

**STEARNS COUNTY
SUBDIVISION ORDINANCE
ORDINANCE NUMBER 230**

THE COUNTY BOARD OF STEARNS COUNTY ORDAINS:

SECTION 1.0 - GENERAL PROVISIONS

1.1 Title

This Ordinance shall be known, cited and referred to as the “Stearns County Subdivision Ordinance”. When referred to herein, it shall be known as “this Ordinance”.

1.2 Statutory Authorization

This Ordinance is adopted pursuant to the authorization and policies contained in *Minnesota Statutes, Chapter 394, Minnesota Statutes, Chapter 505, Minnesota Statutes, Chapter 508 and Minnesota Statutes, Chapter 515B; or successor statutes.*

1.3 Statement of Purpose

This Ordinance is adopted for the purposes of:

- A. Regulating the subdivision of land in Stearns County, Minnesota.
- B. Protecting and providing for the public health, safety and general welfare of the County.
- C. Promoting and providing for the orderly, economic and sound development of all land within Stearns County.
- D. Establishing reasonable design standards and procedures for subdivisions and to insure proper legal descriptions and monumenting of subdivided land.
- E. Guiding development in order to provide adequate transportation, sewer and water, schools, parks and other public services.
- F. Safeguarding ground water supplies and preventing pollution in order to preserve the value of the land.
- G. Protecting the social and economic stability of the County through orderly development.
- H. Protecting the natural beauty and topography of the County and to insure appropriate development with regard to these natural features.
- I. Encouraging the wise use and management of natural resources throughout the County, including preventing erosion and providing for adequate drainage and storm water management.

1.4 Policy

- 1.4.1** The uncontrolled development and subdivision of property in Stearns County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of ground and surface waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for the wise subdivision of property in Stearns County.

- 1.4.2** Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety and welfare. Land shall not be subdivided unless proper provisions have been made for drainage, water, wastewater, transportation facilities and any other necessary capital improvements.
- 1.4.3** Each lot created through subdivision shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soils and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions, important fish and wildlife habitat, native plant communities and rare species, significant historic sites or any other feature of the natural land whereby an impact thereto is likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the County.
- 1.4.4** The existing and proposed public improvements shall conform to and properly relate to the County and applicable Township comprehensive plans. It is intended that this Ordinance shall supplement the standards and provisions contained in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances, and the Stearns County Comprehensive Plan.*

1.5 Compliance

The subdivision of all land within Stearns County shall be subject to the provisions of *this Ordinance; or successor ordinance*, unless otherwise exempted by the provisions of *Section 1.9 of this Ordinance; or successor ordinance*.

1.6 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where *this Ordinance; or successor ordinance* imposes greater restrictions, the provisions of *this Ordinance; or successor ordinance* shall prevail.

1.7 Interpretation

In their interpretation and application, the provisions of *this Ordinance; or successor ordinance* shall be held to be minimum requirements and shall be liberally construed in accord with the underlying policies of the County and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

1.8 Severability

If any section, clause, provision or portion of *this Ordinance; or successor ordinance* is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of *this Ordinance; or successor ordinance* shall not be affected thereby.

1.9 Jurisdiction

This Ordinance shall apply to all areas in Stearns County, Minnesota:

- A. Except areas within the incorporated limits of any city, however organized, except as provided by law.
- B. Except as otherwise provided by law.
- C. Except for subdivisions submitted by the State of Minnesota pursuant to *Minnesota Statutes, Chapter 645.27, or successor statutes.*

1.10 Restrictions on Building Permits, Acceptance and Maintenance

A building permit shall not be issued for any structure on any lot in a subdivision that has not received final approval pursuant to this Ordinance. No improvements shall be installed unless the preliminary plat is approved.

1.11 Metes and Bounds

Except as otherwise provided in this Ordinance, no land shall be subdivided by Metes and Bounds description.

1.12 Compliance with Comprehensive Plan, Zoning Ordinance and Official Map

No subdivision of land shall conflict with the goals and policies of the *Stearns County Comprehensive Plan* or any provisions of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances, or any official map.*

1.13 Adoption of Plat Manuals by Reference

The Minnesota Society of Professional Surveyors (MSPS) and the Minnesota Association of County Surveyors (MACS) “Manual of Guidelines for Platting in Minnesota” and “*Common Interest Community Plat Manual of Minimum Guidelines*”; *or successor manuals, are hereby adopted by reference as though a part of this Ordinance; or successor ordinance.*

1.14 Applications for Standard Plats, Registered Land Surveys and Common Interest Communities

An application for a Standard Plat, Registered Land Survey or Common Interest Community shall not be considered complete until such time that all documents required in *Section 5.5 of this Ordinance; or successor ordinance* have been submitted to and approved by the Director.

1.15 Applications for Administrative Subdivisions

An application for an Administrative Subdivision shall not be considered complete until such time that all documents required in *Section 4.0 of this Ordinance; or successor ordinance* have been submitted to and approved by the Director.

1.16 Lot Size Reduction

No lot area shall be reduced such that the required setbacks shall be smaller than prescribed nor shall the area or width of any lot be reduced below the minimum requirements established in the *Stearns County Land Use and Zoning Ordinance #439, or successor ordinance.* When deemed necessary by the Department, no lot area shall be reduced without identification of two soil treatment and dispersal areas that support systems as described in *Minnesota Rules*

7080.2200 to 7080.2230 or successor rules, or site conditions described in *Minnesota Rules 7081.0270, subparts 3 to 7, or successor rules.*

1.17 Access to Public Road

All lots subdivided pursuant to this Ordinance shall have legal access to a public road. Said access shall comply with the Wetland Conservation Act.

1.18 Access and Utility Easement Requirements

When required by this Ordinance, the minimum width of an easement shall be 33 feet and provide for ingress, egress and utilities. The easement must meet the following criteria: shall be granted for roadway and utility purposes, must be perpetual, be binding upon the heirs, successors and assigns, have a defined legal description, contain provisions for construction, maintenance, repair, alteration and contain provisions for enforceability by the grantor/grantee.

1.19 Lot, Parcel or Tract of Record

Lots, Parcels or Tracts of Record shall not be subject to this Ordinance.

SECTION 2.0 - DEFINITIONS

For the purposes of *this Ordinance; or successor ordinance* the terms defined in this section have the meanings hereafter given them. Additionally, certain terms or words used herein shall be interpreted as follows:

- A. The word “shall” is mandatory, and not discretionary; the word “may” is permissive.
- B. The word “person” includes any individual, firm, partnership, corporation, company, association, joint stock association or body politic, or any trustee, receiver, assignee or other similar representative thereof.
- C. Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular.
- D. Words shall be given their common usage if not defined herein.

2.1 Animal Feedlot

An animal feedlot shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 3; or successor rules.* Animal feedlot shall include any manure storage structure.

2.2 Block

An area of land within a subdivision that is entirely bounded by roads, walkways, parks and outlots or by roads and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

2.3 Board

Stearns County Board of Commissioners or County Board.

2.4 Buildable Lot Area

The contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still

providing adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable lot area.

2.5 Building Site

An area of land to be conveyed, transferred or left remaining for the purpose of constructing a structure thereon or for the purpose of creating a new tract of land containing an existing structure.

2.6 Common Interest Community

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

- 1. Condominium** shall have the meaning given in *Minnesota Statutes, section 515B.1-103, subdivision (11); or successor statutes.*
- 2. Cooperative** shall have the meaning given in *Minnesota Statutes, section 515B.1-103, subdivision (13); or successor statutes.*
- 3. Flexible Common Interest Community** shall have the meaning given in *Minnesota Statutes, section 515B.1-103, subdivision (18); or successor statutes.*
- 4. Leasehold Common Interest Community** shall have the meaning given in *Minnesota Statutes, section 515B.1-103, subdivision (19); or successor statutes.*
- 5. Planned Community** shall have the meaning given in *Minnesota Statutes, section 515B.1-103, subdivision (26); or successor statutes.*

2.7 Comprehensive Plan

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

2.8 Contiguous

Contiguous shall mean tracts that are geometrically touching by legal description at any one point. Tracts that cross political boundaries but are geometrically touching at any one point are contiguous.

2.9 Corner Lot

A lot with at least two (2) sides fronting on a road.

2.10 County

Stearns County, Minnesota

2.11 Cul-de-sac

An access road, one end of which is closed and consists of a circular turn around.

2.12 Department

Stearns County Environmental Services Department.

