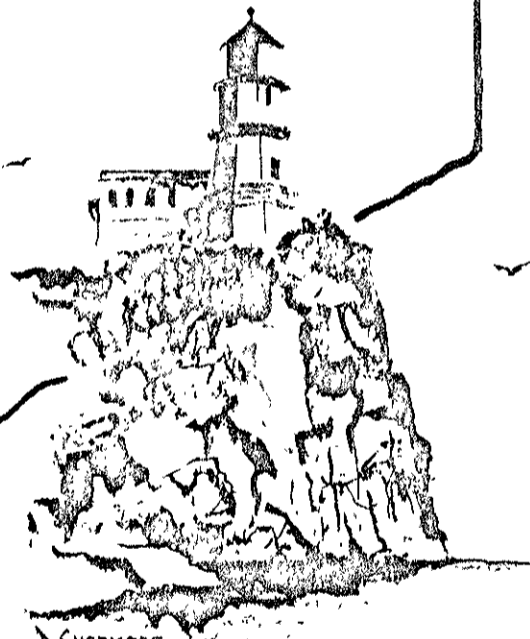
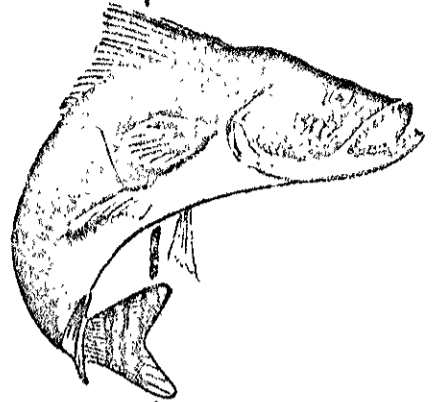
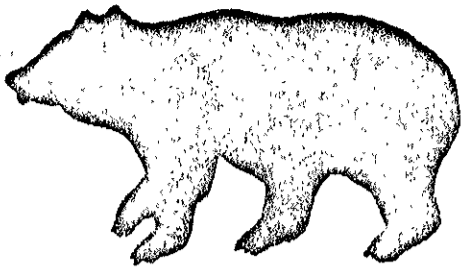


lake
county
subdivision
ordinance



D. SHRAMOFF
78

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA, } SS.
COUNTY OF LAKE

I hereby certify that the within instrument was filed for record in this office on the 14th day of June 1978 at 9:30 a'clock A. M. and was duly recorded in book 7 of Misc. Records page 259

LAKE COUNTY SUBDIVISION PLATTING ORDINANCE

PREPARED BY THE LAKE COUNTY PLANNING COMMISSION
ENACTED BY THE LAKE COUNTY BOARD OF COMMISSIONERS

By Robert D. Miller County Recorder
Deputy

PLANNING COMMISSION MEMBERS

- W. Joseph Nosek, Chairman
- Joseph Skala, Vice-Chairman
- Maralyn J. Houle, Secretary
- Henry Lovold
- Richard Stone
- Joan Willow
- James Gow
- Blaine Fenstad
- Richard Thorngren

- Town of Beaver Bay
- Town of Full Lake
- Town of Crystal Bay
- Town of Beaver Bay
- Town of Silver Creek
- U. T. #2
- Two Harbors
- U. T. #1
- Board of Commissioners

COUNTY BOARD OF COMMISSIONERS

- Richard Thorngren (Planning Commission Member)
- Lloyd Houle (Alternate Planning Commission Member)
- Ralph Sandvik
- Edwin Hansen, Chairman
- Lenore Johnson, Vice-Chairperson

- 1st Commissioner District
- 2nd Commissioner District
- 3rd Commissioner District
- 4th Commissioner District
- 5th Commissioner District

DOC. NO. 13,830

OFFICE OF REGISTRAR OF TITLES

STATE OF MINNESOTA, } SS.
County of Lake

I hereby certify that the within instrument was filed in this office the 14th day of June 1978 at 9:30 A. M. and was duly registered in Book 7 of Register of Titles page 259

By Robert D. Miller Registrar of Titles
Deputy

SUBDIVISION PLATTING ORDINANCE NUMBER 9

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ARTICLE 1.0
PURPOSE AND INTENT

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

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Lake County pursuant to "an act authorizing county planning and zoning activities; establishing a Board of Adjustment; authorizing the enactment of official controls, and providing penalties for violation thereof," passed by the Legislature of the State of Minnesota, Chapter 394 M.S.A., as amended, which regulations the County Board deems necessary for the health, safety and general welfare of the County.

ARTICLE 2.0
SHORT TITLE

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

ARTICLE 3.0
GENERAL PROVISIONS

Section 3.00 Scope

This Ordinance shall apply and be binding upon all of the area of Lake County, Minnesota, located outside the incorporated limits of cities within the County.

Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, amend or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall prevail.

Section 3.01 Application of This Ordinance

1. All new divisions of non-city land in Lake County shall be by plat as herein presented except:
 - a) Parcels of five (5) acres and larger that are described by standard rectangular division which do not require a new road,
 - b) A person may subdivide one (1) parcel per year without benefit of a survey provided he meets all requirements of the zoning district.
2. A person shall plat when:
 - a) He creates more than one (1) parcel per calendar year,
 - b) He creates parcels larger than five (5) acres using other than standard rectangular divisions illustrated in appendix, and
 - c) Any land division requires a new road.

Section 3.02 Approvals Necessary for Acceptance of Plats

Before any plat shall be recorded, or be of any validity and before any parcels may be sold from the plat, it shall be approved by the Commission, the Board of Health, and except for short plats, the County Board. Except for short plats, any proposed plat lying within a Township shall also be submitted to, and reviewed by, said township board at its monthly meeting. In the case of properties lying within two miles of a city, said city shall have review authority.

