

## **TODD COUNTY SUBDIVISION REGULATIONS**

### **Section 1. Title.**

This ordinance shall be known and may be cited as the Todd County Subdivision Regulations.

### **Section 2. Intent and Purpose.**

**201.** All subdivisions of land hereafter submitted for approval shall fully comply in all respects with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Encourage well-planned, efficient and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water services.
- (3) Place the cost of improvements against those benefiting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.

### **Section 3. Scope and Legal Authority.**

**301. General.** The rules and regulations governing plats and subdivision of land contained herein shall apply within the county and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other municipality or municipalities concerned. Except in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

**Exceptions.** These regulations shall not apply to the following (other County ordinances and state laws may apply):

- a. Subdivisions creating cemetery lots;
- b. Transfers of small parcels to governmental units in case of encroachments, road right-of-way, or utility easements;
- c. Splits resulting from court orders or mortgage foreclosures; or
- d. Splits creating no more than two lots from a parcel 40 acres or larger, an original  $\frac{1}{4}$   $\frac{1}{4}$  section or government lot, or four lots from an original  $\frac{1}{4}$   $\frac{1}{4}$  section in the AF-1 and AF-2 districts provided that a scaled site drawing is submitted to the Planning & Zoning Administrator and approved as meeting all applicable zoning requirements. The site drawing may be described by survey or by metes and bounds.
- e. Common property line adjustments as specified in subparts i, ii, and iii below:
  - i. The adjustment of a common property line by the relocation of that line to:
    - a) Eliminate encroachments;
    - b) Eliminate or reduce pre-existing setback violations; or
    - c) Eliminate boundary line disputes.
  - ii. Any transfer of a portion or portions of unplatted parcels between

adjoining land owners where such transfer is unrelated to the purposes set forth in Subpart i above, provided that:

- a) The transfer does not create a non-conforming parcel;
  - b) The transfer does not increase the degree of non-conformity for either parcel;
  - c) The subdivision does not cause previously conforming structures to be non-conforming; and
  - d) The transfer does not result in an increase in land use intensity.
- iii. Any transfer of a portion or portions of a platted lot between adjoining land owners where such transfer is unrelated to the purposes set forth in Subpart i above, provided that:
- a) The transfer does not create a non-conforming parcel;
  - b) The transfer does not increase the degree of non-conformity for either parcel;
  - c) The subdivision does not cause previously conforming structures to be non-conforming; and
  - d) The transfer does not result in an increase in the land use intensity.
- f. Any land transfer documents under sub-paragraphs above presented to the Todd County Recorder for filing, must be accompanied by a scaled drawing prepared by a Licensed Land Surveyor showing the following:
- i. Name, address, and telephone number of the legal owner(s) and/or agent of property.
  - ii. All contiguous property and roads and their legal name(s).
  - iii. Proposed new property lines with dimensions noted.
  - iv. Proposed driveway location and location of existing driveways on the same side of the road.
  - v. Proposed legal description of the parcel.
  - vi. Location, purpose and dimensions of all existing structures and distance of structures to the existing and proposed property lines.
  - vii. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands and the toe and top of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown.
  - viii. Location of a primary and an alternate site for individual sewage treatment systems (if applicable).

The County Planning & Zoning Administrator shall approve all scaled drawings submitted for exceptions that are in compliance with the provisions of this Ordinance and other applicable requirements.

### **302. Amendments.**

The provisions of this Ordinance may be amended by the Todd County Board.

### **303. Validity.**

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder.

**304. Administration.**

This Ordinance shall be administered by the Todd County Zoning Administrator.

**Section 4. Rules and Definitions.**

**401. Rules.**

- (1) Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word “shall” is mandatory, and the words “should” and “may” are permissive.
- (2) In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.

**402. Definitions.**

For the purpose of these regulations, certain terms and words are hereby defined as follows:

