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LAKE COUNTY, MINNESOTA

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ERICA KOSKI
LAKE COUNTY RECORDER

BY Rogene Mae Deputy

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REGISTRAR OF TITLES
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ERICA KOSKI
REGISTRAR OF TITLES

BY Erica Koski Deputy

REVISED

LAKE COUNTY SUBDIVISION ORDINANCE
NUMBER 9

EFFECTIVE JULY 1, 2004

**ORDINANCE NUMBER 9
LAKE COUNTY SUBDIVISION ORDINANCE**

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

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Blaine Fenstad, Vice-Chairman	Unorganized Territory #1
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**LAKE COUNTY SUBDIVISION ORDINANCE
ORDINANCE NUMBER 9**

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**ARTICLE 1.00
PURPOSE AND INTENT**

This subdivision ordinance is enacted to assist in harmonizing the subdivider's interests with those of Lake County. It is the objective of the County to promote orderly growth that considers public health, safety, and the welfare of its residents. Established standards of design and procedures for subdividing provide protection from environmental degradation; conserve land values; provide for safe, controlled access to public roads; minimize property disputes and carry out the Comprehensive Plan. This ordinance is enacted to establish standards for surveys and subdivisions; discourage inferior development; and to establish subdivision standards compatible with affected cities within the County. This ordinance is adopted in accordance with Minnesota Statutes, Chapters 394 authorizing the County to regulate the platting of subdivisions.

**ARTICLE 2.0
SHORT TITLE**

The Ordinance originally adopted on June 7, 1977, shall be known as the "Subdivision Ordinance of Lake County; Ordinance Number 9" and will be referred to herein as "this Ordinance."

**ARTICLE 3.0
GENERAL PROVISIONS**

Section 3.00

Scope: It is the intent of this Ordinance that all subdivisions of land in Lake County shall be presented to the Commission in the form of a preliminary subdivision in accordance with the standards set forth, that the Commission shall approve the arrangement, sizes and relationship of proposed tracts in such subdivisions, and that tracts to be used as easements, roads or other public purpose shall be so dedicated. Surveys shall meet the requirement of Minnesota State Statute. No final recording or sales shall be permitted until the Official Subdivision plat has been approved and filed as provided in this Ordinance.

This Ordinance shall apply and be binding upon all of the area of Lake County, Minnesota, located outside the incorporated limits of cities. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision plat recorded in the Office of the County Recorder prior to September 1, 1978. It is not the intent of this Ordinance to repeal, annul 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. This ordinance shall not apply to private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposed 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

Exceptions: All new subdivisions of land in Lake County shall be by subdivision plat except:

- A) The creation of parcels of five (5) acres and larger described by standard rectangular division which do not require a new road;
- B) The creation of cemetery lots;
- C) Actions resulting from Court Orders;
- D) The adjustment of a lot line by the relocation of a common boundary.

ARTICLE 3.0

Notwithstanding the above, a person may subdivide one (1) parcel per year without benefit of a survey provided he meets all requirements of the Land Use Ordinance #12.

Section 3.02

A person shall subdivide as prescribed herein when:

- A) He creates more than one (1) parcel in Lake County per calendar year;
- B) He creates parcels smaller than five (5) acres; or,
- C) The subdivision requires a new road.

Section 3.03

- Actions Necessary for Acceptance of Subdivisions: Before any subdivision plat shall be recorded, or be of any validity, and before any parcels may be sold from a subdivision, it shall be approved by the Commission and the County Board. Any proposed subdivision lying within a Town shall be submitted to said town board. In the case of properties lying within two miles of a city, said city shall receive notice. Any subdivision abutting a public road shall be submitted to the appropriate road authority.

Section 3.04

Permits: No permits shall be issued by Lake County for the construction or installation of any building, structure or improvement other than those previously agreed to or specifically required for acceptance of any part of a proposed subdivision until the Official Subdivision plat is recorded.

**ARTICLE 4.0
DEFINITIONS**

For the purpose of this ordinance, certain terms and words are hereby defined. The word person includes a firm, association, organization, partnership, trust, or company as well as an individual. 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.

