

# Crow Wing County Subdivision Ordinance

“AN ORDINANCE ESTABLISHING SUBDIVISION REGULATIONS FOR THE UNINCORPORATED AREAS WITHIN CROW WING COUNTY, MINNESOTA.”

The Board of Commissioners of Crow Wing County ordains as follows:

## ARTICLE 1 GENERAL PROVISIONS

### 1.1 Title

This Ordinance shall be known as the Subdivision Ordinance of Crow Wing County, Minnesota.

### 1.2 Purpose

Each new subdivision becomes a permanent unit in the basic physical structure of the county, a unit to which in the future, communities will of necessity be forced to adhere. New subdivisions shall contribute toward an attractive, orderly, stable and wholesome community environment, adequate public services, and safe streets. The purpose of this Subdivision Ordinance is to provide for orderly development and implement the policies of the Crow Wing County Comprehensive Plan, specifically to:

- A. Discourage piece-meal lot splits and rezoning.
- B. Encourage developers and landowners to permanently preserve green space in new developments.
- C. Update the existing subdivision regulations to reflect current growth conditions and development trends and landowners' needs.
- D. Update the subdivision ordinance using residential design guidelines, performance standards, and lot and building requirements that meet the need expressed by township residents, as well as the goals of the County.
- E. Identify and develop appropriate incentives, standards and other tools to encourage affordable subdivision design.
- F. Find a balance between larger lot sizes and clustered development.
- G. Rewrite the subdivision ordinance to require developers to provide a dedicated public access for future roads or to extend new road for future connections with adjacent properties.
- H. Update the subdivision ordinance to require new development to provide utilities.

### 1.3 When Required

All proposed subdivisions of land in Crow Wing County shall be platted and shall fully comply with the provisions of this Ordinance and applicable state and federal law. Land divisions shall include subdivisions, Planned Unit Developments, Common Interest Community Plats, and Cluster Developments.

### 1.4 Subdivision Approval Prior to Issuance of Permits

No building permit shall be issued by any governmental official for the construction of any building, structure or improvement on any land required to be subdivided by this Ordinance until final subdivision approval has been granted, plat recorded and required improvements have been completed and accepted by the County or local community or provision has been made for financial assurances for completion of required improvements.

**1.5 Interpretation**

In the interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

**1.6 Scope**

This Ordinance shall apply and be binding upon all of the area of Crow Wing County, Minnesota, located outside the incorporated limits of municipalities.

**1.7 Conformance to Zoning Ordinance Required**

This Subdivision Ordinance provides a process by which land is subdivided. The Crow Wing County Zoning Ordinance establishes zoning districts, allowed uses, density and design requirements for land use and structures in the County. All divisions of land submitted for approval under this Subdivision Ordinance shall conform to the requirements of the Zoning Ordinance and the zoning district where the parcel(s) of land are located.

**1.8 Violations of County Ordinances**

No subdivision shall be approved if a violation of any Crow Wing County ordinance exists on the parcel(s) that is the subject of the subdivision application at the time of application.

**1.9 Variances**

The Board of Adjustment shall have the authority to grant variances from the requirements of this Ordinance, subject to the same procedures, conditions and findings required for variances under the Crow Wing County Zoning Ordinance.

**1.10 Deadline for Action**

It is the intent of the County to comply with State requirements for timely review of actions requiring formal approval by the County. Information submissions and applications must be determined by the County to be complete before a timeline for action is initiated. Such timelines shall include:

- A. Completed applications and date of submission.** Subdivision applications shall be reviewed within fifteen (15) working days for completeness by the County Planner upon receipt and prior to forwarding the application to the Planning Commission or County Board. An incomplete application shall be returned to the applicant. Any date in this Ordinance that refers to the date of submission of a completed application shall mean the date upon which a complete application was submitted, it shall not mean the date upon which an incomplete application was submitted. Preliminary plat and final plat applications shall both be subject to a completeness review prior to forwarding the application to the Planning Commission or County Board.
- B. Preliminary plat.** A preliminary plat shall be approved or disapproved by the County Board within one-hundred and twenty (120) days of the date a completed application was received by the County, unless a written extension is granted by the applicant.
- C. Final plat.** A final plat shall be approved or disapproved by the County Board within sixty (60) days of the date of submission of a completed final plat application, unless a written extension is granted by the applicant. A final plat shall only be approved by the County Board when conditions of the preliminary approval have been met.

- D. Multiple approvals.** In the event that multiple approvals are involved in any action, such as Zoning Ordinance amendment, Comprehensive Guide Plan amendment, environmental review, preliminary plat and final plat, each action shall require a separate, independent timeline for action.

**1.11 Environmental Review**

An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and Minnesota Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews or alternative urban area-wide reviews (AUAR) ordered by the responsible government unit (RGU). The RGU is the designated review authority.

- A. Complete before consideration of preliminary plat.** If an environmental review is required, no preliminary plat may be approved, nor may any land disturbance activity be allowed, until such EAW or EIS, whether mandated by the State or ordered by the RGU, has been prepared, referred for review and acted upon.
- B. Payment for cost of review.** The County or RGU shall prepare, at the developer's expense, any state mandated EAW or EIS for the project. The County or RGU shall prepare, with the developer's input and assistance, any discretionary EAW or EIS.

**1.12 Amendments**

The County Board may amend, supplement or repeal the provisions of this Ordinance after a public hearing has been held. Such amendment may be initiated by the County Board, Planning Commission, or by petition submitted to the County Board. A notice of time, place and purpose of hearing shall be posted and published in the official newspaper of the County at least ten (10) days prior to the day of the hearing.

**1.13 Validity**

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

**1.14 Repeal of Existing Resolutions and Ordinances**

All resolutions or parts of resolutions of the County in conflict with the provisions of this Ordinance, and all previous versions of this Ordinance, are hereby repealed.

**1.15 Date of Effect**

This Ordinance shall be in full force and effect on the date of approval of the Ordinance by County Board resolution, or upon an alternate effective date if stated in the resolution of approval.

## ARTICLE 2 DEFINITIONS

### 2.1 Introduction

Definitions for certain terms and words used in this Ordinance are defined in Section 2.3 of this Section. If not defined in this Section, words and terms shall be given the meanings defined in Minnesota State Statutes; and if not defined there, they shall be given their common meaning.

### 2.2 Interpretation of Certain Terms

- A. For the purpose of this Ordinance, certain terms and words shall be interpreted as follows:
- B. The words “shall”, “will” and “must” are mandatory, not discretionary, and create an obligation or duty to comply with the particular provision.
- C. The word “may” is permissive.
- D. The word “person” shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.
- E. Words used in the present tense shall include the future.
- F. Words used in the singular shall include the plural, and the plural the singular, unless otherwise indicated in the text.
- G. The word “and” used in conjunction with a series of items shall mean all items must occur.
- H. The masculine gender shall include the feminine.
- I. The term “used for” shall include the terms “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for.”

