

Subdivision Controls Ordinance of Clearwater County

October 9, 2007

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Subdivision Ordinance of Clearwater County, Minnesota

An ordinance establishing regulations for the subdivision and platting of land within the unincorporated areas of Clearwater County. The Clearwater County Board does ordain:

Article I General Provisions.

Section A. Short Title.

This Ordinance shall be known as the “Subdivision Controls Ordinance of Clearwater County”, and will be referred to hereinafter as “this Ordinance”.

Section B. Purposes and Intent.

This Ordinance is enacted for the following purposes to:

1. Protect and provide for the public health, safety, and general welfare of the County;
2. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumentation of subdivided land;
3. Secure the rights and safety of the traveling public by assuring proper access between subdivided lands and public roads;
4. Prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern and poor circulation of traffic;
5. Establish subdivision development standards compatible with the *Clearwater County Framework Plan* and the general plans of affected municipalities and jurisdictions within the County, thereby contributing toward an attractive, orderly, stable and wholesome community environment.
6. Protect and conserve the value of land throughout the County, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
7. Prevent the pollution of air, streams, and lakes; ensure the adequacy of drainage facilities; protect underground water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the County.

Section C. Authority.

The County Board shall serve as the platting authority of the unincorporated areas of the County in accordance with Minnesota Statutes Chapters 394 and 505, as may be amended. No plat or replat, or subdivision of land shall be filed or accepted for filing by the County Recorder’s or Registrar of Titles Office unless it is in conformance with this Ordinance. The Zoning Administrator shall have the duty of day-to-day administration of this ordinance.

Section D. Appeals.

An appeal of any administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

Section E. Jurisdiction.

The provisions of this Ordinance shall apply to all plats and subdivisions of land, including registered land surveys and conveyances by metes and bounds, within the unincorporated areas of the County as allowed by law, except within any orderly annexation area or other areas

where there is an agreement between the township, the city and the County for the subdivision of land.

Section F. Compliance.

No subdivision or plat shall be recorded in the County Recorder's or Registrar of Titles Office or have any validity unless the subdivision has been prepared, approved, and acknowledged in accordance with the provisions of this Ordinance.

Section G. Permits and Improvements.

No permits shall be issued by the County for the construction of any building, structure, sewage treatment system or other improvement to the land or to any lot in a subdivision or plat unless the lot is in compliance with this ordinance. The County shall not allow any improvements to be installed unless the subdivision or preliminary plat is approved, and shall expend no public money for road and utility maintenance services until approval of the final plat has occurred.

Section H. Minimum Requirements.

The requirements listed in this Ordinance shall be construed as minimum requirements and the County Board shall have the authority to impose additional, reasonable standards to protect the public's health, safety and general welfare.

Section I. Validity.

If any section, subdivision or provision of this Ordinance is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section J. Repeal of Existing Ordinance.

The "Subdivision Controls Ordinance of Clearwater County", adopted June 12th, 1972 and any subsequent amendments are repealed upon effectuation of this Ordinance.

Section K. Amendments

The County Board may from time to time consider amendments to this ordinance. Amendments to this ordinance shall follow the procedure for amendments provided in Section 1107 of the Clearwater County Shoreland Management Ordinance.

Section L. Fees

In order to defray the administrative costs associated with this ordinance, a schedule of fees has been adopted by the Clearwater County Board of Commissioners. The schedule of fees shall be posted in the Office of Environmental Services, and may be altered or amended only by resolution of the County Board of Commissioners.

Section M. Planning Commission and Board of Adjustment

The Planning Commission and Board of Adjustment created by the Clearwater County Shoreland Management Ordinance shall have the same meaning and powers relating to the Clearwater County Subdivision Controls Ordinance as they are provided in the Clearwater County Shoreland Management Ordinance.

Article II **General Subdivision Procedures.**

Section A. **Platting Required.**

1. Except for divisions of property as provided in Article IV, all subdivisions of land shall be platted in accordance with the procedures of Article V of this Ordinance.
2. Whenever any subdivision or plat of land is proposed, before any contract is made for the sale of a portion of property, and prior to an application for a permit for an improvement within a proposed subdivision is granted, the subdivider shall apply for and receive approval of a subdivision or plat in accordance with the procedures of Articles IV and V of this Ordinance.

Section B. **Resubdivision of Land.**

Whenever a property is subdivided and the subdivision plat shows that one or more lots within the plat may eventually be resubdivided, the County Board may require that the land be platted to allow for the future openings of roads and the ultimate extension of roads. The County Board may require the dedication of easements for future opening and extension of roads as part of the subdivision approval.

Section C. **Variances**

1. A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
2. The Board of Adjustment may consider a variance from any of the provisions of this Ordinance where it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal.
3. The Board of Adjustment may approve variances from this Ordinance, provided the variances will not have the effect of nullifying the intent and purpose of this Ordinance or the *Clearwater County Framework Plan*. Further, the Board of Adjustment shall not approve or disapprove variances unless it makes findings based upon the evidence presented in each specific case that:
 - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - b. The conditions upon which the request for variance are based are unique to the property for which the variance is requested and are not applicable generally to other property.
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.
 - d. In granting any variance, the Board of Adjustment may impose conditions that it finds necessary or desirable to affect the purposes of this Ordinance and to protect the public interest.
4. Application Required.
 - a. A completed application for a variance from this Ordinance shall be submitted by the applicant on a form provided by the Environmental Services Office at the time when the preliminary plat application is submitted for consideration to the County. The application shall be complete when the applicant has complied with the following requirements:
 - 1.) A written and/or graphic description of the variance request including an

explanation of the reason the variance is required, the hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the *Clearwater County Framework Plan*.

- 2.) Supporting information required by the Zoning Administrator including, but not limited to, covenants, deed restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.
 - 3.) A fee established by resolution of the County Board.
 - b. The Zoning Administrator shall notify the applicant within fifteen (15) business days of submittal if the application is incomplete.
 - c. The notice, review and public hearing of the variance request shall follow the same procedures as a preliminary plat found in Article V, Section B of this Ordinance.
5. A variance shall expire one (1) year from the date of approval if the variance is not utilized unless a request for an extension is submitted by the subdivider and approved by the Board of Adjustment.