Section 3.03 Permits

No permits shall be issued by Lake County for the construction or installation of any building, structure or improvement other than those specifically required for acceptance of a plat on any part of a proposed subdivision until all requirements of this Ordinance have been complied with.

ARTICLE 4.0

DEFINITIONS

As used in this ordinance, the words, terms and phrases defined in this article shall have the meaning given herein unless otherwise specifically defined or unless the context clearly requires otherwise. The masculine gender includes the feminine, the present tense includes the future tense, the singular shall include the plural, the plural the singular, the word "shall" is mandatory and the word "may" is permissive.

Section 4.00 Alley - A public way used primarily as a service access to the rear or side of a property which abuts on a street.

Section 4.01 Attorney - The County Attorney of Lake County, Minnesota, or his authorized representative.

Section 4.02 Auditor - The County Auditor of Lake County, Minnesota, or his authorized representative.

Section 4.03 Block - An area of land within a subdivision which is entirely bounded by streets or roads, or other permanent boundaries.

Section 4.04 Cluster Development - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, for the benefit and enjoyment of the development. (Unless otherwise provided - the gross land area of the development will comply with acreage requirements of the Zoning Ordinance.)

Section 4.05 Commission - The Planning Commission of Lake County, Minnesota.

Section 4.06 County - Lake County, Minnesota.

Section 4.07 County Board - The County Board of Commissioners of Lake County, Minnesota.

Section 4.08 Drainage Course - A water course or indenture for the drainage of surface waters.

Section 4.09 Easement - A recorded grant by a property owner for the use of a strip of land by the public, a corporation or persons for a specific purpose such as the construction of utilities, drainage ways and roadways.

Section 4.10 Engineer - The County Highway Engineer of Lake County, Minnesota or his authorized representative.

Section 4.11 Final Plat - The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder for recording.

Section 4.12 Health Code - Lake County Ordinance Number 1.

Section 4.13 Health Officer - The person named to be the Executive Officer for and by the Lake County Board of Health, or his agent.

Section 4.14 Lot - The unit of a subdivision individually numbered or designated on the plat for purposes of description, recording, conveyance, development and taxation.

Section 4.15 Lot Width - Shall be the distance between the side lot lines measured at the building line.

Section 4.16 Metes and Bounds Division - A division of land described by starting at a given point of beginning, running a specified distance in a certain direction, in a specified distance in another direction, and so on successively, ending with a return to the point of beginning. The point of beginning shall be derived from a permanent known monument or survey corner and a known line.

Section 4.17 Owner or Person - Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Section 4.18 Planned Unit Development Subdivision

A Planned Unit Development Subdivision stays within the density requirement of the zoning district in which it is located for the overall project while allowing a degree of latitude in describing individual lot sizes. Further, all such subdivisions shall have a minimum of twenty (20) percent of the developments gross land area dedicated to open space and/or recreational area for the common use of the residents of the P.U.D. Furthermore, a minimum of one-half (½) of the required open space and/or recreational area shall be of the same general character as the land which is to be developed with dwelling units.

Section 4.19 Planning and Zoning Officer - The Planning and Zoning Officer of Lake County, Minnesota, or his authorized representative.

Section 4.20 Preliminary Plat - A drawing of a proposed subdivision prepared in the manner and containing the data, documents, and information required by Article 5.0 of this Ordinance.

Section 4.21 Private Road or Reserve Strip - A road, way, or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Section 4.22 Public Walkway - A public way designed for the use of pedestrian traffic.

Section 4.23 Right-of-Way - Land dedicated and publicly owned for a designated use.

Section 4.24 Road - A public or private way which affords primary means of access by pedestrians and vehicles to adjacent properties whether designated as a street, avenue, highway, road, boulevard, land, or however otherwise designated. For the purpose of this ordinance, a driveway serving a single parcel of land is not a road.

Section 4.25 Road - Arterial Street or Highway - A street, road or highway of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.

Section 4.26 Road - Thoroughfare - A major roadway connecting lower grade roads and/or arterial streets or highways. A thoroughfare may also serve as primary access to small communities.

Section 4.27 Road - Collector - A road that serves as a connection between a thoroughfare and several minor roads. The term includes the principal entrance road of a large residential development and roads for major circulation within such development.

Section 4.28 Road Cu-De-Sac - A comparatively short minor street having one end open to traffic and the other end terminated by a vehicular turn-around.

Section 4.29 Road - Minor - A street or road which serves primarily as access to adjacent properties, and is not intended to carry through traffic.

Section 4.30 Road - Local or Service - A minor road which serves property adjacent to a thoroughfare or arterial road, and which provides access to abutting properties and protection from through traffic.

Section 4.31 Road - Forest - A low grade minor road serving few properties. Generally on seasonal properties where the cutting of trees would be minimized.

Section 4.32 Setback - The minimum horizontal distance between a structure and the normal high water mark, road centerline, road right-of-way line, front, side, or rear lot lines.

Section 4.33 Short Plat - A division of land into three (3) or less parcels in accordance with Article 10.0 of this Ordinance.

Section 4.34 Standard Rectangular Division - A process of dividing land shown in Appendix I.

Section 4.35 Subdivision - A division of any parcel of land into two or more lots for the purpose of conveyance, transfer, improvement, building development or sale. A subdivision for the purpose of this ordinance shall not include the standard rectangular subdivision of land into two or more lots each five (5) or more acres in area which does not require the creation of a new road. The term subdivision includes resubdivision.

