

Faribault County Subdivision Regulations

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Preamble

Subdivision Ordinance of Faribault County Minnesota

An ordinance establishing regulations for the subdivision and platting of land within Faribault County and lying outside the boundaries of municipalities, defining certain terms used herein, providing for the preparation of plats providing for the installation of streets, roads, and other improvements establishing procedures for the approval and the recording of plats and providing for the violation of this ordinance.

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- I. Short Title
 - A. This ordinance shall be known, cited, and referred to as the Faribault County Subdivision Ordinance, except as referred to herein, where it shall be known as “This Ordinance”.
- II. Purpose and Interpretation
 - A. Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit with which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions, without correlation to the County Plan, can bring a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Faribault County shall, in all respects, fully comply with the regulations hereinafter set forth in this ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.
- III. Rules and Definitions
 - A. Rules
 - 1. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions (Chapter 505).
 - B. Definitions
 - 1. For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section.
 - a. Administrator: See Zoning Administrator.
 - b. Alley: A public right-of-way which affords a secondary means of access to abutting property.
 - c. Attorney: The Faribault County Attorney
 - d. Block: An area of land within a subdivision that is entirely bounded by streets of a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
 - e. Boulevard: That portion of the street right-of-way between the curb (or curb line) and the property line.
 - f. Building: Any structures having a roof which may provide shelter or enclosure of persons, animals, or chattel. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
 - g. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining the minimum distance between the building and property line within which buildings or structures may not be placed.
 - h. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and County facilities.

- i. County Board: The Faribault County Board of Commissioners.
- j. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
- k. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.
- l. Engineer: The Faribault County Engineer.
- m. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Faribault County Recorder.
- n. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
- o. Lot: A parcel, piece, or portion of land abutting a private or public street, designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.
- p. Lot Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
- q. Lot Interior: A lot other than a corner lot, including through lots.
- r. Lot Through: Any other lot than a corner lot which abuts more than one street.
- s. Lot Area: That area is located within the lot lines and not including that portion of the platted lot which is presently being used as or dedicated for street or public right-of-way.
- t. Lot Depth: The shortest horizontal distance between the front line and the rear lot line measured at a 90-degree angle from the street right-of-way and within the lot boundaries.
- u. Lot Line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.
- v. Lot Line Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
- w. Lot Line Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
- x. Lot Line Side: Any boundary of a lot which is not a front lot line or rear lot line.

- y. Lot of Record: A platted lot or metes and bounds parcel, which has been recorded in the office of the Faribault County Recorder prior to the adoption of this Ordinance.
- z. Lot Width: The shortest horizontal distance between the side lot lines of a lot, measured parallel to the front line of the lot at the setback line.
- aa. May: Means permissive.
- bb. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, parks, and drainage, both existing and proposed.
- cc. Owner: Any individual, firm, association, syndicate, co-partnership, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- dd. Person: An individual; to include both male and female and shall also extend and be applied to political and corporate bodies, and to partnerships and other unincorporated associations.
- ee. Planning Commission: The duly appointed Planning Commission of the County Board, i.e. the Faribault County Planning Commission.
- ff. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision.
- gg. Public Land: Land owned and/or operated by a governmental unit.
- hh. Publication: An official notice as prescribed by State Statutes.
 - ii. Shall: Means mandatory.
- jj. Standards and Specifications for Improvements: The standards and specifications for construction of required improvements in new subdivisions.
- kk. Street: A public right-of-way which affords a primary means of access to abutting property.
 - ll. Street Collector: A street which serves, or is designed to serve, as a trafficway for a neighborhood or as a feeder to a major street.
- mm. Street Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
- nn. Street Major or Thoroughfare: A street which serves, or is designed to serve, heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- oo. Street Major Township: A street under township jurisdiction which is generally considered a section line or ½ section line road.
- pp. Street Local: A street intended to serve primarily as an access to abutting properties.
- qq. Street Private: A street which is not dedicated to the community for public use.
- rr. Street Service: A marginal access street which is generally parallel and adjacent to major streets.

- ss. Street Half: A street designed to provide access to only one side of the right-of-way.
- tt. Street Pavement: The wearing surface of a street.
- uu. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
- vv. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.
- ww. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels of the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area exclusive road right of way or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from plating requirements.
- xx. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- yy. Used for: To include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- zz. Zoning Administrator: The duly appointed Faribault County Zoning Administrator.
- aaa. Zoning District: An area as prescribed by the Faribault County Zoning Ordinance.