### 2.3 Definitions

Alley: A public way used primarily as a service access to the rear or side of a property which abuts on a road.

Applicant: The owner of land proposed to be subdivided or a representative of the owner. Consent to subdivide shall be required from the legal owner of the premises.

Attorney: The County Attorney of Crow Wing County, Minnesota or an authorized representative.

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

Bluff: A topographical feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18 per cent over a distance of 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the Ordinary High Water Level of the water body;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the Ordinary High Water Level averages 30 per cent or greater; and
- D. The slope must drain toward the water body.

Bluff impact zone: A bluff and land located within 30 feet from the top of the bluff.

Bond: Any form of security including a cash deposit, collateral, property, or instrument of credit in an amount and form satisfactory to the County Board.

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Buffer: Physical barrier that separates different land uses or mitigates a risk associated with a land use or structure, including vegetated buffers, topographic buffers, setback or distance buffers.

Building Envelope: The area remaining on a newly created parcel of land or platted lot after all road easements and rights-of-way, setbacks, bluffs, and wetlands are subtracted.

Certificate of Survey: A graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota Licensed Land Surveyor.

Cluster Development: A subdivision development planned and constructed to group housing units into relatively tight patterns while preserving agriculture or providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

Collector Road, major/minor: A road that serves as a principal connection between a minor arterial or principal arterial and minor roads.

Comprehensive Plan: The plan or plans for the orderly growth of Crow Wing County as adopted and amended from time to time by the Planning Commission and the County Board.

Common Interest Communities: Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

Common Interest Community Plats: Plats that in addition to conforming to the platting requirements of this Ordinance also conform to Minnesota Statutes Chapter 515.

Contour line: A line connecting points that are at the same elevation. Contour interval is the vertical height between contour lines.

Controlled access: Control by the governing body to regulate access to a public road or right-of-way; or, property which fronts upon or is adjacent to public waters (riparian) with the intended use being to provide access to the public water for non-riparian property or the general public.

County: Crow Wing County, Minnesota

County Board: The Crow Wing County Board of Commissioners

County Planner: The individual in charge of the Planning and Zoning Department or his/her designated agent.

Covenants, private: A private agreement restricting the use and occupancy of real estate which is a part of a conveyance and is binding on all subsequent purchasers. Such covenants may have to do with allowed uses, maintenance, lot sizes, setbacks, placement of buildings, architecture, or cost of improvements.

Cul-De-Sac: A permanent road terminating at one end, which is circular in design, without connecting with another road and designated so that it cannot be further extended without taking property not dedicated as a road.

Design Standards: Minimum requirements for the preparation and layout of plats, subdivisions, and public improvements.

Developer: See Applicant.

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DNR: Minnesota Department of Natural Resources.

Drainage course: A water course or indenture for the drainage of surface water. This includes natural waterways as well as man-made waterways.

Easement: A nonpossessory interest held by one person in the land of another whereby the nonpossessory person is given partial use of the land for a specified purpose.

Engineer: The Crow Wing County Highway Engineer or authorized agent.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

Flood Plain Area: The relatively flat lowlands adjoining a watercourse or other body of water subject to overflow during 100-year frequency flood, and including the flood way and flood fringe as designated by the Federal Emergency Management Agency (FEMA).

Frontage/backage road: A local road parallel to and adjacent to a principal or minor arterial, designed to provide direct access to land in lieu of direct access from a principal or minor arterial.

Interior Road: A roadway located within a subdivision.

Local Road: A road which serves primarily to provide access to adjacent lands and provides service to travel over relatively short distances as compared to collectors or other roads.

Lot: A defined area of land within a platted subdivision marked as a numbered or lettered parcel of land and available for title transfer by use of such number or letter identification. See also "Parcel of land."

Lot or Parcel Frontage: That part of a lot lying along and abutting a road or that part of a lot lying along or abutting a waterfront. For lots which abut both a road and a waterfront, such lots shall be considered to have two front yards and no back yard (or side yards in such event). For corner lots and through lots (through lots are those which run from street to street), all portions of the lot adjacent to the street shall be considered as front yards.

Lot size: Total square footage of land above the OHW encompassed within the boundaries of a parcel or platted lot.

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

Minor Arterial: A road of relatively short length or serving lower levels of traffic that provides direct access to a limited number of properties.

Minor Subdivision: A subdivision that requires review by the County Planner and County Surveyor based on the requirements listed in Article 3.

MPCA: Minnesota Pollution Control Agency.

NPDES: National Pollution Discharge Elimination System authorized by Section 402 of the Federal Water Pollution Control Act Amendment of 1972.

OHWL: The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary height water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outlot: A lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site as it currently exists.

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

Parcel of Land: Any tract of land where the title has been transferred by metes and bounds description and duly recorded in the Office of Register of Deeds or in the Office of the Registrar or Titles for the County. See also "Lot"

Person: Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

Planned Unit Development: A type of development characterized by a unified site design for a number of units or sites on a parcel, whether for sale, rent, or lease; and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises or any combination of these or cluster subdivision of dwelling units, residential condominiums, town houses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

Plat: A map or drawing, conforming to Minnesota State statutes, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record or title.

Plat Manual: The Manual of Standard Procedures for Subdivision Plats adopted by Crow Wing County.

Preliminary Plat: A preliminary map or drawing indicating the proposed layout of a subdivision of land and conforming to the requirements of this Ordinance.

Principal Arterial: A road or highway which is part of a system which consists of a connected network of continuous routes serving corridor movements have trip length and travel density characteristics indicative of substantial statewide or inter-regional travel.

Private Road: A purported road or way reserved for the use of a limited number of persons, as distinguished from a public road, for purpose of limiting or precluding orderly developing of adjoining property.

Public Trail: A defined alignment for use by the public as a trail formally adopted by the Crow Wing County Board or another state or local agency.

Public Walkway: A public way designed for the use of pedestrian traffic.

Registered Land Survey: A method of surveying Torrens, or Registered, land following the procedures in State Statutes Chapter 508.47, as amended.

Responsible Governmental Unit (RGU): The local unit of government with the authority to conduct environmental review processes.

Right-of-way: Land dedicated for public use including, but not limited to, streets, pedestrian ways and authorized utilities.

Road: A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

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Section Breakdown: A retracement of the original public land survey for individual sections showing all corners and types of corners found or set and directions and distances between corner monuments.

Sketch plan: A drawing which shows the conceptual subdivision of property.

Subdivider: See Applicant.