Section 4.36 Surveyor - A land surveyor granted the title "Registered Land Surveyor" by the State of Minnesota under its Statute 326.10.

Section 4.37 Zoning Ordinance - Lake County Ordinance Number Six (6).

ARTICLE 5.0

PROCEDURES FOR SUBMITTING PLATS

The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and where deemed necessary, both a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Commission, provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented for approval in the same manner as other plats.

Section 5.00 Pre-Application Meeting

In order to familiarize himself with this Ordinance and related laws and to avoid costly revisions of plans and plats, the subdivider and/or his surveyor shall have a preliminary discussion with the planning staff. The subdivider shall provide the staff with three (3) copies of the sketch plans which

Section 5.00 Pre-Application Meeting (contd.)

shall contain the following information: Tract boundaries, north point, description of, nature and purpose of tract, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, and proposed general lot layout.

Such sketch plans will be considered as submitted for informal and confidential discussion between the subdivider and the staff. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the County.

As far as may be practical on the basis of a sketch plan, the planning staff will informally advise the subdivider within ten (10) working days, of the extent to which the proposed subdivision conforms to the design standards of this ordinance and will discuss possible plan modifications as necessary to ensure conformance.

Section 5.01 Procedure for Conditional Approval of Preliminary Plat

a) Submission Requirements

The subdivider shall submit to the planning staff the following:

1. Eight (8) copies of the preliminary plat.
2. Application for approval of the plat, made in writing by the owner or his authorized agent. The application shall specify the location and size of the tract to be platted, the intent as to the character, type and use of the subdivided property and structures to be developed, the deed restrictions proposed, statement of mineral rights, and the extent and character of improvements to be made by the subdivider.
3. Appropriate fees as specified in the Appendix to this Ordinance.

b) Distribution

The planning staff shall upon receipt of the preliminary plat, refer one (1) copy to each of the following: Appropriate Public Utilities, Health Officer, Engineer, and, if applicable, Chairman of the affected Town Board, DNR-Regional Hydrologist, State District Highway Engineer, and the City Council of a municipality if within two (2) miles of the subdivision. Remaining copies will be retained by the planning staff.

c) Response

The above shall respond within thirty (30) days of receipt with their comments and suggestions. Non-response will be deemed to signify approval.

d) Public Hearing and Notice

Upon receipt of the Preliminary Plat, the planning staff shall schedule a public hearing to be held within sixty (60) days. A Notice of Public Hearing shall be published in the official newspaper of the County, and mailed to the affected Town Board, and City Council, where applicable. All property owners of record within one-half (½) mile of the proposed plan shall be notified. The Commission shall act within fifteen (15) days of the public hearing.

e) Preliminary Approval

If the plat is disapproved, the subdivider will be informed of the reason for such actions and what will be needed to secure Commission approval.

The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of six (6) months, unless an extension is granted by the Commission. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the final plat has not been submitted for approval within one year, a preliminary plat must again be submitted to the Commission for approval.

Section 5.02 Procedure For Approval of Final Plat

a) Submission Requirements

Unless an extension of time is requested by the subdivider in writing, and granted by the Commission, in writing, the subdivider shall within six (6) months following approval of the preliminary plat, submit to the planning staff: Three (3) cloth on cloth prints and four (4) paper prints of the Final Plat, together with an up-to-date Abstract of Title or a Certificate of Title together with a Registered Property Certificate, and a reproducible mylar copy of the Final Plat. The Final Plat shall be of uniform size 20" in width and 30" in length and shall conform to Minnesota Platting Regulations, Chapter

50b, and all acts amendatory thereof. The final plat shall incorporate all changes required by the Commission necessary to conform to the present platting regulations. Otherwise, it shall conform to the preliminary plat. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time. The boundary of the land so platted shall be indicated by a dotted red line. If the complete final plat is not submitted within one (1) year, the unsubmitted portion shall be resubmitted as a new subdivision.

the final plat shall be accompanied by a filing fee as specified in Minnesota State Statutes Chapter 50b.

b) County Departmental Review

The Planning Staff shall submit one copy of the final plat to the Engineer and one copy, together with the required property and title documents to the County Attorney. Both of the aforementioned, together with the Planning Director, shall certify in writing as to the acceptability of the plat within fifteen (15) days.

The Engineer shall state whether the final plat and the proposed improvements conform to the highway engineering standards and specifications established by this Ordinance.

The Attorney shall render an opinion as to whether the fee simple title to the platted property is in the name of the subdivider and whether the plat meets statutory legal requirements. The planning staff shall state whether the final plat conforms to the preliminary plat approved by the Commission.

c) Approval

The final plat, together with the above supporting documents, shall be acted on by the County Board within forty-five (45) days of the date the final plat was submitted to the planning staff.

The County Board shall not approve the final plat unless:

1. It conforms to the plan approved by the

Commission, and reflects the changes, if any, required by the Commission.

2. It meets the highway design standards and engineering specifications set forth in this Ordinance.
3. It meets the standards of all applicable Lake County Ordinances.
4. It meets all statutory requirements of the State of Minnesota.

d) DNR Copy

A single copy of each final plat, any portion of which lies within shoreland, shall be forwarded to the D.N.R. Regional Hydrologist within two (2) days of final approval.