Article III Rules and Definitions.

Section A. Rules

For the purpose of this Ordinance, certain terms and words are defined, as follows.

1. The present tense includes the future tense;
2. The singular number shall include the plural and the plural the singular; and
3. The word shall is mandatory, and the word may is permissive.

Section B. Definitions.

For the purpose of this Ordinance, certain words and terms are defined as follows:

Access – A way of vehicular approach or entrance onto property without trespassing upon another person’s property or trespass upon public property.

Alley – A public road and associated right-of-way used as a service access to the rear or side of the property that is not intended for general traffic circulation.

Block – An area of land within a subdivision that is entirely bounded by right-of-way, or by right-of-way and the exterior boundary or boundaries of the subdivision, a public park, or a combination of the above with a river, stream or lake.

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

- a. The slope rises at least 25 feet above the surrounding ground elevation; and
- b. The grade of the slope from the toe of the bluff to a point 25 feet or more above the surrounding ground elevation averages 30 percent or greater.

Building Line – A line running parallel with the bluff line, ordinary high water mark, lot line, or right-of-way line, whichever is applicable, at the required setback beyond which a structure may not extend.

Build-out Plan – A subdivision or resubdivision concept plan illustrating possible future lot layout, and road networks for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

Certificate of Survey – A document prepared by a registered engineer or registered land surveyor licensed in the State of Minnesota which precisely describes area, dimensions and locations of a parcel or parcels of land.

Comprehensive Plan – A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the County which has been adopted by the Clearwater County Board as the *Clearwater County Framework Plan*.

County – Clearwater County, Minnesota.

County Board – The Clearwater County Board of Commissioners.

Cul-de-sac – A road with only one outlet that contains an area at the end to allow vehicles to turn around.

Design Standards – Minimum requirements for the preparation and layout of plats and associated required improvements.

Easement – The right to use the land of another owner for a specified use, such as the construction and maintenance of utilities, roadways, parks and pedestrian trails, individual sewage treatment systems, drainage, driveway, or other uses.

Final Plat – A drawing or map of a subdivision, meeting all of the requirements of the County and Minnesota State Statutes regarding the platting of land and in a form that is recordable with the County Recorder’s office.

Financial Guarantee – A financial security, such as a bond, posted with the County with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the County.

ISTS – Individual Sewage Treatment System.

Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditor’s plat, or other accepted means, and separated from other parcels by its description; a numbered parcel in the lot and block description of platted property.

Lot Area – The total area within the lot lines of a lot.

Lot, Corner – A lot abutting upon two intersecting streets. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.

Lot Depth – The mean horizontal distance between the front lot line and rear lot line.

Lot, Double Frontage – A lot having frontage on two non-intersecting streets.

Lot Frontage – The portion or side of a lot that abuts public right-of-way.

Lot, Line – A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.

Lot Line, Front – A lot line abutting a public right-of-way.

Lot Line, Rear – The lot line opposite and most distant from the front lot line.

Lot Line, Side – Any lot line other than a front or rear lot line.

Lot of Record - A parcel of land whose legal description was established in the Clearwater County property records by plat, subdivision, or as otherwise permitted by law prior to the date of adoption of this ordinance and which contains identical lot lines as were present on the date of adoption of this ordinance.

Lot Remnant – An irregular parcel of land that serves no purpose and is not in conformance with County ordinances. Remnants of a lot pattern should not be called “outlots” merely because they are less than minimum lot size. Any lot remnant must be attached to the adjoining lot.

Lot Width – The shortest distance between the side lot lines measured at the midpoint of the building line.

Metes and Bounds – A method of describing property lines by their direction and distance from an identifiable point of beginning.

Mn/DNR – Minnesota Department of Natural Resources

Mn/DOT – Minnesota Department of Transportation

Mn/PCA – Minnesota Pollution Control Agency

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

Outlot – A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following:

- a. land that is part of the subdivision but is to be subdivided into lots and blocks at a later date;
- b. land that is to be used for a specific purpose as designated in a developer's agreement, or
- c. other agreement between the Township or County and the subdivider; or for a public purpose.

Pedestrian/Bicycle Trail – A public or private sidewalk or path and associated right-of-way across a lot or lots to provide access for pedestrians, and non-motorized vehicles and which may be used for the installation of utilities.

Percentage of Grade – The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance on street centerline.

Person – A firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Commission – The Clearwater County Planning Commission

Plat – The drawing or map of a subdivision prepared for filing of record in accordance with Minnesota Statute Chapter 505 and containing all elements and requirements in this Ordinance pursuant to Minnesota Statute Chapters 394 and 505.

Preliminary Plat – A drawing or map of a proposed subdivision meeting the requirements of this Ordinance.

Private Road – A road providing access to one or more lots which is not maintained by the public and may be dedicated for public use but has not been formally established as a public road or maintained by a road authority.

Protective Covenants – A restriction of the use placed upon the property by a present or former owner and recorded in the County Recorder's or the Registrar of Titles offices. The County will not be responsible to enforce private protective covenants.

Public Improvement – Any drainage facility, road, parkway, park, lot improvement or other facility for which the County or any other local government may ultimately assume the responsibility for maintenance and operation.

Public Road – For purposes of this ordinance, a public road is a particularly described and identified roadway, at least 66 feet in width, which has been dedicated to public use for road purposes, established according to Minnesota Statutes by a road authority, and maintained by a road authority.

Registered Land Survey (RLS) – A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

Resubdivision - A change in an approved or recorded subdivision plat if the change affects any street layout, area reserved for public use, or any lot line on the plat; or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way – A strip of land occupied or intended to be occupied by a road, street, railroad, pedestrian/bicycle trails and utilities as authorized by the County Board or State law. Right-of-way intended for streets, water main, sanitary sewers, storm drains, pedestrian/bicycle trails or any other use involving maintenance by a public agency shall be dedicated to

public use by the recording of the plat on which the right of way is established.