Subdivision: The division of a tract of land into two (2) or more lots for the purpose of transfer of ownership, or for lease, or for building development including condominium provided that transfers of interest in land by will or pursuant to Court Order shall not be deemed a subdivision.

Surveyor: The Crow Wing County Surveyor or authorized agent.

Tract of Land: For the purposes of this Ordinance, a tract of land is a parcel of ground or meandered lake which a subdivider desires to subdivide, examples of which include but are not limited to:

- A 40 acre tract which is a quarter of a quarter section of land;
- A government lot;
- A platted lot per a duly recorded plat which is of record in the Office of the Registrar of Deeds or the Office of the Registrar of Titles for the County; or
- A metes and bounds description recorded in the Office of the Register of Deeds or in the Office of the Registrar of Titles for the County and which defines wholly or partly less than the whole of either a, b, or c above.

Vicinity map: Also known as a key map or location map. A map or sketch which shows the area proposed to be platted in relation to known geographical features, i.e. town centers, lakes, roads.

Water course: Any perennial or intermittent stream, river, or drainage in which surface water drains from surrounding land or another water course.

Zoning Ordinance: The Crow Wing County Zoning Ordinance.

### ARTICLE 3 MINOR SUBDIVISION PROCEDURE

#### 3.1 Minor Subdivisions Processed as Certificates of Survey

Land divisions with a small number of resulting lots shall be considered minor subdivisions. The following provisions apply to minor subdivisions.

**A. Minor Subdivisions Defined.** The following subdivisions are considered minor subdivisions which require each resulting description to be approved by the County Surveyor and each resulting parcel or tract shall meet the maximum density and minimum size requirements of any Zoning Ordinance in effect.

**i. Division of Property.** The division of contiguously owned property within a five (5) year period of time into:

- a. two (2) or three (3) parcels or tracts of land that are less than ten (10) acres in size;
- b. four (4) parcels or tracts of land that are ten (10) acres in size.

**Note:** The remaining land that is not subdivided as part of the Minor Subdivision shall be included in the total area allowed within the five (5) year time period and the division of property into more tracts than specified above within the five (5) year time period shall follow the requirements of a Major Subdivision.

**ii. Boundary Lines.** The relocation of the boundary line between two abutting existing metes and bounds parcels of property shall be considered a minor subdivision provided such relocation shall not cause the creation of an additional parcel or parcels and the resulting parcels comply with the Zoning Ordinance.

**B. Information and Review.** The minor subdivision shall be prepared in the form of a certificate of survey by a land surveyor who is licensed in the State of Minnesota and shall conform to all the requirements of State and County law. The certificate of survey shall contain the following information:

- i.** Location and dimensions of all existing structures
- ii.** Dimensions of all parcels
- iii.** The Ordinary High Water Level (OHWL) if applicable, with benchmark and datum.  
Assumed elevations are not acceptable
- iv.** Wetland delineation with delineators name and business noted on lots ten acres or less.
- v.** Building envelope

**C. Application Procedure.** Prior to subdividing land, an owner of the land or his agent, shall file an application for approval of a minor subdivisions. The application shall be made on forms available from the Crow Wing County Planning and Zoning office and include the following information:

- i.** Section Breakdown
- ii.** County Coordinates
- iii.** Recode for parent parcel
- iv.** Recorded warranty or quit claim deed with legal description of the parent tract
- v.** Plat checking fee

**D. Administrative Approval.** Information provided in B and C will be submitted to the County Planner & Surveyor for review. Minor subdivisions that meet the requirements of Article 3.1 may be approved by the County Planner and County Surveyor. Approval shall be signified by the signature of the County Planner and the County Surveyor on the application and on the face of the minor subdivision certificate of survey, and on the deed or other instrument of conveyance that constitutes a subdivision or lot split under the Crow Wing County Subdivision Ordinance.

## ARTICLE 4 MAJOR SUBDIVISION PROCEDURE

### 4.1 When Required

Land divisions that do not meet the requirements for a minor subdivision in Section 3.1 of this Ordinance shall be processed as a major subdivision under the requirements of Section 4. Cluster subdivisions, planned unit developments, common interest community plats, and subdivisions with four (4) or more lots shall be processed as major subdivisions.

### 4.2 Initial Conference and Sketch Plan

In order to ensure that all applicants for subdivisions are informed of the subdivision and platting procedure and the requirements of this Ordinance and related ordinances, the subdivider is required to consult with the County Planner and other County staff at an initial conference. At the time of this initial conference, the subdivider shall present a sketch plan for review.

**A. Sketch plan requirements.** The sketch plan need not be drawn to scale, but must show the proposed subdivision and use of the property, the street layout, proposed location of structures, significant topographical and physical features, including shoreline edge vegetation, and adjacent land use. The developer should make use of quadrangle maps, air photo maps, half-section maps or other maps or plats to construct the sketch plan.

### 4.3 Subdivision Application Requirements, Completeness Review and On-Site Review

**A. Application requirements.** After the sketch plan review, the owner or subdivider may submit a subdivision application with the County Planner that meets all of the following requirements:

- i.** Completed application for the proposed subdivision on forms provided by the County.
- ii.** A fee in the amount listed in the fee schedule (adopted by the County Board) shall be paid upon application submittal.
- iii.** A minimum of eight (8) 20" x 30" copies and one (1) 11" x 17" copy of a preliminary plat conforming to the requirements in Section 4.5 below.
- iv.** A copy of any proposed private restrictions, including restrictive covenants, easements such as access easements for the benefit of the subdivision over property that is not part of the subdivision application, deed restrictions or common interest community documents for the proposed subdivision.

**B. On-site review by staff.** Within fifteen (15) working days of receipt of an application, Planning staff will conduct an on-site review of the property to gather information and photographs to aid in review of the application and to ensure there are no violations of County Ordinances on the property.

- i. Corners and access flagged.** Prior to the on-site review by staff, the applicant shall locate and identify at least two lot corners and exterior boundary corners and the centerline of the primary access drive with flags or stakes.

**C. Review of application for completeness.** The County Planner shall review the application and shall determine if the application is complete pursuant to the requirements of this Ordinance. If the County Planner determines the application is not complete, then the application shall be returned to the applicant and the applicant shall be informed as to the reasons for the incompleteness of the application.

**D. Notification of township.** At the time of the application submittal, the Township where the parcel proposed to be subdivided is located shall be notified by the County Planner of the potential subdivision and a copy of the sketch plan shall be included.

