

SUBDIVISION CONTROLS ORDINANCE of 2002 BIG STONE COUNTY, MINNESOTA

Repealing the Big Stone County Subdivision Controls Ordinance of 1995

The County Board of Commissioners, Big Stone County, Minnesota, does ordain:

I. GENERAL PROVISIONS

A. Title

This Ordinance shall be entitled- **Subdivision Controls Ordinance of 2002, Big Stone County, Minnesota** and shall repeal the existing Subdivision Control Ordinance enacted in 1995.

B. Purpose and Compliance

The purpose of this Ordinance is to regulate the use of land, including shoreland, to regulate the size and shape of the lots being subdivided, the installation and maintenance of water supply and waste disposal facilities and to regulate subdividing of land in areas outside the incorporated areas of any village, city or borough in Big Stone County so that new subdivisions will be consistent with the present land use districts and will be integrated with the development objectives of Big Stone County, Minnesota, and contribute to the attractive, stable and wholesome environment, adequate public services and integrated and safe street and highway system.

C. Legal Authority

This Ordinance is enacted pursuant to laws authorizing County Planning and Zoning Activities.

D. Abrogation and Greater Restrictions

1. This Ordinance supersedes all provisions of any County Zoning that relates to subdivision controls.
2. The governing body of any town may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a County by the Board of County Commissioners, no town

shall enact official controls inconsistent with the standards prescribed in this Ordinance. Nothing in this section shall limit any town's power to zone more restrictively than provided in the controls adopted by the County.

3. It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions or ordinances other than zoning to the extent specified above. However, if this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

E. Severability

The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof, shall not make void any other paragraph, subparagraph or subdivision of this Ordinance.

F. Definitions

For the purpose of this Ordinance, certain words and terms used herein are defined below:

- a. The word "shall" is mandatory and not discretionary.
- b. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and plural the singular.
- c. "Alley" means any strip of land public or private, less than 33 feet in width between property lines, set aside for public vehicular traffic access to abutting property.
- d. "Arterial Street or Highway (Primary)" means a street or highway of considerable continuity designed primarily to serve as an inter-communication link between sectors of the County beyond (such as areas within the village or city to areas outside the village or city).
- e. "Collector Street (Secondary)" means a street designed to serve the internal traffic of a recognized land use area which distributes and collects traffic.
- f. "Dead End Street" means a comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

- g. “Development Objectives” means those goals defined as part of the County’s comprehensive plan which indicate how the County wishes to develop itself in line with order and logical direction.
- h. “Easement” means a grant by a landowner for the specific use of said land by the public, generally, or to a person or persons.
- i. “Environmental Officer” for the purpose of this Ordinance, means the person appointed by the Board of County Commissioners responsible for planning and zoning issues.
- j. “Final Plat” means the final map, drawing or chart on which the subdivider’s plan of subdivision is presented to the County Board of Commissioners for approval, and which, if approved, will be submitted to the County Recorder for record.
- k. “Local Street (Tertiary)” means a street designed for access to abutting property and not intended to facilitate thru traffic.
- l. “Lot or Tract” means a piece, parcel or plat of land intended for building development or to facilitate thru traffic.
- m. “Owner” means any individual, firm, association, syndicate, trust, co-partnership, corporation or sufficient proprietary interest in the land sought to be subdivided; to commence and maintain proceedings to subdivide same under the provisions of this Ordinance.
- n. “Preliminary Plat” means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and to the County Board of Commissioners for consideration.
- o. “Private Street” means a street which is not intended for use by the general public and includes, but is not limited to those streets dedicated solely for the use of the owners of the lots within the plat so dedicated.
- p. “Service Road” means a minor street which is parallel or adjacent to an arterial street or highway and which provides access to abutting properties and protection from thru traffic.
- q. “Subdivider” means any person commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.
- r. “Subdivision” means the division or re-division of a lot, tract or parcel of land regardless of how it is to be used, into two (2) or more lots by plat or the division or re-division of land involving the dedication of a new park, playground, street or other public right-of-way facility; or the vacation, realignment or any other change in

existing streets, alleys, easements, recreational areas, water or other public improvements or facilities or improved or unimproved land or lands which are divided for ready sale or lease, into two (2) or more lots; providing, however, that the following cases be exempt:

1. The division of land for agriculture purposes into parcels where no new streets, right-of-way roads are involved, and
2. The division of a lot for the purpose of attachment to contiguous lots provided no residual lot is left unattended.