Sec. 4.01

Access: A way of approaching or entering property without trespass.

Sec. 4.02

Administrator: The Land Use Administrator of Lake County, Minnesota, or his authorized representative.

Sec. 4.03

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

Sec. 4.04

Attorney: The County Attorney of Lake County, Minnesota, or his authorized representative.

Sec. 4.05

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

Sec. 4.06

Commission: The Planning Commission of Lake County, Minnesota.

Sec. 4.07

Common Interest Community (CIC): A method of subdividing land specified in MS 515B wherein a portion of the land is held in common.

Sec. 4.08

County: Lake County, Minnesota.

Sec. 4.09

County Board: The County Board of Commissioners of Lake County, Minnesota.

Sec. 4.10

- Drainageway: Any watercourse or indenture for the drainage of surface waters having a defined bottom.

ARTICLE 4.0

- Sec. 4.11 Driveway: A private way serving one property by connecting it to a road.
- Sec. 4.12 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 roads.
- Sec. 4.13 Engineer: The County Engineer of Lake County, Minnesota or his authorized representative.
- Sec. 4.14 Land Use Ordinance: Lake County Ordinance Number Twelve (12).
- Sec. 4.15 Lot: The component of a subdivision individually numbered or designated on the subdivision plat for purposes of description, recording, conveyance, development and taxation. In a CIC Subdivision, the term "lot" is replaced by the term "unit".
- Sec. 4.16 Lot Width: The distance shortest distance between lot lines measured at the building line.
- Sec. 4.17 Official Subdivision Plat: The final map, drawing or chart on which the sub divider'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.
- Sec. 4.18 Owner or Person: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient recorded legal interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- Sec. 4.19 Planned Unit Development Subdivision (P.U.D.): A Subdivision that stays within the density requirement of the Land Use district in which it is located while allowing a degree of latitude in describing individual lot sizes. Further, a minimum of one-half (1/2) 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. (Refer to Ordinance #12 for specifics).
- Sec. 4.20 Preliminary Subdivision: 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.
- Sec. 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 road.
- Sec. 4.22 Road: A way having permanent location on the ground and serving more than one property including railroad, highway, trail, portage and roadway. For the purpose of this ordinance, a driveway serving a single parcel of land is not a road.
- Sec. 4.23 Road - Arterial: A road or highway of considerable continuity, which is used primarily for heavy through traffic between major traffic generation areas.
- Sec. 4.24 Road - Collector: A road that serves as a connection between several minor roads. The term includes the principal entrance road to small communities and large residential developments, and may also include roads for major circulation within such developments.

ARTICLE 4.0

- Sec. 4.25 Road – Cul-De-Sac: A comparatively short minor road having one end open to traffic and the other end terminated by a vehicular turn-around. A Cul-De-Sac may also be a temporary termination for a road which will ultimately extend beyond the instant subdivision.
- Sec. 4.26 Road – Forest: A low-grade minor road serving few properties.
- Sec. 4.27 Road – Local or Service: A minor road which serves property adjacent to an arterial road, by providing access to abutting properties and protection from through traffic by minimizing access to the arterial road.
- Sec. 4.28 Road – Minor: A road which serves primarily as access to adjacent properties, and is not intended to carry through traffic.
- Sec. 4.29 Setback: The minimum horizontal distance between a structure, sewage treatment system or other facility and the vegetation line, road centerline, road right-of-way line, front, side, or rear lot lines.
- Sec. 4.30 Shoreland: The North Shore Management Zone and all lands located within the following distance from public waters:
A) One thousand (1,000) feet from the ordinary high water level of a lake, pond or flowage;
B) Three hundred (300) feet from the ordinary high water level of a river or stream.
- Sec. 4.31 Standard Rectangular Division: A process of dividing land without the use of points, measurements or bearings as shown in Appendix I.
- Sec. 4.32 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 re-subdivision.
- Sec. 4.33 Surveyor: A land surveyor granted the title "Registered Land Surveyor" by the State of Minnesota under Statute 326.10.
- Sec. 4.34 Wetland: Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface. A wetland must display:
A) A predominance of hydric soils;
B) Surface water or ground water at a frequency or duration sufficient to support a prevalence of hydrophytic vegetation;
C) Hydrophytic vegetation under normal conditions