Road – An improved corridor and associated drainageways affording primary access to abutting properties for vehicles and pedestrians, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road, Collector – State and County roads that provide connections between cities and minor business concentrations within the County as listed on the State Highway Functional Classification Map. Mobility and land access are equally important.

Road, Local – County and township roads that serve the shortest trips and provide access to adjacent property. Roads not listed on the State Highway Functional Classification Map are typically Local Roads.

Road, Minor Arterial – State roadways that serve medium to short trips, as listed on the State Highway Functional Classification Map. Minor arterials interconnect concentrations of commercial or industrial land uses and cities and townships within the region to each other and to similar places outside the region. The emphasis is on mobility rather than land access.

Road, Principal Arterial – Roads, which include all interstate freeways and other roadways, which provide for the longest trips, as listed on the State Highway Functional Classification Map. The emphasis is on mobility rather than land access.

Road Right-of-Way Width - The horizontal distance between the outside edges of a road right-of-way.

Sketch Plan – A drawing that shows the conceptual subdivision of property.

Subdivider – An owner, agent or person, individual firm, association, syndicate, copartnership, corporation, trust or other legal entity having sufficient proprietary interest to subdivide the land under this Ordinance.

Subdivision – The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new public road is involved, any division of a parcel of land.

Wetland – Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must:

- a. have a predominance of hydric soils;
- b. be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c. under normal circumstances, support a prevalence of hydrophytic vegetation.

Zoning Administrator – The Clearwater County Environmental Services Administrator or authorized representative.

Article IV Administrative Subdivisions and Minor Subdivisions.

Section A. General Requirements.

1. The provisions of this Section shall only apply to those subdivisions classified as Administrative Subdivisions and Minor Subdivisions as described as follows:
 - a. The following shall be considered an Administrative Subdivision:
 - 1.) The exchange of abutting land between owners, the addition of land to an existing lot or the relocation of the boundary line between two abutting, existing parcels of property.
 - 2.) A division of property resulting in no more than four (4) lots.
 - 3.) The minimum lot size is two and one-half (2.5) acres or one quarter quarter quarter section unless a certificate of survey is provided.
 - 4.) The proposed lots shall have a minimum of 150 feet of road frontage if abutting an existing public road, or have access to a public road over an easement for a private road.
 - 5.) The subdivision request shall be accompanied by a permit for access to a Township, County or State road as applicable.
 - b. The following shall be considered a Minor Subdivision:
 - 1.) The subdivision is for residential development with a maximum of eight (8) lots.
 - 2.) The minimum lot size is two and one-half (2.5) acres or one quarter quarter quarter section unless a certificate of survey is provided.
 - 3.) The proposed lots shall have a minimum of 150 feet of road frontage if abutting an existing public road, or have access to a public road over an easement for a private road, or a new public road may be constructed according to the design standards in Article VI and construction requirements in Article VII.
 - 4.) The subdivision request shall be accompanied by a permit for access to a Township, County or State road as applicable.
2. Any subdivision regulated by this Ordinance that is not an Administrative Subdivision or Minor Subdivision as specifically described in item 1 above shall be processed as a plat following the procedures provided in this ordinance.
3. Lots within a Minor Subdivision or Administrative Subdivision may be described by Federal Subdivision, recorded plat, registered land survey, or by metes and bounds description. Metes and bounds descriptions using angles by degrees or curved boundaries must be accompanied by a certificate of survey.
4. The purpose of Administrative Subdivisions and Minor Subdivisions is to allow relatively simple and timely procedures for subdivisions that result in fewer and/or larger parcels of land. The provisions in this Section are not intended for the subdivision of land that may be further subdivided in succession in order to avoid platting requirements.
5. There shall be no subsequent subdivision of any parcels of land in contiguous ownership, any of which have been included in an Administrative Subdivision or a Minor Subdivision, within a period of three (3) years of the date any such subdivision of land was recorded as part of an earlier Administrative Subdivision or Minor Subdivision.

Section B. Administrative Subdivision Procedure

1. The subdivider shall make a request for approval of an Administrative Subdivision to the Environmental Services Office.
 - a. The subdivider shall submit documents demonstrating the subdivider has ownership or sufficient interest in the property to make a request for an Administrative Subdivision.
 - b. The Zoning Administrator may require the subdivider to submit a map or sketch, a certificate of survey when determined necessary by the Zoning Administrator and/or the following information, as needed:
 - 1.) The original property description and the proposed legal descriptions of the proposed lots.
 - 2.) Proposed new property lines with the dimensions noted.
 - 3.) Proposed use.
 - 4.) Driveway locations on the lots and approved or existing access to public roads.
 - 5.) Location of all structures and distance from existing and proposed lot lines.
 - 6.) Location and provisions for individual water supply and sewage disposal that meets the requirements of the *Clearwater County Sewage and Wastewater Treatment Ordinance*. For lots that are ten acres (10) or more in area, the location of two suitable sites for a standard ISTS is waived.
 - c. Name and address, including telephone number, of the property owner, the subdivider, and surveyor.
 - d. A fee, if any, established by resolution of the County Board.
 - e. Any other information as required by the Zoning Administrator.
2. The Zoning Administrator may refer the documents to the County Surveyor, County Engineer and the township in which the subdivision is located for review and comment.
3. The Zoning Administrator may approve the Administrative Subdivision when the subdivider has supplied all of the information requested.

Section C. Minor Subdivision Procedure

1. Prior to subdividing the property, the subdivider shall file an application for approval of a Minor Subdivision including the following:
 - a. A completed application on a form provided by the Environmental Services Office, and documents demonstrating the subdivider has ownership or sufficient interest in the property to apply for a Minor Subdivision.
 - b. A certificate of survey, when determined necessary by the Zoning Administrator, and eight copies of a map or sketch containing the following information.
 - 1.) The original property description and the proposed legal descriptions of the proposed lots.
 - 2.) Proposed new property lines with the dimensions noted.
 - 3.) All contiguous property and all roads and their proper names.
 - 4.) Proposed use.
 - 5.) Driveway locations on the lots and proposed means of access from each lot to a public road.
 - 6.) Location of all structures and distance from existing and proposed lot lines.
 - 7.) General location of any existing tile lines, individual sewage treatment systems,

existing and abandoned wells, water courses, drainageways, lakes and delineated wetlands under the Wetland Conservation Act, the ordinary high water level and 100 year flood elevations (if available or required by the Zoning Administrator), and the toe and top of any bluff.