IV. **Administrative Land Division and Combine Procedures**

Application & Supporting Documents Required (but not limited to) for an Administrative Split/Combine approval:

Recorder's Office:

The proposed Certificate of Survey shall be submitted to the Faribault County Recorder's Office, who shall then review the survey.

No conveyance of land shall be made unless such parcel meets the following requirements:

- a) Parcel is an Existing Parcel of record; or
- b) The parcel described in the conveyance document submitted for recording is fully described using the process described in the Public Lands Survey System (PLSS) enacted by Congress for determining "aliquot" parcels within surveyed sections of land' this process is described as "midpoint protraction and intersection" and is the method whereby sections of land are subdivided into halves and quarters, with those halve and quarters being further subdivided into halves and quarters using the same process (i.e. the description only includes government fractions) and said described parcel is at least ten (10) acres in size assuming the section in question is a perfect square being

5,280 feet on each side and such description can be located within the section with certainty; or

Acceptable Examples (that may not require a survey, Examples based in NW ¼: See table:

<u>160 acres</u> NW ¼	<u>20 acres continued</u> W½ of NW ¼ of NW ¼ N½ of NE¼ of NW¼ S½ of NE¼ of NW¼ E½ of NE¼ of NW¼ W½ of NE¼ of NW¼	<u>10 acres continued</u> NW¼ of NE¼ of NW¼ NE¼ of NE¼ of NW¼ SW¼ of NE¼ of NW¼ SE¼ of NE¼ of NW¼
<u>80 Acres</u> N ½ of NW ¼ S ½ of NW ¼ E ½ of NW ¼ W ½ of NW ¼	 N½ of SW¼ of NW¼ S½ of SW¼ of NW¼ E½ of SW¼ of NW¼ W½ of SW¼ of NW¼	 NW¼ of SW¼ of NW¼ NE¼ of SW¼ of NW¼ SW¼ of SW¼ of NW¼ SE¼ of SW¼ of NW¼
<u>40 Acres</u> NW ¼ of NW ¼ NE ¼ of NW ¼ SW ¼ of NW ¼ SE ¼ of NW ¼	 N½ of SE¼ of NW¼ S½ of SE¼ of NW¼ E½ of SE¼ of NW¼ W½ of SE¼ of NW ¼	 NW¼ of SE¼ of NW¼ NE¼ of SE¼ of NW¼ SW¼ of SE¼ of NW¼ SE¼ of SE¼ of NW¼
<u>20 acres</u> N½ of NW¼ of NW¼ S½ of NW¼ of NW¼ E½ of NW¼ of NW¼	<u>10 acres</u> NW¼ of NW¼ of NW¼ NE¼ of NW¼ of NW¼ SW¼ of NW¼ of NW¼ SE¼ of NW¼ of NW¼	

Unacceptable Examples (would require a survey):

South 20 acres of the NW ¼ NW ¼ as it does not use the midpoint protraction and intersection process.

N 1/3 SE ¼ is not acceptable because the line for the 113rd cannot be determined using midpoint protraction and intersection.

That part of the SW ¼ lying east of [landmark or natural or manmade feature described] is not acceptable because the description does not exclusively use the process above to describe the parcel.

Conveyancing document is accompanied by a certificate of survey.

Proposed Certificate of Survey shall be submitted to the Faribault County Recorder's Office

- a) Proposed Certificate of Survey shall include the proposed metes and bounds description.
- b) Proposed Certificate of Survey shall be stamped and signed by a Minnesota Licensed Land Surveyor.
- c) Proposed Certificate of Survey shall be submitted in AutoCAD Microstation (.dwg) or GIS shapefile (.shp) format, digital PDF, along with an accompanying paper copy.
- d) Proposed Certificate of Survey shall conform to the guidelines set forth in the Minnesota Society of Professional Surveyors- Recommended Guidelines for the Practice of Land Surveying and U.S. Department of Interior Bureau of Land Management- Manual of Surveying Instructions.

Auditor/Treasurer's Office:

Current & delinquent taxes and special assessments must be paid in full.