**4.4 Additional Studies, Information and Fees.**

In considering a subdivision application, the Planning Commission or County Board may request a report by the County Planner or other County staff or consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

**4.5 Preliminary Plat Requirements.**

The preliminary plat of the proposed subdivision shall conform to the requirements of the Crow Wing County Plat Manual and shall contain and have attached thereto the following information:

**A. Identification and description:**

- i.** Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation of the name of any other plat on record in the county.
- ii.** Legal description of land area proposed for development.
- iii.** Names and addresses of all the owners of the property, any agent having control of the lands, and subdivider.
- iv.** Names and addresses of the surveyor, engineer and designer of the plat.
- v.** Graphic scale not less than one inch to one-hundred feet (1" = 100'), except for large subdivisions where a smaller scale may be acceptable at the discretion of the County Planner.
- vi.** North point and vicinity map of area showing well known geographical points for orientation within a one-half mile radius.
- vii.** Date of preparation.

**B. Existing conditions:** The preliminary plat shall have the following information concerning the property in and surrounding the proposed subdivision:

- i.** The outside boundary lines of the subdivision clearly shown.
- ii.** Existing zoning classifications for land in and abutting the subdivision.
- iii.** Total acreage.
- iv.** Location, right-of-way width and names of existing or platted roads or other public ways, parks and other public lands, permanent buildings and structures, power transmission poles and lines, easements (including the easement document number) and section and corporate lines within the preliminary plat and to a distance of one-hundred feet (100') beyond.
- v.** Location and size of existing septic systems, wells, sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one-hundred feet (100') beyond. Such data as grades, locations of catch basins, manholes, hydrants pavement width and type shall be shown.

- vi.** Boundary lines of adjoining unsubdivided or subdivided land, within one-hundred feet (100'), identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
  - vii.** Topographic data, including contours at two feet (2') vertical intervals; except where the horizontal contour interval is one-hundred feet (100') or more, a one foot (1') vertical interval shall be shown. National Geodetic Vertical Datum shall be used for elevations and topographic mapping, unless deemed unnecessary by the County. The source of the topographic contours shall be given, whether done by survey crew methods, aerial photography, or using existing topographical maps and then only by identifying the source and date of such maps.
  - viii.** Water courses, lakes, ponds, flood fringe and flood way boundaries if available, wooded areas, rock outcrops, and other significant natural features shall be shown. On all lakes, ponds, rivers and other waterways, present water surface elevations, water depth, natural ordinary high water elevations and 100-year flood elevations (if available), shoreline edge vegetation, shall be denoted. The required ordinary high water level (OHWL), as designated by the DNR, shall be shown and benchmark noted as surveyed by a Licensed Land Surveyor.
  - ix.** Description of the soils on the site and soil test results demonstrating the adequacy of the property for proposed development in terms of ground water level, and percolation rate.
  - x.** All wetlands, regardless of size, shall be:
    - a. Delineated by a certified wetland delineator according to the required Wetland Delineation Manual and flagged
    - b. The delineated boundary shall be surveyed and shown on the preliminary plat
    - c. A delineation report, signed by the certified wetland delineator shall be submitted.
    - d. Measurements and acreages of any delineated wetland and all upland shall be shown for each lot within the proposed subdivision.
    - e. Delineations done between October and April may be subject to postponement due to the inability to verify wetland delineation criteria (vegetation, soils, and hydrology).
- C. Design features:** The following design features of the proposed subdivision shall be shown on the preliminary plat as follows:
- i.** A design that meets the minimum design standards in Article 5 of this Subdivision Ordinance.
  - ii.** Layout of proposed road, showing right-of-way widths and proposed names of roads. Road names shall conform to the Crow Wing County coordinate datum based unincorporated addressing and sign ordinance.
  - iii.** Locations and widths of proposed alleys, pedestrian ways and utility easements.
  - iv.** Lot and block numbers and preliminary dimensions of lots and blocks and area of each lot.
  - v.** Minimum front, side and rear building setback lines, and including setback lines from lake shores and river fronts.
  - vi.** Location footprints of all proposed structures or building envelopes.

- vii.** Bluffs and the minimum setback lines from the bluff as defined in the Crow Wing County Zoning Ordinance.
- viii.** Location and size of proposed individual septic treatment systems and wells, including any required setback lines.
- ix.** Location and size of proposed sanitary sewer lines and water mains if applicable.
- x.** Gradients of proposed roads, sewer lines and water mains. Plans and profiles showing locations and typical cross-sections of road pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
- xi.** Areas, other than roads, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
- xii.** Grading plan for entire subdivision. The grading plan shall identify existing vegetation and woodlands on the site and clearly delineate areas where vegetation will be removed. If any fill or excavation is proposed in a wetland or shore impact zone, approval must be obtained from the Crow Wing County Soil and Water Conservation District, the local Watershed District, the Minnesota Department of Natural Resources, and/or the Army Corps of Engineers and the County, if applicable.
- xiii.** Stormwater management. The need for storm water management facilities may be reduced by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond. The use of a two cell system must be implemented when possible. All stormwater plans shall be prepared by a state licensed engineer.
  - a. The following storm water management practices may be used in developing a storm water management plan.
    - a. Infiltration of runoff on-site, if suitable soil conditions are available for use;
      - i. Flow attention by use of open vegetated swales and natural depressions;
      - ii. Storm water retention facilities; and
      - iii. Storm water detention facilities.
  - A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed area must be stabilized and protected and facilities or methods used to retain sediment on site.
  - c. When development density, topographic features, and soil vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference shall be given to the designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
  - d. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and

- maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The Board may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.
- e. Stormwater management plans may receive a technical review from the Soil and Water Conservation District.
  - f. All storm water management facilities necessary to manage increased runoff shall be constructed so that the 100-year storm peak discharge rates existing under native forested conditions shall not be increased and/or accelerated. Channel erosion will not occur as a result of the proposed land disturbing activity.
  - g. Drainage plans for a conveyance system will be designed on a 100-year (5.5 inch 24 hour storm event) occurrence storm. Storm water ponding will be based on a 5.5 inch 24 hour storm event.
  - h. Storm water facilities must be designed and installed consistent with the Best Management Practices.
  - i. Storm water outfalls to any public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
  - j. Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse grained material as specified by the County Planner. Such basins shall be cleaned when they are 25% of the ponds original volume with material or as resources allow.
  - k. All storm water ponds shall be designed and constructed in accordance with National Urban Runoff Program (NURP) criteria.
  - l. If a storm water management plan involved direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary or other property interests concerning flowage of water.
  - m. If the development is part of a stormwater management system, standards of that system must be met by the development
  - n. All calculations used to develop the stormwater management plan must accompany the plan submission.
- xiv.** Erosion and sediment control plan for the entire subdivision shall be prepared by a state licensed engineer. The erosion and sediment control plan shall identify methods for controlling erosion and sediment during construction and for the subdivision as completed. The erosion and sediment control plan shall incorporate the current best management practices as identified by the Minnesota Pollution Control Agency. For development sites where one acre or more of land will be disturbed, a National Pollution Discharge Elimination System permit may be required.
- xv.** For subdivisions where all or a portion is within a flood plain area, a plan for flood control that conforms to the Flood Plain requirements of the Zoning Ordinance shall be submitted.
- xvi.** Landscaping plan for each lot within the subdivision. The landscaping plan shall indicate locations for new trees and other vegetation, with species and size noted. Revegetation of shoreland areas, particularly shore impact zones, in which vegetation has been cleared or

are eroding due to lack of vegetation, shall be included. Use of native species is encouraged.