ARTICLE 6.0

PRELIMINARY PLAT STANDARDS

Section 6.00 General

a) Evaluations

The Commission will evaluate proposed plats using the criteria found herein as minimum standards for the protection of public health, safety, and general welfare of the citizens of Lake County. Where literal compliance with these standards is clearly impractical, the Commission may waive or modify certain administrative requirements, where the public health, safety and general welfare are unaffected. This procedure is found in Article 9.0 Variances.

b) Land Requirements

The proposed plat shall be evaluated for land suitability. Land subject to flooding or judged unsuitable by proximity to rock or groundwater or because of adverse earth or rock formations shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but such land within a plat may be set aside for such uses as would not be endangered by periodic or occasional inundation or not produce unsatisfactory living conditions. Land subject to hazards to 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 by the subdivision plan.

c) Compatibility

In the subdivision of land, due regard shall be shown for all natural features which, if preserved,

will add attractiveness and stability to the proposed development.

Proposed subdivisions shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously. Proposed land uses shall conform to any County or Township Zoning Ordinances in effect.

Section 6.01 Required Engineering Data

- a) Scale - At least one (1) inch equals One-Hundred (100) feet.
 - b) Identification and Description - The proposed name of the subdivision shall not duplicate or be alike in pronunciation with any plat previously recorded in Lake County. A small scale location map shall describe the surrounding area by Township, Section, and Range, and highlight the area to be developed. Names and addresses of the owner(s), subdivider(s) and plan designer(s) shall be included. Also included shall be North Point, graphic scale and date of preparation.
 - c) Existing Conditions on Tract and Adjacent Area
 1. Property lines existing.
 2. Total acreage.
 3. Present roads, encumbrances and improvements.
 4. Existing structures.
 5. Topography showing lakes, watercourses, and swamp areas, with vertical contours at not more than five foot intervals.
 6. Wooded areas in outline only.
 7. Areas of exposed bedrock or rubble.
 8. Other information as may be deemed necessary to adequately describe the site.
 - d) Road Systems
 1. Roads shall be logically related to the natural topography so as to provide useable lots and specified grades.
 2. Roads shall be placed so as to reasonably complement or connect to existing or planned roads.
 3. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision, except such streets providing access only to adjacent unsubdivided territory need not be improved. Reserved strips, except as specified herein, and landlocked areas shall not be created.
4. Minor roads shall be laid out to discourage their use by through traffic and where possible, thoroughfares shall be protected from use by local traffic by service roads, lots served by an interior road or other means.
 5. Half or partial roads will not be permitted, except where essential to reasonable subdivisions of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured. Wherever a tract to be subdivided borders an existing half, or partial road, the other part of the road shall be platted within such tract.
 6. Dead-end roads shall be prohibited, except when designed as cul-de-sac roads or as stubs to permit future road extension into adjoining tracts.
 7. Cul-de-sac roads shall generally be no longer than 800 feet and shall not serve more than 10 lots. Finished turn-around radius shall not be less than forty (40) feet. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract. Such extension shall not create a deadend street. At such time as the street is extended, the overage created by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around.

- d) Location and widths of easements and drainage ways.
- f) Layout numbers and approximate dimensions and acreage of individual lots as provided in State Statutes.
- g) Areas dedicated to the public.
- h) Soil tests shall be conducted in accordance with the Health Code.

ARTICLE 7.0
FINAL PLAT STANDARDS

Section 7.00 Roads

- a) Right-of-Way - All roads within a subdivision shall have a minimum of sixty-six (66) feet of right-of-way.

<u>Subdivision Road Type</u>	<u>Minimum ROW Width</u>
1 Arterial Street or Highway	200'
2 Thoroughfare	150'
3 Collector Road	80'
4 Minor Road	66'
5 Local or Service Road (or year-round subdivision less than 20 lots)	66'
6 Forest Road (or year-round subdivision less than 10 lots)	66'

Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width or realignments within the area to be platted shall be provided to meet this standard.

Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it such as at corners for safe sight distances, for excessive cuts or fills of in areas of intensive use to meet established engineering standards.

Extensions of existing roads with lesser right-of-way than prescribed above may be permitted only by variance in special cases.

- b) Performance Standards - The following minimums shall be required for the above roads:

Standard - Type 3:

Surface Width	24'
Finished Roadbed	32'
Surface Thickness and Type	2" Bituminous
Base Material	10" gravel - Class V

Excavation and Embankment Slope	3:1
Maximum Gradient	6 %
Minimum Ditch Grade	0.5%

Standard - Type 4:

Surface Width	22'
Finished Roadbed	26'
Surface Thickness and Type	2" Class V

Base Material	6" gravel - 3" minus
Excavation and Embankment Slope	3:1
Maximum Gradient	8 %
Minimum Ditch Grade	0.5%

Standard - Type 5:

Surface Width	22'
Finished Roadbed	24'
Surface Thickness and Type	2" Class V

Base Material	4" gravel - 3" minus
Excavation and Embankment Slope	2:1
Maximum Gradient	10%
Minimum Ditch Grade	0.5%

Standard - Type 6:

Surface Width	16'
Finished Roadbed	16'
Surface Thickness and Type	--
Base Material	4" gravel on stable subbase

Excavation and Embankment Slope	1½:1
Maximum Gradient	15%
Minimum Ditch Grade	0.5%

Type 1 and 2 roads will be considered on an individual basis, but will normally comply with State and/or Federal standards.