2.13 Director

The Director of the Stearns County Environmental Services Department or their designee.

2.14 Easement

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

2.15 Government Lot

The fractional part of a section (public land survey) protracted by office procedures from field notes and designated by boundary limits, area and number (not always) on the township plat. A typical U.S. patent description could be: "Government Lot 1, Section 2, T 124, R33 of the 5th Principal Meridian".

2.16 Lot, Parcel or Tract

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

2.17 Lot, Parcel or Tract of Record

Any contiguous or non-contiguous lot, parcel or tract that was recorded by deed or filed as a separate lot, parcel or tract in the office of the Stearns County Recorder on or before April 21, 2000. Any tract or parcel that is in common ownership and was recorded under the same deed with any other tract or parcel shall not be considered a parcel of record unless one or more of the following apply: parcels were non-contiguous prior to April 21, 2000; or A residential dwelling unit existed on each parcel prior to April 21, 2000; or Total consideration of the most recent property transfer was less than \$1000.

2.18 Major Subdivision

A standard plat that does not qualify as a minor subdivision.

2.19 Metes and Bounds

A methodology for describing land that uses a series of lines around a perimeter of an area known as a metes and bounds description: "metes" means bearings and distances and "bounds" means and refers to monuments, both physical and legal.

2.20 Minor Subdivision

A standard plat containing no more than one additional lot intended for building site density or a plat that only delineates existing parcels.

2.21 Official Control

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

2.22 Outlot

A lot within a plat that is not otherwise designated by lot and block.

2.23 Planned Unit Development

A tract or parcel of land developed as a unit rather than an individual development wherein buildings may be located in relationship to each other rather than to lot lines.

2.24 Planning Commission

Stearns County Planning Commission.

2.25 Plat

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

2.26 Plat, Final

A drawing or map of subdivision meeting all requirements of the County and in such form as required by the County for purposes of recording.

2.27 Plat, Preliminary

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

2.28 Platting Committee

Stearns County Platting Committee.

2.29 Rectangular System

A system that divides land into rectangular tracts and rectangular measure is in terms of acres. E.g. The location and acreage of the land is in such terms such as N1/2 (North one-half), SE1/4 (Southeast one-quarter), 80 acres.

2.30 Registered Land Survey

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

2.31 Resubdivision

The division of a lot or lots previously subdivided by plat.

2.32 Road

Road shall have the meaning given in *Minnesota Statutes, section 505.01, subdivision 3(h); or successor statutes*. A public way means a thoroughfare or cul-de-sac which provides ingress and egress to the public.

2.33 Road of Origin

The intersection of the proposed cul-de-sac centerline and the centerline of a road right of way.

2.34 Subdivider

Any individual, firm, association, partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to make application for subdividing under the provisions *of this Ordinance; or successor ordinance*.

2.35 Subdivision

Any land which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, units or interests for the purpose of offer, sale or lease. Subdivision includes resubdivision.

SECTION 3.0 - TYPES OF SUBDIVISIONS

The subdivision of any lot, tract or parcel into two or more lots, tracts or parcels shall be considered a subdivision and shall be subdivided in accordance with the provisions *of this Ordinance; or successor ordinance*. Before any land is subdivided, the owner of the property proposed to be subdivided, or their authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in *Section 4, Section 5, Section 6 and Section 7 of this Ordinance; or successor ordinance*. Four types of land subdivisions shall be allowed by this Ordinance as follows:

- A. Administrative Subdivisions
- B. Standard Plats
- C. Registered Land Surveys
- D. Common Interest Communities

SECTION 4.0 - ADMINISTRATIVE SUBDIVISIONS

The following conveyances may be allowed as administrative subdivisions:

4.1 Non-Building Subdivisions. The conveyance is by metes and bounds description. The conveyance is for a purpose other than to create a building site. The non-building subdivision shall be accompanied by a Declaration of Restriction which shall state that the conveyance is for purposes other than to create a building site unless otherwise provided for in this Ordinance. Parcels that are 20 acres or more will remain restricted until such time the provisions of Section 4.2 are met. Parcels that are under 20 acres will remain restricted unless platted pursuant to *Section 5 of this Ordinance; or successor ordinance*. The conveyance does not require creation or altering of any public road right of way.

4.2 Building Sites on 20 acres or more. The conveyance or transfer is by metes and bounds description and is for a purpose of creating or resulting in a building site on a parcel 20 acres or more. In addition to the requirements in Section 4.8 A (1)-(4) the survey shall include the following;

- 4.2.1 Existing structures and any impervious surfaces

- 4.2.2 The location(s) of any animal feedlot within 700 feet of the plat boundary
 - 4.2.3 If determined necessary by the Director, a copy of a wetland delineation report of delineated wetland boundaries for all wetlands that are not public water wetlands
 - 4.2.4 Floodway, flood fringe and/or general floodplain district boundary
 - 4.2.5 Shoreland district boundary
 - 4.2.6 Identification on the survey of the location of two soil treatment and dispersal areas that support systems as described in *Minnesota Rules 7080.2200 to 7080.2230 or successor rules*, or site conditions described in *Minnesota Rules 7081.0270, subparts 3 to 7, or successor rules* in addition to the site evaluation report completed by a licensed site evaluator. If the proposed use of the property does not require a sewage treatment system, this requirement may be deferred until such time that a sewage treatment system is needed.
 - 4.2.7 The minimum setbacks and resulting building lines
 - 4.2.8 Identification of the building envelope as set forth in *Section 7.32 of Stearns County Land Use and Zoning Ordinance 439*, if applicable
 - 4.2.9 Identification of the buildable lot area as set forth in *Sections 5.4.7 G and H and Section 8.9 of this Ordinance; or successor ordinance*.
 - 4.2.10 Description of equivalent land areas when the subdivision results in the transfer of development rights
 - 4.2.11 The location of ingress and egress to and from the proposed subdivision
- 4.3 Government Lot.** The conveyance is described as a complete Government Lot, and has not been previously restricted under provisions *of this Ordinance; or successor ordinance*.
- 4.4 Quarter Quarter.** The conveyance is described by the Rectangular System and is a full quarter-quarter section, and has not been previously restricted under provisions *of this Ordinance; or successor ordinance*.
- 4.5 Boundary Line Correction.** The conveyance is, in the opinion of the Director, solely for the purpose of correcting a boundary line due to encroachments, to eliminate boundary line disputes or correct an occupation line. Applications shall include documentation from a land surveyor, title Company, attorney or other qualified professional detailing the facts of why the boundary line correction is warranted.
- 4.6 Attachment.** An administrative subdivision for the purpose of attachment to a contiguous lot, tract or parcel may be allowed, provided any residual tract does not become nonconforming with any applicable County Ordinance or result in the creation of an additional building site. The deed shall state that the subdivision is for the purpose of attachment, and the lot, parcel or tract to be attached, together with the lot, parcel or tract to which it is being attached shall, upon attachment, be considered as one lot, parcel or tract.
- 4.7 Sewage Treatment System.** An administrative subdivision for the purpose of facilitating the installation of a sewage treatment system may be allowed in those situations where a public road or any right of way easement for the purpose of ingress and egress separates what otherwise would be contiguous property. The deed shall be accompanied by a Declaration of Restriction which shall state that the subdivision is for the sole purpose of

facilitating the installation of a sewage treatment system and that the tract shall not be conveyed as a separate tract from the tract or tracts that the sewage treatment system serves.

4.8 Requirements. An administrative subdivision shall be considered by the following procedure:

- A. The applicant shall submit two proposed deeds to be conveyed, one deed containing the legal description for the parcel to be conveyed and the other containing the legal description for the residual parcel. When any proposed or existing tract is described by metes and bounds description, the application shall be accompanied with a certificate of survey in a PDF format, prepared by a Licensed Land Surveyor, one (1) copy of which shall be filed in the Office of the County Auditor-Treasurer. The survey shall include the following information:
 - (1) Legal description of each parcel;
 - (2) Parcel area;
 - (3) Site improvements, including structures; and
 - (4) Distances from structures to property lines.
- B. A Certificate of Compliance from the Township in which the subdivision is occurring, if one is required by the Township.
- C. A Declaration of Restriction shall be executed by the grantor when the grantor retains any residential dwelling sites, determined pursuant to *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance*, for the property being conveyed.
- D. The Director shall review the proposed subdivision for compliance with all applicable ordinances.
- E. The Director shall notify the applicant whether the subdivision is approved or denied. If denied, the Director shall provide written reasons for the decision.
- F. Any Declaration of Restriction or Certificate of Transfer of Development Rights required herein shall be recorded in the Office of the County Recorder and/or Registrar of Titles together with the transfer documents.
- G. Incomplete applications for Administration Subdivision are valid for six months. Administrative Subdivision shall be considered null and void one year after approval if it has not been recorded, unless otherwise approved by the Director.
- H. A Highway Certificate is required to be recorded with the subdivision documents for subdivisions that are being reviewed pursuant to *Section 4.2 of this Ordinance; or successor ordinance* if the subdivision is adjacent to a State Highway or County Road.