- xvii. For subdivisions within one mile of a municipal boundary, where public water and sewer services are not presently available, the applicant shall submit a resubdivision plan showing a potential and feasible way in which the lot or lots may be re-subdivided in future years when public facilities may be provided. The undeveloped lots may be conveyed to other persons or entities and building development may be permitted on the previously undeveloped lots at the setbacks described in the district where it is located.

**D. Other information:** The following additional information shall be provided concerning the proposed subdivision:

- i. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- ii. Architectural drawing of building for commercial or industrial structures.
- iii. Any required Environmental Assessment Worksheet or Environmental Impact Statement.
- iv. For any subdivision where a common interest community is proposed, the plat shall conform to the requirements of the Minnesota Uniform Condominium Act, Minnesota Statutes Chapter 515B, and the common interest community documents shall be filed with the preliminary plat.
- v. Source of water supply.
- vi. If any changes in zoning district are contemplated, the proposed zoning district shall be included and areas proposed to be rezoned shall be shown on the plat.
- vii. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use.
- viii. Such other information as may be requested by the County Planner, Engineer, Surveyor, Planning Commission or County Board.
- ix. Solid waste plan if required by the Crow Wing County Solid Waste Department.

**4.6 Review of Preliminary Plat**

- A. Distribution of copies.** Upon receipt of the preliminary plat, completed application form and application fee, the County Planner shall refer copies of the preliminary plat as follows:
- i. Seven (7) copies to the Planning Commission
  - ii. One (1) copy to the County Engineer
  - iii. One (1) copy to the County Surveyor
  - iv. One (1) copy to the County Auditor
  - v. One (1) copy to the County Recorder
  - vi. One (1) copy to the Town Board in the Township where the property is located

- vii.** One (1) copy retained by the County Planner
  - viii.** If the proposed subdivision abuts any federal or state trunk highway, one (1) copy to the Minnesota Department of Transportation.
  - ix.** If the proposed subdivision is located in any shore land district or any flood plan district as defined in Minnesota Statutes, Sections 105.485 and 104.02 respectively, one (1) copy to the Commissioner of Natural Resources.
  - x.** If the proposed subdivision is located on property with a designated State or County trail, one (1) copy to the DNR trails and waterways or County Parks department.
  - xi.** If the proposed subdivision is located within a watershed district one (1) copy to the watershed district office.
  - xii.** If the proposed subdivision is located on a lake with a lake association that has filed a letter with the County Planner requesting notification, one (1) copy to the lake association.
  - xiii.** Additional copies as needed
- B. Review and comment period.** All entities receiving a copy of the completed application and preliminary plat shall, within thirty (30) days review and forward comments to the County Planner.
- C. Staff report.** The County Planner may prepare a report on the application and preliminary plat for the Planning Commission before the public hearing.
- D. Planning Commission consideration.** After the review period, the County Planner shall refer the application and preliminary plat to the Planning Commission for review at the next available regular meeting. This meeting date may serve as the public hearing date.
- E. Scheduling and notice of public hearing.** The County Planner shall set a date for a public hearing on the preliminary plat within ninety (90) days of the date on which a completed application was received, unless a delay is consented to by the applicant in writing. The Planning Commission shall conduct the hearing and report upon the findings. The County Planner shall cause notice of said hearing to be published in the official newspaper at least ten (10) days prior to the hearing.
- F. Action by the Planning Commission.** After the public hearing, the Planning Commission shall determine whether the preliminary plat conforms to standards set forth in this Ordinance and conforms to the adopted County Comprehensive Plan and the Zoning Ordinance. The Planning Commission may table the decision for additional information or to conduct an on-site review of the application, otherwise they shall recommend approval or denial of the preliminary plat, or may recommend approval, subject to certain conditions and forward its findings to the County Board.
- G. Action by the County Board.** The County Board shall act on the preliminary plat within 120 days of the date on which the completed application was received, unless a delay is consented to by the applicant in writing. If the report of the Planning Commission has not been received in time to meet these requirements, the County Board may act on the preliminary plat without such a report. The County Board shall approve or deny the preliminary plat, or may recommend approval, subject to certain conditions. The reasons or findings for approval or denial shall be recorded in the proceedings.

**H. Approval of preliminary plat not final acceptance.** If the preliminary plat is approved, such approval shall not constitute final acceptance of the subdivision. Final approval is not granted until all conditions of preliminary plat approval have been met and the final plat is approved and recorded.

**I. Amendment shall constitute a new application.** Should the subdivider desire to amend the preliminary plat as approved, the amended plan must be resubmitted and shall be considered a new application unless the modifications are, in the opinion of the Planning Commission, incidental to the original plat.

#### **4.7 Preparing and Filing the Final Plat**

After the approval of a preliminary plat by the County Board, the subdivider shall prepare and file a final plat conforming to the following procedures:

**A. Prepared by surveyor.** The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall conform to all the requirements of state and county law.

**B. Final plat requirements.** Unless an extension of time is requested by the subdivider and granted by the County Board upon recommendation of the Planning Commission, the subdivider shall within one (1) year, following approval of the preliminary plat, submit to the County Planner:

- i.** Eight (8) large copies and one (1) 11x17" copy of the final plat conforming to the provisions of Chapter's 505 or 515 of Minnesota Statutes;
- ii.** If the plat is a common interest community plat, the following additional information shall be shown:
  - a.** Location and dimensions of all structures;
  - b.** Vertical elevations diagrams of all structure types; and
  - c.** Dimensions of all lots.
- iii.** An up-to-date abstract of title or Certificate of Title, title opinion, or title commitment by the subdivider's attorney or title company;
- iv.** Final versions of any documents that were required to be filed with the preliminary plat shall be submitted with the final plat, including signed and notarized covenants, easements, common interest community documents, or other restrictions;
- v.** Surveyor's worksheet, computation sheet for the subdivision;
- vi.** A section breakdown if there is not one of public record. The County Surveyor may waive the requirement of a section breakdown;
- vii.** Proof of any required surety bond or other financial assurances required in the preliminary plat approval.