**ARTICLE 5.0
PROCEDURES FOR SUBMITTING SUBDIVISIONS**

No real property within the jurisdiction of this Ordinance shall be subdivided or offered for sale or a subdivision plat recorded until a pre-application meeting has been held and both a preliminary subdivision plan and an Official Subdivision plat of the proposal have been reviewed as provided herein. Plans for planned unit developments and common interest communities shall be presented for approval in the same manner as other subdivisions.

ARTICLE 5.0

Section 5.00

Pre-Application Meeting

In order to familiarize himself with this Ordinance and related laws and to avoid costly revisions, the sub-divider and/or his surveyor shall have a preliminary discussion with the planning staff. The sub-divider shall provide the staff with three (3) copies of the sketch plans which shall contain the following information: Tract boundaries, north point, description of, nature and purposed of tract, roads serving and adjacent to the tract, significant topographical hydrologic and physical features, proposed general internal road layout, and proposed general lot layout.

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

As far as may be practical on the basis of a sketch plan, the planning staff will informally advise the sub-divider 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 Subdivision

- A) Submission Requirements: The sub-divider shall submit to the planning staff the following:
- 1) Eight (8) 20" x 30" paper copies of the preliminary subdivision together with an 8 ½ x 11" copy reproducible for public notice.
 - 2) A complete APPLICATION FOR SUBDIVISION together with applicable fees signed by the owner of record. The application shall specify the legal description, Nature of title (abstract or Torrens) location and size of the tract to be subdivided, 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 sub-divider.
- B) Distribution: The planning staff shall upon receipt of the preliminary subdivision, forward a copy to each of the following: Appropriate Public Utilities, Engineer, Supervisors and Clerk of the affected Town Board, DNR-Area Hydrologist, State District Highway Engineer, Superintendent of Schools and the City Council of any municipality within two (2) miles of the subdivision.
- C) Response: The above shall respond within thirty (30) days of receipt with their comments and suggestions. Non-response will be deemed to indicate no objection.
- D) Public Hearing and Notice: Upon the receipt of the complete Preliminary Subdivision Application and fees, the planning staff shall schedule a public hearing to be held. 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 (1/2) mile of the proposed plan shall be notified.
- E) Preliminary Approval: If the subdivision proposal is disapproved, the subdivider will be informed of the reason for such actions. The approval of the preliminary subdivision shall be effective for a period of six (6) months, unless the Commission grants an extension. The subdivider may file an Official Subdivision plat limited to such portion of the preliminary subdivision 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 Official Subdivision plat

has not been submitted for approval within one year, a preliminary subdivision must again be submitted to the Commission for approval.

Section 5.02

Procedure for Approval of Official Subdivision Plat

A) Submission Requirements: Unless an extension of time is requested by the subdivider in writing, and granted by the Commission, in writing, and granted by the Commission, in writing, the subdivider shall within six (6) months following approval of the preliminary subdivision, submit to the planning staff: Two mylar and six (6) paper prints of the Official Subdivision plat, an up-to-date Title Opinion or a Certificate of Title together with a Registered Property Certificate for the Official Subdivision plat. The Official Plat shall be of uniform size 20" in width and 30" in length and shall conform to the requirements of Minnesota Statute. The Official Subdivision plat shall incorporate all changes required by the Commission. Otherwise, it shall conform to the preliminary subdivision. The Official Subdivision plat may constitute only that portion of the preliminary subdivision that the subdivider proposes to record and develop at the time. A dotted red line shall indicate the boundary of the subdivided land. If the complete Official Subdivision plat is not submitted within one (1) year, the unsubmitted portion shall be resubmitted as a new subdivision. A filing fee as specified in Minnesota Statutes shall accompany the Official Subdivision plat.