- s. "Wetland Replacement Plan" refers to a plan with the local SWCD/NRCS office which enables limited filling of wetlands in exchange for the restoration or establishment of wetlands in another area.

II. PROCEDURES

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 or offered for sale or a plat recorded until a pre-application meeting has been held, a preliminary plat has been reviewed and approved, and a final plat has been reviewed and approved as set forth in the procedures herein. To further provide a measure of planning before any construction of dwellings begin, to guide future development in compatibility with other land uses in the same district, to prevent future development of land which is unsuitable to be subdivided, and to separate conflicting land uses, all plans for group development of housing, commercial, industrial or other uses, or any combination of the uses designed for rental purposes, shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the County Board of Commissioners.

A. Land Suitability

No land shall be subdivided which is held to be unsuitable for the purpose of development due to flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topographical conditions, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to health, safety and welfare of the future residents of the proposed subdivision to the community. That burden of proof of suitability shall lie with the owner or subdivider, not the County Board of Commissioners or the purchaser of the subdivided land.

Each lot shall contain an adequate site for the construction of a building and shall

be feasible for a soil absorption system on sites intended to be served by individual on site sewage system. It is the responsibility of the subdivider to hire a MN licensed Designer to do a site evaluation and determine what type of systems will be necessary within the subdivision as well as the capacity for a primary and alternate site on each lot.

B. Pre-Application Meeting

Prior to the submission of any plat for consideration to the Planning Commission under the provisions established in this Ordinance, the subdivider shall meet with the Environmental Officer to introduce himself as a potential subdivider and learn what shall be expected of him in such capacity.

C. Preliminary Plat

1. The subdivider shall submit to the Environmental Officer:
 - a. Twelve (12) copies of a preliminary plat of his proposed subdivision, the requirements of which are set forth in this Ordinance.
 - b. The preliminary shall be submitted two (2) weeks prior to the next regular scheduled meeting of a Planning Commission or such other meeting at which the Planning Commission deems it has such information as to act on such plat within a reasonable time after submission of the plat, and
 - c. Shall be accompanied by a fee to be established by resolution of the County Board of Commissioners.

Subdivision applications will not be processed without the application fee, preliminary survey and all other supporting documents as required in Section II.C. and Section III.A..

2. Within three (3) days of his receipt of the preliminary plat from the subdivider, the Environmental Officer shall submit one (1) copy of said preliminary plat to the governing body of any city, village or borough, the incorporated limits of which lie within two (2) square miles of the proposed subdivision and to each town board wherein the subdivision is proposed. In addition, one (1) copy shall be retained by the following: County Attorney, Assessor, County Recorder, the Big Stone County Soil and Water Conservation District and one (1) each to the public utilities providing electric, gas and telephone service. Reactions of the above named personnel to the said preliminary plat shall be presented to the Planning

Commission at their next regular scheduled meeting, or such other meeting as soon thereafter the Planning Commission can consider the Preliminary Plat.

3. The Planning Commission shall review the preliminary plat considering the reaction gained in the paragraph above, and also from the standpoint of public health, safety and welfare, tax balance of industry, agriculture, residence and county planning. Design requirements and required improvements as set forth hereafter may be waived if similar provisions of a more strict nature are requested from a city, village or borough, required under this Ordinance to review said subdivision and provided that such stricter provisions are included in the Subdivision Control Ordinance legally in said city, village or borough. The Commission shall notify the owner or subdivider as to the time and place of the Planning Commission's meeting at which time he will be afforded an opportunity to appear and the following shall be made clear to the owner or subdivider:
 - a. That in regard to land suitability, the burden of proof shall lie with the owner or subdivider not the purchaser of the land, thereby disallowing subdivision of land unsuitable for development;
 - b. That if the subdivider will incorporate dredging of shoreland, that it shall be submitted to the Department of Natural Resources before final plat approval may be granted, and that all work in the beds of public waters requires a permit from the Commissioner of Natural Resources before any work can begin.
 - c. That the owner or the subdivider shall submit, along with the preliminary and final plats, adequate soil information to determine the suitability for building and on-site sewage treatment capabilities for every lot. The information provided shall be from the most current existing sources or from field investigations such as soil borings, percolation tests, or other acceptable methods.
 - d. If a private street or street not intended to be taken over by the appropriate road authority is proposed, protective or restrictive covenants setting forth sufficient covenants to ensure that the owners of lots within said subdivision shall construct and maintain said streets are required as a condition for approval of said plat. A copy of the proposed covenants shall be submitted along with the

preliminary and final plat. Similar covenants and review of the same are required when private utilities are proposed.