- (1) *Attorney* - The attorney employed by the County unless otherwise stated.
- (2) *Block* - The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
- (3) *Boulevard* - The portion of the street right-of-way between the curb line and the property line.
- (4) *Butt Lot* - A lot at the end of a block and located between two corner lots.
- (5) *Cluster Development* - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.
- (6) *Community* - Todd County.
- (7) *Comprehensive Plan* - A comprehensive policies plan prepared by the County including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.
- (8) *Contour Map* - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- (9) *Copy* - A print or reproduction made from a tracing.
- (10) *Corner Lot* - A lot bordered on at least two (2) sides by streets.
- (11) *County* - Todd County, Minnesota.
- (12) *County Board* - The Todd County Board of Commissioners.
- (13) *Development* - The act of building structures and installing site improvements.
- (14) *Development Information Review Team (DIRT)* – A County review team that may include representatives from any or all of the following offices, organizations or boards: Planning & Zoning, Public Works, Geographic Information Systems, Surveyor, Attorney, Recorder, Auditor, townships, cities, Soil & Water Conservation District, Minnesota Department of Natural Resources, local watershed districts, County Board of Commissioners, County Planning Commission, County Board of Adjustment or any other

person that the Zoning Administrator may deem to be appropriate for carrying out the purposes of the Team.

- (15) *Double Frontage Lots* - Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- (16) *Drainage Course* - A water course or indenture for the drainage of surface water.
- (17) *Easement* - A grant by an owner of land for a specific use by persons other than the owner.
- (18) *Engineer* – A Minnesota licensed, registered professional engineer, employed by Todd County unless otherwise stated.
- (19) *Final Plat* - The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.
- (20) *Governing Body* - Todd County Board.
- (21) *Key Map* - A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.
- (22) *Lot* - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- (23) *Metes and Bounds Description* - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
- (24) *Minimum Subdivision Design Standards* - The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- (25) *Natural Waterway* - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.
- (26) *Outlot* – A lot remnant or any parcel of land included in a plat, which may be used as open space, land owned in common by an owner's association, land to be subdivided in a later phase(s) or to identify land to be dedicated or used for public purposes or for utilities, such as stormwater ponds. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not useable as a building site as it currently exists. No land use permit shall be issued on an outlot nor shall any outlot be used as a controlled access lot unless specifically approved by the County Board.
- (27) *Owner* - An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

- (28) *Pedestrian Way* - A public right-of-way across or within a block to be used by pedestrians.
- (29) *Person* - Any individual, firm, association, syndicate, or partnership, corporation, trust, or any other legal entity.
- (30) *Plat* - A map or drawing which graphically delineates the boundary land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.
- (31) *Preliminary Plat* - The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.
- (32) *Private Street* - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- (33) *Protective Covenants* - Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (34) *Right-of-Way* - The land covered by a public road or other land dedicated for public use of for certain private use such as land over which a power line passes.
- (35) *Sketch Plan* - A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.
- (36) Streets.
- a. *Street* - a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.
  - b. *Collector Street* - a street which carries traffic from local streets to arterials.
  - c. *Cul-de-sac* - a street turn-around with only one outlet.
  - d. *Service Street* - marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.
  - e. *Local Street* - a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
  - f. *Arterial Street* - a street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the County and beyond.
- (37) *Street Width* - The shortest distance between the lines delineating the right-of-way of a street.
- (38) *Subdivider* - Any person commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.
- (39) *Subdivision* - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, or development whether immediate or future unless specifically exempted by this ordinance. Subdivision includes the division or development of

residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, map, plat, or other recorded instrument. Subdivisions include all cluster subdivisions or planned unit developments.

*Surveyor* - The County Surveyor.

- (40) *Tracing* - A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.
- (41) *Zoning Ordinance* - A zoning ordinance or resolution controlling the use of land as adopted by the County.

## **Section 5. Administration.**

Before dividing any tract of land in the Shoreland district or two or more lots or parcels within the R-2, R-10, UG, and RT districts or four or more tracts of land in the AF-1 & AF-2 districts within Todd County, the following procedures shall be followed:

### **501. Pre-Application Meeting.**

Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the Todd County Zoning Administrator, and other appropriate officials, including the Township Board, in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

The subdivider and surveyor are urged to avail themselves of the advice and assistance of the County Planning Commission and County planning staff at this point in order to save time and effort and to facilitate the approval of the preliminary plat.

