

**REDWOOD COUNTY**

**MINNESOTA**

**SUBDIVISION**

**ORDINANCE**

# REDWOOD COUNTY SUBDIVISION ORDINANCE

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# **REDWOOD COUNTY SUBDIVISION ORDINANCE**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN REDWOOD COUNTY AND WITHOUT BOUNDARIES OF MUNICIPALITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS ROADS AND OTHER IMPROVEMENTS; PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

## **SUBDIVISION 1. GENERAL PROVISIONS**

1. Title
  - A. This ordinance shall be known as the Redwood County Subdivision Ordinance, and will be referred to herein as “this Ordinance”.
2. Purpose
  - A. Pursuant to the authority contained in Minnesota Statutes, Section 394.21 this Ordinance is adopted for the following purposes: to safeguard the best interests of Redwood County; to assist the subdivider in harmonizing his interests with those of the County at large, as well as with those of the local municipalities located within the County; to prevent piecemeal planning of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions with the County Comprehensive Plan; to secure the rights of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development at standards compatible with affected municipalities within the County.
3. Jurisdiction
  - A. The regulations herein governing plats and the subdivision of land shall apply to all areas of the County lying outside the incorporated limits of municipalities.
4. Application of Regulations
  - A. Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained

herein shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Divisions of land into two (2) or more tracts each larger than ten (10) acres in area and three hundred (300) feet in width shall be exempt from the requirements of this Ordinance.

5. Approvals Necessary for Acceptance of Subdivision Plats
  - A. Before any plat shall be recorded or be of any validity, it shall have been reviewed by the County Planning Commission and by the Board of County Commissioners as having fulfilled the requirements of this Ordinance.

**SUBDIVISION 2. SUBDIVISION PROCEDURE**

Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the creation of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent, shall apply in writing for approval of such proposed subdivision in accordance with the following procedures for minor and major subdivisions.

1. Procedure for Minor Subdivisions
  - A. The following divisions of land may be submitted to the Administrator of this Ordinance for approval without a plat.
    1. Any division of a parcel of land involving the sale or exchange of parcels between adjoining owners, where such sale or exchange does not create additional building sites as defined by zoning or reduce the original tract below the requirements of zoning may be submitted without a plat.
    2. Any division of a parcel of land involving the establishment of not more than one, non-farm residence may be submitted without a plat. Such divisions shall conform to the density requirement of the Redwood County Zoning Ordinance.
    3. Any division of a parcel of land involving the establishment of agricultural uses including one or more farm dwellings may be submitted without a plat.
  - B. If the Administrator is satisfied that such proposed divisions as described in Subdivision 2, Subpart 1(A) 1, 2, and 3 of this Section are not contrary

to applicable platting, subdividing, zoning, sanitary or official map regulations the Administrator shall have the authority to approve said divisions, subject to the following provisions.

1. Description documents to be filed with Administrator.
    - a. A legal description, survey, and drawing thereof and computation of acreage, prepared by a registered land surveyor shall be filed with the Administrator.
  2. The Administrator shall review the submitted information for conformity to all existing, valid platting, subdividing, zoning, sanitary and official map regulations.
  3. The Administrator shall, within fifteen (15) working days after submission of the required information, approve or disapprove such proposed division.
  4. In the case of disapprovals the Administrator shall contact the applicant and state the reasons for such disapproval. The reasons for disapproval shall be stated in writing.
  5. In the case of approvals the Administrator shall indicate that such proposed division:
    - a. Meets all applicable code provisions and constitutes a valid building site.
    - b. Does meet applicable subdivision provisions but does not constitute a valid building site as per the Redwood County zoning requirements.
2. Procedure for Major Subdivisions
- A. The following divisions of land shall require approval of plat prior to recording.
    1. Any division of a parcel of land involving the establishment of two or more non-farm residences.
    2. Any division of a parcel of land involving the allocation of land for the establishing, widening or extension of any street or road.
  - B. Pre-application Meeting

1. Before filing an application for the Preliminary Plat, the subdivider shall meet with the Administrator to review and discuss the extent to which the proposed subdivision conforms to this Ordinance, and other ordinances, as well as its conformity to the County Land Use Policies.