Parcels must be contiguous and lie within the same section/township/range. We cannot combine platted with metes and bounds properties, or cross jurisdictional boundaries such as township/city/school/fire. New legal descriptions shall be created for each new parcel or adjusted parcel.

Planning & Zoning's: Administrative Split Application Form

Each newly created for residential builds lot must be able to meet MPCA rules 7080/7081 and support TWO "TYPE I" sewage treatment systems proved by two soil borings: one for the primary site and one for the secondary site.

Existing sites with current sewage treatment systems shall provide ONE "TYPE I" secondary to current system meeting MPCA rules 7080/7081 and valid Certificate of Compliance. Land splits for agricultural are exempt.

Recorder's Office: Fee non-refundable. An additional fee per parcel for 3 or more splits.

V. Platting Procedures

- A. Whenever any subdivision of land is proposed to be made, and before any contract for the sale of , or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.
- B. Preliminary Plat
 1. Prior to subdividing or re-subdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks. prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in this

Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the subdivider.

2. The Zoning Administrator shall place the proposal on the agenda of the next meeting of the County Planning Commission.
 3. Prior to the public hearing, the zoning administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as the County Board desires to have an opinion on the proposal.
 4. A public hearing date shall be set to be held within 45 days of the filing date. The required legal publication shall be made, and notices shall be sent to all property owners within one-half mile of the exterior boundary of the proposed plat in an unincorporated area, or 500 feet of the exterior boundary of the proposed plat in an incorporated area; the affected township board or supervisors, and the municipal council of any municipality within two miles of the affected property.
 5. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
 6. The subdivider or duly authorized representative shall attend the Planning Commission meeting at which the proposal is scheduled for consideration.
 7. The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the county and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of the streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.
 8. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve, or disapprove the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
 9. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
 10. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.
- C. Final Plat
1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
 2. The subdivider shall, within 6 months after the approval of the Preliminary Plat, file with the Planning Commission 10 copies of the Final Plat; the Preliminary Plat and Final Plat will be considered void unless an extension is requested in

writing by the subdivider and for good cause granted by the Planning Commission and the County Board.

3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in this ordinance.
 4. At the discretion of the County Board, the certification of title of registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
 5. The reports required in this section shall be forwarded to the Planning Commission for their consideration.
 6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under this Ordinance shall be complied with.
 7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the Chairman of the Planning Commission and the appropriate officials of the County as required by Minnesota Statutes and may be filed by the applicant in the Faribault County Recorder's office. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.
 8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and make payment for the costs, if any, accrued during the verification of the Final Plat materials.
 9. No changes, erasures, modifications, or revisions shall be made in any Final Plat after approval had been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the same shall be considered null and void, and County Board shall institute proceedings to have the Plat stricken from the records of the county.
- D. Required Improvements
1. Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this ordinance, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of the Ordinance.
- E. Payment for Improvements
1. The required improvements which are listed and described in this Ordinance are to be furnished and installed as the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In case of an improvement, the cost of which would by general policy be assessed only in part to the improved

property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed withing the subdivision will be of substantial benefit to lands beyond its boundaries the County Board may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required to only pay for such portion of the whole cost of said improvement as will represent the benefit to the property withing the subdivision.

F. Construction Plans

1. If so ordered, construction plans for the required improvements conforming with the adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction materials, shall be submitted to the County Engineer for an estimate of the total cost of the improvements. Upon approval, the plans shall be the basis for the cost portion of the contract required by this Ordinance. The tracings of the plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.
2. Plans for the installation of gas and electric facilities shall be submitted to the County Engineer and Zoning Administrator upon their submission and approval by the appropriate agencies. The appropriate agencies shall have approved plans prior to the approval of the Final Plat. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

G. Contract for Installation of Improvements

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

H. Financial Guarantee

1. At the option of the County Board, the board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
2. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The county shall be entitled to

reimbursement from said deposited for cost and expense incurred by the County for the inspection of the construction and for the completion of work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.

3. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County Attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs for the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.
- I. Completed Improvements
 1. Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that plans satisfy the existing improvements conform to the applicable standards.
 - J. Inspection of Improvements
 1. At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.
 - K. Modifications of the Design of Improvements
 1. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the County Engineer may, upon approval by a previously delegated authority of the Planning Commission, authorize modifications provided these modifications are within the scope of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required. The County Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.
 - L. Proper Installation of Improvements
 1. If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans

and specifications filed by the subdivider, shall so report to the County Board and Planning Commission. The Zoning Administrator then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the county's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plat.