**C. Taxes.** All outstanding taxes on the parcels of land being platted must be paid in full in the year the plat is recorded. Along with submission of the final plat, the subdivider shall furnish proof of payment of these taxes.

**D. Certification.** The land surveyor shall certify on the plat that the plat is a correct representation of the survey, that all the distances are correctly shown on the plat, that all

monuments have been correctly placed on the ground as shown, that the outside boundary lines are correctly designated on the plat. The surveyor shall also state on the plat if there are no wetlands or public highways to be designated in accordance with Minnesota Statutes, Section 505.02 and Section 515, and the Crow Wing County plat manual.

- E. Approval void if final plat not submitted within time period.** If the subdivider fails to submit the final plat to the County Planner within the designated period without requesting and receiving an extension of time in writing, the approval and endorsement of the preliminary plat, including any rezoning necessitated by the preliminary plat, shall be deemed void.
  - i. Staged development and approval.** Extensions of the period in which to file the final plat may be granted where the preliminary plat, because of its size, is to be developed in stages. The subdivider shall submit an estimated time schedule for future staging of the platting and recording of each stage of the development. Final plats for the portion of the approved plan which is proposed for immediate development, conforming to all requirements of this Ordinance, must be filed within the required time, and the final plat for each succeeding stage of the development must be filed in accordance with the extensions granted by the County Board. Each final plat shall incorporate all changes, modifications and revisions of the preliminary plat as recommended by the Planning Commission and approved by the County Board. Except as so modified, the final plats shall conform to the preliminary plat as approved. Where the subdivision is to be developed in stages, the final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time.

#### **4.8 Review of the Final Plat**

After a final plat application is received, the final plat shall be reviewed according to the following process:

- A. Review of application for completeness.** The County Planner shall review the final plat application and shall determine if the application is complete pursuant to the requirements of this Ordinance. If the County Planner determines the application is not complete, then the application shall be returned to the applicant and the applicant shall be informed as to the reasons for the incompleteness of the application. Application fees shall be due and paid upon submittal of the final plat.
- B. Staff review.** The County Planner shall refer copies of the final plat to the County Surveyor, County Engineer, County Recorder and County Auditor for review and comment. All comments shall be submitted to the County Planner within thirty (30) days.
- C. Staff reports.** The following reports shall be submitted to the County Board after the submission of the final plat to the County Planner:
  - i.** Before a final plat is filed, a letter must be submitted from the County Surveyor stating the final plat was checked for mathematical accuracy, conforms to Minnesota State Statutes, Chapter 505, and conforms to the provisions of the County Ordinances. A fee shall be paid by the developer to cover public expenses in checking of the final plat, when done by the County Surveyor;
  - ii.** The County Engineer shall state whether the final plat and the proposed improvements conform to all engineering standards, including requirements of the Minnesota Department of Transportation, if applicable;

- iii. The County Auditor shall state whether the fee simple title to the platted property is in the names of the subdividers; and
  - iv. The County Planner shall confirm that the final plat conforms to the preliminary plat as approved by the County Board and correctly shows changes required by the County Board.
- D. Application shall conform.** If any of the reports required by Section 4.8 cannot be made within the prescribed period because of the non-conformity of the final plat to the preliminary plat or the non-compliance with any applicable statute or county ordinance, the County Board shall obtain a written agreement from the applicant to table the review or shall deny the application.
- E. County Board action.** The County Board shall act on the final plat within 60 days of the date on which the completed final plat was received by the County Planner.
- F. Required improvement.** Prior to the approval of the final plat, the subdivider shall either have installed all required improvements or executed a development agreement with the County for their installation. Such development agreement shall include financial assurances sufficient to cover the cost of completion of all required improvements that are to be maintained by a governmental unit. Required improvements shall conform to standards set forth in this Ordinance or other applicable standards.
- G. Final submissions.** When a final plat is approved by the County Board and reviewed by the County Surveyor, the subdivider shall submit three, double matted, four mil thick originally signed mylars being 20" x 30" with a 2" border at the top and meeting all other requirements of the Crow Wing County Plat Manual. Other reproducibles may be required by local governments. Hard shells are no longer required.
- H. Recording of final plat and documents.** The subdivider shall record the final plat, any common interest community documents, covenants, access easements, or other required instruments in the office of the County Recorder within 120 days of its approval by the County Board. Any plat not recorded within the prescribed period shall be void.

**ARTICLE 5 MINIMUM DESIGN STANDARDS**

**5.1 Standards**

The following land subdivision principals, standards and requirements will be applied by the Planning Commission and County Board in evaluating plans for proposed subdivisions. The standards in this section shall be considered minimum standards and requirements for the general welfare and shall not preclude the Planning Commission or County Board from requiring stricter standards or requirements when the conditions merit such stricter standards.

**5.2 Land Requirements**

Land shall be zoned and suited to the purpose for which it is to be subdivided. No preliminary plat shall be approved if, considering the best interest of the public, and considering other limitations of Ordinances, Laws or Regulations, the property concerned is not suitable for plat and development purposes of the kind proposed for any reason, nor which may contribute to increase danger to health, life, or property of others or would aggravate hazards present. Such portions of land within a proposed plat must be set aside for other purposes unless they can be modified and the subdivider includes in his preliminary plan the procedure he will take to modify such portions of his proposed plat. Generally such property or portions thereof shall be deemed unsuitable if it is low land, subject to flooding, extreme topographic features, has severe soil limitations, or will adversely affect traffic safety, but is not limited solely thereto. Land subject to hazards life, health, or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided for by the preliminary plan.

**5.3 Road System.**

Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared, adopted, and filed as prescribed by law by the Minnesota Department of Transportation, by the County and/or any Township within the County as registered in the Office of the County Recorder on any municipality within the County as filed with the Clerk such municipality, or by governmental units of adjoining Counties as properly filed therein. Design features and other requirements thereof shall be as follows:

- A. The minimum widths for each type road as shown on the Road Circulation Map or as subsequently designated by the Commission shall be:

<b>Road Class</b>	<b>Minimum width of ROW</b>
Principal Arterial	300 feet
Minor Arterial	150 feet
Collector Roads (Major and Minor)	100 feet
Local Road	66 feet
Frontage/Backage Road	50 feet
Alley	25 feet

- B. However, additional right-of-way and roadway widths, and turn lanes may be required to promote public safety and convenience when special conditions require it such as at corners or intersections for safe sight-distance, for excessive cut or fill sections of a roadway, or in areas of intensive use. Where a subdivision abuts or contains an existing road of inadequate width to conform to these standards, provision for sufficient additional width shall be made by the subdivider to meet these standards for a road passing thru the proposed subdivision or at least one-half the sufficient additional width for a road abutting the proposed subdivision as follows:



the normal boundaries of the extended road shall be designed as a temporary turn-around easement that shall expire when the road is extended beyond the limits of the plat.