SECTION 5.0 - STANDARD PLAT

Standard Plats allow the subdivision of land by Plat pursuant to *Minnesota Statute, chapter 505; or successor statutes*, and containing all elements and requirements set forth in all official controls adopted pursuant to *Minnesota Statutes, chapters 394 and 505; or successor statutes*.

5.1 Standard Plat Approval Process

Unless specifically allowed as an administrative subdivision in *Section 4 of this Ordinance; or successor ordinance* any subdivision of land regulated by this Ordinance

shall only be approved as a standard plat, Registered Land Survey or Common Interest Community, whichever is applicable. In addition, the following subdivisions of land shall only be approved as a standard plat:

- A. Resubdivision of previously platted parcels except as allowed in Section 4.5 or parcels created through a RLS; and
- B. Subdivision of land resulting in a residual tract of less than 20 acres; and
- C. In the opinion of the Director, a subdivision of land that that is too complex to be approved as an Administrative Subdivision.
- D. Parcels created pursuant to *4.1 of this Ordinance; or successor ordinance* that are less than 20 acres.

5.2 Preapplication Meeting

A preapplication meeting with the Department shall be required for all plats that do not qualify as a minor subdivision. The intent of the preapplication meeting is to review all applicable laws, rules, ordinances, policies and procedures that are relative to the platting process. The following items shall be discussed and/or reviewed at the preapplication meeting:

- A. Existing property lines and property lines extending 100 feet from the exterior boundaries of the parcel to be subdivided.
- B. Existing public and private roads, widths of the roads and any associated easements.
- C. Visually significant aspects of the property, including views outward from potential homesites and views inward from the public.
- D. Location and size of any abandoned wells, sewage treatment systems and dumps.
- E. Existing buildings and any impervious surface.
- F. Determine the type of contour interval needed. A contour map of surrounding properties may be required if deemed necessary.
- G. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
- H. The location(s) of any animal feedlot within 700 feet of the plat boundary.
- I. Waterways, watercourses, lakes and public water wetlands, including potential development impacts.
- J. Review National Wetland Inventory mapped wetlands.
- K. The 100 year flood elevation and Regulatory Flood Protection Elevation, if available.
- L. The Shoreland District Boundary, if any portion of the plat is in shoreland.
- M. In the shoreland overlay district, the ordinary high water level and the highest known water level.
- N. Floodway, flood fringe and/or general flood plain district boundary, if applicable.
- O. In the shoreland district, the toe and top of any bluffs present.
- P. In the shoreland district, characteristics regarding near-shore aquatic conditions, including depths, types of bottom sediments and aquatic conditions.
- Q. The soils in the area to be platted, including highly erodible soils, water table and steep slope information. Areas with soils that may present problems for development shall be outlined. The Stearns County Soil Survey may be used for this information.
- R. Parcel number(s).
- S. Potential storm water management issues.
- T. The Stearns County Biological Survey.

- U. Relationship of the proposed plat to existing and/or proposed County and State Highways.

5.3 Preliminary Plat Approval Process for Major Subdivisions

5.3.1 The owner or subdivider shall file an application for preliminary plat approval with the Department that shall consist of the following:

- A. A completed application form and title commitment to the description of the property being platted.
- B. Eight (8) copies of the preliminary plat, plus any additional copies deemed necessary by the Director, and a copy of the plat in a PDF format. At a minimum, the application shall contain the information required in *Section 5.3.3 of this Ordinance; or successor ordinance.*
- C. It is preferred that the preliminary plat be submitted in Stearns County Coordinate System.
- D. The application shall be accompanied by all fees established pursuant to *Section 13 of this Ordinance; or successor ordinance.*

5.3.2 The preliminary plat approval stage is the point in the review process in which all information pertinent to the proposed development is furnished by the subdivider for review by the Department, Platting Committee, Planning Commission and the public. The information provides the basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. A preliminary plat is a plan of how the property will be developed. Conventional and cluster designed plats will be evaluated based on existing features, the LESA System or any other method determined suitable by the Department. Changes may be required by the Department, Platting Committee, Planning Commission or Board and additional information may be required during the review process. In the event that additional information is needed to provide an adequate basis for making a decision, the Department, Platting Committee, Planning Commission or Board may request additional information in order to provide an adequate basis for making a decision.

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

- A. Existing features to be shown:
 - (1) Existing property lines and property lines extending 100 feet from the exterior boundaries of the parcel to be subdivided, including the names of the adjacent property owners and current use of those properties.
 - (2) Existing public and private roads, showing widths of the roads and any associated easements.
 - (3) Location and size of any abandoned wells, sewage treatment systems and dumps.
 - (4) Existing buildings and any impervious surface.

- (5) Topography at 2' intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required.
 - (6) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - (7) The location(s) of any animal feedlot within 700 feet of the plat boundary.
 - (8) Waterways, watercourses, lakes and public water wetlands
 - (9) Delineated wetland boundaries for all wetlands located within the plat boundaries that are not public waters or public waters wetlands, including a copy of the complete wetland delineation report.
 - (10) The 100 year flood elevation and Regulatory Flood Protection Elevation, if available.
 - (11) Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - (12) The shoreland district boundary, if any portion of the plat is located in shoreland.
 - (13) In the shoreland overlay district, the ordinary high water level and the highest known water level.
 - (14) In the shoreland overlay district, the toe and top of any bluffs present.
 - (15) In the shoreland overlay district, show near-shore aquatic conditions. Information should include lake or river depth, types of bottom sediment and aquatic conditions.
 - (16) Mapped soils according to the Stearns County Soil Survey.
 - (17) Surface water drainage patterns.
 - (18) Any additional features deemed necessary at the pre-application meeting.
- B. Proposed features to be shown;
- (1) Proposed lot lines, dimensions and acreage of all new lots.
 - (2) Proposed uses and residential density.
 - (3) Name, location, grade and width of proposed streets and any provision for extending streets to serve adjacent areas. Any provisions for extending streets to serve adjacent areas shall be in accordance with *Section 8.4.5, 8.4.6, 8.4.7 and 8.4.8 of this Ordinance; or successor ordinance.*
 - (4) A detailed grading plan for streets located within the plat boundary. The plan shall be reviewed and approved by the Department.
 - (5) General plans for installation of sewer, storm water management and/or drainage facilities. Include storm water management calculations and plans for the proposed development, if required by *Stearns County Land Use and Zoning Ordinance 439; or successor ordinance.*
 - (6) Identification on the preliminary plat the location of two soil treatment and dispersal areas that support systems as described in *Minnesota Rules 7080.2200 to 7080.2230 or successor rules*, or site conditions described in *Minnesota Rules 7081.0270, subparts 3 to 7, or successor rules*, together with the site evaluation report completed by a licensed site evaluator.
 - (7) Proposed easements for utilities, drainage and storm water management.
 - (8) The minimum setbacks and resulting building lines.

- (9) Identification of any physical characteristics of the site constituting a susceptibility to erosion or siltation, including effects to any adjacent property, and identification of the erosion control measures, if any, to be used to prevent any erosion or siltation.
- (10) Identification of the buildable lot area as set forth in *Sections 5.3.7 G, H and 8.9 of this Ordinance; or successor ordinance.*
- (11) Location of soil borings, if required, pursuant to *Sections 8.8 and 8.9 of this Ordinance; or successor ordinance.*
- (12) Proposed lot and block numbers.
- (13) Proposed soil borrow areas for any new road within the plat boundary.