M. Public Acceptance of Recreation Areas

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

N. Public Acceptance of Streets

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

VI. General Requirements

- A. Conformity to Official Map and Comprehensive Plan: All subdivisions shall conform to the adopted Official Map and be in harmony with the Comprehensive Plan.
- B. Delayed Approval of Subdivisions: Where a proposed park, playground, school site or other public site as shown in the Comprehensive Plan and/or Official Map is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate Jurisdiction.
- C. Conformity to Zoning Ordinance: All subdivisions shall conform to the Faribault County Zoning Ordinance and the zoning map.
- D. Character of the Land: The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.
- E. Established Monuments: All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to ensure that these markers are maintained in good condition during and following construction and development. All sections, quarter section, and sixteenth section corner monuments shall be completely and adequately described on the final plat and new or updated corner ties shall be taken and furnished to the County Surveyor.
- F. Preservation of Natural Features: The Planning Commission may establish for preservation the natural features which add value to all development, and to the community, such as trees, or groves, water courses and falls, beaches, historic spots, vistas, and similar irreplaceable assets.

- G. Erosion Prevention: The subdivider shall be required to institute measures as determined and directed by the County Engineer to ensure the prevention of wind and water erosion during and upon the completion of construction.

VII. Minimum Subdivision Design Standards

All plats shall conform to the following standards.

- A. Conformity with the County Plan: The proposed subdivision shall conform to the County Comprehensive Plan.

- B. Street Plan

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

- C. Streets

1. Widths: All right-of-way widths (street widths) and road widths (pavement widths) shall conform to the following minimum dimensions: (street classification, road width) Major or Thoroughfare Street and Collector Street, 100 feet, 32 feet; Major Township and Local Streets, 66 feet, 26 feet; Service Streets, 50 feet, 20 feet; Cul-de-Sacs, 75 foot radius, 60 foot radius.
2. Deflections: When the center line of connecting streets or the center line of a single street deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 275 feet.
3. Grades: All center line gradients shall be at least 0.4 percent and shall not exceed the following: (Street classifications, gradient percent) Major or Thoroughfare Streets, Collector Streets, and Major Township Streets, 5 percent; Local and Service Streets, half Streets and Cul-de-Sacs, 8 percent.
4. Street Jogs: Street Jogs shall have a center line off-set of 150 feet or more when applied to local or service streets, in all other cases they shall be avoided.
5. Minor Streets: Local and services streets (minor streets) shall be so aligned that their use by through traffic will be discouraged.
6. Cul-de-Sacs: Maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to the end of right-of-way.
7. Service Streets: Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such right-of-way for

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

8. Half Streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where the County Board finds it will be practicable to require the dedication of the other half when the adjacent property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.
 9. Reserve Strips: Reserve strips controlling access to streets shall be prohibited, except under conditions approved by the County Board.
 10. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts.
 11. Hardship to Owners of Adjoining Property Avoided: The street arrangements shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- D. Intersections:
1. Angle of Intersection: The angle formed by the intersection of streets shall not be less than 80 degrees, with 90-degree intersections preferred.
 2. Size of Intersections: Intersections of more than four corners shall be prohibited.
 3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at the entrances to the turnaround portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.
- E. Trees
1. Trees shall not be planted within the right-of way and should preferably be placed three to six feet inside the property line.
- F. Street Names
1. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate existing street names including phonetical similarities.
- G. Lots
1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel local residential streets shall be avoided.
 2. Size and Dimension: Minimum lot areas and lateral dimensions shall be as set forth in the Faribault County Zoning Ordinance.

3. Corner Lots: Corner lots shall be platted at least 10 percent wider than minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable out lot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as required to ensure house sites are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.

VIII. Parks, Open Spaces, and Natural Features

A. Existing or Proposed Areas

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

B. Proposed Subdivision Areas

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

IX. Documents to be Filed.

A. Preliminary Plat Shall contain the following items:

1. Scale: No less than one-inch equals 100 feet.
2. Identification and Description
 - a. Proposed name of subdivision
 - b. Location by section, township, range or by other legal description.
 - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.