- e. Access permits, road plans, drainage plans erosion control plans shall be submitted to the county along with the subdivision application.
 4. If approved, the Planning Commission shall express its approval or conditional approval and state the conditions of such approval, if any; or if disapproved, shall express its disapproval and its reasons therefore. Such approval or disapproval shall be forwarded to the County Board of Commissioners.
 5. The County Board may consider the Planning Commission's action at their next regular scheduled meeting, or such other meeting as soon thereafter as the Board can consider the plat and shall take appropriate action thereon.
 6. Approval shall mean acceptance of the design as a basis for preparation of the final plat, thereby giving the developer permission to proceed with the required improvements necessary for approval of the final plat.
 7. The proposed subdivision development shall conform to any zoning laws or other land use controls in effect.
 8. Subsequent approval will be required by the County Board of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electrical service, road gradients and width and surfacing of streets prior to other approval of the final plat. The County Board may, after notifying the owner or subdivider, employ qualified persons to check and verify such proposals, the cost of which will be borne by the subdivider or owner.
- D. Final Plat
1. The owner or subdivider shall file with the Environmental Officer at least two (2) weeks prior to the next regular scheduled meeting of the County Board of Commissioners and within ninety (90) days of the approval of the preliminary plat, five (5) copies of the final plat which shall conform to the preliminary plat as approved. Final plat approval shall not be granted to any plat that is not filed within the time herein specified; unless an extension is

requested in writing to the County Board, and for good cause granted by the Board. Also, final plat approval shall be contingent on the completion of all required improvements including but not limited to steel monuments, electrical supply, streets and wetland replacements.

2. The County Attorney, County Recorder and Environmental Officer shall check the plat to verify that it is in substantial agreement with the preliminary plat as reviewed and approved by the Planning Commission and that it meets all the requirements and ordinances of Big Stone County, Minnesota.
3. Following final plat approval or disapproval by the County Board, the County Auditor shall notify the owner or subdivider of the Board's action and within thirty (30) days thereafter, the final plat, if approved, shall be filed and recorded with the County Recorder. Any approval of the final plat by the County Board shall be null and void if said plat is not recorded with the County Recorder within thirty (30) days after the date of approval unless application for an extension of time is made, in writing, during said thirty (30) days, to the County Board, and for good cause granted by the Board.

III. PRESENTATION OF REQUIREMENTS

A. Preliminary Plats

1. Scale: One (1) inch equals 100 feet if possible, but not smaller than one (1) inch equals 200 feet.
2. Identification and Description
 - a. Proposed name of subdivision, which shall not duplicate the name of any plat heretofore recorded in Big Stone County, Minnesota
 - b. Location by section, town, range or other identifying description.
 - c. Names and addresses of the owner, subdivider and surveyor and designer of the planned subdivision.

- d. Graphic scale
 - e. North point
 - f. Date of preparation
3. Existing conditions in tract and surroundings of area to a distance of 300 feet.
- a. Boundary line of proposed subdivision clearly indicated with land ties to reference points on which the survey is based.
 - b. Platted streets, railroad rights-of-way and utility easements.
 - c. Total approximate acreage.
 - d. Boundary lines and ownership of adjoining undivided land.
 - e. Sewers, water mains, culverts or other underground facilities.
 - f. Permanent buildings and structures.
 - g. Lakes, watercourses and marsh (wetland) areas and such other information as soil boring tests and contours at vertical intervals of not more than two (2) feet if requested by the Planning Commission or the County Board of Commissioners to aid in the review and or approval. All elevation data shall be mean sea level, or some other assumed, workable datum.
4. Subdivision Design Features
- a. Layout and width of proposed streets and utility easements, showing street names, approximate lot dimensions and square footage, access easements both public and private, parks and other public areas. The name of any street heretofore used with the post office service areas of the proposed subdivision area shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider.

- b. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.
- c. Preliminary street grades and drainage plans shall be shown on a copy of the contour map if such is requested and found to be necessary by the Planning Commission or the County Board of Commissioners.
- d. Statement of proposed protective or restrictive covenants.
- e. Statement of source of water supply.
- f. Statement for the provisions for sewage disposal, drainage and flood control and those requirements established in Section II of this Ordinance, if appropriate.
- g. All sewage disposal facilities proposed and water supply facilities proposed will meet the requirements of the Minnesota Health Department and the Pollution Control Agency.
- h. Access permits from the governing road authority.
- i. NPDES permits from MPCA when construction activity will impact one acre or more.