### **502. Preliminary Plat.**

- (1) After the pre-application meeting, the subdividers or owners shall file with the Zoning Administrator thirty (30) copies of a preliminary plat. In order for the preliminary plat to be placed on the agenda of the next meeting of the Planning Commission, the plat must be submitted twenty-two (22) days prior to the meeting, or as otherwise shown in the application and meeting schedule provided by the Zoning Administrator. If a rezoning of the property is requested or necessary for the proposed plat, such rezoning application must be submitted and acted upon prior to submittal of the preliminary plat application.
- (2) Within three (3) days of this receipt of the preliminary plat from the subdivider, the Zoning Administrator shall submit one (1) copy of the preliminary plat to the governing bodies of any city, village, or borough, the incorporated limits of which lie within two (2) miles of the proposed subdivision and to each Town Board of the township wherein the subdivision is proposed or which is located within two (2) miles of the border of said township. In addition, one (1) copy shall be retained by the Zoning Administrator and one (1) copy submitted to each of the following: County Attorney, Surveyor, Engineer, Assessor, Soil and Water Conservation District, Register of Deeds, Health Officer and County Auditor plus one (1) copy to the Department of Transportation if and when proposed plat is adjacent to a State Highway. The Zoning Administrator shall notify landowners within ½ mile of the site of the hearing of a preliminary plat. A copy of the preliminary plat may be viewed in the Zoning Administrator's office. Reactions to said plat shall be presented to the Planning Commission's next regularly scheduled meeting.
- (3) The Zoning Administrator shall refer an appropriate number of copies to the County Planning Commission for their review and report.
- (4) Within forty-five (45) days after the plat has been filed and after reports and certifications have been received as requested, the County Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within fifteen (15) days of the date of the public hearing, the Planning Commission shall make its report to the Todd County Board.
- (5) The County Planning Commission and the County Zoning Administrator may forward to

the County Board a favorable, conditional, or unfavorable report and said reports shall contain a statement of findings and recommendations.

- (6) The Todd County Board shall act to approve or disapprove. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the minutes of the Board meeting and reported to the owners or subdividers.
- (7) The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.
- (8) During the intervening times between approval of the preliminary plat and the signing of the final plat, the subdivider may be required to submit acceptable engineering plans for all required improvements.
- (9) In the case of all subdivisions, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary or final plat if it makes any of the following findings:
  - a. That the proposed subdivision is in conflict with adopted applicable general and specific plans of Todd County.
  - b. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the comprehensive plan of Todd County.
  - c. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated.
  - d. That the site is not physically suitable for the proposed density of development.
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
  - f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
  - g. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

**503. Final Plat.**

- (1) The owners or subdividers shall file three (3) record copies of the final plat with the Zoning Administrator. If this is not done within twelve (12) months, the preliminary plat will be considered void, unless for good cause an extension is requested in writing by the subdivider and granted by the County Board. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.
- (2) The final plat shall have incorporated all changes recommended by the Zoning Administrator and Planning Commission as well as the County Engineer regarding county roads, and the County Board as to conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such portion conforms with all requirements of this Ordinance.



- (3) The County Auditor, Attorney, Engineer, and Surveyor shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved by the Planning Commission and that it meets all ordinances and regulations of the County. Two (2) copies of the proposed final plat shall be submitted to the County Surveyor prior to having record copies printed from the original linen plat. One copy of the mathematical closure of the plat shall also be submitted to the County Surveyor, after which the County Surveyor and other county officials shall check the proposed final plat and return it to the owner or subdivider with any recommended changes or corrections. The owner or subdivider can then order the record copies printed in final form.
- (4) The Zoning Administrator shall refer one (1) record copy of the final plat to the County Board for review and approval.
- (5) Upon approval of the final plat by the Todd County Board, the subdivider shall record such final plat with the County Recorder, as provided for by that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Zoning Administrator with four black line prints of the final plat.

#### **Section 6. Data for Preliminary and Final Plats.**

**601. Data for Preliminary Plat.** All information listed below shall be shown on the preliminary plat drawing, unless specifically stated otherwise.

**(1) Identification and Description.**

- a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County, must have approval of the County Recorder.
- b. Vicinity map showing the location of the proposed development in relation to the surrounding area.
- c. Location by section, township, range, and legal description.
- d. Name of municipality or township
- e. Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
- f. Graphic scale not less than one (1) inch to two hundred (200) feet, with scale bar.
- g. North point
- h. Date of preparation

**(2) Existing Conditions.**

- a. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
- b. Existing zoning classifications and zoning district boundaries for land within and abutting the subdivision to a distance of one hundred fifty (150) feet.
- c. Approximate acreage and dimensions of the lots.
- d. Location, right-of-way width, and names of existing or platted streets, railroads or other public ways, parks and other public lands, permanent buildings and structures (including overhead lines), gravesites, cemeteries and other places of burial,

easements and section and corporate lines within the plan and to a distance one hundred fifty (150) feet beyond shall also be indicated.