C. Preliminary Plat

1. Procedure
  - a. On reaching conclusions, informally as recommended in the pre-application meeting, regarding this Ordinance and other ordinance general requirements and objectives, the subdivider may prepare a preliminary plat together with plans and other supplementary material as required by this Ordinance.
  - b. The subdivider shall pay the required fees upon submission of the preliminary plat.
  - c. The preliminary plat shall be submitted to the County Planning Commission at least two (2) weeks prior to a commission meeting at which consideration is requested. Approval, conditional approval or disapproval of a preliminary plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the Planning Commission at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.
  - d. After review of the preliminary plat by the County Planning Commission, such preliminary plat, together with the recommendations of the Commission, shall be submitted to the Board of County Commissioners for approval. Approval, conditional approval or disapproval of the preliminary plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the Board of County Commissions Commissioner at which such plat was considered.

- e. The approval of the preliminary plat does not constitute an acceptance of the subdivision for the filing but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year, unless an extension is granted by the Board of County Commissioners. The subdivider may file an application for a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to the approved preliminary plat.
2. Data Required. The subdivider shall submit ten (10) copies of the preliminary plat complying with the following requirements.
- a. Proposed name of subdivision. Names shall not duplicate or too closely resemble names of existing subdivisions.
  - b. Location of boundary lines in relation to known section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property.
  - c. Names and addresses of the developer and the surveyor making the plat.
  - d. Scale of plat, not less than one (1) inch to one hundred (100) feet.
  - e. Date and north point.
  - f. Existing Conditions
    - 1. The location and width of proposed streets, roadways, alleys and easements.
    - 2. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas, and power lines.
    - 3. Layout, numbers and approximate dimensions of lots and the number or letter of each block.



4. Location and size of proposed parks, playgrounds, churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
  5. Building setback lines with dimensions.
  6. Indications of any lots on which a use other than residential is proposed by the subdivider.
  7. The zoning districts on and adjacent to the tract.
3. Supplementary Data Requirements. Upon request of the County Planning Commission, supplementary information may include the following:
- a. Topography with contour intervals of not more than two (2) feet related to United States Geological Survey datum: also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to the subdivision.
  - b. A copy of the profile for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.
  - c. Vicinity sketch, at a legible scale, to show the relation of the proposed subdivision to its surroundings.

D. Final Plat

1. Procedures. After the preliminary plat has been approved, an application for a final plat shall be filed with the Redwood County Zoning Administrator. The final plat may be submitted for approval as follows:
  - a. The final plat shall be submitted to the County Planning Commission at least two (2) weeks prior to a Planning Commission meeting at which consideration is requested. Approval, conditional approval or disapproval of the final plat will be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Planning Commission at which such plat was considered. In case the

plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Commission.

- b. After review of the final plat by the County Planning Commission, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, easements, or public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board of County Commissioners and reported to the person applying for such approval.

2. Data Required

- a. The final plat shall be on a sheet twenty (20) inches wide and thirty (30) inches long and shall be drawn to scale. The final plat shall comply with the requirements of M.S.A. 505. Where necessary, the final plat may be on several sheets provided they are numbered and a key map is presented on the sheets showing the entire subdivision. The final plat shall have incorporated all changes or modifications required and in all other respects conform to the approved preliminary plat. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop, provided that such portion conforms with all the requirements of this Ordinance.

3. Supplemental Data Requirements. Upon request of the County Planning Commission, supplementary information may include the following:

- a. An attorney's opinion of title showing title or control of the property to be subdivided.
- b. A photo positive of the final plat at one (1) inch equals two hundred (200) feet and six (6) prints of same.