- K.** Road intersections shall be as nearly at right angles as is reasonably possible, and no intersection of road centerlines shall be at an angle of less than sixty (60) degrees. Where better traffic safety is required at any such intersection of roads, enlargement of the right-of-way width of one or both roads should be made so that safer sight-visibility can be achieved.
- L.** Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed unless topographic conditions preclude strict adherence to this requirement.
- M.** A proposed road which is in alignment with and joins an existing named road shall bear the name of the existing road.
- N.** When a subdivision or portion thereof abuts a principal or major arterial, no lot shall have direct access thereto, unless approved by the County Board. Instead, such lots shall be provided with frontage on a frontage/backage road or an interior road, or similar design feature.
- O.** Alleys shall be provided to the rear or side of all lots designed for use for Commercial or Industrial use unless alternate design features are provided, such as oversized lots, to provide for off-street loading space access. Alleys shall be designed for use by necessary traffic and not for use for parking or for off-street loading. When provided, alleys shall run from one road to another and shall not be dead-end ways.
- P.** All roads shall be centered in the platted right-of-way when a review of the road construction is required for the reason of releasing surety. All lot corners abutting the roadway shall be set so that the location of the roadway can be verified.
- Q.** Providing controlled access right-of-way on platted collector and arterial roads is encouraged. Controlled access does exist on certain County roads and this must be reflected on plats and needs to be verified with Crow Wing County Highway Department. Management of public rights-of-way is performed by the respective authority, such as the state, County or township, and such authority should be contacted prior to plat development.

#### **5.4 Public Trails.**

Any proposed subdivision that is crossed by or abuts a designated or planned public trail shall provide public right-of-way for the trail alignment and access from their development. Public trails are designated and planned in the adopted Crow Wing County Parks and Open Space Plan, which may be amended from time to time. Public trail right-of-way required by this paragraph shall be a minimum width of twenty-five feet (25'). Any changes, modifications, crossings, utilities, stormwater management etc. proposed to use state land as part of the plat will require DNR approval before final plat approval.

#### **5.5 Design of Blocks.**

Blocks shall meet all the following standards:

- A.** In residential areas, other than along waterfronts or where topographic conditions necessitate otherwise for prudent land use, shall be not less than six hundred (600) feet nor more than thirteen hundred twenty (1320) feet in length measured along the greatest dimension of the enclosed block area. To conform to an adjoining plat, a portion thereof adjoining a partial

block in the features might require consideration of future plats of other adjoining property in context with the proposed subdivision.

- B.** Blocks for Commercial and Industrial areas may vary from the elements of design contained in this section, if the Commission, in its judgment, shall approve thereof.
- C.** Blocks shall be wide enough to allow two tiers of lots with the minimum depth as required herein, or as required by any applicable zoning regulation, except adjoining waterfront on a lake, stream, or flowage, or adjoining a railroad, or adjoining a road that access is not provided to, or adjoining other topographic conditions of a peculiar nature, where only one tier of lots is necessary.
- D.** In blocks designed for residential purposes of over eight hundred (800) feet in length and width two (2) tiers of lots, the Commission may require one or more public walkways within an easement not less than ten (10) feet in width, each such walkway to extend across the full width of the block, at intervals of not less than four (400) hundred feet from a cross-street or from another walkway.

### **5.6 Design of Lots**

Lots shall meet the following standards:

- A.** No lot shall be designed to have less area, width, or depth than is required by any applicable zoning regulation. These size standards shall be minimum sizes. In the event soil percolation tests indicate that larger lots should be required, the Commission shall set such increased sizes for the concerned subdivision, or the concerned portions thereof. Other design features for lots in a proposed subdivision shall be as follows:
  - i.** Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines or radial to waterfront unless topographic conditions necessitate a modification of this requirement.
  - ii.** Each lot shall have at least 33 feet of frontage on a public road.
  - iii.** Through lots or lots with road frontage on front and back shall be avoided wherever possible.
  - iv.** The Commission can require the subdivider, at the subdivider's expense, to furnish soil and percolation tests within the proposed subdivision. Such required tests shall not be more than one such test per lot, but may be less than that number. Such tests shall not be required for lots intended to be connected to community water supply and sewer facilities.
  - v.** Lots designed for Commercial or Industrial purposes shall contain required area to serve for off-street parking and loading facilities.
  - vi.** Drainage and utility easements shall be ten feet (10') wide along front and rear lot lines and five feet (5') wide along the side lot lines of each platted lot. Common interest community plats or plats with townhomes having common wall or zero setbacks shall not be required to have drainage and utility easements along all lot lines but shall be required to have ten feet (10') wide drainage and utility easements along common area lot lines.
  - vii.** Where storm water from adjacent areas naturally pass through and a provision has been made in the preliminary plan for diversion of such drainage courses, the area within any

lot of such drainage course shall not be counted toward meeting the minimum size of area of the lot.

- viii. Any lot or lots within the proposed subdivision which do not meet the requirements of Section 5.2 of this Ordinance, and the subdivider desires to plat such lot or lots and subsequently make such improvements as may be approved by the Commission in order to make such lot or lots suitable, can be included in the proposed plat if the subdivider, in the information submitted with his preliminary plan, enumerates each such lot and the work he intends to do thereto to make each suitable.

### **5.7 Other Design Features and Requirements**

Due consideration shall be given by the subdivider to the allocation of areas suitably located and of adequate size for playgrounds and parks for neighborhood and local use as well as for public service areas.

### **5.8 Reserved Areas**

When any governmental agency requests the Planning Commission to reserve any specific area of land for a proposed highway, road, trail, school, historic site, park recreational area, public access, or other type of public area, such request shall be made in writing by that agency to the Commission and shall be reasonably specific as to the land description therefore. The Commission shall require such information as may be necessary to evaluate such request. If the Commission approves the request to reserve such area or any portion thereof for the purpose requested, the same shall be reserved from subdivision platting for one year from the date of such Commission approval. Each such reserved area shall be noted on a copy of the County Road Circulation Plan Map posted in the Office of The County Zoning Coordinator.