- e. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- f. Topographic data, including contours at vertical intervals of not more than ten (10) feet. In areas of steep slopes (0-20 percent), vertical intervals of contours shall be not more than five (5) feet. The Planning Commission may require closer intervals if conditions warrant it.
- g. Approximate location of the toe and the top of any bluff, if applicable.
- h. Approximate lake depth contours from Minnesota Department of Natural Resource lake maps, when available, for the area adjacent to the proposed subdivision.
- i. Boundaries of all surface water features, including lakes, streams, intermittent streams, ponds, wetlands and floodplains. In areas where such water features could significantly impact the buildable area of a lot or multiple lots, more detailed boundary determinations (such as the exact location of the ordinary high water level) may be required by the Zoning Administrator or Planning Commission.
- j. If any of the proposed lots are to be served by public sewer or water, written evidence that the relevant utility intends to allow connection, including the anticipated timeline.
- k. If any of the proposed lots are to be served by private sewer, proposed locations of at least two standard sewage treatment areas for each lot. Soil boring logs prepared and signed by a MN licensed septic system designer shall be provided showing at least two borings per lot within the proposed treatment areas. Soil borings must be to a depth of at least six feet, unless redoximporhic features or ground water table are encountered prior to that depth. If determined necessary by the Zoning Administrator, percolation tests shall also be submitted. Soil boring and percolation test information may be submitted as a separate document or attachment to the preliminary plat drawing.
- l. General location of existing stands of vegetation and other natural features, including wooded areas, aquatic and near-shore vegetation.

**(3) Subdivision Design Features.**

- a. Layout of proposed streets showing the right-of-way widths, and centerline gradients.
- b. For any proposed streets, or when substantial improvements to an existing road are proposed, road construction plans consistent with the requirements of Section 702 (4) of this ordinance.
- c. Locations and widths of any proposed pedestrian ways.
- d. Minimum front and side street building setback lines.
- e. The buildable lot area of each lot.
- f. When lots are located on a curve, the width of the lot at the building setback line.
- g. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

- h. A stormwater management plan consistent with the requirements of Section 710 (1) of this ordinance.

**(4) Other Information.**

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- b. Provision of surface water and sanitary sewage disposal, drainage, and flood control.
- c. If any zoning changes are contemplated, the proposed zoning classification for the area shall be shown.
- d. Where the land proposed for subdivision abuts previously subdivided land, or undeveloped land with the potential for future subdivision, the Zoning Administrator may require that the subdivider submit a sketch plan showing how roads, utilities, lots and other improvements will relate well with existing or potential adjacent subdivisions including the street and road systems.
- e. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measure, and landscaping of the erosion and sediment control system.
- f. A vegetation preservation and protection plan that indicates those trees proposed to be removed, those to remain, the types and location of trees and other vegetation that are to be planted.
- g. A water feasibility study may also be required to determine if water is readily available and meets State Department of Health standards.
- h. Such other information as may be requested by the County Zoning Administrator or County Planning Commission.

**602. Data for Final Plat**

- (1) **General** - The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the appropriate provisions of Minnesota State Statutes and of this regulation.
- (2) Surveying requirements of the final plat shall be under the regulation of the County Surveyor.
- (3) Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the Todd County Recorder for the lands included within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within sixty (60) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.
- (4) Execution by all owners of any interest in the land therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the County of sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney.

- (5) A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the Subdivider's attorney.

CERTIFICATIONS

1. Form for approval by signature of county officials concerned with the recording of the plat.

a. Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
(Name) Todd County Surveyor

b. No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(Name) Todd County Auditor

c. Document Number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_.

\_\_\_\_\_  
(Name) County Recorder, Todd County

d. If property being platted is in the Torrens System, use the following:

Document Number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_.

\_\_\_\_\_  
(Name) Registrar of Titles, Todd County

2. Form for approval by the 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.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
(Name) Todd County Attorney

3. Approved by the Todd County Board of Commissioners on this \_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
Chairman, Todd County Board of Commissioners

Attest: \_\_\_\_\_

Todd County Auditor

## **Section 7. Subdivision Design Standards.**

### **701. General Requirements.**

- (1) The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.
- (2) The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to run-off of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Whenever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
- (3) All the required road improvements to be installed under the provisions of this ordinance shall be approved by and subject to the inspection of a qualified professional engineer employed by or contracted by the County. All of the County's expenses incurred as a result of the required improvements shall be reimbursed to the County by the subdivider prior to final plat approval.
- (4) The subdivider, or their agent, shall be responsible for contacting the County's designated engineer and the Chairperson of the affected Township to notify them when road construction is complete and ready for a final inspection.