C. General Information:

- (1) The proposed name of the plat.
- (2) Name, address and phone number of the owner, subdivider, agent, applicant, surveyor and other principals involved in the development of the plat.
- (3) Proof of ownership.
- (4) Existing zoning. Reference any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.
- (5) Total acreage of the land to be subdivided.
- (6) Boundary line survey and legal description.
- (7) North arrow and scale.
- (8) Graphic scale of not less than 1 inch to 100 feet unless otherwise approved by the Department.
- (9) Documentation that the preliminary plat has been approved by the Township Board of Supervisors from the Township in which the preliminary plat is located, pursuant to *Minnesota Statutes, section 505.03, subdivision 1 and 505.09, subdivision 1(a); or successor statutes.* Documentation shall include the Townships intentions to apply their road standards to the proposed subdivision. Townships that are not required to approve plats pursuant to the aforementioned Statute must submit to the Department a resolution signed by the Township Board of Supervisors outlining their plat approval process.
- (10) Documentation of Township approval by the sending Township and the receiving Township when the plat results in the transfer of development rights from one Township to another Township.
- (11) Description of equivalent land areas when the plat results in the transfer of development rights.
- (12) The following shall be added to the plat map or drawing when a proposed preliminary plat includes lands abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles or a preliminary plat that includes lands abutting upon an existing or established county or county state aid highway:
 - (a) The outlet for and means of disposal of surface waters from the proposed platted area;

- (b) The land use designation and zoning category of the proposed platted area;
- (c) The locations of ingress and egress to the proposed platted area; and
- (d) A preliminary site plan for the proposed platted area, if one has been prepared.

5.3.4 A preliminary plat application shall be considered a complete application only upon submission of all information required for the adequate review of the preliminary plat. Incomplete applications are valid for one year.

5.3.5 A preliminary plat shall be reviewed and considered in accordance with the following procedure:

- A. When a preliminary plat application is complete, the Department shall submit the preliminary plat application to the Platting Committee for review and recommendation. Upon completion of its review, the Platting Committee shall submit a report to the Planning Commission and the subdivider regarding any recommendations relative to the preliminary plat application.
- B. A preliminary plat which includes land abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles shall be submitted to the Commissioner of Transportation for written comments and recommendations. Where a preliminary plat includes land abutting upon an existing or established county or county state aid highway, the preliminary plat shall be submitted to the County Highway Engineer for written comments and recommendations.
- C. The Director shall set a public hearing on the preliminary plat application. The date of the hearing shall be set so as to allow sufficient time for review of the preliminary plat under the provisions of *Sections 5.3.5 A. and B. of this Ordinance; or successor ordinance.*
- D. The Planning Commission shall conduct a public hearing before final consideration of the preliminary plat. Public notice shall be in accordance with *Minnesota Statutes, Chapter 394; or successor statutes.*
- E. The Planning Commission shall submit its recommendations and findings to the Board. The recommendation may be conditional, and may recommend approval or denial of all or part of the preliminary plat.

5.3.6 In the event an approved preliminary plat is not submitted to the Board for final plat approval within one (1) year of Planning Commission approval, such preliminary plat shall become null and void. One administrative extension of up to one (1) year may be granted by the Director upon written request of the subdivider, provided there is reasonable cause for the request and further provided that the written request is made prior to the original one year deadline. The Board may grant an extension in the case of a phased development in which only a part of an approved preliminary plat is submitted for final plat approval. The subdivider shall request an extension at the same time that the first phase is submitted for final plat approval. When an extension

is granted by the Board, the final plat for all subsequent phases shall be subject to the official controls in effect at the time of final plat approval.

- 5.3.7** The Platting Committee and Planning Commission shall consider, but not be limited to, the following criteria when considering a preliminary plat:
- A. The preliminary plat shall conform to all applicable official controls and all state and federal laws.
 - B. The preliminary plat shall be consistent with the *Stearns County Comprehensive Plan*.
 - C. No plat shall be approved which does not conform to any applicable floodplain overlay district standards contained in *Section 10.1. of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*.
 - D. No plat shall be approved unless there is provision for two (2) soil treatment dispersal areas that support systems as described in Minnesota Rules 7080.2200-7080.2230; or successor rules, or site conditions described in Minnesota Rules 7081.0270 subpart 3-7 or successor rules.
 - E. A plat shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
 - F. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without a storm water management plan reviewed and approved by the Department.
 - G. Each lot shall have sufficient buildable lot area which, for the purposes of *this Ordinance; or successor ordinance*, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems cannot be included in calculating the buildable area of a lot.
 - H. Each lot shall be of sufficient size and character to meet the sewage treatment system standards contained in *Stearns County Ordinance Number 422; or successor ordinances*.
 - I. When deemed appropriate by the Platting Committee or the Planning Commission, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.
 - J. The Planning Commission shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the County by providing for a healthy drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.

5.4 Preliminary Plat Approval Process for Minor Subdivisions

- 5.4.1** The owner or subdivider shall file an application for preliminary plat approval with the Director that shall consist of the following:

- A. A completed application form and a title commitment to the description of the property being platted.
- B. Four (4) copies of the preliminary plat, plus any additional copies deemed necessary by the Director, and a copy of the plat in PDF format. At a minimum, the application shall contain the information required in *Section 5.4.3 of this Ordinance; or successor ordinance.*
- C. It is preferred that the preliminary plat be submitted in Stearns County Coordinate System.
- D. The application shall be accompanied by all fees established pursuant to *Section 13 of this Ordinance; or successor ordinance.*

5.4.2 The preliminary plat approval stage is the point in the review process in which all information pertinent to the proposed development is furnished by the subdivider for review by the Director and the public. The information provides the basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. A preliminary plat is a plan of how the property will be developed. Conventional plats will be evaluated based on existing features, the LESA system or any other method determined suitable by the Director. Changes may be required by the Director and additional information may be required during the review process. In the event that additional information is needed to provide an adequate basis for making a decision, the Director may request additional information in order to provide an adequate basis for making a decision.

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

- A. Existing features to be shown:
 - (1) Existing property lines and property lines extending 100 feet from the exterior boundaries of the parcel to be subdivided, the names of the adjacent property owners and the current use of those properties.
 - (2) Existing public and private roads, showing road width and any associated easements.
 - (3) Location and size of any abandoned wells, sewage treatment systems and dumps.
 - (4) Existing structures and any impervious surfaces.
 - (5) Topography at two (2) foot intervals and source of contour intervals, unless determined otherwise by the Director. A contour map of the surrounding properties may also be required.
 - (6) The location(s) of any animal feedlot within 700 feet of the plat boundary.
 - (7) Waterways, watercourses, lakes and public water wetlands.
 - (8) If determined necessary by the Director, a copy of a wetland delineation report of delineated wetland boundaries for all wetlands that are not public water wetlands that are located within the plat boundaries.

- (9) The 100 year flood elevation and Regulatory Flood Protection Elevation, if available.
 - (10) Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - (11) The shoreland district boundary, if any portion of the plat is located in shoreland.
 - (12) In the shoreland overlay district, the ordinary high water level and the highest known water level.
 - (13) In the shoreland overlay district, the near-shore aquatic conditions. Information shall include lake or river depth, types of bottom sediments and aquatic conditions.
 - (14) In the shoreland overlay district, the toe and top of any bluffs within the plat boundaries.
 - (15) Mapped soils according to the Stearns County Soil Survey.
 - (16) Surface water drainage patterns.
- B. Proposed features to be shown:
- (1) Proposed lot lines, dimensions and acreage of all new lots.
 - (2) Proposed uses and residential density.
 - (3) Name, location, grade and width of proposed streets and any provision for extending streets to serve adjacent areas.
 - (4) Identification on the preliminary plat of the location of two soil treatment and dispersal areas that support systems as described in *Minnesota Rules 7080.2200 to 7080.2230 or successor rules*, or site conditions described in *Minnesota Rules 7081.0270, subparts 3 to 7, or successor rules*, together with the site evaluation report completed by a licensed site evaluator.
 - (5) Proposed easements for utilities, drainage and storm water management.
 - (6) The minimum setbacks and resulting building lines.
 - (7) Identification of any physical characteristics of the site constituting a susceptibility to erosion or siltation including any potential effects on adjacent property and identification of the erosion control measures, if any, to be use to prevent erosion or siltation.
 - (8) Identification of the buildable lot area as set forth in *Sections 5.4.7 G and H and Section 8.9 of this Ordinance; or successor ordinance*.
 - (9) Location of soil borings, if required pursuant to *Sections 8.8 and 8.9 of this Ordinance; or successor ordinance*.
 - (10) Proposed lot and block number.
- C. General Information:
- (1) The proposed name of the plat.
 - (2) Name, address and phone number of the owner, subdivider, agent, applicant, surveyor and other principals involved in the development of the plat.
 - (3) Proof of ownership.
 - (4) Existing zoning. Reference any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.
 - (5) Total acreage of the land to be subdivided.
 - (6) Boundary line survey and legal description.
 - (7) North arrow and scale.