5. Wetland Replacement Plan

When there is a potential for development to impact wetlands within a subdivision, the subdivider shall be solely responsible for establishing a replacement plan with the SWCD/NRCS office prior to the approval of the Preliminary Plat. Wetland replacement must be completed prior to approval of the Final plat.

B. Final Plat

- 1. The final plat shall include specific reference to the following:
 - a. Such information as found necessary for review by the Planning Commission or the County Board of Commissioners.

- b. A written description of the separately described tract or tracts which result from the proposed subdivision or consolidation is to be filed with the County Attorney, County Recorder and Environmental Officer.
- c. Data required by Chapter 505, Minnesota Statutes, and also the following: All exterior and interior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles; all angle points on the block or lot, and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
- d. An identification system for all lots and blocks. All lots shall be numbered consecutively.
- e. The size, in square feet, and dimensions for all lots.
- f. A line indicating the structure setback to the Ordinary High Water Level.
- g. A bold line indicating bluff areas as defined in the Big Stone County Shoreland Management Ordinance, 1993.
- h. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodesic details are correct.
- i. Notarized certification by owner and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and public areas.
- j. Certification showing that all taxes due and payable on the proposed subdivision have been paid in full.
- k. Form for approval by the Registered Land Surveyor: I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the

Subdivision Controls Ordinance of Big Stone County, and Chapter 505, Minnesota Statutes 1971.

- k. Form for approval by County Attorney: I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.
- l. Form for approval by County Commissioners: The County Board of Commissioners of Big Stone County, Minnesota, this _____ day of _____, 20____, do hereby approve this plat for subdivision.
- m. When township roads provide access to the subdivision, the following form shall be used for approval by the Township: The Board of Supervisors of _____ Township, this _____ day of _____, 20____ do hereby approve the plat for this subdivision.

IV. DESIGN STANDARDS

A. Streets

- 1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of to topographical conditions, to runoff of storm waters and of the proposed uses of the area to be served.
- 2. Where adjoining areas are not subdivided, the arrangements of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins undivided land susceptible of being subdivided, then the new street shall be carried to boundaries of such undivided land.

In subdivisions where the road provides access to at least 4 lots or where the subdivision has potential to expand or connect to adjacent subdivisions thereby serving 4 or more lots at any time in the future, private streets and streets dedicated for public use must have a 66 foot right of way with a minimum road surface of 24 feet and a 32 foot dirt grade. In addition, these roads must meet the requirements of Section IV.A.11.

In subdivisions where the road provides access to 3 or less lots, the minimum requirements shall include a 33 foot right of way and a 26 foot dirt grade with a 24 foot road surface. The road specifications in Section IV.A.11 are not applicable.

Where new streets extend existing adjoining streets, their projections shall be at all the same or greater width, but in no case, less than the minimum required width.

4. Tangents of at least one hundred (100) feet in length shall be introduced between reverse curves on collector streets and fifty feet on lesser streets.
5. Local streets shall be so aligned that their use by thru traffic will be discouraged.
6. Street jogs with centerline offset of less than one hundred and fifty (150) feet shall be avoided.
7. Insofar as practical, street intersections shall be at right angles and no intersection shall be at an angle of less than forty-five (45) degrees. It must be evidenced that safe and efficient traffic flow is encouraged.
8. Maximum length of permanent culdesac streets shall be 500 feet measured along the centerline from the intersection of origin to end of the right-of-way. Each culdesac shall be provided at the closed end with a turn-around having a minimum amount of road side diameter of 80 feet and a minimum street property line in diameter of 100 feet.
9. Half streets shall be discouraged.
10. Proposed streets obviously in alignment with existing and named streets shall bear the name of such existing streets. In no case shall the name for the name of the proposed street duplicate existing street names within the same post office service area, phonetically or literally.
11. Street construction and surfacing shall be inspected and approved by the County Engineer in accordance with the following specifications:

General Specifications for Local Road & Street Construction in Residential Developments

The current edition of the Minnesota Department of Transportation “Standard Specifications for Construction” are included by reference. Insofar as practical, all materials furnished and construction methods used shall meet applicable Standards contained therein.