B) County Departmental Review: The Planning Staff shall submit one copy of the Official Subdivision 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 Land Use Administrator, shall certify in writing as to the acceptability of the subdivision plat within fifteen (15) days. The Engineer shall state whether the Official Subdivision plat and the proposed improvements conform to the engineering standards and specifications established by this Ordinance.

The Attorney shall render an opinion as to whether the fee simple title to the subdivided property is in the name of the subdivider and whether the subdivision plat meets statutory legal requirements. The Administrator shall state whether the Official Subdivision plat conforms to the preliminary subdivision approved by the Commission.

C) Approval: The County Board shall act on the Official Subdivision plat within thirty (30) days of the date it was submitted to the planning staff. The County Board shall not approve the Official Subdivision 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.
- 5) Appropriate financial assurances are in place to insure compliance with official controls.

D) DNR Copy: A single copy of each Official Subdivision plat, any portion of which lies within shoreland, shall be forwarded to the D.N.R. Area Hydrologist within ten (10) days of final approval.

ARTICLE 6.0

**ARTICLE 6.0
PRELIMINARY SUBDIVISION STANDARDS**

Section 6.00

General

- A) Evaluations: The Commission will evaluate proposed subdivisions first considering their relationship to the Comprehensive Plan and using the criteria found therein 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. See Article 9.0 Deviations from Standards.
- B) Land Requirements: The proposed subdivision shall be evaluated for land suitability. Wetlands, lands subject to flooding or containing steep slopes shall not be approved for lots, but such land within a subdivision may be utilized for open space or common element.
- C) Compatibility: In the subdivision of land, due regard shall be shown for natural features which, if preserved, would 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.
- D) Hydrology: As required by the Land Use Ordinance, proposed road construction and other grading and filling must be supported by preliminary stormwater and sedimentation plans with the understanding that complete plans shall be provided and financially assured prior to acceptance of the Official Subdivision plat. Those complete plans should include culvert sizing and location, road contours at 2 foot intervals and erosion/stormwater measures.

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 subdivision 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 together with the total acreage of the subdivision and each of its units.
- C) Existing Conditions on Tract and Adjacent Area:
- 1) Property lines existing
 - 2) Total acreage
 - 3) Present roads, easements and improvements
 - 4) Existing structures
 - 5) Topography showing lakes, watercourse, and wetlands, 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.

ARTICLE 6.0

- 2) Roads shall be placed so as to reasonably compliment 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. Roads giving such access shall be improved to the limits of the subdivision, except such roads providing access only to adjacent unsubdivided territory need not be improved however the easements must be dedicated. 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, collector roads 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, tract to be subdivided borders an existing half, or partial road, the other part of the road shall be subdivided 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 turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the road shall be carried to the property line in such a way as to permit future extension of the road into an adjoining tract. Such extension shall not create a dead-end road. At such time as the road is extended, the overage created by the turn-around outside the boundaries of the extended road shall revert in ownership to the property owner fronting on the temporary turn-around.
- 8) Location and widths of easements and drainage ways.
- 9) Layout by lot and block and dimensions and acreage of individual lots or as otherwise provided in State Statute.
- 10) Areas dedicated to the public or to be held in common.
- 11) Soil tests shall be conducted to verify the presence of and to locate two sites to be used exclusively for the treatment of sewage.

**ARTICLE 7.0
OFFICIAL SUBDIVISION PLAT STANDARDS**

Section 7.00

Roads

A) Rights-of-Way: Except as listed below, all roads within a subdivision shall have a minimum of sixty-six (66) feet of right-of-way.

Subdivision Road Type		Minimum ROW Width
Type 1	Arterial Road or Highway	200 feet
Type 2	Collector Road	100 feet
Type 3	Minor Road	66 feet
Type 4	Local or Service Road (or year-round subdivision less than twenty (20) lots)	66 feet
Type 5	Forest Road (or year-round subdivision less than ten (10) lots)	66 feet

ARTICLE 7.0

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 in areas of intensive use to meet established engineering standards.