- (8) Graphic scale of not less than 1 inch to 100 feet unless otherwise approved by the Director.
- (9) Documentation that the preliminary plat has been approved by the Township Board of Supervisors of the Township in which the plat is located, pursuant to *Minnesota Statutes, section 505.03, subdivision 1 and 505.09, subdivision 1(a); or successor statutes*. Townships that are not required to approve plats pursuant to the aforementioned Statute must submit to the Department a resolution signed by the Township Board of Supervisors outlining their plat approval process. Documentation shall include the Townships intentions to apply their road standards to the proposed subdivision.
- (10) Documentation of approval by the sending and receiving Township when the plat results in the transfer of development rights from one Township to another Township.
- (11) Description of equivalent land areas when the plat results in the transfer of development rights.
- (12) The following shall be added to the plat map or drawing when a proposed preliminary plat includes lands abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles or a preliminary plat that includes lands abutting upon an existing or established county or county state aid highway:
 - (a) The outlet for and means of disposal of surface waters from the proposed platted area;
 - (b) The land use designation and zoning district of the proposed platted area;
 - (c) The locations of ingress and egress to and from the proposed platted area;
 - (d) A preliminary site plan for the proposed platted area, if one has been prepared.

5.4.4 A preliminary plat application shall be considered a complete application only upon submission of all information required for the adequate review of the preliminary plat. Incomplete applications are valid for one year.

5.4.5 A preliminary plat shall be reviewed and considered in accordance with the following procedures:

- A. A preliminary plat which includes land abutting upon an existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the Office of the County Recorder and/or Registrar of Titles shall be submitted to the Commissioner of the Department of Transportation for written comments and recommendations. Where a preliminary plat includes land abutting upon an existing or established county or county state aid highway, the preliminary plat shall be submitted to the County Engineer for written comments and recommendations.

5.4.6 In the event an approved preliminary plat is not submitted to the Director for final plat approval within one (1) year of submission of the preliminary plat, the preliminary plat shall become null and void. One administrative extension of up to

one (1) year may be granted by the Director upon written request of the subdivider, provided there is reasonable cause for the request and further provided that the written request is made prior to the original one year deadline.

- 5.4.7** The Director shall consider, but not be limited to, the following criteria when considering a preliminary plat:
- A. The preliminary plat shall conform to all applicable official controls and all state and federal laws.
 - B. The preliminary plat shall be consistent with the *Stearns County Comprehensive Plan*.
 - C. No plat shall be approved which does not conform to any applicable floodplain overlay district standards contained in *Section 10.1.7 of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance*.
 - D. No plat shall be approved unless there is a provision for two (2) soil treatment and dispersal areas that support systems as described in *Minnesota Rules 7080.2200 to 7080.2230 or successor rules*, or site conditions described in *Minnesota Rules 7081.0270, subparts 3 to 7, or successor rules* for each lot.
 - E. A plat shall not be approved where a variance would be required in order to use the lots for their intended use.
 - F. No plat shall be approved that does not contain adequate provisions for storm water runoff. If required, no plat shall be approved without a storm water management plan first being approved by the Department.
 - G. Each lot shall have sufficient buildable lot area which, for the purposes of *this Ordinance; or successor ordinance*, shall be defined as the contiguous area of a lot which is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, structures and driveways, while still providing for adequate setbacks. Areas which are floodways, wetlands, rights-of-way, bluffs or which have soils that are unsuitable for individual sewage treatment systems shall not be included in calculating the buildable area of a lot.
 - H. Each lot shall be of sufficient size and character to meet the sewage treatment system standards contained in *Stearns County Ordinance Number 422; or successor ordinance*.
 - I. When deemed appropriate by the Director, the subdivider shall provide a vegetative buffer adjacent to delineated wetlands and/or wetlands identified on the National Wetland Inventory Map.
 - J. The Director shall consider whether the plat as proposed adequately protects the health, safety and welfare of the residents of the County by providing for a healthy drinking water supply, adequate sewage treatment capacity, safe road access, proper road alignment and proper setbacks and buffering from conflicting land uses.
- 5.4.8** Pursuant to *Minnesota Statute, chapter 505.03 subdivision 1; or successor statute*, a public hearing pursuant to *Minnesota Statute, Chapter 394 or successor statutes* will not be required for Minor Subdivisions unless required by the Director.

5.5 Final Plat Approval Process

5.5.1 A final plat shall be considered in accordance with the following procedure:

- A. The final plat shall have incorporated all changes or modifications recommended by the Planning Commission for major subdivisions or the Department for minor subdivisions, when applicable, recommendations of the Platting Committee and Public Works Director. In all other respects, the final plat shall conform to the preliminary plat.
- B. The final plat shall be in the form and with the content prescribed in *the "Plat Manual of Minimum Guidelines"*; *"Common Interest Community Plat Manual of Minimum Guidelines"*; or *successor manuals*, when applicable; and *Minnesota Statutes, Chapter 505; or successor statutes*.
- C. In addition to the requirements of *Minnesota Statutes, Chapter 505; or successor statutes*, the subdivider shall submit a copy of the plat in a PDF format.
- D. The final plat shall be considered a complete application when the Director has determined that all requirements have been met.
- E. Any restrictive covenants, subdivision agreements, declarations of restriction or certificates of transfer of development rights shall be submitted with the final plat.
- F. The Stearns County Surveyor shall have approved the final plat as in conformance with *Minnesota Statutes, Chapter 505; or successor statutes*, and in conformance with the *"Minnesota Association of County Surveyors "Manual of Guidelines for Platting in Minnesota"*"; or *successor manual*, and, if applicable, the *"Common Interest Community Plat Manual Guidelines"*; or *successor manual*.
- G. Upon review and acceptance by the Director that a final plat for a major subdivision is a complete application, the final plat, together with the recommendation of the Planning Commission if applicable, shall be submitted to the Board for consideration
- H. If a final plat is approved by the Board or Director, the subdivider shall record it within the Office of the County Recorder and/or Registrar of Titles within one year after the date of approval otherwise the approval of the final plat shall become null and void.
- I. A water supply verification according to *Section 8.7 of this Ordinance; or successor ordinance* shall be filed with the final plat.
- J. A deed with the legal description for the residual parcel shall be filed with the final plat.

SECTION 6.0 – REGISTERED LAND SURVEYS

6.1 Registered Land Survey Approval

Except as provided in *Section 4.0 of this Ordinance; or successor ordinance*, registered land surveys pursuant to *Minnesota Statutes, Section 508.47; or successor statutes*, shall be reviewed and considered for approval in the same manner as though a standard plat.

SECTION 7.0 – COMMON INTEREST COMMUNITIES

7.1 Common Interest Communities Approval

A Common Interest Community shall be evaluated and considered for approval in the same manner as a standard plat.

7.2 Common Interest Communities shall meet the minimum guidelines established in the “*Common Interest Community Plat Manual of Minimum Guidelines*”; or successor manual.

7.3 Common Interest Communities shall be subject to all use, residential density, setback and height requirements of the applicable zoning district and any other applicable standard contained in *Stearns County Land Use and Zoning Ordinance Number 439*; or successor ordinances.

7.4 The conversion of existing common interest communities, resorts, mobile home parks or other similar types of developments from privately owned structures on leased or rented land, or the division of several commonly owned structures on a single parcel of land to individually owned parcels containing separate structures, shall be by standard plat pursuant to the requirements of *this Ordinance*; or successor ordinance and the applicable requirements of *Minnesota Statutes, Chapter 515A and Chapter 515 B*; or successor statutes, and shall be further subject to the following:

- A. When considering approval of conversions, the Planning Commission shall consider the development as a whole, relative to the provision for sewer and on-site sewage treatment systems, and shall require connection to municipal systems where they are available. In areas where municipal services are not available, design plans shall be presented and approved for a community wastewater treatment system as an integral element of the Common Interest Community approval. A timeline to implement the approved wastewater treatment plan and/or eliminate all identified failing sewage treatment systems shall be established by subdivision agreement.
- B. The subdivider shall make every effort to minimize the degree of nonconformity with existing lot and area requirements and setback requirements. Lot lines shall be arranged to provide the largest possible setbacks between structures that will become the principal structures on the newly created lots. Accessory buildings shall be moved or removed when and where possible to create the lowest, most uniform density possible.
- C. The conversion shall not result in an increase in residential density, unless the residential density requirements of the applicable zoning district are met.
- D. To the extent possible, the common open space, individual properties and other elements of the Common Interest Community shall be so planned that they will achieve a unified scheme of planning and efficient distribution of uses.