4. Certifications Required on Final Plat.
  - a. Notarized certification by owner and by any mortgage holder of record at the adoption of the plat and the dedication of streets and other public areas.
  - b. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him/her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
  - c. Space for certificate of review to be filed in the signature of the Chairman of the Township Board of Supervisors.
    1. The form of review by the Township Board of Supervisors is as follows:
      - a. Reviewed by \_\_\_\_\_  
Township, Redwood County, Minnesota,  
this \_\_\_\_\_ day of \_\_\_\_\_  
Signed: \_\_\_\_\_  
Chairman, Board of  
Township Supervisors

Attest: \_\_\_\_\_  
Secretary
  - d. Space for certificates of approval to be filled in by the signatures of the Chairman of the County Planning Commission and the County Board of Commissioners.
    1. The form of approval by the Planning Commission is as follows:
      - a. Recommended for approval by the Redwood County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Signed: \_\_\_\_\_  
Chairman of Planning Commission

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

2. The form of approval of the Board of County Commissioners is as follows.
  - a. Accepted by Redwood County, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: \_\_\_\_\_  
Chairman, Board of County  
Commissioners

Attest: \_\_\_\_\_  
County Auditor-Treasurer

- e. Certification showing that all taxes of record and special assessments due on the property have been paid in full.
- f. Space for Certificate of Filing to be filled in by the signature of the Redwood County Recorder.

1. The form of certification is as follows:

- a. Document number \_\_\_\_\_  
I hereby certify that this instrument was filed in the Office of the County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_M., and was duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ on page \_\_\_\_\_.

\_\_\_\_\_  
County Recorder

\_\_\_\_\_ County, Minnesota

### 3. Public Hearing Requirement

- A. Before any plat of a major subdivision may be recorded the following requirements for a public hearing shall have been completed.
  1. Upon receipt of the proper application and other requested material for plat approval, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearing may be continued from time to time and additional hearings may be held.

2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County at least ten (10) days before the hearing.
3. Written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected Board of Township Supervisors and the Municipal Council of any Municipality within two (2) miles of the affected property.
4. The failure to give mailed notice to the individual owners or defects in the notice shall not invalidate the proceedings providing a bona fide attempt to comply with this Subdivision has been made.
5. The above public hearing shall be held within forty-five (45) days after receipt of the completed application.
6. Reports Required. The Administrator shall refer one (1) copy of the preliminary plat to the County Engineer, one (1) copy to the town board, and one (1) copy each to the telephone and utility companies. Each may then submit a report to the Administrator within fifteen (15) days. Failure to submit such a report shall constitute approval of the preliminary plat. The reports permitted in this Section shall be forwarded to the Planning Commission for their consideration.
7. Public Hearing Review
  - a. The subdivider shall attend the Planning Commission meeting at which his proposal is scheduled for consideration.
  - b. The Planning Commission shall study the practicality of the plat taking into consideration the requirements of the County and the best use of land to be subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Comprehensive Plan, the official map and the zoning ordinance.

- c. At the public hearing all persons interested in the proposed plat shall be heard.
- 8. Action and Authorization
  - a. The Planning Commission shall within fifteen (15) days of the hearing modify, approve, or disapprove the proposed plat.
  - b. Following the closing of the public hearing, the Planning Commission shall request the Administrator to report its findings and recommendations on the proposed plat to the County Board at their next regularly scheduled board meeting.
  - c. Upon filing of such report or recommendation, the County Board may hold such public hearings upon the proposed plat as it deems advisable. After the conclusion of the hearings, if any, the County Board may approve the proposed plat or any part thereof in such form as it deems advisable.
- 9. The above public hearing requirement shall be completed for any preliminary plat of a major subdivision. The County Planning Commission or the County Board may at their discretion require a public hearing on any final plat of a major subdivision. In the event they decide to require a public hearing on a final plat, the above procedures shall be followed.

**SUBDIVISION 3. GENERAL REQUIREMENTS**

The following general requirements shall be met by the subdivider unless the County Board of Adjustment grants a variance in accord with the provisions of this Ordinance.

- 1. Conformance to Official Map and Comprehensive Plan
  - A. Any subdivision shall be in harmony with the Comprehensive Plan and its amendments.
- 2. Delayed Approval of Subdivisions
  - A. Where a proposed park, playground, school site, or other public site as shown in the Comprehensive Plan and/or official map is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken toward approval of a preliminary plat for a period not to exceed six (6) months to allow the

opportunity to consider and take action toward acquisition of such lands by the appropriate jurisdiction.