- 8.) Location and provisions for individual water supply and sewage disposal that meets the requirements of the *Clearwater County Sewage and Wastewater Treatment Ordinance*. For lots that are ten acres (10) or more in area, the location of two suitable sites for a standard ISTS is waived.
 - c. Name and address, including telephone number, of the property owner, the subdivider, and surveyor.
 - d. A fee established by resolution of the County Board.
2. The Zoning Administrator shall notify the subdivider if the application is found incomplete and shall identify the items required to complete the submittal.
3. The Zoning Administrator shall distribute copies of the complete application to the following agencies at least 10 days prior to consideration by the Planning Commission and County Board:
 - a. Mn/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
 - b. County Highway Engineer, Surveyor and MIS/GIS Director.
 - c. The affected Board of Township Supervisors.
 - d. Any municipality within two (2) miles of the affected property.
 - e. The Commissioner of the DNR, if the property is located within any shoreland or floodplain district as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively.
 - f. Any other agency, such as the Fire Department, Soil and Water Conservation District and watershed districts, deemed appropriate by the Zoning Administrator.
4. Planning Commission Consideration and Action:
 - a. The Zoning Administrator shall provide a courtesy notice to property owners abutting the proposed Minor Subdivision prior to action by the Planning Commission.
 - b. The subdivider shall appear before the Planning Commission to answer questions pertaining to the application.
 - c. The Planning Commission shall determine whether the Minor Subdivision conforms to the design standards established within this Ordinance and the *Clearwater County Framework Plan*.
 - d. The Planning Commission shall recommend that the County Board approve, approve with modifications, or deny the Minor Subdivision. If approval is not recommended to the County Board, the applicant shall be notified of the reason for denial. The recommendation shall be forwarded to the County Board for consideration.
5. County Board Consideration and Action
 - a. The County Board shall act on the Minor Subdivision within 120 days of submittal of a complete application, unless a delay is agreed to in writing by the applicant.
 - b. The County Board shall approve, approve with modifications or deny the Minor Subdivision, and shall include Findings of Fact pertaining to the Minor Subdivision as part of the proceedings of the County Board.
6. Recording
 - a. The applicant shall file the deeds of the lots or registered land survey with the County

- Recorder's Office within six (6) months of the County Board's approval.
- b. No permits shall be issued unless the applicant has furnished evidence that the deeds of the lots or registered land survey have been filed with the County Recorder's Office.

Article V **Platting Procedure.**

Section A. **Sketch Plan Review.**

1. Prior to the filing of the preliminary plat, the subdivider shall submit a sketch plan depicting the proposed subdivision for review with the Zoning Administrator.
2. The following information shall be submitted on the sketch plan: the proposed lot layouts and size, intended land use, general street layout, and generalized natural features.
3. The sketch plan and accompanying information shall serve as the basis for informal discussion between the subdivider and the staff. Submission of a sketch plan shall not constitute formal filing of a subdivision plat with the County. The Zoning Administrator will informally advise the subdivider of the extent to which the proposed subdivision conforms to the standards of County Ordinances and will discuss possible plan modifications as necessary to ensure conformance with this Ordinance.
4. The Zoning Administrator shall review the sketch plan to determine if environmental review documents must be completed in accordance with Minnesota Rules 4410.0200 – 4410.7800. If environmental review is required, the Zoning Administrator shall notify the subdivider of this requirement.

Section B. **Preliminary Plat.**

1. Application Requirements: Following Sketch Plan Review, the subdivider shall submit the following to the Zoning Administrator;
 - a. A completed application on a form provided by the Environmental Services Office, and documents demonstrating the subdivider has ownership or sufficient interest in the property to apply for a subdivision.
 - b. Ten (10) copies of the preliminary plan including an 8 ½” x 11” reproducible copy and supporting documentation of the proposed subdivision containing information required in Section C of this Article, together with protective covenants or restrictions, if any.
 - c. A subdivision fee established by resolution of the County Board.
 - d. Completed environmental review documents as required by law.
 - e. The Zoning Administrator shall notify the subdivider if the application is found incomplete and shall identify the items required to complete the submittal.
2. The Zoning Administrator shall distribute copies of the complete application and preliminary plat to the following agencies for review and comment at least thirty (30) days prior to consideration by the Planning Commission and County Board:
 - a. Mn/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
 - b. County Engineer, County Surveyor, County Recorder and County MIS/GIS Director.
 - c. The affected Board of Township Supervisors.
 - d. Any municipality within two miles of the affected property,
 - e. The Commissioner of the DNR, if the subdivision is located within any shoreland or floodplain district as defined by Minnesota Statutes, Sections 105.485 and 104.02, respectively, and
 - f. Any other agency, such as the Fire Department, Soil and Water Conservation District and watershed districts, deemed appropriate by the Zoning Administrator.
 - g. Owners of all affected utilities.

3. Public Hearing Required.

- a. The Zoning Administrator shall set a date for a public hearing on the plat and submit the complete application, preliminary plat and comments from any agency listed above to the Planning Commission.
- b. Notice of the public hearing stating the date, time, and location of the hearing before the Planning Commission; a description of the request to be heard; and the address or location of the property to be subdivided shall be:
 - 1.) published in the official newspaper of the County, a minimum of ten (10) days prior to the hearing.
 - 2.) mailed to the township boards and municipalities within two miles of the property to be subdivided, a minimum of ten (10) days prior to the hearing.
 - 3.) written notice of the public hearing shall be mailed to property owners within ½ mile of the property to be subdivided, a minimum of ten (10) days prior to the hearing.