Roads with less than sixty six (66) foot right-of-way or roads that cannot meet road design specifications shall be dedicated as private roads with undivided interest shared among all lots served by the road. The dedication shall be recorded on both the subdivision plat and in the covenants and restrictions acknowledging that the road shall never be publicly maintained without the acquisition of additional right-of-way or correction of design.

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

STANDARD	COLLECTOR Type 2	MINOR Type 3	LOCAL/SERVICE Type 4	FOREST Type 5
Surface Width	24'	22'	22'	16'
Finished Roadbed	32'	26'	24'	16'
Surface Thickness & Type	2" Bituminous	2"/Class 5	2"/Class 5	---
Base Material	10" gravel Class 5	6" gravel 3" minus	4" gravel 3" minus	4" gravel on stable sub-base
Excavation & Embankment slope	3:1	3:1	2:1	1.5:1
Maximum Gradient	6%	8%	10%	15%
Minimum Ditch Grade	0.5%	0.5%	0.5%	0.5%

Type 1 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 road occurs, a curve of reasonably long radius shall be introduced, to-wit: on Type 2 roads 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 one-half (1/2) this minimum length for other roads. 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 then 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 Management: In the interest of public safety, whenever 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-

ARTICLE 7.0

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 road access to public roads 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: In the interest of public safety, proposed road names shall be reviewed by the Sheriff to both eliminate the chance of duplicate or similar road names and to facilitate the rational assignment of addresses. 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: Except as provided above, all roads within the subdivision shall be irrevocably dedicated to the public, (they do not become public until accepted by a public road authority), and such dedication shall appear on the Official Subdivision plat. Alternative arrangements may be utilized for creation of private roads when the dedication clearly transfers road maintenance responsibility to another corporate entity. However minimum road standards for emergency vehicle access shall be followed and approved by the County Engineer.
- K) Shoreland Setback: All roads in shoreland 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 twenty-two (222) feet from the vegetation line. Stream crossings shall be made at right angles to drainageways 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) Requirements as to lot sizes and dimensions and provisions regulating off-road parking and loading spaces.
 - 3) Needs for convenient access, circulation, control and safety of road traffic.
 - 4) Limitations and opportunities of topography and hydrology.
- B) Residential blocks shall normally be of sufficient width for two tiers of lots. Blocks 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, and provide adequate space for off-road parking and deliveries. (See Land Use Ordinance parking requirements)
- 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 Density requirements; however, innovative developments may be considered as Planned

ARTICLE 7.0

Unit Developments, Common Interest Communities or under Deviations from Standards.

- 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 or road lines or radial to curved road 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) Lot access shall be from the interior road only and access restrictions shall be clearly shown on the Official Subdivision plat.
- F) Every lot must have the minimum required frontage on a road other than an alley, and have satisfactory access to such existing road for purposed of fire fighting, utilities and other public and quasi-public services. However, modifications to this requirement may be considered in innovative developments.

Section 7.03

Easements

- A) Utility 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 a drainageway, an easement adequate to protect the feature and provide structural separation shall be shown on the final subdivision plat.
- C) Public Dedication: Where determined to be in the public interest, the County may require that drainageways be dedicated to the public.
- D) Water Access: Unless adequate public access is available, shoreland subdivisions shall provide for an adequate water access point available to all property owners within the subdivision.
- E) Subdivision Inclusion: All easements shall be indicated on the Official Subdivision plat map.

ARTICLE 7.0

Section 7.04

Final Hydrology Issues related to stormwater, sediment control and wetlands shall comply with the Hydrology section of the Land Use Ordinance. Completion of necessary measures shall meet standards accepted by the Hydrology Technical Committee and bonded or otherwise secured in a manner acceptable to the Attorney in an amount equal to 125% of the estimated cost to accomplish.

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 sanitary district, sewers shall be constructed throughout the entire subdivision in such a manner as to adequately serve maximum buildout.

Where lots cannot be connected to a sanitary sewer, each lot must have at least two sites reserved for an individual sewage treatment system.