3. Conformity to Zoning Ordinance
  - A. Any subdivision shall conform to the zoning ordinance and its map.
4. Character of the Land
  - A. The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood, or other menaces.
5. Conveyances of Metes and Bounds
  - A. The conveyance of parcels of less than ten (10) acres or leaving in residue a parcel of less than ten (10) acres by metes and bounds shall be prohibited unless the parcel was a separate parcel of record on the date of adoption of this Ordinance or was the subject of a written agreement to convey entered into prior to the adoption of this Ordinance, except as otherwise regulated in Subdivision 2, Paragraph 1 of this Ordinance.
6. Registered Land Surveys
  - A. All registered land surveys shall be filed and are subject to the same procedures as required by this Ordinance for plats. Until approval is granted by the County Board, building permits shall be withheld, dedications shall not be accepted, and no public money shall be spent towards installing utilities and improvements.
7. Established Monuments
  - A. For both minor and major subdivisions all international, federal, state, county, and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section and quarter section corners shall be duly described, monumented and tied, and a Certificate of Location thereof shall be filed with the County Recorder.
8. Preservation of Natural Resources
  - A. The Planning Commission shall recognize the natural features which add value to all improvements and to the community, such as trees or groves,

watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

9. Prevention and Erosion

- A. Subdividers shall be required to institute measures as determined and directed by the engineer to insure the prevention of wind and water erosion during and upon completion of the construction.

**SUBDIVISION 4. SUBDIVISION DESIGN STANDARDS**

The following improvements shall be installed in accordance with accepted engineering standards and specifications.

1. Street Plan

- A. Streets shall be of sufficient width, suitably located and adequately constructed, to conform with the Comprehensive Plan; to accommodate the perspective traffic; afford access for fire fighting, snow removal and other road maintenance equipment; and shall be considered in their relationship to topographic conditions, to drainage and in their relationship to the proposed land uses to be served. The arrangement of streets shall be such to cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

1. Street Arrangement

- a. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension, presently or when later required, of needed utilities and public services.
- b. Minor residential streets shall be arranged so that their use by through traffic will be discouraged.

2. Blocks

- a. The acreage within bounding streets shall be such as to accommodate the size of lots required in area by the zoning ordinance and to provide for convenient access, circulation, control and safety of street traffic.



- b. Blocks shall not be more than one thousand three hundred twenty (1320) feet in length. No block width shall be less than twice the normal lot depth, unless it abuts a railroad right-of-way, a limited access highway, a major or arterial street, a river or park, or topographical restriction.
    - c. In blocks exceeding nine hundred (900) feet in length, the Planning Commission may require a twenty (20) foot wide fenced easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify at its discretion, that a five (5) foot wide paved path be included.
- 3. Street Alignment
  - a. Street jogs shall have a center line offset of one hundred fifty (150) feet or more when applied to minor streets or service streets, in all other cases they shall be prohibited.
  - b. All streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.
- 4. Service Streets
  - a. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, existing or planned, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes and residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements or approach grades and future grade separations.
- 5. Relation to Topography
  - a. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

6. Treatment along Major Streets.
  - a. When a subdivision abuts or contains an existing or proposed arterial or major street, the Planning Commission may require marginal access streets, reverse frontage with screen plantings contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of the residential properties and to afford the separation of through and local traffic.
7. Dead End Streets (Cul-de-sac)
  - a. Where dead end streets are designed they, normally, may not exceed five hundred (500) feet in length, and shall terminate in a circular turnabout having a minimum right-of-way radius of sixty (60) feet and a pavement radius of fifty (50) feet. Corners at the entrance to the turnabout portions of cul-de-sac shall have a radius of not less than fifteen (15) feet.
8. Water Courses
  - a. Where a watercourse separates a proposed street from abutting property, provisions shall be made for access to all lots by means of culverts or other structures of design approved by the engineer.
9. Commercial Areas
  - a. In front of areas designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business districts.
  - b. Paved rear service streets of a width approved by the engineer in width, or in lieu thereof, adequate loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.

10. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion may be required.
11. For all public streets and roads hereinafter dedicated and accepted, the right-of-way widths shall not be less than the minimum dimensions for each classification as follows:
  - a. County State Aid Highways and County Roads 100 feet
  - b. Minor residential street 66 feet
  - c. Marginal access service road 50 feet
12. Minor street access to County, County State Aid, State and Federal highways shall not be permitted at intervals less than six hundred (600) feet.
13. Road and highway grades, and horizontal and vertical alignment standards, shall be acceptable to the County Highway Engineer.
14. Prohibited Plans. The following are prohibited and shall not be approved:
  - a. Half streets, unless approved by adjoining property owners.
  - b. Private streets.
  - c. Reserve strips controlling access to streets.
  - d. Intersections with more than four corners.

2. Street Names

- A. All street names shall be approved by the Planning Commission and shall conform to any established numbering and naming system.
- B. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names except that streets that join or are in alignment with streets of an abutting or neighboring subdivision may bear the same name.
- C. The subdivider shall install street signs as required and approved by the engineer.

3. Utilities

A. Water Services

1. Where connection with a public water system is feasible, that system shall be utilized and service shall be provided to each lot.
2. When a public water system is not available, individual wells are permitted in accordance with Subdivision 4, Subpart 3(G) of this subdivision and all other applicable state and local requirements.

B. Sanitary Sewer

1. Where connection with sanitary sewer trunk lines is feasible, the subdivider shall install approved sanitary sewer and make the connection with the trunk lines so as to provide service to each lot.
2. On site disposal systems may be permitted provided they conform to Subdivision 4, Subpart 3(G) of this subdivision and all other applicable local and state requirements.

C. Storm Sewer/ Drainage

1. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates in the developed property. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.
2. Where connection with an existing storm sewer system is feasible, that system shall be utilized so as to provide complete drainage of the subdivision.
3. Drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
4. In the absence of an existing storm sewer system, the subdivision shall be designed so as to completely be drained by a system of open ditches, culverts, pipes, and/or catch basins.
5. All drainage systems shall be approved by the engineer.

D. Electrical

1. Electrical utilities, whenever feasible, shall be installed underground and completed prior to street surfacing.
2. When overhead power lines are utilized, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

E. Gas

1. When natural gas is to be utilized, the lines shall be installed by the appropriate gas company and be completed prior to street surfacing.

F. Telephone

1. Telephone facilities, whenever feasible, shall be installed underground and completed prior to street surfacing.
2. When overhead telephone lines are utilized, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

G. On-site Utilities

1. In areas that are not served by public water and sanitary sewer, no residential lot shall be developed unless it contains sufficient surface area for the existing subsurface soil conditions so as to prevent possible pollution problems.
2. All individual wells and on-site sewage disposal systems shall conform to the applicable state and local requirements.

H. Easements

1. Easements at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. The easements shall have continuity of alignment from block to block; and at deflection points, easements for poleline anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines to right-of-ways.

2. Easements shall be provided along each side of the centerline of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for water run-off and installation and maintenance of storm water drainage system.
  3. Where a subdivision is traversed by a watercourse, ditch, drainageway, channel or stream, there shall be provided a storm drainage right-of-way as required by the engineer, and in no case less than twenty (20) feet in width on each side of the bank.
  4. Easements shall be dedicated for the required use.
4. Lots
- A. The lot arrangement shall be such that in constructing a building in compliance with the zoning ordinance, there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots shall not be of such depth as to encourage the later creation of a second building lot at the front or rear.
  - B. All side lines of a lot shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.
  - C. The lot dimensions shall not be less than the minimum required to secure the minimum lot area specified in the zoning ordinance.
    1. Corner lots shall have extra width to permit appropriate building setbacks from both streets
    2. Through lots, when permitted, shall have additional depth of ten (10) feet for screen planting along the rear lot line.
    3. Remnants of lots below the minimum required size, left over after subdividing of a longer tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
  - D. Lots abutting upon a watercourse, drainageway, channel, stream or water body shall have additional depth or width, as required to assure that house sites are not subject to flooding.
  - E. In the subdividing of any land, regard shall be shown for all natural features, such as trees, watercourses and bodies, which, if preserved, will add attractiveness to the proposed development.