### **702. Streets and or Roads.**

- (1) General Street - The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters, and to the proposed uses of the areas to be served. A public road (street) right-of-way must be dedicated and be adjacent to, and serve all new lots within the proposed subdivision, and said road must connect to either a township or county road by an existing publicly maintained and dedicated road (street) which is at least as wide as the minimum width requirement for roads within the subdivision by this Ordinance.
- (2) Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
- (3) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new street shall be carried to the boundaries of such undivided land.
- (4) Street width and grades: The following standards of street design shall be observed by the subdivider:
  - a. Reproducible construction plans of all required road improvements shall be required for all subdivisions and shall be furnished to the County and the Chairperson of the affected township by the subdivider or their designee. All construction plans shall be

under the supervision of and certified to be true and accurate by a Minnesota licensed and registered engineer. At a minimum, said drawings shall contain the following:

1. A centerline profile at a minimum of 100-foot stations and such intermediate points to indicated changes in grade, together with showing the constructed provisions for centerline crossings by storm water.
  2. Typical cross-sections including widths, crown, ditch separation and bottom width, and finished surface type and thickness.
- b. Highways and Arterials (primary). Minimum Width (lot line to lot line) 100 feet to 300 feet. Maximum Grade 6 percent. Minimum Grade 0.5 percent.
- c. Collectors (secondary). Minimum Width (lot line to lot line) 80 feet. Maximum Grade 8 percent. Minimum Grade 0.5 percent.
- d. Local (tertiary) Road Construction Standards:
1. Minimum width (lot line to lot line) 66 feet. All completed grades shall have a minimum gradient of 0.5 percent and a maximum gradient of 8 percent except under unusual conditions where a maximum gradient of 10 percent may be allowed.
  2. Stumps of debris may be disposed of by burning or burial within the right-of-way limits. Stumps and debris shall not be buried within the roadbed or be disposed of by pushing onto land adjacent to the platted roads.
  3. No material from the upper one foot of the natural soils shall be used in the upper two feet of the roadbed. A minimum of four inches of topsoil shall be spread on all new slopes and areas disturbed during grading operations.
  4. No rocks having a diameter of three inches or larger shall be placed within the upper one foot of the roadbed.
  5. 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 not be more than 8 inches in thickness (loose measurement) and those below the upper two feet shall not be more than 12 inches in thickness (loose measurement).
  6. All roadbed embankments across lowland areas shall be constructed to a height of at least three feet above natural ground elevation.
  7. All entrances constructed to provide access to adjacent lots shall have a minimum finished top width of 20 feet. Side slope ratios shall be 3:1 (horizontal: vertical) or flatter.
  8. All new slopes and disturbed areas shall be seeded after the topsoil has been replaced. The seeding mixture shall be consistent with the most recent Minnesota Department of Transportation guidelines or as otherwise approved by the appropriate road authority (County Engineer or Township).
  9. All centerline culverts shall have a minimum diameter of 15 inches. All entrance culverts shall have a minimum diameter of 12 inches. All culvert sizes must be approved by the Town Board of the Township wherein the road is located prior to installation.

10. All concrete culverts shall meet the requirements of the Minnesota Department of Transportation for Class 2 concrete culverts. All metal culverts shall be corrugated steel, galvanized, and shall meet the following thickness (gage) requirements::

12" Diameter, 16 Gage

15" Diameter, 16 Gage

18" Diameter, 16 Gage

24" Diameter, 14 Gage

30" Diameter, 14 Gage

36" Diameter, 12 Gage

48" Diameter, 12 Gage

Any culverts placed in fill areas or embankments greater than eight (8) feet shall be approved by a Minnesota licensed engineer for proper loading.