SECTION 8.0 – PLAT DESIGN STANDARDS

8.1 General Requirements

- 8.1.1** The approval of a preliminary plat by the appropriate Township shall be precedent to consideration by the Platting Committee and Planning Commission. It shall be the responsibility of the subdivider to assure that the preliminary plat is in compliance with Township requirements.
- 8.1.2** The Platting Committee and Planning Commission shall evaluate and review the preliminary plat to assure that the plat conforms to the plat design standards set forth herein and the goals, standards and policies contained in the *Stearns County Comprehensive Plan*.
- 8.1.3** Unplatted strips controlling access to public roads shall not receive approval.
- 8.1.4** The Platting Committee and Planning Commission shall consider proposed measures to preserve or to mitigate the impacts upon natural features such as trees, shrubs, wetlands and ponding areas and to compliance with *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance*.
- 8.1.5** Subdivisions shall be consistent with the *Stearns County Comprehensive Plan and Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*.

8.2 Lot Standards

- 8.2.1** The minimum lot area and width shall meet the requirements contained in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*, or any applicable Township zoning ordinance, whichever is more restrictive.
- 8.2.2** Corner lots shall have sufficient width to meet appropriate setbacks from all roads as required in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*.
- 8.2.3** Double frontage lots shall be avoided except where lots back on a collector, arterial street or county road, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot line.
- 8.2.4** Lot remnants which are below the minimum lot area or width pursuant to *Section 8.2.1 of this Ordinance; or successor ordinance* 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 acceptable plans for use of such remnants.
- 8.2.5** Lots intended for commercial, industrial or any use other than single family residential shall be designed as such, and the lot shall be of adequate size to allow off street parking, loading areas and such other facilities as are required to satisfy the

requirements of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances.*

8.2.6 Unless approved as part of an open space development plan, all lots shall have direct access to a public road via easement or abutting a public road. For plats consisting of three or more lots, each lot shall abut a public road.

8.3 Block Standards

8.3.1 In general, intersecting roads shall be provided at such intervals as to serve cross traffic adequately and to meet existing roads. Where no existing roads exist, the blocks in residential subdivisions shall not exceed 1,400 feet in length, except where topography or other conditions justify a departure from this standard.

8.3.2 The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for commercial or industrial use shall be of such width as to be considered suitable for their respective use and provide for adequate off street parking, loading and other facilities.

8.4 Street Design Standards

8.4.1 The arrangement, character, extent, width and location of roads shall conform to the *Stearns County Transportation Plan*. The Platting Committee and Planning Commission shall take into consideration the location of any proposed road in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, runoff of storm water and public convenience and safety.

8.4.2 The Board or Director may require right of way widths in excess of that required in *Section 8.4.3 of this Ordinance; or successor ordinance* if additional right of way is deemed necessary to satisfy the transportation needs of a proposed subdivision.

8.4.3 All proposed roads shall be offered for dedication to the public, unless approved as part of an open space development plan. The width of County Roads offered for dedication shall conform to the *Stearns County Access and Right of Way Width Guidelines*. The right of way for local access roads and frontage roads shall be as follows:

	<u>Road Type</u>	<u>Width</u>
A.	Local Access Road	66 feet
B.	Frontage Road	50 feet

8.4.4 Insofar as practical, road rights of way shall intersect at right angles. In no case, however shall the angle formed by the intersection of two streets be less than 80 degrees.

8.4.5 Except for permanent cul-de-sacs that meet the requirements of *Section 8.4.7 of this Ordinance; or successor ordinance*, roads should connect with roads already dedicated in adjacent platted property, provide for future connections to adjacent undeveloped property or should be a reasonable projection of roads in the adjacent property. When a plat contemplates a future continuation of a road upon adjacent undeveloped property, a proposed road continuation plan which shows the location of the continued road across the adjacent property shall be included with the preliminary plat application and shall be submitted for review and comment by the Township and adjacent property owner(s). Said plan shall consider, but not be limited to, the following:

- A. Width and length of road
- B. Parking, signage
- C. Lot sizes
- D. Number of lots
- E. Access for emergency services
- F. Location and potential impact on natural resources
- G. Location of existing roads and/or easements of record
- H. Cumulative review of how proposed future road is compatible with a Township or City road plan and its effect on traffic circulation

8.4.6 If a road is proposed to continue as outlined in *Section 8.4.5 of this Ordinance; or successor Ordinance*, the dead end road shall, however, be provided with a vehicular turn-around. Because local access roads are maintained by the Township, the type of turn-around, whether radial or T-type shall be subject to approval by the Township. A turn around provided under the provisions of this Section may be by easement with a provision that the easement will expire when the road is extended.

8.4.7 Except for roads that have a road continuation plan meeting the requirements of *Section 8.4.5 of this Ordinance; or successor ordinance*, the minimum radius of the turn-around shall be 60 feet and maximum length of a cul-de-sac road shall meet the following requirements unless otherwise approved by the Planning Commission and/or Board:

- A. Permanent cul-de-sacs shall not exceed 900 feet in length where lots are less than 2 acres in size;
- B. Permanent cul-de-sacs shall not exceed 1320 feet where lots are 2 acres or greater in area;
- C. The cul-de-sac is measured from the centerline of the road of origin to the end of the right of way.
- D. In the event a developer proposes to exceed the maximum permanent cul-de-sac length as set forth above, a concept plan shall be approved by the Planning Commission prior to submittal of the preliminary plat. The Planning Commission will consider but not be limited to the following:
 - a. Width and length of road
 - b. Parking, signage
 - c. Lot sizes
 - d. Number of lots

- e. Access for emergency services
- f. Location and potential impact on natural resources
- g. Cumulative review of how the road is compatible with a Township or City road plan and its effect on traffic circulation

8.4.8 Permanent cul-de-sacs are those where future extension is unlikely or impractical due to lack of access, existence of a natural feature or undevelopable land or insurmountable topography. Temporary cul-de-sacs are those designed to be extended some time in the future to serve adjacent developable parcel(s) that meet the requirements of *Section 8.4.5 of this Ordinance; or successor ordinance*.

8.4.9 Street intersections that are offset with centerline offsets of less than 125 feet shall be prohibited.

8.4.10 A tangent (straight line of travel) of at least 100 feet long shall be introduced between curves of arterial or collector roads.

8.4.11 Where horizontal road lines deflect from each other at any one point more than ten (10) degrees, there shall be a connecting curve with a radius adequate to insure a sight distance of not less than 500 feet for arterial and collector roads.

8.4.12 Access spacing shall conform to the *Stearns County Access and Right of Way Width Guidelines*.

8.4.13 If determined by the road authority, the right-of-way of each road dedicated in the plat shall be improved to include a roadway surface in compliance with the applicable road authority specifications. In a Township without road specifications or when the road authority elects not to require construction of a road surface, the design and construction specifications found in this Section shall apply where a road surface doesn't currently exist. In a township without road specifications or in a situation where the road authority elects through the platting process not to provide for future maintenance of said road, the Board will require the developer to form an association that provides for road maintenance and financing mechanism until acceptance of the road by the road authority. Roads shall comply with *Section 503 of the Minnesota State Fire Code; or successor code*.

8.4.13.1 The constructed roadbed shall be centered with the right-of-way.

8.4.13.2 The minimum finished roadway top width shall be 24 feet for residential areas, which includes two 11 foot wide driving lanes and 1 foot shoulders. In commercial areas, a minimum finished roadway top width shall be 36 feet, which includes two 14 foot driving lanes and 4 foot shoulders.

8.4.13.3 A minimum slope for in slopes shall be 4:1 and back slope shall be 4:1.

8.4.13.4 Compacted subgrade material shall be covered with a minimum of 6 inches of Class 5, or equivalent. The minimum thickness may be required to be greater when clay soils are present.

- 8.4.13.5 Minimum ditch depth is 2 feet below finished grade and minimum ditch width is 4 feet
- 8.4.13.6 Cul-de-sacs. Cul-de-sacs shall be constructed with a minimum turn around diameter of 120 feet, unless a larger diameter is recommend by the local fire department.