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

**ARTICLE 8.0
BASIC CRITERIA FOR FINAL ACCEPTANCE**

Section 8.0

Agreement: Before an Official Subdivision plat is accepted, 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 subdivision or file or cause to be filed any application for Land Use permits for such construction until all improvements required under this Ordinance have been completed and approved or financially secured in a manner acceptable to the Attorney.

Section 8.01

Certification: No Official Subdivision plat shall be approved by the County Board until the requirements of Article 5.0, Section 5.02 c, and Section 7.04 are met and supported by a report from the Engineer 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, Official Subdivision plat Standards.

Section 8.02

Financing: In the case of incomplete improvements before a Official Subdivision 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 treatment 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

ARTICLE 8.0

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 incomplete required improvements under the terms of the 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. If reserved funds are insufficient to complete required improvements, the County may complete them and seek reimbursement through special assessment.

Section 8.03

Minnesota Subdivided Land Sales Practices Act: Parties are advised to be aware of the requirements of Minnesota Statutes, Chapter 83.

**ARTICLE 9.0
DEVIATIONS FROM STANDARDS**

Section 9.0

The Commission may recommend exceptions from any of the provisions of this Ordinance when, in its opinion, the change would not deviate from the intent of the Comprehensive Plan and is approved by appropriate professional staff. In granting an exception, the Commission shall prescribe any conditions that it deems necessary 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 infrastructure. An exception may be granted when the Commission finds that the granting of the exception will be consistent with the Land Use Ordinance and Comprehensive Plan

**ARTICLE 10.0
VIOLATIONS AND PENALTY**

Section 10.00

Sale of Lots from Unrecorded Subdivisions: 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, subdivision or resubdivision of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, subdivision or resubdivision shall have first been recorded in the Lake County Recorder/ Registrar's Office.

Section 10.01

Receiving and Recording Unapproved Subdivisions: It shall be unlawful to receive or record in any public office any plans, subdivision or resubdivision of land laid out in building lots and highways, 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.

ARTICLE 10.0

Section 10.02

Misrepresentation: It shall be unlawful to represent that any improvement in said addition or subdivision has been constructed according to the plans and specifications approved by the Planning Commission, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

Section 10.03

Penalty: Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction be fined up to one thousand dollars (\$1,000.00). Each day that a violation continues to exist shall constitute a separate offense. All fines for violations shall be paid to the County and shall be credited to the General Revenue Fund.

**ARTICLE 11.0
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 12.0
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its publication, public hearing, passage and recording according to Minnesota Statutes, Chapter 375.51.

ORIGINALLY ADOPTED June 7, 1978 EFFECTIVE September 1, 1978

This Amendment shall take effect and be in full force on the 1st day of July 2004.
All previous versions of this ordinance are repealed.

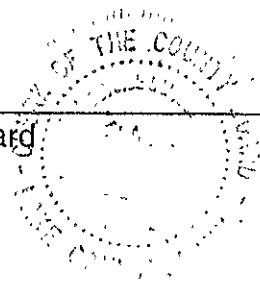
Recommended in joint hearing by the Lake County Planning Commission and unanimously passed, by the Lake County Board of Commissioners this 24th day of May, 2004.