4. Planning Commission Hearing and Action.

- a. The subdivider shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.
- b. The Planning Commission may request the subdivider to submit additional information to properly consider the plan before or after the hearing.
- c. The Planning Commission may seek professional advice, to be paid by the subdivider, concerning the preliminary plat.
- d. The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance and the *Clearwater County Framework Plan*.
- e. The Planning Commission shall recommend that the County Board approve, approve with modifications or deny the preliminary plat. If approval is not recommended to the County Board, the subdivider shall be notified of the reason for denial. The recommendation shall be forwarded to the County Board for consideration.

5. County Board Consideration and Action.

- a. The County Board shall act on the preliminary plat within 120 days of submittal of a complete application, unless a delay is agreed to by the subdivider in writing.
- b. The County Board shall approve, approve with modifications or deny the preliminary plat, and shall include findings of fact pertaining to the preliminary plat as part of the proceedings of the County Board.
- c. If the County Board approves the preliminary plat, the subdivider shall proceed to complete a final plat in accordance with the requirements of this Ordinance.
- d. If the final plat has not been approved by the County Board within one year of preliminary plat approval, the preliminary plat shall be void, unless a request for a time extension is submitted by the subdivider and approved by the County Board.

Section C. Preliminary Plat Requirements.

The preliminary plat shall contain or have attached the following information:

1. Identification and Description.

- a. The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat recorded in the County.

- b. Legal description of the property.
 - c. Names and addresses of the property owners, the subdivider, and surveyor, engineer or designer of the plat.
 - d. A north arrow and a graphic scale that is not less than 1" to 100', except that a smaller scale for large subdivisions may be permitted, if authorized by the Zoning Administrator.
 - e. Vicinity map of area showing geographical points for orientation within a ½ mile radius of the property.
 - f. Date of preliminary plat preparation.
2. Existing Features and Conditions.
- a. The outside boundary line survey and legal description of the property to be subdivided.
 - b. Existing land use for the property and abutting properties including floodplain and shoreland overlay districts.
 - c. The total acreage of the property to be subdivided.
 - d. Location, right-of-way width and names of existing or platted streets or other public roadways; parks and other public lands; permanent buildings and structures including utility poles; public and private easements or other encumbrances and their purpose; and property boundaries including the names and addresses of the owners, section lines and municipal or township boundaries within the property to be subdivided and adjacent properties up to 100 feet beyond the outside boundary of the property to be subdivided.
 - e. All contiguous land owned or controlled by the owner of the property to be subdivided.
 - f. Topographic data showing contour intervals of not more than ten (10) feet within the boundaries of the property to be subdivided.
 - g. Water courses, drainageways, lakes and wetlands delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual, the ordinary high water level and 100 year flood elevations (if available or required by the Zoning Administrator); the toe and top of any bluffs; wooded areas and significant features.
 - h. Location, size and capacity of existing and abandoned drainage, stormwater and agricultural tiles; ISTS, wells and utilities including poles and corridors located on the property to a distance 100 feet beyond the outside boundary of the property to be subdivided.
 - i. Soils map showing soil types, rock outcrops, and other information from the Natural Resource Conservation Service. Soil test results demonstrating the adequacy of the property for the intended development in terms of ground water level, load bearing capacity and ability to meet the *Clearwater County Sewage and Wastewater Treatment Ordinance* standards.
 - j. Other information as required by the Zoning Administrator.
3. Proposed Features and Conditions.
- a. Proposed lot and block layout, lot lines and dimensions including acreage, and lot and block numbers of all new lots.
 - b. Proposed uses and densities of all lots within the subdivision including public areas, drainage areas and common open space.
 - c. The minimum setbacks, including any shoreland and floodplain setbacks, from the exterior lot lines, public right-of-way, ordinary high water levels or bluff areas.

- d. The location and general design of individual access from lots within the subdivision to public roads.
- e. Location, right-of-way, grade and width of all proposed roads and pedestrian/bicycle trails. A description of planned short and long-term road maintenance responsibility.
- f. Location, right-of-way and width of road extensions to adjacent properties, as required by the Zoning Administrator or County Engineer.
- g. Location and width of proposed easements.
- h. Street profiles (may be on separate map) including drainage facilities when required by the County Engineer.
- i. Grading plans showing how the site will be graded and showing the final contours of the property, drainage facilities, and erosion control measures to prevent erosion and sedimentation both during and after development
- j. Location and provisions for individual water supply and sewage disposal including the location of two suitable sites for ISTS for each lot that meets the requirements of the *Clearwater County Sewage and Wastewater Treatment Ordinance*.
- k. Location and design of any public sanitary sewer and water lines, if applicable, and drainage facilities.
- l. If the entire property will not be developed, a sketch showing how the remaining property can be subdivided and how access will be provided.
- m. The Zoning Administrator or the Planning Commission may require the applicant to submit a sketch plan demonstrating how the proposed subdivision will relate to the layout, land use and access of the existing and potential subdivisions of adjacent properties.
- n. A copy of all proposed private restrictions or covenants, and establishment of homeowners associations for the proposed subdivision.
- o. Other information as required by the Zoning Administrator or Planning Commission.

Section D. Final Plat.

1. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the County Board approval of the preliminary plat. The final plat may include only a portion of the approved preliminary plat that the subdivider proposes to develop to record and develop at the time, provided that the portion included in the final plat conforms to all requirements of this Ordinance.
2. The subdivider shall file the final plat no later than one (1) year from the date of approval of the preliminary plat by the County Board or all, or the remaining portion of, the preliminary plat shall become void unless a request for a time extension is submitted by the applicant and approved by the County Board.
3. If the final plat is for a portion of the preliminary plat, the remainder of the preliminary plat excluded within the final plat must be submitted as a final plat within three (3) years from the date of preliminary plat approval by the County Board or the preliminary plat shall become void unless a request for a time extension is submitted by the subdivider and approved by the County Board.
4. Application Requirements: The subdivider shall submit the following to the Zoning Administrator:
 - a. A complete application on a form obtained from the Environmental Services Office.
 - b. Ten paper prints and an 8 ½" x 11" transparency and paper print of the final plat that meets the requirements of subpart 5 of this Subdivision.
 - c. An up-to-date Abstract of Title or a Certificate of Title and a title opinion prepared by