Grading Construction

- The size, type and location of all culverts to be installed, on site water storage areas and final point(s) of water discharge from the area being developed must be approved prior to final acceptance.
- The Developer/Contractor shall furnish the environmental officer with a copy of all wetland encroachment mitigation agreements processed for the proposed project.
- Stumps and debris shall not be buried within the roadbed, fore-slopes or ditch bottoms and shall not be disposed of by pushing onto land adjacent to the platted roads.
- No material from the upper one-foot of the natural soils shall be used in the upper two feet of the roadbed. All topsoil shall be salvaged and a minimum of six inches of topsoil shall be spread on all new slopes and areas disturbed during grading operations.
- No rocks having a diameter of 6 inches or larger shall be placed within the upper foot of the roadbed.
- All embankments shall be constructed in relatively uniform layers approximately parallel to the final grade and extending over the full width of the embankment. Layers in the upper two feet of the embankment shall be not more than 8 inches in thickness (loose measurement) and those below the upper two feet shall be not more than the 12 inches in thickness (loose measurement). Compaction shall be obtained by the Quality Compaction (Visual Inspection) method.
- All ditch bottoms and embankments shall be seeded with a suitable grass mixture to ensure that there is proper stabilization

of soils within 10 days of road completion unless weather conditions prohibit such. A minimum of 4 inches of topsoil will be required to be spread over the disturbed areas. The contractor shall sow the seed at a rate of not less than 25 lbs. per acre.

- All completed grades shall have a minimum gradient of 0.5% and a maximum gradient of 8.0%. All roadbed embankments across lowland areas shall be constructed to a height of at least three feet above natural ground elevation.
- All entrances constructed to provide access to adjacent lots shall have a minimum finished top width of 20 feet. Side slope ratios shall be 1:4 (vertical:horizontal) or flatter.
- All centerline culverts shall have aprons and a minimum diameter of 15 inches. All entrance culverts shall have aprons and a minimum diameter of 12 inches. The use of used culverts and aprons *shall not* be allowed. The joints of all concrete pipes and aprons shall be tied and wrapped. Each line of culvert installed shall be made of only one type and design of material. All culverts shall have a minimum of 12 inches of cover, excluding aggregate base and surfacing materials, and shall have adequate length to achieve 1:4 slopes or flatter. All concrete culverts shall meet the requirements of the Mn/DOT Standard Specifications for Construction. All metal culverts shall be galvanized corrugated steel and shall meet the following thickness (gage) requirements:

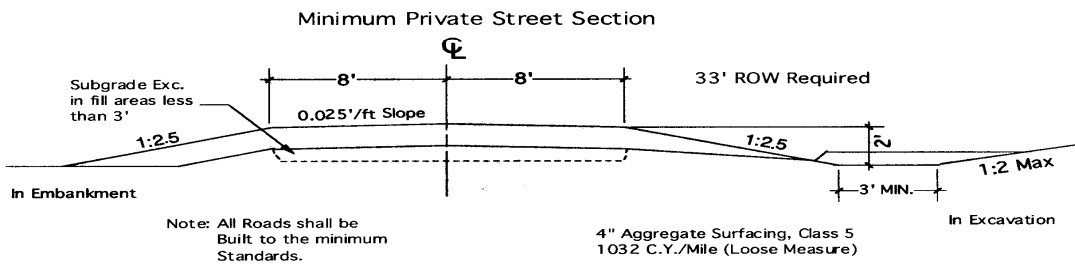
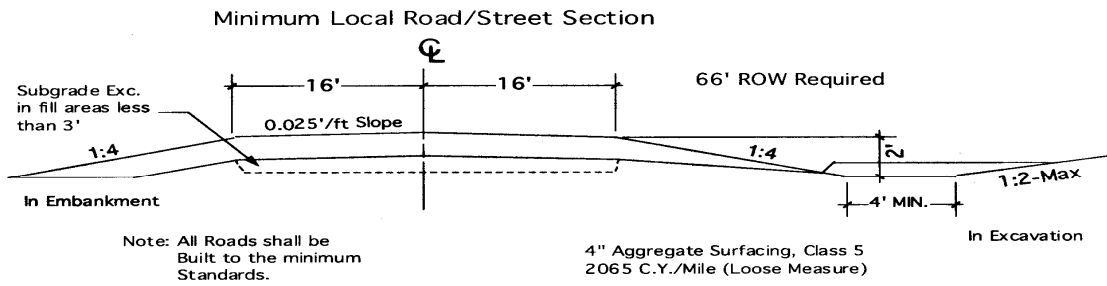
12" Diameter, 16 Gage	24" Diameter, 14 Gage
15" Diameter, 16 Gage	30" Diameter, 14 Gage
18" Diameter, 16 Gage	36" Diameter, 12 Gage
	48" Diameter, 12 Gage
- The use of an urban design section, which includes concrete curb and gutter in lieu of a rural grading section in residential areas is encouraged. All concrete curb and gutter construction shall conform to applicable provisions of 2531 of the Mn/DOT Standard specifications for Construction, and the following:
 - 1) Design B, D or S Curb and Gutter as shown on Mn/DOT Standard Plates No. 7100 and 7102 shall be used
 - 2) Minimum gutter width shall be 18 inches.