8.5 Utility Easements

- 8.5.1 Whenever necessary, drainage and utility easements at least ten (10) feet wide shall be provided for utilities where utilities may be reasonably anticipated. If necessary, the Board may require easements of greater width.
- 8.5.2 Utility easements shall have continuity of alignment from block to block and connect with utility easements established in adjoining properties. Easements for drainage purposes, when approved by the Board, shall not thereafter be changed without the approval of the Board.
- 8.5.3 Where a subdivision is traversed by or contains a watercourse, a storm water or drainage easement conforming substantially with the lines of the watercourse shall be provided, together with such further width as will be adequate for the storm water drainage of the area. The Public Works Director shall determine the required width of such easement.

8.6 Storm Water Drainage Standards

- 8.6.1 The Board may require a storm water management plan in order to reduce the amount or protect the quality of storm water runoff that may be created during and after the process of development.
- 8.6.2 Proper erosion and sediment control practices shall be followed as set forth in *Section 7.10 of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances.*
- 8.6.3 In instances when a storm water management facility will require future maintenance, the subdivider shall submit a plan that shall indicate how the facility will be maintained and who will be responsible for the maintenance of the facility.
- 8.6.4 Storm water management practices and facilities shall be developed and designed in accordance with *Section 7.25 of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances.*

8.7 Water Supply Standards

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

- 8.7.2** A test well or test wells, at a minimum rate of one well for each ten lots or portion thereof, shall be installed and be precedent to final plat approval. A test for nitrate nitrogen shall be completed for each test well. As an alternative to installing a well within the boundary of the proposed plat, a water sample may be taken from a well outside the plat boundary provided the well is within 300 feet of the proposed plat boundary. The test for nitrate nitrogen shall be completed by a laboratory certified by the Minnesota Department of Health. The following rules shall apply to sampling the test well:
- (a) The sample shall be collected at the well by the laboratory that is conducting the test. In no case, however, shall the owner take the sample.
 - (b) The water sample shall be taken within one (1) year prior to submission of the final plat.
- 8.7.3** A nitrate nitrogen intervention level of ten (10) milligrams per liter (mg/l) or greater prior to treatment shall be considered as an unsuitable water supply. The requirements of this Section may be waived, if the property contains an existing building that currently utilizes the water supply and a de-nitrification system is required to be installed prior to plat approval.
- 8.7.4** A certificate identifying the nitrate nitrogen level shall be recorded with the final plat.
- 8.7.5** The requirements of this Section may be waived, provided the subdivider enters into a subdivision agreement with the Board or Director providing that no drinking water wells will be installed or used on the property being subdivided
- 8.7.6** Within groundwater areas of concern for closed landfills as identified in Stearns County Land Use and Zoning Ordinance #439; successor ordinance, in other areas with prior groundwater contamination or when site conditions justify, additional water testing, a comprehensive water test shall be submitted. The water test must show that the state drinking water levels are met.

8.8 Soil Boring and Sewage Treatment Dispersal Area Standards

- 8.8.1** In soil treatment design areas, soil borings must be taken to a minimum depth of seven feet below the ground surface, unless redoximorphic features or ground water is encountered prior to that depth.
- 8.8.2** Soil borings shall detail soil characteristics encountered, including color, texture, structure and, if applicable, depth to redoximorphic features or ground water. The location of the borings shall be shown on the preliminary plat.
- 8.8.3** At least one (1) soil boring shall be required in the soil treatment design area for each lot.
 - 8.8.4** Sizing of the soil treatment and dispersal area shall be based on the following:

8.8.4.1 For proposed single family residential lots, the sizing shall be based on a potential for four (4) bedroom residence.

8.8.4.2 For proposed multi-family residential lots, the sizing shall be based on a potential for three (3) bedrooms per residential unit.

8.8.4.3 The sizing for proposed commercial or industrial lots shall be determined by the potential use, which must be noted at the time of submission of the preliminary plat.

8.8.5 The sewage treatment and dispersal areas shall be shown, to scale, on the preliminary plat. The site evaluation forms shall accompany the preliminary plat.

8.8.6 In order to secure final plat approval, the developer will be required to execute a Declaration of Restriction to ensure that the sewage treatment dispersal areas identified on the preliminary plat will be maintained in an undisturbed and natural state.

8.9 Soil Suitability Standards

8.9.1 The purpose and intent of this Section is to limit subdivisions in those areas of the County which have limiting characteristics, such as high ground water, shallow depths to bedrock, high erosion potential, flooding or severe permeability rates. The Stearns County Soil Survey may be used to determine areas of limiting characteristics, however, the Department may require the subdivider to provide percolation tests and soil borings to determine that each lot has adequate building lot area.

8.9.2 Soils that are characterized by ground water table or evidence of redoximorphic features (mottling) within six (6) feet of the natural ground surface are not suitable for residential development without special considerations. Lots within a plat that cannot meet the requirements of this Section may be approved subject to the execution of a subdivision agreement that will:

A. Restrict the installation of basements within one foot of the top of the ground water table or redoximorphic features; or

B. Require the installation of an engineered groundwater drainage system that adheres to a plan developed by an engineer licensed in the State of Minnesota or an equivalent as approved by the Director.

8.9.3 Lots in a subdivision may contain soils that have certain limiting characteristics, such as shallow bedrock or high water table. Each lot must, however, contain a minimum contiguous buildable lot area of 15,000 square feet to accommodate building construction and to provide for proper setbacks.

SECTION 9.0 - SUBDIVISION IMPROVEMENTS

9.1 The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision.

- 9.2** Before a final plat is approved by the Board or Director, the subdivider shall execute and submit to the Board or Director a subdivision agreement that shall assure that all improvements required under the provisions of *this Ordinance; or successor ordinance* shall be completed. The subdivision agreement shall stipulate that no permit of any type shall be issued until all improvements required by this Ordinance have been made or arranged for in the manner prescribed in this Ordinance. Amendments to Subdivision Agreements for Minor Subdivisions shall be considered by the Director. Amendments to Subdivision Agreements for Major Subdivisions are subject to a public hearing pursuant to *Minnesota Statute, Chapter 394 or successor statutes* when deemed necessary by the Director.
- 9.3** The Board and Director may require, but not be limited to, the following subdivision improvements:
- 9.3.1 Roads.** The right-of-way of each road dedicated in the plat shall be improved to include a road surface and storm water drainage system in compliance with applicable county and/or township specifications.
- 9.3.2 Road Name Signs.** Road name signs shall be placed at each intersection. Road names shall conform to the *Stearns County Master Street Address Guide*. To avoid duplication, road names shall be approved by the Department.
- 9.3.3 Traffic Control Signs.** Traffic control signs shall be placed wherever the appropriate authority deems necessary.
- 9.3.4 Storm Water Management.** Storm water management facilities shall be accomplished in accordance with the provisions of this Ordinance or any future stormwater ordinance that may be adopted by the County and *Section 7.25 of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*.
- 9.3.5 Erosion Control.** The subdivider shall comply with the provisions of *Section 7.10 of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances and Minnesota Statutes, section 103F. 441; or successor statutes*.

SECTION 10.0 - FINANCING AND AGREEMENTS

- 10.1** Before a final plat is approved by the Board or Director, and in lieu of actual completion of the required improvements, the Board or Director may accept a signed agreement between the subdivider and the governmental authority having jurisdiction over the improvements to assure the following:
- A. That the subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the cost of any trunk facilities to be extended to the subdivision. A financial guarantee in the form of a letter of credit, cash deposit or bond equal to one hundred twenty-five (125) percent of the improvement costs shall be submitted. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the approved plans. The

guarantee for the road construction shall be in favor of the County or Township. The guarantee for the stormwater facilities and other required improvements shall be in favor of the County.

1. Final plat approval shall not be granted until a financial guarantee acceptable to the Board or Director has been submitted.
 2. Release of any portion of the financial guarantee is contingent on approval from a professional engineer or the Township that as-built conditions meet original design specifications and a site visit by County staff is conducted to evaluate the condition of erosion and sediment control measures; and
- B. Guaranteed completion of the required improvements within a specified time period; and
- C. Guaranteed payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, Public Works Director and County Surveyor, as well as other related costs.

10.2 In order to define the rights and obligation of the subdivider in regard to any plat that is given conditional approval by the Board or Director, subdivision agreements may be entered into between the subdivider and the Board or Director.