July 6, 2004
Date

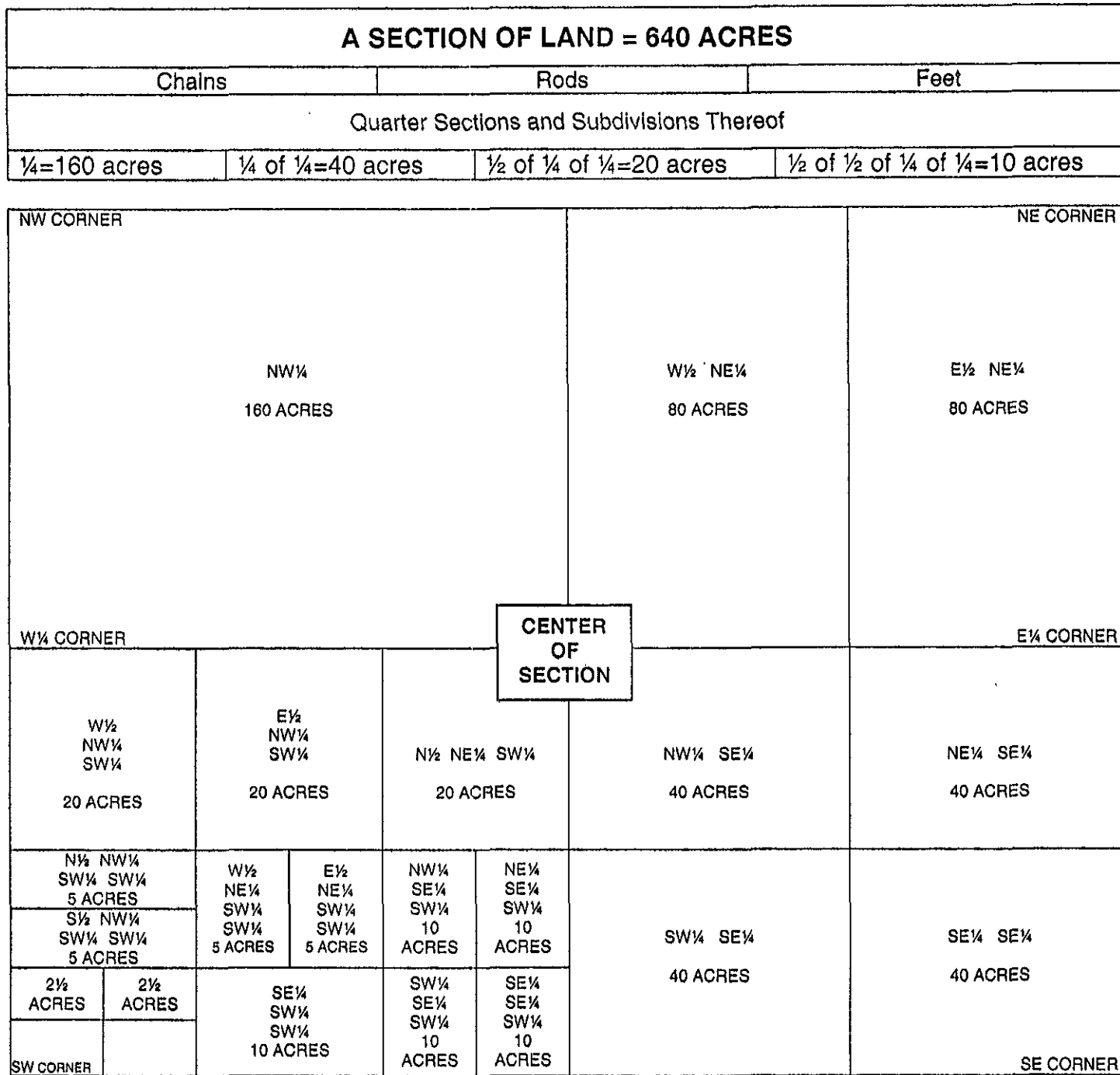
Larry (Looper) Larson
Larry (Looper) Larson, Chair
Lake County Board of Commissioners

July 6, 2004
Date

Wilma Rahn
Wilma Rahn, Clerk of the Board



APPENDIX 1 STANDARD RECTANGULAR DIVISION OF LAND



- RECTANGULAR SURVEY DESCRIPTIONS ALWAYS WORK FROM END OF DESCRIPTION BACK TO THE BEGINNING:
- THE PREFERRED ORDER IN LOCATING QUARTER SEC. IS COUNTER-CLOCKWISE, NORTH EAST QUARTER, NORTH WEST QUARTER, SOUTH WEST QUARTER, AND SOUTH EAST QUARTER.
- IF PARTS OF THE QUARTER SECTIONS ARE TO BE DESCRIBED, THE SAME ORDER SHOULD BE OBSERVED.