- 3) The Concrete supplier shall provide mix design data, entrained air test results and compressive strength test results upon request of the engineer.
- 4) A minimum of 2 inches of Class 5 Aggregate Base shall be in place on the roadbed under the curb and gutter section prior to any curb and gutter construction.

Surfacing Construction

- All gravel materials used for aggregate base and aggregate surfacing shall meet the requirements of 3138 of the Mn/DOT Standard Specifications for Construction Class 5 Aggregate Base. A copy of all receipts for purchased gravel materials placed shall be furnished to verify quantities upon request of the engineer.
- When bituminous streets are planned; plant-mixed bituminous pavement shall be constructed in accordance with all applicable provisions of 2331 or 2340 of the Mn/DOT Standard Specifications for Construction, except as follows:
 - 1) Minimum total thickness of the bituminous surface shall be 3 inches, placed in two layers of at least 1" each.
 - 2) Recycled or reclaimed bituminous materials shall not be used in the Wearing Course.
 - 3) The Wearing Course Mixture shall have an asphalt content of approximately 5.8% of the total mixture and the Air Voids of the mixture shall be approximately 4.0%.
 - 4) The bituminous mixture supplier shall furnish Job Mix Formula data, grade of asphalt cement being used and aggregate gradation test results upon request of the engineer.
 - 5) Compaction shall be obtained by the Ordinary Compaction method.

Typical Street Section



12. Private streets and streets dedicated for public use not intended to be taken over by the road authority shall contain restrictive covenants requiring the owners of the property within the plat to assume the construction and maintenance of the proposed street. Where there exists private utility easements, restrictive covenants shall also be required of the owners of the plat.
13. Where a proposed plat is adjacent to a primary street or highway, the County Board of Commissioners may require the developer (owner or subdivider) to provide a service road along the right-of-way of such facility or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between lots and the street is prohibited.
14. The street arrangements shall be such that no hardship is caused to owners of adjoining property in platting their own land and providing convenient access to it.

B. Easements

1. Utility easements at least 10 feet wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley right-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement of drainage right-of-way substantially with the lines of such watercourse together with the lines of such further width or construction or both as will be adequate for storm runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

C. Blocks

1. Block length shall not exceed 1200 feet and, if possible, shall not be less than 400 feet in length. The use of additional access ways to schools, parks and other designated public areas may be required.

2. A block shall be so designed as to provide two (2) tiers of lots of appropriate depth unless it adjoins a railroad or arterial use, or topographical conditions necessitates a single tier of lots.

D. Lots

1. Where possible, side lot lines shall be at right angles to straight lines or radial to curved street lines. Each lot shall front on a public street or highway. Lots with frontage of two (2) parallel streets shall be permitted only under unusual circumstances.
2. Minimum lot sizes within the County shall in all cases conform to zoning regulations in effect.
3. There shall be no direct vehicular access to a primary street, and residential lots shall be separated from primary streets and railroad rights-of-way by a 25 foot buffer strip in instances where they do not front on a service road which may be in the form of added depth or width of lots backing on or siding on the street or railroad right-of-way.
4. 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 outlot or parcel unless the owner can show plans for future use of such remnants.

E. Natural Features

In the subdividing of land, due regard shall be for all natural features which if preserved, will add attractiveness and stability to the proposed development.

V. REQUIRED IMPROVEMENTS

A. Monuments

Steel monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points as shown on the final plat. All U.S., state, county or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.

B. Streets

All the streets shall be improved in accordance with the engineering specifications established in Section IV.A.

C. Size

No subdivision of any real property shall be made except by a plat duly approved and properly recorded in the Office of the County Recorder Big Stone County, Minnesota. Plats prepared shall conform to existing platting qualifications as to plat size, paper quality and authorization now in effect in the Office of the County Recorder, Big Stone County, Minnesota.

D Specifications

All the required improvements shall conform to engineering standards and specifications as required by Big Stone County, Minnesota.

E. Financing

Before a final plat is approved by the County Board, the subdivider shall satisfactorily demonstrate how the required improvements are to be provided. This could take the form of a letter of intent to provide the improvements as the subdivision develops or entering into a cash escrow agreement with the County, posting a bond to cover the cost of the improvements, or whatever assurance might be required by the County Board of Commissioners.

