Surveyors Association “Plat Manual of Minimum Guidelines” and the Minnesota Association of County Surveyors “Common Interest Community Plat Manual of Minimum Guidelines”, as revised, are hereby adopted by reference as though a part of this Ordinance. ~~The County Planning Commission shall hold at least one (1) public hearing with at least ten (10) day notice of the time, place, and purpose of the hearing. The notice shall be published in the official paper of the County. Written notice of the hearing shall be sent to the governing bodies of all towns and municipalities in the County.~~

**~~F.~~ Authorization**

1. ~~Following the public hearing, the County Planning Commission shall report its findings and recommendations to the County Board.~~
2. ~~Upon receipt of such report or recommendation, the Board of County Commissioners may hold additional public hearings. After the conclusion of the public hearings if any, the Board of County Commissioners may adopt the amendment or any portion thereof.~~
3. ~~After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.~~
4. ~~The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record. (5/2/83)~~

Adopted This \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST: \_\_\_\_\_

Stevens County Auditor

SIGNED: \_\_\_\_\_

Chairperson, Stevens County Board of Commissioners