- c) Horizontal Curves - Where a deflection angle of more than five (5) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, to-wit: On streets eighty (80) feet or more in width, (Types 1, 2, 3) the centerline radius of curvature shall not be less than Three-hundred (300) feet.
- d) Vertical Curves - All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen (15) times the algebraic difference in rates of grade for Types 1 and 2 and one-half (½) this minimum length for other streets. Profiles of all roads showing natural and finished grades drawn to a scale of not less than one (1) inch equals One-hundred (100) feet horizontal, and one (1) inch equals ten feet vertical, may be required by the Engineer if topographic conditions warrant. A

Three-hundred (300) foot minimum sight distance shall be provided.

e) Intersections - Road intersections shall be as nearly at right angles as is possible.

f) Access Restrictions - Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County State Aid, State or Federal highway, provisions shall be made for a service road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths.

Minor street access to State and Federal highways shall not be permitted at intervals of less than Six-hundred (600) feet.

g) Road Jogs - Road jogs with centerline offsets of less than One-hundred twenty-five (125) feet shall not be allowed.

h) Road Names - A proposed road which is in alignment with and joins an existing and named road shall bear the name of the existing road.

i) Alleys - Alleys or loading space located off the public right-of-way shall be provided to the rear or side of all lots to be used for commercial or industrial use. When provided, alleys shall be open at both ends.

j) Road Dedication - All roads within the subdivision shall be irrevocably dedicated to the public and such statement shall appear on the final plat.

k) Shoreland Setback - All roads in shoreland other than driveways shall be constructed so that centerlines are no closer than Two-hundred fifty-five (255) feet and rights-of-way are no closer than Two-hundred and twenty-two feet from the normal high water mark. Stream crossings shall be made at right angles to stream beds unless proved impractical.

Section 7.01 Blocks

a) The lengths, widths and shapes of blocks, and

lots within blocks, shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
2. Zoning requirements as to lot sizes and dimensions and provisions regulating off-street parking and loading spaces.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.

b) Residential blocks shall normally be of sufficient width for two tiers of lots. Block lengths shall be determined by circulation and other needs.

c) Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

d) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 7.02 Lots

a) The minimum lot area and width shall comply with the zoning district requirements; however, innovative developments may be considered under the variance process when density requirements are not exceeded.

b) Corner lots for residential use shall have additional width to permit appropriate building setback from both roads without reducing the buildable area of the lot.

c) Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.

d) Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable. 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.

e) Every lot must have the minimum required frontage on a public dedicated road or street other

than an alley, and have satisfactory access to such existing public street for purposes of fire fighting, utilities and other public and quasi-public services. Modifications may be considered in innovative developments.

Section 7.03 Easements

- a) Utilities easements shall be addressed on an individual basis through consultation with the affected utility; however, unless otherwise provided, easements of at least fifteen (15) feet in total width shall be provided between all back to back lots. In the case of lakeshore lots the utilities easement will be considered to be included in the right-of-way of the road. If necessary for the connection of utilities to adjoining properties, and as part of the overall distribution plan, easements of greater width may be required along lot lines or across lots. In all cases, an easement of at least fifteen (15) feet in width shall be provided around the terrestrial perimeter of all subdivisions.

Unless proved to be technically unfeasible, above ground utilities distribution shall be prohibited. Power lines in excess of 34.5 KVA may be constructed above ground in special corridors.
- b) Drainage Easements - Where a subdivision is traversed by an undesignated, unnamed watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming to the natural course of said watercourse of a width that will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum flow.
- c) Public Dedication - Where determined to be in the public interest, the County may require that the drainageway be dedicated to the public for parkland.
- d) Water Access - Unless adequate public access is available, shoreland plats shall provide for an adequate water access point available to all property owners within the plat.
- e) Plat Inclusion - All easements shall be indicated on the final plat map.

Section 7.04 Drainage and Storm Sewers

The Commission shall not recommend for approval any plat or subdivision which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be designed by the Rational Method, or other methods as approved by the Commission, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

Section 7.05 Water and Sanitary Sewer

When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants at intervals of not more than six-hundred (600) feet.

When located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots with connection to such public system.

Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or individual treatment devices for each lot. This does not mean that the installation of individual treatment devices shall be at the expense of the subdivider.

Whenever individual sewage treatment devices or individual water supply is to be installed by lot buyers, the subdivider shall furnish a copy of the Health Code to the buyer as a condition of the sale.

All proposed sewage treatment and water treatment systems shall comply with applicable government regulations and standards.

ARTICLE 8.0

BASIC CRITERIA FOR FINAL ACCEPTANCE

Section 8.0 Agreement

Before a final plat is approved by the County Board, the subdivider shall execute and submit to the County Board an agreement, which shall be binding on his heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for zoning permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.

Section 8.01 Engineer Certification

No final plat shall be approved by the County Board until the requirements of Article 5.0, Sec. 5.02 c) are met and supported by a report from the Engineering certifying that the required improvements are complete, or that the Bond tendered equals 125% of the costs to complete construction of required improvements.

The Engineer shall not make this certification until "as built" drawings are submitted to him with the data required in Article 7.0, Final Plat Standards.

Section 8.02 Financing

In the case of incomplete improvements before a Final Plat is approved, the subdivider shall submit a performance bond or cash escrow agreement to assure the following:

- a) 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 with the exception of individual wells and individual sewage disposal systems.
- b) Guarantee completion of the required improvements within a two (2) year period.
- c) 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 Attorney, as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plan.

- d) The County may elect to install any of the required improvements under the terms of a cash escrow agreement.
- e) The performance bond or cash escrow agreement shall be equal to 125% of the estimated cost of the required improvements.
- f) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made, shall be returned to the owner or subdivider.

Section 8.03 Minnesota Subdivided Land Sales Practices Act

The developer is advised to be aware of the requirements of Minnesota Statutes, Chapter 83, which became effective July 1, 1973.