11. All bridge plans and construction shall be approved by the County Engineer. Minimum capacity shall be H-20 loading. Minimum width shall be 24 feet, curb to curb.
12. All gravel materials used for surfacing shall meet the requirements for Minnesota Department of Transportation Class 5 Aggregate Base.
13. Class of road construction: In addition to the preceding general requirements, road construction within platted areas shall conform to one or more of the classes of roads shown in Appendix A, as determined at the time of Preliminary Plat approval. Unless otherwise determined by the County, all new roads shall at least meet the requirements for Class B roads.
- (5) Tangents - Tangents of at least 150 feet in length shall be introduced between reverse curves on collector streets and 100 feet on lesser streets.
- (6) Local Streets - Local streets shall be so aligned that their use by through traffic will be discouraged.
- (7) Street Jogs - Street jogs with centerline offset of less than 150 feet shall be avoided.
- (8) Street Intersections - Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than sixty (60) degrees. Intersections having more than four corners shall be prohibited.
- (9) Cul-de-sacs - Permanent cul-de-sac streets shall not be allowed unless evidence is presented that the road should not or cannot be reasonably continued. The County may require that cul-de-sacs, when permitted, shall provide a public easement extending from the cul-de-sac to the boundary line of the nearest adjoining unsubdivided land to facilitate future connection. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 120 feet, a minimum street property line diameter of 140 feet.
- (10) Half Streets - Half streets shall be prohibited except where the County Board finds it to be practical to require the dedication of the other half when the adjoining property is



subdivided.

- (11) Street Names - All street names shall be approved by the county so as to be in conformance with 911 Emergency naming conventions. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets, In no case shall the name for the proposed street duplicate existing street names, phonetically as well as literally.
- (12) Street Surfacing - Street surfacing by the developer shall be reviewed and approved by the County Engineer.
- (13) Private Streets - Private streets are streets not dedicated to the public, and shall not be permitted, except as provided for in planned unit developments.
- (14) Local Service Drives - Where a proposed plat is adjacent to a major thoroughfare, the County Board may require the developer to provide a marginal access street along the right-of.-way of such facilities or they may require the lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
- (15) Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**703. Blocks.**

- (1) The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1,300 feet or shorter than 300 feet only if the Zoning Administrator and County Engineer agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles. Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks and other destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

**704. Lots.**

- (1) Size - The lot dimensions shall be such as to comply with the minimum areas specified in the zoning ordinance.
- (2) Side lot lines - Side lines of lots shall be substantially at right angle to straight street lines or radial to curved street lines.
- (3) Lots - shall be graded so as to provide drainage away from building locations.
- (4) Natural Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, watercourses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

- (5) Lot Remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as usable parcels.
- (6) Double Frontage Lots - Double frontage (lots with frontage on two parallel streets or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lot shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.
- (7) Each lot created shall front upon a public road, except as provided for in a planned unit development.

**705. Sewage Disposal.**

For proposed plats in rural areas, the size and relative location of on-site soil absorption sewer systems shall be governed by the Sewage Disposal Standards as stated in Section 7 of the Zoning Ordinance.

**706. Tree Removal and Conservation of Vegetation.**

The standards contained in Section 7 of the Todd County Zoning Ordinance shall be applicable to all subdivisions.

**707. Erosion and Sediment Control.**

The erosion and sediment control standards in Section 7 of the Todd County Zoning Ordinance shall be applicable to all subdivisions.

**708. Easements.**

All easements shall be dedicated by appropriate language on the plat as required by MSA 505.02, Subsection 2.

- (1) **Provided for Utilities.** Easements at least twenty (20) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.
- (2) **Drainage.** Easements shall be provided along each side of the centerline of any watercourse, or drainage channel, and when necessary, adjacent to natural or constructed stormwater retention ponds for maintenance purposes, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements shall be not less than 10 feet for natural or constructed stormwater retention ponds and not less than twenty (20) feet in width for drainage purposes.

**709. Steep Slopes.**

Subdivision design shall be consistent with limitations presented by steep slopes. Subdivisions shall be designed so that the required minimum buildable area can be obtained excluding areas that are severe steep slopes. No construction or grading will be conducted on slopes steeper than 18% in grade unless it can be demonstrated through satisfactory design that the area can be built upon without problems with soil erosion or danger from slides.

**710. Storm Water Drainage Standards**

The County shall require a storm water management plan in order to reduce the amount, control the rate, or treat the quality of storm water runoff from any subdivision required to obtain permit coverage under the Minnesota Pollution Control Agency (MPCA) NPDES Phase II Permit Program, as amended from time to time, or for any other project with a reasonable potential to create an erosion or drainage-related hazard as determined by the Zoning Administrator. For the purposes of this section and for preliminary plat applications, the storm water management plan shall be a copy of the Storm Water Pollution Prevention Plan (SWPPP) required for the MPCA NPDES Phase II Permit Program

All of the County's expenses incurred as a result of reviewing and/or inspecting stormwater improvements shall be reimbursed to the County by the subdivider prior to final plat approval.