### **5.9 Road and Drainage Specifications**

Except as otherwise provided in this Ordinance, all drainage work and improvements of roads, shall be planned for and accomplished in accordance with the following:

- A. All drainage work and improvements of roads within the right-of-ways of collector roads, frontage/backage roads, and principal/minor arterial roads, and must be done in accordance with County Highway Department specifications on file in the Office of the County Engineer, and shall be subject to recommendations, supervision, and approval of the Engineer; except that the subdivider shall not be required to hard surface any such road. Where such work will be done within or alongside a right-of-way of any state or federal highway, the Minnesota District Highway Engineer may supersede the County Engineer if he or she so chooses.
- B. All drainage work and improvements of all other roads or ways not included in Sec. 5.9(A) must be done in accordance with the specifications adopted by the Commission and filed with the Engineer, and shall be subject to recommendations, supervision, and approval of the Engineer; except that the subdivider shall not be required to hard surface any such road.
- C. Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision so as to protect roadway surfaces and the property of others. A drainage easement shall be required in existing surface drainage ways in the ROW to ensure that any future maintenance of the drainage way can be preformed. Storm water drainage shall not be permitted to combine with sanitary sewerage, nor shall sanitary sewerage be permitted to combine with storm water drainage.

**5.10 Sanitary Facility Specifications**

Sanitary facilities shall conform to the following specifications:

- A. Septics and wells.** If the proposed subdivision is not located within a service area of a public sanitary sewerage system or public water system, and the subdivider chooses to supply individual sewage treatment systems and individual or shared drinking water wells, the subdivider shall furnish information as to plans, standards, restrictions, or covenants he intends to use or require of ultimate lot purchasers and users for sewage treatment systems and drinking water wells.
- B. Community systems.** If the proposed subdivision is not located within a service area of a public sanitary sewerage system, and/or is not located within the service area of a public water supply system, and the subdivider plans to furnish a community system for either or both purposes, he shall furnish plans and complete information thereon with his preliminary plan. All such systems must meet the standards and regulations of the County and of the State of Minnesota Ordinance as if such facilities were public systems rather than community systems provided by the subdivider.
- C. Public sanitary sewer systems.** When the lots of a proposed subdivision are located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such manner as will serve adequately all lots with connections to such public systems.
- D. Public water.** When the lots of a proposed subdivision are located within the service area of a public water supply system, water mains not less than six (6) inches in diameter shall be provided throughout the entire subdivision in such a manner as to serve adequately all lots with connections to such public system, together with shutoff valves and fire hydrants at intervals of not less than six hundred (600) feet.
- E. Public and private.** In the event a subdivision is partly within a public service area and partly outside that public service area, each such part shall be treated as if it was a separate subdivision from the other part for the purposes of this section. In the event the subdivider desires to furnish a community system for either both sanitary sewerage system and water supply system for only a portion of the proposed subdivision, each such part shall be treated as if it was a separate subdivision from the other part for the purposes of this section.

## ARTICLE 6 IMPROVEMENTS

### 6.1 Timing

Prior to County Board approval of a final plat of a proposed subdivision, the subdivider shall agree to construct any required improvements at the sole expense of the subdivider. All survey monuments shall be set and in place. All other improvements must either have been completed, or the subdivider may provide a bond to the County equal to the Engineer's estimate of the cost of the uncompleted work, may make such other financial arrangements as may be acceptable to the County Board to cover the cost of the uncompleted work, or the subdivider may enter into a development agreement with the County that specifies the timing and ownership of any required improvements.

### 6.2 Required Improvements

The following improvements are minimum improvements and shall be required in any subdivision subject to the timing requirements in section 6.1, above.

- A. Survey Monuments:** All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with the survey monuments meeting the minimum requirements of State Law. All U.S., state, county and other official bench marks, monuments, or triangular stations in or adjacent to the proposed subdivision shall be preserved in position unless a relocation is approved by the controlling agency.
- B. Roads:** All road work as provided for in the preliminary plat approval.
- C. Drainage:** All drainage work as provided for in the preliminary plat approval.
- D. Lot Improvement Work:** All lot improvement work as provided for in the preliminary plat approval in order to make such lots acceptable to the Commission for platting.
- E. Community Sanitary Sewerage Systems:** The entire system as may be provided for in a preliminary plat approval.
- F. Community Water Supply System:** The entire system as may be provided for in a preliminary plat approval.
- G. Public Sanitary Sewerage System:** The entire system within the proposed subdivision as may be provided for in a preliminary plat approval.
- H. Public Water Supply System:** The entire system within the proposed subdivision as may be provided for in a preliminary plat approval.
- I. Other:** Such other improvement work, if any, as made a part of the preliminary plat approval by the Commission.

### 6.3 Engineer's Estimate

In the event the Engineer is required to estimate the value of uncompleted improvements, at the request of the subdivider, the applicant shall bear the full cost of preparing the estimate.

### 6.4 Construction Plans

Construction plans for the required improvements, may be required to be prepared at the applicants expense by a licensed architect or professional engineer licensed to design the type of construction proposed and registered in the State of Minnesota and said plans shall contain his/her seal. Such plans shall be submitted to the County Engineer for approval and upon approval they shall become a part of the approval of the final plat.

## **ARTICLE 7 ADMINISTRATION AND ENFORCEMENT**

### **7.1 Responsibility for Enforcement.**

The Crow Wing County Board of Commissioners and the County Planner are responsible and have a duty to administer and enforce this Ordinance.

### **7.2 Civil and Criminal Enforcement.**

Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with the conditions and safeguards established in connection with the granting of subdivision approval shall be punishable through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

### **7.3 Separate Offenses.**

Each day of a violation of this Ordinance shall constitute a separate offense.

### **7.4 Citations.**

The Crow Wing County Planning and Zoning Office shall have the power to enforce this Ordinance by issuing citations for criminal violations of this Ordinance upon the owner of a property and/or their authorized agent.

### **7.5 Cease and Desist Order.**

The County Planner, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

### **7.6 Injunctive Relief Allowed.**

Crow Wing County, through the Planning and Zoning Office, may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.

### **7.7 Administrative Fee for Enforcement.**

The County Planner shall charge an administrative fee, as set by the County Board of Commissioners, to compensate for time spent involving the investigation and prosecution of violations, including any other additional expenses incurred during the investigation.

### **7.8 After the Fact Applications and Fees.**

Any Person making application for a subdivision after the commencement of work requiring subdivision approval shall be charged an additional administrative fee. In the event the application for subdivision is denied or the action permitted does not include all or part of the work commenced prior to approval of said subdivision, the Planning Commission, Board of Adjustment or the Planning and County Planner shall require correction and/or restoration of the concerned property to its original state, including removal of structures or improvements.

### **7.9 Amendment Dates**

Legal Notice of Hearing Published September 8, 2005; March 30, 2006 and July 26, 2006

Public Hearing Held September 22, 2005; April 13, 2006 and August 8, 2006

Adopted by the County Board September 27, 2005; August 8, 2006

Filed in the Office of the County Auditor & Planning and Zoning October 11, 2005; August 11, 2006