ARTICLE 9.0

VARIANCE

Section 9.0

The Commission may recommend a variance from any of the provisions of the Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons who do or will reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

ARTICLE 10.0
SHORT PLATS

Section 10.00 General

Parcels may be divided into three or less lots without benefit of the formal plat procedure subject to the following limitations:

- a) No new road will be created.
- b) All lots meet the requirements of their zoning district.
- c) This procedure is used only once per year by any owner.

Section 10.01 Procedure

- a) All short plats shall be submitted to the Lake County Planning and Zoning Office and shall consist of a map on 8½ x 14 paper showing the following:
 1. Name and address of owner and Registered Surveyor.
 2. Legal description of land to be partitioned.
 3. The engineering requirements of Minnesota Statute 505.02, Subv. 1.
 4. Adjacent landownership, power and phone lines, railways, roadways, water courses, and geographical features.
 5. Date of map and certification by owner and surveyor as to accuracy.
 6. A certification by the owner that this is the only land he has subdivided in Lake County in the current calendar year.
- b) Upon receipt by the Zoning Office the required map shall be routed to the following departments, where applicable, and the department shall acknowledge that it has reviewed the map by signing and dating name:
 1. Lake County Planning And Zoning.
 2. Lake County Assessor.
 3. Lake County Auditor.

Section 10.02 Filing

At the time the necessary signatures have been affixed and Commission approved, the County Recorder shall file the survey in the unrecorded plats file. All future recordable documents concerning the property must refer to and be accompanied by a legible copy of the survey.

Section 10.03 Disclaimer

Lots created by the short plat technique do not bear the same presumption of validity as do lots created in a formal plat. Therefore, no assumption is to be made in regard to the developability of lots created under this procedure.

ARTICLE 11.0

REGISTERED LAND SURVEYS

It is the intention of this Ordinance that all registered land surveys in Lake County shall be presented to the Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and the Commission shall first approve the arrangement, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated. Surveys shall meet the requirement of Minnesota State Statute. No final recording or sales shall be permitted until the final plat has been approved as provided in this ordinance.

ARTICLE 12.0

VIOLATIONS AND PENALTY

Section 12.00 Sale of Lots From Unrecorded Plats

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

Section 12.01 Receiving and Recording Unapproved Plats

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

Section 12.02. Misrepresentations as to Construction,
Supervision, or Inspection of Improvements

ARTICLE 16.0
FEE SCHEDULE

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

The County Board may by resolution establish a fee schedule.

Section 12.03. Penalty

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provision of this Ordinance shall be guilty of a misdemeanor. Each day that violation is permitted to exist shall constitute a separate offense.

Upon conviction, whomever is convicted shall be subject to imprisonment of not more than 30 days and/or a fine of not less than \$100.00 nor more than \$300.00.

ARTICLE 13.0

SEVERABILITY

In any case in which the provisions of this ordinance are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the ordinance and to this end the provisions of this ordinance are declared to be severable.

ARTICLE 14.0

AMENDMENTS

Amendments may be made to this Ordinance by the County Board after recommendations of the Commission following the holding of a public hearing with notice given in the official newspaper of the County at least ten (10) days in advance of the hearing.

ARTICLE 15.0

EFFECTIVE DATE

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

ARTICLE 17.0
CERTIFICATION

DATED AT TWO HARBORS, MINNESOTA, THIS 14th DAY OF June 1978

SUBMITTED BY LAKE COUNTY PLANNING COMMISSION: March 1, 1978

Public Hearing Held Jointly by Lake County
Board of County Commissioners and Lake
County Planning Commission: May 10, 1978/June 7, 1978

ADOPTED: June 7, 1978

EFFECTIVE DATE: September 1, 1978

Edwin W. Hanson
Chairman, Lake County Board of Commissioners

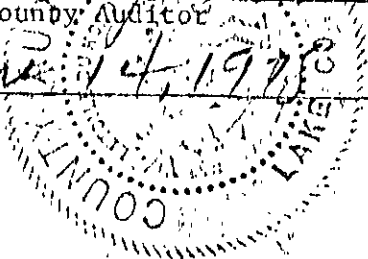
W. J. Moseley Jr.
Chairman, Lake County Planning Commission

ATTEST:
McKay Peterson
Lake County Auditor

I certify the above is a true and accurate copy of Ordinance #9.