VI. SMALL SUBDIVISIONS

For the purposes of conveying title or securing building permits, the section requiring a Preliminary Plan shall not apply to the division of one (1) or more lots platted into lots and blocks and designed in a subdivision plat on file and of record in the Office of the County Recorder, into one (1) or more separately described tracts, nor shall said section apply to the consolidation of two (2) or more such platted lots or parts thereof into one (1) or more tracts, upon compliance with the following conditions:

1. The separately described tract of land to be conveyed or designated for building permit purposes, by reason of such division or consolidation as

described upon said proposed plat, shall not be less than the minimum dimensions required by other rules or regulations, except that if part of a lot is detached or attached to another contiguous lot or lots, then they may be considered together to determine minimum lot sizes. It shall be the duty of the owner or owners of the property to supply information to the Environmental Officer necessary to confirm that the lot/lots meet the minimum lot sizes, which may include surveys or plats of the tract.

2. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed.
3. The separately described tract of land to be conveyed or designated for building permit purposes by reason of such division or consolidation as described upon said proposed plat, shall not be less than the minimum dimensions required by other rules and regulations.
4. Upon application of an owner who shall have complied with the requirements of this Ordinance, the Environmental Officer is authorized to issue the building permit requested on a separately requested tract designated and set forth upon such proposed plat or survey.

VII. MOBILE HOME PARKS AND RECREATIONAL CAMPING VEHICLE-TENT AREAS

The following is an additional procedure for Mobile Home Parks and Recreational Camping Vehicle - Tent Areas development and subdivision once approval for such subdivision has been received from the County Board. Mobile Home Parks and Recreational Camping Vehicle-Tent Areas shall be licensed by and in conformance with the standards, rules, criteria and regulations of the Minnesota Department of Health and Pollution Control Agency. To obtain said license:

1. Complete application form.
2. Submit a fee of \$30.00 for each fifty (50) sites or fraction thereof (sixty cents per site).
3. Submit detailed plans and specifications for construction in triplicate.
4. Each Recreational Camping Vehicle - Tent Area shall be at least 2,000 square feet; and

5. Application form submitted for the license shall have attached thereto a permit issued by the Board of County Commissioners, Big Stone County, Minnesota, approving site plans for either Mobile Home Park or the Recreational Camping Vehicle - Tent Areas, and further the County Board shall insure the following:
 - a. Applicant shall be informed of Regulations Governing Mobile Home Parks and Camping Vehicle Areas, MHD 152, and shall be issued one (1) copy of the Minnesota Department of Health Standards for design of Soil Absorption Type Sewage Disposal System for Public Establishments.
 - b. That the applicant is aware of the requirement that he shall request inspection by the Department of Health upon completion of construction.
6. Restrictions set forth for mobile home and recreational camping vehicles within the shoreland area shall be subject to the Big Stone County Shoreland Management Ordinance, 1993, and shall take precedence over the provisions set forth in this Subdivision for the use and control of the mobile home park and recreational camping vehicles within the shoreland area.

VIII. CLUSTER AND PLANNED UNIT DEVELOPMENTS

- A. Complete Neighborhood. May be granted in a case where a subdivision is large enough to constitute a self-contained neighborhood, provided the County Board received adequate safeguards to assure the development is according to a plan.
- B. Planned Unit Development. To provide flexibility for new land planning and land development techniques and concepts. Complete and detailed plans shall be submitted as required by this Ordinance, in addition to all proposed structures, sidewalks, landscaping, off-street parking, increased width of streets and other features and facilities.

Smaller lot sizes may be allowed for planned cluster developments, complete neighborhoods and planned unit developments, provided:

1. Preliminary plans are approved by the Department of Natural Resources and the County Board of Commissioners.

2. Central sewage facilities are installed which meet the requirements of the Minnesota Department of Health and the Pollution Control Agency.
3. Open space is preserved.
4. There is only one (1) centralized boat launching facility for each cluster.
5. Any attached conditions are met, such as limits on overall density, minimum size of the cluster development, restriction to residential uses, or minimum length of water frontage.
6. Any restrictions set forth for cluster and planned unit developments within the shoreland area shall be subject to the Big Stone County Shoreland Management Ordinance, 1993, and shall take precedence over the provisions set forth in this Subdivision as it relates to the developments within the shoreland area.