- the subdivider's attorney.
- d. A fee for final plat review established by resolution of the County Board.
 - e. The Zoning Administrator shall notify the subdivider if the submission is found incomplete and shall identify the items required to complete the submittal.
5. Final Plat Review
- a. The Zoning Administrator shall distribute copies of the complete application and final plat to the following agencies to obtain comments and requirements prior to consideration by the Planning Commission and County Board:
 - 1.) County Surveyor to determine compliance with the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines and Minnesota Statutes.
 - 2.) County Engineer.
 - 3.) County Auditor, Assessor, Recorder and MIS/GIS Director.
 - 4.) County Attorney, including a copy of the up-to-date Abstract of Title or Certificate of Title; title opinion; and any deed restrictions, restrictive covenants, maintenance agreements or homeowners association documents, all of which are in a recordable form.
 - 5.) The affected Board of Township Supervisors
 - b. Planning Commission Review.
 - 1.) The Zoning Administrator shall submit the application, final plat and requirements and comments of the County staff and the affected Board of Township Supervisors to the Planning Commission.
 - 2.) The Planning Commission shall review the final plat and all supporting documentation for compliance with the preliminary plat approval by the County Board. A report of the Planning Commission recommendation shall be provided to the County Board.
 - c. County Board Action.
 - 1.) The County Board shall act on the Final Plat within sixty (60) days of the date the Zoning Administrator has determined the application, final plat and supporting documentation is complete and meets the requirements of this Ordinance.
 - 2.) The County Board shall consider conformance of the final plat to the preliminary plat approval, the design standards of this Ordinance, the comments and recommendations of the County staff, the Planning Commission recommendation, and Minnesota State Statutes. The County Attorney shall approve the plat for form and execution. The County Board shall approve or deny the final plat and shall include findings of fact supporting the motion that shall be entered into the proceedings of the County Board and transmitted to the subdivider in writing, and authorization for the County Board Chair to sign the plat.
 - 3.) Upon approval by the Board, the subdivider shall submit a reproducible mylar print or other permanent prints suitable for recording and meeting the requirements of Chapter 505 of Minnesota State Statutes for signature by the County Board Chair.
6. Final Plat Recording
- a. Within six (6) months of the County Board's approval of the final plat, the subdivider shall submit to the County Recorder one (1) reproducible mylar print and three (3)

permanent prints (hardshells) as required by the County signed by the County Board Chair for recording. The subdivider shall also submit the plat in an electronic data format, as required by the County.

- b. Immediately upon recording, the subdivider shall furnish the Zoning Administrator with one (1) print of the final plat showing evidence of the recording. No zoning permits shall be issued unless the subdivider has furnished evidence that the plat has been filed with the County Recorder's Office.

7. Final Plat Data and Requirements.

- a. The form and content of the final plat shall conform to the *Minnesota Land Surveyors Association Plat Manual* of Minnesota Guidelines, Chapter 505 of Minnesota State Statutes and this Ordinance.
- b. An AutoCad dxf and ArcView shapefile of the final plat that is of proper scale and projection which conforms to current Clearwater County GIS systems shall accompany the final plat.
- c. Other data, certificates, affidavits, and endorsements that may be required by the County staff, the Planning Commission or by the County Board shall accompany the final plat.
- d. Accompanying the final plat shall be a final plan of all improvements installed or to be installed by the applicant, with grades, profiles and other details for the improvements recommended by the County Engineer and approved by the County Board.
- e. Any financial guarantees required for improvements as approved by the County Board shall be submitted to the Zoning Administrator in a form satisfactory to the County Attorney. The time period required for the completion of public improvements shall be specified in the resolution approving the final plat and shall be incorporated into the financial guarantee.

Article VI Design Standards

Section A. Land Requirements.

1. No subdivision shall be approved by the County Board if the property is not suitable for the proposed land uses of the plat because of potential flooding, topography, inaccessibility, adverse soil conditions, rock formations or protected waters or wetlands.
2. Land that is subject to life, health, or property hazards shall not be subdivided for residential purposes until all hazards have been eliminated or unless adequate safeguards against such hazards are provided in the subdivision plan.
3. Proposed subdivisions shall be designed to take into account the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the County.
4. Proposed land uses and development shall conform to the *Clearwater County Framework Plan*.

Section B. Lots.

1. Shared driveway access shall be required when necessary to meet applicable minimum highway access spacing guidelines.
2. Lot size and arrangement shall be designed to meet the requirements of the *Clearwater County Sewage and Wastewater Treatment Ordinance*.
3. Side lot lines shall be approximately at right angles to street lines or radial to curved streets unless environmental or topographic conditions require different dimensions.
4. Double frontage lots shall be avoided except where lots abut principal or minor arterial roadways or where environmental or topographic conditions render such subdividing unreasonable.
5. All remnants of lots below 2.5 acres in size shown within the property to be subdivided shall be added to adjacent lots, unless a plan for the use of the remnant is approved by the County Board.
6. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open space.
7. No lot within a subdivision shall extend over a political boundary.

Section C. Blocks.

1. The lengths, widths and shapes of blocks, and lots within blocks, shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to accommodate the planned principal and accessory uses.
 - b. Needs for convenient access, circulation, control and safety of street traffic.
 - c. Limitations and opportunities of topography.
 - d. Blocks intended for business or industrial use shall be of a width suitable for their respective use, including adequate space for off-street parking and deliveries.
 - e. Pedestrian/bicycle trails, not less than ten (10) feet wide, shall be required to aid in accessing schools, playgrounds, shopping, transportation and other community facilities where deemed necessary by the County Board to provide non-vehicular access and circulation.