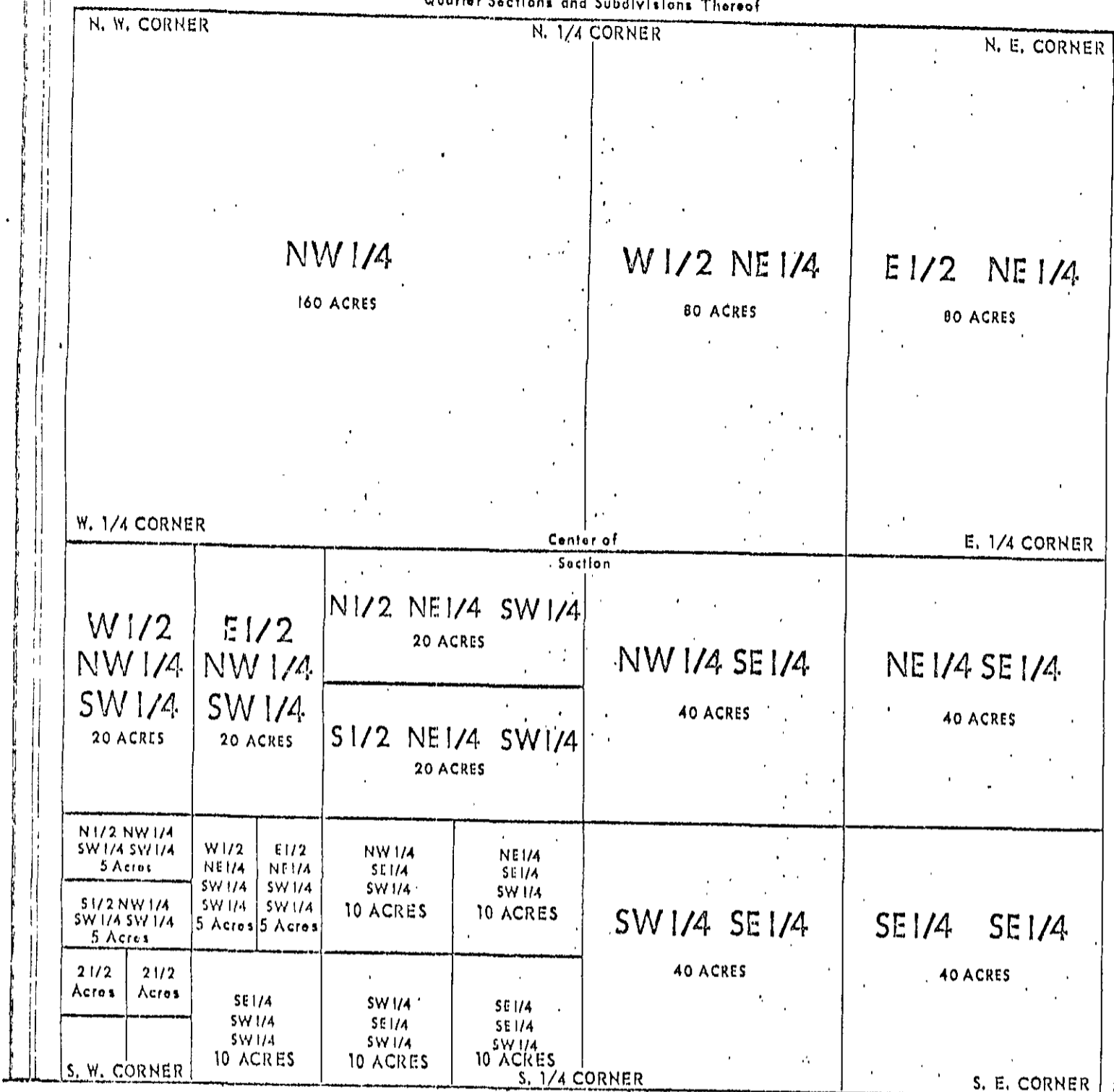
McKay Peterson
Lake County Auditor

June 14, 1978
Date



A SECTION OF LAND — 640 ACRES

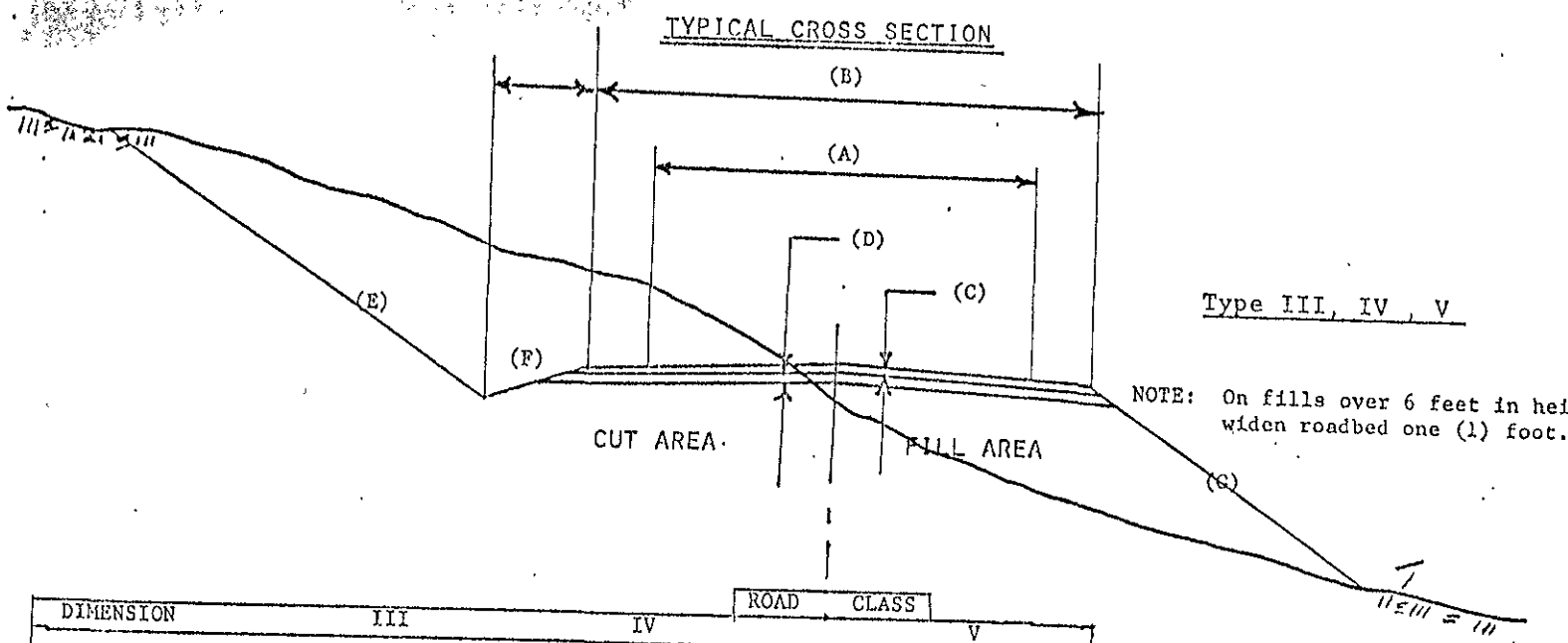
Chains Rods Feet
Quarter Sections and Subdivisions Thereof