The professional engineer designated by the County shall review and approve the preliminary storm water plan and any subsequent revisions for compliance with the requirements of the MPCA NPDES Phase II Permit Program and any established County standards, if applicable. If during the review process, based on commonly accepted engineering standards and practices, it is determined that specific site conditions require additional or more restrictive standards than those in the Phase II Program or established by the County, the County shall impose such additional restrictions and notify the subdivider of the specific additional requirements.

## **Section 8 Improvements Required.**

### **801. Improvements Listed and Described.**

Except as otherwise provided for in Section 802 of this ordinance, prior to the approval of a final plat, the subdivider shall install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site at their expense, without reimbursement by the County or any improvement district, all public improvements as required in these regulations, specified in the final plat and as approved by the County Board, and to dedicate those public improvements to the County or other governmental entity, free and clear of all liens, mortgages and encumbrances on the dedicated property and public improvements.

- (1) **Monuments.** Monuments of a permanent character, as required by Section 505.02 M.S.A., shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.
- (2) **Streets.** All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with design standards specified by the County.
- (3) **Paving.** The County Board may require that all streets be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for at least ten (10) years, paving may be required. If central sewer and water services are to be provided within ten (10) years, paving may not be required until after the central sewer and water services are installed. The County may require a cash deposit to be used for paving the streets after central sewer and water services are provided. Streets to be paved shall be surfaced for seven-ton axle weight capacity.

- (4) **Concrete Curb and Gutter.** Concrete curb and gutter may be required for all paved streets.
- (5) **Sidewalks.** Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
- (6) **Water Supply.** Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.  
  
Where a municipal connection is determined to be unfeasible, the subdivider shall install a system providing each lot with an adequate supply of potable water.
- (7) **Street Lighting.** Street lighting of a type approved by the community may be required at all intersections within the subdivision.
- (8) **Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross-drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches may be seeded to prevent erosion.
- (9) **Public Utilities.** All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.
- (10) **Sanitary Sewers.** In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to trunk line sewers. In other instances, sanitary sewage disposal shall be by a central system serving the subdivision or by individual sewage systems. In all cases, sewage disposal systems shall conform with state and county standards.

**802-807      Reserved**

**808.    Land Use Permits**

No land use permits shall be issued within a subdivision until all required improvements have been completed and approved by the County and until all costs incurred by the County during the review of the subdivision have been paid.

**Section 9.      Payment for Installation of Improvements.**

*Repealed.*

**Section 10.     Modifications, Exceptions and Variances.**

**1000.   Modifications Exceptions and Variances.**

**1001. Hardship.**

The Board of Adjustment may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The Board of Adjustment may approve variances from these requirements in specific cases, which in its opinion meets the above requirements and do not adversely affect the purposes of this Ordinance.

**1002. Applicability.**

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

**1003. Easements.**

All easements required for public purposes shall be provided at locations approved by the governing body. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plans.

Oversizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

**Section 11. Common Interest Communities**

**1100.** Conversion to or newly developed common interest communities, and other developments under similar forms of ownership, shall be evaluated and considered for approval in the same manner as a standard plat and shall be subject to all applicable state and county regulations, including those of a Planned Unit Development (PUD).

**Section 12. Registered Land Surveys and Conveyance by Metes and Bounds.**

**1201. Registered Land Surveys.**

New building sites may be created by a registered land survey.

**1202. Conveyance by Metes and Bounds.**

No division of land in which the tract is described by metes and bounds shall be permitted unless approved and recorded in accordance with laws and regulations. Any such plat shall include any adjacent tract theretofore conveyed by metes and bounds.

**Section 1213. Building Permits.**

No building permits will be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this Ordinance have been fully complied with.

**Section 1314. Violations, Penalty**

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense, punishable by a fine of not more than \$500 or by commitment to jail for a period not to exceed 90 days and any permit or governmental approval may be revoked or denied for said violation. Each day during which compliance is delayed shall constitute a separate offense.

**Section 1415. Date Effective.**

Ordinance Number \_\_\_ and all other ordinances or parts of ordinances of the County of Todd in conflict with the provisions of this Ordinance are hereby repealed.

This Ordinance shall become effective upon its adoption and publication according to law.

*(Updates are as of July, 2007)*

**APPENDIX A**

**ROAD DESIGN STANDARDS**