IX. CONVEYANCE BY METES AND BOUNDS

No subdivision of land, in which the tract is described by metes and bounds, shall be permitted, unless such a tract meets the provisions of M.S. 394.37, as amended. Any division of the remaining land must be by plat, duly approved and recorded in accordance with laws and regulations in such cases made and provided.

X. OTHER

A. Amendments

The County Board may amend the procedures, standards, requirements and other provisions of this Ordinance upon recommendation of the Planning Commission. The Planning Commission shall hold a public hearing on any proposed amendment prior to any recommended action to the County Board as specified in the Big Stone County Zoning Ordinance.

B. Appeals - Board of Adjustment

As provided in the Big Stone County Zoning Ordinance.

C. Enforcement and Penalties

As provided in the Big Stone County Zoning Ordinance

D. Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

E. Variance

As provided in the Big Stone County Zoning Ordinance.

XI. EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage, approval, publication and recording in the Office of the County Recorder as provided by law.

Recommended by:

BIG STONE COUNTY PLANNING COMMISSION

Date: _____

Chairman _____

Passed and approved by the County Board of Commissioners, Big Stone County, Minnesota, this ____ day of _____, 20____.

Chairman, Board of Commissioners

Attest:

Michelle Knutson, County Auditor

I, Michelle Knutson, do hereby certify that this is a true and correct copy of the Big Stone County Subdivision Controls Ordinance as passed by the Big Stone County Board of Commissioners on _____.

Michelle Knutson, County Auditor

Date of Publication _____

Filed in the Office of the County Recorder, Big Stone County, Minnesota, this _____ day of _____, 20____.

**SUMMARY OF THE
SUBDIVISION CONTROLS ORDINANCE OF 2003
BIG STONE COUNTY, MINNESOTA**

Amendments/additions to The Big Stone County Subdivision Controls Ordinance, 1995 were passed and approved by the Board of County Commissioners on December 17, 2002 thereby resulting in the adoption of the Big Stone County Subdivision Controls Ordinance, 2002.

Under GENERAL PROVISIONS, a definition for “Wetland Replacement Plan”.

Under PROCEDURES-Land Suitability, the subdivider is required to hire a MN licensed Designer to do a site evaluation and determine what type of systems will be necessary within the subdivision as well as the capacity for a primary and alternate site on each lot.

Subdivision applications will not be processed without the application fee, preliminary survey and all other supporting documents as required in Section II.C and Section III.A..

Access permits, road plans, drainage plans and erosion control plans shall be submitted to the county along with the subdivision application.

Approval of the preliminary plat authorizes the developer to proceed with required improvements necessary for approval of the final plat.

Approval of the final plat shall be contingent on the completion of all required improvements including but not limited to steel monuments, electrical supply, streets and wetland replacements.

Under PRESENTATION OF REQUIREMENTS, the following requirements were added for Preliminary Plat design features:

- a. Layout and width of proposed streets and utility easements, showing street names, approximate lot dimensions and square footage, access easements both public and private, parks and other public areas.
- h. Access permits from the governing road authority.
- i. NPDES permits from MPCA when road construction activity will impact one acre or more.
5. Wetland Replacement Plan
When there is a potential for development to impact wetlands within a subdivision, the subdivider shall be solely responsible for establishing a replacement plan with the SWCD/NRCS office prior to the approval of the Preliminary Plat. Wetland replacement must be completed prior to approval

of the Final Plat.

Final Plat requirements shall include a line indicating the structure setback to the Ordinary High Water Level and a bold line indicating bluff areas as defined in the Big Stone County Shoreland Management Ordinance, 1993.

Under DESIGN STANDARDS, the Table of Minimum Width and Grade Standards was deleted and the following added instead:

In subdivisions where the road provides access to at least 4 lots, or where the subdivision has potential to expand or connect to adjacent subdivisions thereby serving 4 or more lots at any time in the future, private streets and streets dedicated for public use must have a 66 foot right of way with a minimum road surface of 24 feet and a 32 foot dirt grade. In addition, these roads must meet the requirements of Section IV.A.11.

In subdivisions where the road provides access to 3 or less lots, the minimum requirements shall include a 33 foot right of way and a 26 foot dirt grade with a 24 foot road surface. The road specifications in Section IV.A.11 do not apply.

Street construction and surfacing shall be inspected and approved by the County Engineer in accordance with the specifications added in Section IV.A.11. These general specifications for local roads and street construction in residential developments are based on the current edition of the Minnesota Department of Transportation "Standard Specifications for Construction". Insofar as practical, all materials furnished and construction methods used shall meet applicable Standards contained therein.