ALWAYS ON RECTANGULAR SURVEY DESCRIPTIONS, WORK FROM END OF DESCRIPTION BACK TO THE BEGINNING. EXAMPLE:

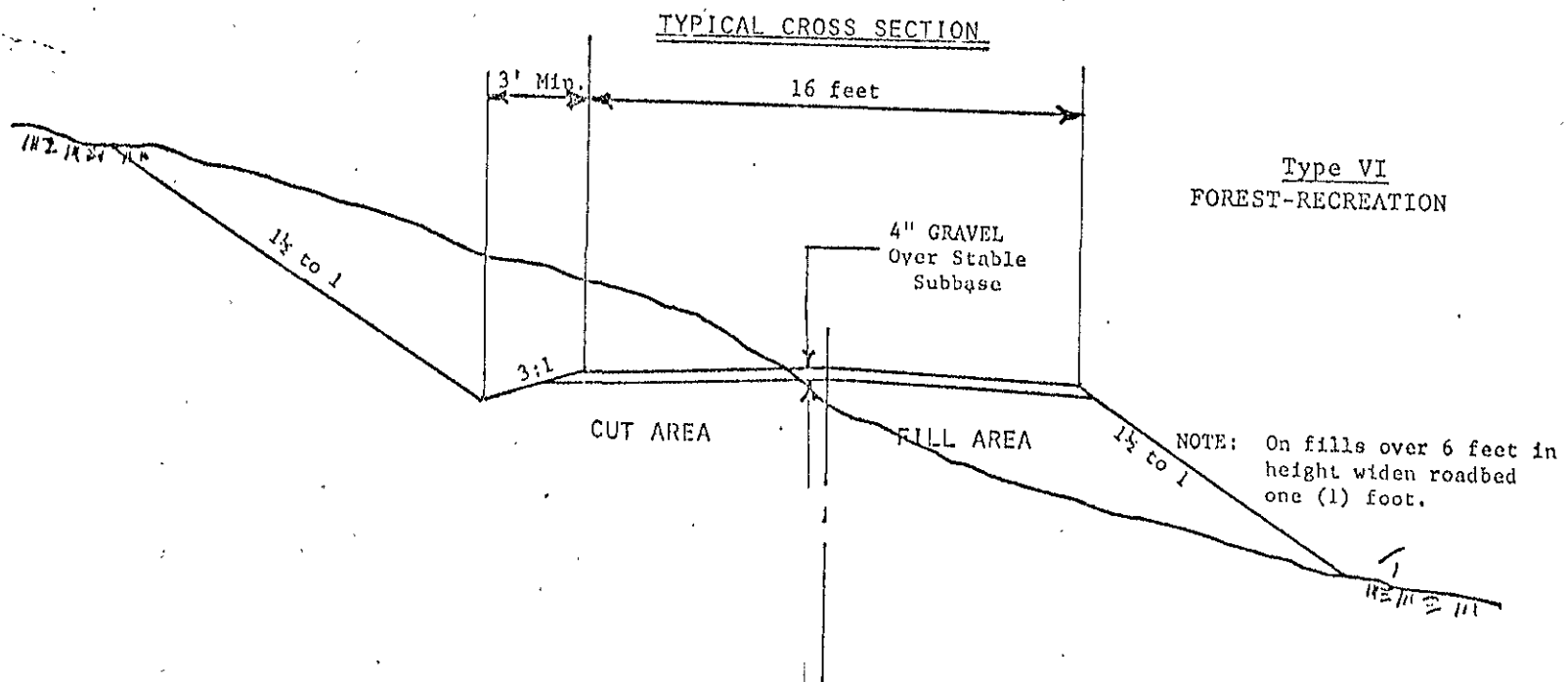
1	2	3	4	5&6	7
TOWN AND RANGE	SEC. NUMBER	1/4 SEC.	1/4 SEC. OF 1/4 SEC.	THENCE INTO HALVES OR QUARTERS TO BEGINNING.	
7	6	5	4	3	2
SOUTH 165 FEET OF 5 ACRES	S 1/2 10 ACRES	S 1/2 20 ACRES	SE 1/4 40 ACRES	NE 1/4 160 ACRES	SECTION 8 640 ACRES
					1
					TOWN 7 NORTH, RANGE 7 EAST

THE PREFERRED ORDER IN LOCATING QUARTER SECS. IS COUNTER-CLOCKWISE, NORTH EAST QUARTER, NORTH WEST QUARTER, SOUTH WEST QUARTER, AND SOUTH EAST QUARTER. IF PARTS OF THE QUARTER SECS. ARE TO BE DESCRIBED, THE SAME ORDER SHOULD BE OBSERVED.



DIMENSION	ROAD CLASS		
	III	IV	V
(A)	24'	22'	22'
(B)	32'	26'	24'
(C)	2" Bituminous	2" Class V	2" Class V
(D)	10" gravel-Class V	6" gravel-3" Minus	4" gravel-3" Minus
(E)	1½:1	1½:1	1½:1
(F)	3:1	3:1	3:1
(G)	3:1	3:1	2:1

APPENDIX III



APPENDIX IV