Section D. Roads

1. Except for approved cul-de-sacs, roads shall be designed to connect with existing or planned roads in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided properties.
2. The arrangement of roads shall include consideration of the reasonable circulation of traffic within the subdivision and adjacent existing and future supporting road networks, topographic and environmental conditions, storm water drainage, public convenience and safety, and the proposed uses of the area to be served.
3. Cul-de-sacs are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board.
 - a. The road right-of-way for a temporary cul-de-sac shall be continued to the property line to permit future extension to the adjoining property. Right-of-way for a temporary turnaround shall be provided at an appropriate location near the adjacent property.
 - b. The land included for a temporary turnaround that is no longer needed for right-of-way when the road is extended to adjacent property shall revert to the abutting property owners.
 - c. Permanent cul-de-sac roads shall not exceed 1,500 feet in length, except when topography, water features, existing land use or other conditions warrant longer cul-de-sacs, as determined by the County Board.
 - d. The minimum turning radius at the end of the cul-de-sac shall be 45 feet.
4. Where the subdivision includes only part of the property owned or intended for development by the subdivider or owner, a build out plan illustrating the proposed future road system for the unsubdivided portion shall be prepared and submitted by the subdivider or owner.
5. When a lot within a subdivision is large enough to be further subdivided, the lot shall be arranged to permit the logical location and openings of future roads and appropriate resubdivision.
6. Roads shall be designed to intersect at approximately right angles, except where topography, environmental or other conditions justify variations.
 - a. The minimum angle of intersection of roads shall be eighty (80) degrees.
 - b. Road intersection jogs with an offset of less than 330 feet shall be avoided.
7. Wherever the proposed subdivision includes or is adjacent to the right-of-way of a principal or minor arterial road, provision shall be made for a frontage or backage road in a location to be approved by the County Board. The distance of the frontage/backage road intersection from the arterial roadway shall be based upon the function of the intersecting roads, existing and future traffic volumes, land use, lot depths, and other factors that contribute to the design of safe and convenient access.
8. Alleys may be provided in commercial and industrial developments as required by the County, provided that service access, such as on-site loading, unloading and parking is available consistent with and adequate for the proposed uses. Alleys shall be a minimum of twenty (20) feet in width. Dead-end alleys shall be avoided unless the County Board finds there is no reasonable alternative. If approved, dead-end alleys shall be designed with adequate turn-around facilities at the end of the alley.
9. Dedication of substandard width right-of-way and roads may be approved where:
 - a. the proposed right-of-way is adjacent to a platted right-of-way and, combined, the

- rights-of-way meet the requirements of this Ordinance,
- b. the County Board finds that such dedication will allow for reasonable access and circulation when the adjoining property is subdivided, or
 - c. where it becomes necessary to acquire the remaining portion by condemnation for public purposes.
10. The minimum right-of-way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right-of-way widths as determined by Mn/DOT and/or the County Engineer and as allowed by law:

| Type of Road | Right-of-Way Width |
|------------------------|--------------------|
| Minor Collector Road | 132 feet |
| Local Road | 66 feet |
| Cul-de-sac turn-around | 132 feet |
| Alley | 33 feet |

11. Subdivision road access spacing shall be as follows unless modified by the roadway authority:

| Type of Road | Access Spacing |
|-------------------------|-----------------|
| Principal Arterial Road | MnDOT Standards |
| Minor Arterial Road | MnDOT Standards |
| Collector Road | 500 feet |
| Local Road | 300 feet |

12. All street connections shall be located to provide adequate intersection sight distance, in compliance with the *Clearwater County Access Management Ordinance*.
13. No public street connection shall be located within a turn lane to another public street or a private driveway.
14. Road names shall be approved by the County and shall not be similar to any other roadway within the County.
15. In any proposed subdivision in which access to the subdivision is provided by an existing substandard roadway, the County Board may require the subdivider to bring the existing substandard roadway up to the public road standards of this Ordinance as a condition of subdivision approval.

Section E. Lot Access (Driveways).

1. Every lot must have adequate access to a public road. Reserve strips and land-locked areas shall not be created. Access to lots by private roads may be allowed subject to the easement requirements in Section F.
2. All work in right-of-way and construction of access to public roadways shall be governed by the road authority. In the case of Clearwater County roads, all such work shall be governed by the *Clearwater County Access Management Ordinance*.
3. Shared driveway access on existing public roads is encouraged to enhance highway safety and may be required to meet highway access spacing guidelines provided in the *Clearwater County Access Management Ordinance*. Shared driveway access is accommodated by creating private easements on one or more parcels that allow private access to one or more parcels. Shared access easements may be located on common lot

lines or may be located exclusively on one parcel. Easement dimensions shall be sufficient in area to contain the driveway improvements, including drainage and snow storage areas. Easements shall be recorded against the encumbered properties.

Section F. Easements.

1. Utility easements shall be provided in accordance with the following:
 - a. Utility easements at least ten (10) feet wide shall be provided along the side, front and/or rear line of lots, unless this requirement is modified by the County Board.
 - b. Utility easements shall connect with easements established in adjoining properties, to the extent possible.
2. On State and County roads, additional right-of-way shall be dedicated as required by Mn/DOT and/or the County Engineer to accommodate turn lanes or other unique features.
3. The County Board may require the dedication of easements for pedestrian/bicycle trails when necessary to provide access to parks, schools, commercial areas and public facilities.
4. Easements shall be shown on or accompany the final plat and be dedicated for the intended use.
5. Easements shall be legally described for all private roads and recorded against all affected properties.
6. Easements should be of a minimum width to accommodate planned or anticipated future uses, generally minimum widths of 33 feet or 66 feet are appropriate.

Section G. Open Space and Park Provision.

The subdivider is encouraged to set aside land within each subdivision that may be used as common open space and private park land, provided a mechanism is in place to preserve the land in a natural state or include any necessary maintenance provisions in a homeowners' association agreement. Any public land dedication or cash in lieu of land dedication must be agreed upon by the Township Board of Supervisors in which the subdivision is located and the County Board.

Article VII Installation and Maintenance of Basic Improvements.

Section A. General.