SECTION 11.0 – ADMINISTRATION

11.1 Authority for Administration

This Ordinance shall be administered pursuant to *Minnesota Statutes, chapter 394; or successor statutes.*

11.2 Powers and Duties

The Director shall have the following powers and duties and may delegate them to Department staff as necessary:

- A. To receive and review applications for all types of subdivisions for compliance with the provisions *of this Ordinance; or successor ordinance.*
- B. To receive and review applications for action by the Board, Planning Commission, Platting Committee and/or Board of Adjustment and to provide additional information, recommendations, data and testimony as may be necessary for action to be taken.
- C. To conduct compliance and other inspections. If violations *of this Ordinance; or successor ordinance* are discovered, the Director shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
- D. To maintain records of all actions taken pursuant to the provisions *of this Ordinance; or successor ordinance.*
- E. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
- F. To approve minor subdivisions

11.3 Board of Adjustment

The Stearns County Board of Adjustment, as presently established in *Stearns County Ordinance Number 208; or successor ordinances*, shall have the following powers:

- A. To order the issuance or denial of variances from the provisions of *this Ordinance; or successor ordinance*.
- B. To hear and decide appeals from and review any order, requirement, decision or determination made by the Director with respect to the administration of *this Ordinance; or successor ordinance*.

11.4 Planning Commission

The Stearns County Planning Commission “Planning Commission”, as presently established in *Stearns County Ordinance Number 436; or successor ordinances*, shall have the following duties:

- A. Conduct public hearings for all major subdivisions, registered land surveys, common interest communities and amendments to certain Subdivision Agreements.
- B. Submit recommendations to the Board with respect to the approval or denial of major subdivisions, registered land surveys and common interest communities.

11.5 Platting Committee

11.5.1 A Stearns County Platting Committee, “Platting Committee”, is hereby established for the purpose of reviewing proposed preliminary plats and upon completion of their review to submit a report to the subdivider and the Planning Commission stating any recommendations relative to the preliminary plat.

11.5.2 The Platting Committee shall consist of representatives of the following, subject to appointment by the Board:

- A. Environmental Services Department.
- B. Public Works Department.
- C. Soil and Water Conservation District.
- D. Stearns County Auditor-Treasurer.
- E. Member of Stearns County Planning Commission

11.6 Appeals

An appeal from any decision of the Director may be requested by any aggrieved party in accordance with *Section 7, Stearns County Ordinance Number 208; or successor ordinances*. The appeal shall be in writing and signed by the appellant and include the following information:

- A. The particular order, requirement, decision or determination from which the appeal is requested.
- B. The name and address of the appellant.
- C. The grounds for the appeal.
- D. The relief requested by the appellant.

11.7 Variances

11.7.1 Right of Application

- A. An application for variance shall be signed and in writing on forms to be provided by the Department.
- B. Except as provided in *Section 11.7.5 of this Ordinance; or successor ordinance*, a variance shall run with the land and remain in effect so long as any condition imposed by the Board of Adjustment is met. Nothing in this section shall prevent the Board from enacting this Ordinance, or any other Ordinance to change the status of the variance.
- C. Applications for variance will only be accepted from the owner of the property for which the application is made.

11.7.2 Criteria for Considering Variances

Variances may only be granted in accordance with *Minnesota Statutes, chapter 394; or successor statutes* and *Stearns County Ordinance Number 439; or successor ordinances*.

11.7.3 Notice of Hearing

Notice of hearing for all applicants for variance shall be given in accordance with *Minnesota Statutes, chapter 394; or successor statutes*. Additional notice shall be given in the following instances:

- A. **Shoreland Overlay District.** In instances where the affected property is located in the Shoreland Overlay District, as established in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*, a copy of the notice of public hearing shall be forwarded to the Department of Natural Resources and postmarked at least 10 days before the public hearing date.
- B. **Scenic River District.** In instances where the affected property is located in the Scenic River District, as established in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*, a copy of the notice of hearing, together with a description of the requested variance, shall be forwarded to the Department of Natural Resources at least 30 days prior to the hearing date.
- C. **Township Notice.** Prior to acting on a variance application, the Director shall submit the application to the Township Board of Supervisors of the Township in which the property is located. The Township Board of Supervisors may review the application and submit written comments or provide verbal testimony to the Board of Adjustment at the time of the public hearing.

11.7.4 Notice and Certification of Final Action

- A. **Findings of Fact.** In conducting a public hearing on a variance application, the Board of Adjustment shall make written findings of fact on each application.
- B. **Recording.** After acting on a variance application, the Board of Adjustment shall forward to the Director, written findings of fact and their order regarding the application. The Director shall then file a certified copy of the Board of Adjustment's order with the Stearns County Recorder and/or Registrar of Titles. After recording, a copy of the Board of Adjustments order shall be sent to the Township Board of Supervisors of the Township in which the application was made.

- C. **Shoreland Overlay District.** In instances where the affected property is located within the Shoreland Overlay District, as established in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*, a copy of the final decision granting a variance shall be sent to the Department of Natural Resources and postmarked within 10 days of the final action.
- D. **Scenic River District.** In instances where the affected property is located within the Scenic River District, as established in *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinances*, the Department of Natural Resources shall be notified within 10 days of final action. Action by the Board of Adjustment shall become final only when the provisions of *Minnesota Rules, part 6105.0230, subpart 3; or successor rules* have been satisfied.

11.7.5 Expiration of Variance

A variance shall expire and be considered null and void two (2) years after the Board of Adjustment's final decision to grant the variance if the subdivision for which the variance is granted has not been recorded in the Office of the County Recorder and/or Registrar of Titles.

11.7.6 Reapplication

No application for the same variance, as ruled upon by the Board of Adjustment, shall be resubmitted for a period of twelve (12) months from the date of the decision of the previous application unless there has been a change in circumstances as it relates to the request.

11.7.7 Appeals

All decisions by the Stearns County Board of Adjustment in acting upon or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of any state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Stearns County District Court pursuant to *Minnesota Statutes, section 394.27, subdivision 9; or successor statutes*.

11.8 Ordinance Amendments

11.8.1 Criteria

The Board may adopt amendments to this Ordinance to reflect changes in the goals and policies of the *Stearns County Comprehensive Plan*. Any changes in this Ordinance shall be in compliance with the *Stearns County Comprehensive Plan*.

11.8.2 Procedure

- A. An amendment to this Ordinance may be initiated by the Board, the Planning Commission or by application of a property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation

- B. Before the enactment of any ordinance amending this Ordinance, a public hearing shall be held in the manner provided in *Minnesota Statutes, section 394.26 and 375.51; or successor statutes.*

11.8.3 Application for Amendment

An application to amend this Ordinance shall include:

- A. Reason for the requested change;
- B. Statement regarding compatibility with the *Stearns County Comprehensive Plan*;
- C. Text portion of the existing language to be amended; and
- D. Proposed amended text.

11.8.4 Notice of Hearing

Notice of hearing for all amendments to this Ordinance shall be given in accordance with *Minnesota Statutes, sections 394.26 and 375.51; or successor statutes.*

SECTION 12.0 – ENFORCEMENT

12.1 Any person, firm or corporation who violates any of the provisions *of this Ordinance; or successor ordinance*, or who fails, neglects or refuses to comply with the provisions *of this Ordinance; or successor ordinance* (including violations of conditions and safeguards established in connection with the granting of variances or approval of subdivisions), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense.

12.2 In the event of a violation or a threatened violation *of this Ordinance; or successor ordinance*, the Director, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

SECTION 13.0 – FEES

To defray the administrative cost of processing requests *of this Ordinance; or successor ordinance*, a fee not exceeding administrative costs shall be paid by the applicant. Such fees shall be determined by the County Board of Commissioners.

SECTION 14.0 – EFFECTIVE DATE

This Ordinance shall be in full force and effect on June 7, 2001.

SECTION 15.0 – REPEALER

Stearns County Ordinance Number One, as presently enacted, is hereby repealed.

PASSED BY THE STEARNS COUNTY BOARD OF COMMISSIONERS THIS 8th DAY OF
MAY, 2001.

APPROVED BY:

Larry Haws, Chair
Stearns County Board of Commissioners

ATTEST BY:

Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk of the Board
Stearns County Board of Commissioners

Amended by Ordinance Number 285, adopted November 18, 2003

Amended by Ordinance Number 400, adopted March 25, 2008

Amended by Ordinance Number 405, adopted June 17, 2008

Amended by Ordinance Number 424, adopted April 28, 2009

Amended by Ordinance Number 526, adopted March 1, 2016. Effective April 5, 2016.

Amended by Ordinance Number 550, adopted April 18th, 2017. Effective May 9, 2017.