- d. Graphic scale North point
 - e. Date of preparation
 - f. General location map
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
- a. Boundary line of proposed subdivision clearly indicated.
 - b. Total approximate acreage.
 - c. Platted streets, railroad right-of-way and utility easements.
 - d. Boundary lines and ownership of adjoining unsubdivided land.
 - e. Sewers, water mains, culverts, or other underground facilities.
 - f. Existing permanent buildings and structures.
 - g. Topography, showing water courses, lakes, marsh areas, and contours at Vertical intervals of no more than ten feet for extremely flat areas. Topographic mapping scale for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission.
 - h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or the County Board to aid in its review.
4. Plan of the Entire Area
- a. Where a tract of land is proposed for subdivision that is part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area" such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.
5. Final Plat Shall Contain the Following Items:
- a. Scale: No less than one inch equals 100 feet.
 - b. Identification: Same as for Preliminary Plat
 - c. Boundaries of the property lines of all proposed streets and alleys, with their width and any other areas intended for public use.
 - d. Lines of adjoining streets and alleys, with their width and names.
 - e. All lot lines and easements, with figures showing their dimensions.
 - f. An identification system for all lots and blocks.
 - g. Data required under regulation by the Faribault County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angles, and curvatures used to describe boundaries, streets, easements, and other important features.
 - h. Plans for water supply, sewage disposal, drainage and flood control.
 - i. Soil borings.
 - j. Certification by a registered land surveyor to the effect that the plat represents a survey made by monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
 - k. Notarized certification by owner and any mortgage holder of record, of the adoption of the Plat and the dedication of streets and public areas.

- l. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
 - m. Supplemental documentation required (At the discretion of the County Board or Planning Commission)
 - n. An attorney's opinion of title showing title or control of the property to be subdivided.
- X. Administration and Enforcement
 - A. Responsible Official(s):
 - 1. It shall be the duty of the Faribault County Board of Commissioners to see that the provisions of this ordinance are properly enforced.
 - B. Jurisdiction
 - 1. The regulations governing plats and the subdivision of land shall apply to all the areas of the County lying outside the incorporated limits of municipalities.
 - C. Building Permits and Public Improvements
 - 1. No, building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully compiled with. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted and same has been duly recorded.
 - D. Appeals
 - 1. Any person(s), corporation, or public officer, aggrieved by any order, requirement, decision or determination made by the Faribault County Board of Commissioners pursuant to the provisions of this ordinance any appeal such grievance to the Faribault County Board of Adjustments by filing with the Board of Adjustments a notice of appeal specifying the grounds, therefore. Such notice shall be filed within ten (10) days after any such decision. The decision of the Faribault County Board of Adjustment shall be subject to the District Court in Faribault County as provided by law. The Faribault County Board of Adjustment shall consist of from 3 to 7 persons, at least one of whom must, be from an unincorporated area of the County. The Board of Adjustment shall function in compliance with State Law.
 - E. Amendments
 - 1. This Ordinance may be amended whenever the public necessity and convenience, and the general welfare require such amendment.
 - F. Violation and Misdemeanor
 - 1. Any violation of this ordinance shall constitute a misdemeanor punishable by imprisonment for not more than 90 days or fine or not more than \$300 or both. Time is not an essential characteristic of any offense under this Ordinance, and each requirement of this Ordinance shall constitute a separate offense.
- XI. Miscellaneous
 - A. Variance
 - 1. Where the County Board and the Planning Commission find that extraordinary and unnecessary hardship may result from strict compliance with this

ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of mollifying the intent and purpose of the Comprehensive Plan, the Official Map, or Zoning Ordinance.

2. Where the County Board and the Planning Commission find that due to the special circumstances of a particular plat, the provisions of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
 3. Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission and shall state all fact relied upon by the applicant and supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the Plan.
 4. In the granting of variances from this Ordinance, the County Board and Planning Commission shall require such conditions as will in its judgment, secure substantially the objectives of the standards or requirements so varied.
 5. Any variance granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.
- B. Fees
1. Fees for subdividing may be established by the County Board. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filling plats with the County Recorder are excluded from the provisions of the section.
- C. Validity
1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.
- D. Effective Date
1. This Ordinance shall become effective immediately upon its passage and publication.

Adopted this 19th day of September 1978.

Amended