1. Following preliminary plat approval but prior to final plat approval, the subdivider shall furnish and construct all required improvements at the subdivider's expense.
2. Financial Guarantee. In lieu of construction of all required improvements before the final plat is approved, the subdivider may make a financial guarantee in the amount of 150 percent of the estimated cost of the required improvements, according to construction plans provided by the subdivider and approved by the County. All improvements that are guaranteed by this surety shall be completed within one year from final plat approval, after which time the County may apply the surety to completion of improvements. The financial guarantee shall not be released or expire until all required improvements are complete.
3. Construction Plans. Construction plans for required improvements shall conform to the standards of this ordinance and shall be prepared at the subdivider's expense by a Registered Professional Engineer who is licensed in the State of Minnesota. Plans shall be submitted for review for compliance with this Ordinance by the County Engineer, Surveyor and Zoning Administrator.
4. Completed Improvements. Upon completion of required improvements, the subdivider shall certify that all improvements have been completed in conformance with this ordinance. For public roads, certification shall be made by a Registered Professional Engineer who is licensed in the State of Minnesota, subject to review and approval by the County Engineer and Township, as appropriate.
5. Maintenance of Improvements. The subdivider is responsible for all maintenance of improvements in the subdivision or on the individual subdivided lots until such time as maintenance responsibilities of the public improvements are formally accepted by the County Board and/or Township, as appropriate.

Section B. Required Improvements.

1. Roadways.
 - a. The layout and design of private roadways is the responsibility of the developer and should allow for the access of emergency service vehicles.
 - b. All new public roads shall be constructed in accordance with MnDOT State Aid Standards and the Mn/DOT Road Design Manual or the following design specifications, unless modified by the road authority as appropriate to accommodate current and expected future vehicle weights and volumes:
 - 1.) Minimum driving surface of twenty-four (24) feet and shoulders of at least two (2) feet. Roads with curb and gutter sections shall be at least twenty-eight (28) feet in width from curb face to curb face.
 - 2.) The gradient of local roads shall not exceed ten percent (10%), unless modified by the County Board and/or Township, as appropriate. The gradient shall not exceed two percent (2%) within one hundred (100) feet of an intersection.
 - 3.) The horizontal curves on local roads shall be designed for forty (40) to sixty (60) miles per hour speed, unless modified by the County Board and/or Township, as appropriate.
 - 4.) The crown of the driving surface of all roads shall be designed and constructed at a finished grade of two percent (2%) for paved roads and four percent (4%) for gravel roads.

- 5.) Sub-grades shall be cut to depths based upon soil conditions and as recommended by the subdivider's registered professional engineer and back-filled with compacted granular material, or as recommended by a geotechnical engineer, and approved by the County Engineer.
 - c. Right turn lanes, left turn lanes, and/or bypass lanes shall be required on County or State roads providing access to a subdivision where Mn/DOT traffic counts, traffic speeds, turning movements and/or other considerations warrant such improvements to protect public safety.
 - d. Road signs shall be provided and installed by the subdivider in accordance with the "Minnesota Manual on Traffic Control Devices" and approved by the appropriate roadway jurisdiction. Road signs on Clearwater County roads shall be acquired and installed by Clearwater County at the expense of the subdivider.
 - e. Nothing in this subdivision shall prohibit a Township from establishing more restrictive road standards on roads that are intended to be dedicated and maintained by a Township or maintained privately.
2. Stormwater Drainage and Erosion/Sedimentation Control.
 - a. Culverts, storm water inlets, and other drainage facilities shall be designed and installed to insure adequate stormwater drainage for the subdivision. The subdivider shall provide hydraulic analysis and other design information when determined necessary by the County Engineer.
 - b. The subdivider shall include plans for controlling erosion and sedimentation during construction and until surface restoration is completed. The plans shall include remedies for cleanup and restoration in the event erosion and sedimentation control devices fail.
 3. Sanitary Sewer and Water.
 - c. Community water and sewer systems may be utilized if approved by the County Board, provided the following are met:
 - 1.) All on-site community sewage treatment systems conform to the performance standards of the MPCA and the *Clearwater County Sewage and Wastewater Treatment Ordinance*.
 - 2.) The community sewage treatment system includes an operating, financing, and management plan that is controlled by an entity with taxing or levying authority to insure proper maintenance, management, and financing that is approved by the County.
 - 3.) Subdivisions with communal sewage treatment systems reserve land area for a replacement system that meets the requirements of the MPCA and the *Clearwater County Sewage and Wastewater Treatment Ordinance*.
 - 4.) Community water systems shall conform to the requirements of the Minnesota Department of Health.
 4. Other Public Utilities.
 - a. All utility lines for telephone, cable and electric service shall be placed in rear line easements when carried on overhead poles whenever possible.
 - b. Where telephone, electric, cable and/or gas service lines are to be placed underground, the lines shall be placed within easements or dedicated public ways, so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

5. Monumentation.
 - a. All subdivision boundary corners, blocks and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the requirements of State law. All federal, state, County and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in their precise position unless a relocation is approved by the responsible agency.
 - b. Surveys shall provide the location of two government corners with distance and bearings to the subdivision boundaries.
6. Miscellaneous Improvements. The County Board may require the subdivider to provide and install landscaping, berming, fencing, traffic control signs, pedestrian ways, and other improvements to effect the purpose of this Ordinance.

Article VIII Violations and Penalties

Section A. Sale of Lots from Unrecorded Plats.

It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded in the County Recorder's Office.

Section B. Misrepresentations Pertaining to Improvements.

It shall be unlawful for any person owning an addition or subdivision of land within the County to represent that any improvements within the addition or subdivision have been supervised, inspected, or constructed according to the approved plans when such actions have not occurred.

Section C. Penalties.

Any person, firm, or corporation who violates any of the provisions of this Ordinance, fails to comply with any of the Ordinance provisions, or makes or submits any false statements in the required submittals, shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of an amount not to exceed that allowed by law and/or by imprisonment as allowed by law. Each day that a violation continues shall constitute a separate offense.

In the event of violation or threatened violation of this Ordinance, the County Board of Commissioners, in addition to other remedies including prosecution, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Clearwater County Attorney to institute such action.

Article IX **Effective Date**

This Ordinance shall be in full force and effect on _____, 2007, after its passage and publication according to law.

Approved and adopted this ____ day of _____, 2007.

John A. Nelson

Board Chair

Board of Commissioners:

District 1: Duane Hayes
District 2: Dean Newland
District 3: John Chevalier
District 4: John A. Nelson
District 5: Thomas Anderson

ATTEST:

Emily Carpenter

Board Coordinator

Published in the _____, this ____ day of _____, 2007.