- F. Where a proposed plan is adjacent to a limited access highway, major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such roads. A temporary entrance may be granted for single tracts until neighboring land is subdivided and the required access can be feasibly provided.

**SUBDIVISION 5. BASIC IMPROVEMENTS**

1. General

- A. Before a final plat is approved by the County Board, the Board may require the subdivider of the land included in the final plat to execute and submit to the County Board an agreement, which shall be binding on his/her or their heirs, personal representatives and assigns, that he/she will cause no private construction to be made on said plat or file or cause to be filed any application for the building permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots to be constructed have access.
- B. Prior to the making of such required improvements, the subdivider shall deposit with the County Auditor an amount equal to one and one-quarter (1 ¼) times the County's estimated cost of such improvements, either in cash or in indemnity bond, with sureties satisfactory to the County, conditioned upon making payment of all improvements and all expense incurred by the County for engineering and legal fees and other expense in connection with the making of such improvements.
- C. No final plat shall be approved by the County Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the street or roads and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the County Engineer, make the area completely safe for residential occupancy, and provide adequate road and lot drainage, the final plat of the subdivision may be approved.
- D. No final plat shall be approved by the County Board without first receiving a report from the County Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the County Engineer.

- E. All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of their construction by the County Engineer. All the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in Subdivision 5, Subpart 1(B).
- 2. Street Design
    - A. Street Improvements
      - 1. All streets shall be graded; and in areas provided with sewer and water, the county may require that the streets be improved by surfacing with concrete or plant mix bituminous and/or be provided with concrete curb and gutters. Such grading and improvement shall be approved as to design and specifications by the engineer. In areas not served by sewer and water, curbs and gutters may not be required; and streets may be of suitable compacted gravel surface as approved by the County Engineer.

**SUBDIVISION 6. RULES AND DEFINITIONS**

- 1. Rules
  - A. For the purpose of these regulations the following terms, phrases, words, and their definitions shall have the meaning given in this Section. When inconsistent with the context, words used in present tense shall include the future tense, words used in the singular number shall include the plural, and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.
- 2. Definitions
  - A. Alley. A public right-of-way which affords a secondary means of access to abutting property.
  - B. Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision or a combination of the above with a river.
  - C. County. The County of Redwood.
  - D. County Board. Board of County Commissioners of Redwood County.
  - E. County Planning Commission. The Redwood County Planning Commission.



- F. Comprehensive Plan. Refers to the group of maps, charts, and texts that make up the Comprehensive long-range Plan of the County.
- G. Design Standards. The specification to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.
- H. Easements. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
- I. Engineer or County Engineer. The professional engineer designated by the County Board to furnish engineering assistance for the administration of this Ordinance.
- J. Final Plat. A drawing or map of a subdivision, meeting all of the requirements of the County and in such form as required by Redwood County for the purposes of recording.
- K. Highway. Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Redwood County numerical route designation.
- L. Parks and Playgrounds. Public land and open spaces in Redwood County dedicated or reserved for recreational purposes.
- M. Percentage of Grade. On street centerline, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
- N. Pedestrian Way. A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lanes.
- O. Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.
- P. Protective Covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

- Q. Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.
- R. Road – Cul-de-sac. A minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- S. Road Width. The shortest distance between lines of lots delineating the road right-of-way.
- T. Subdivider. Any individual firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
- U. Subdivision. The division of any parcel of land into two (2) or more lots, blocks and/or sites, with or without streets in which the smallest lot, block or site has an area of not less than ten (10) acres. This definition shall include resubdivisions.
- V. Surveyor. A land surveyor properly licensed and registered in the State of Minnesota.
- W. Tangent. A straight line that is perpendicular to the radius of a curve where a tangent line meets a curve.
- X. Vertical Curve. The surface curvature on a road or highway centerline located between lines of different percentage of grade.

**SUBDIVISION 7. SUBDIVISION ADMINISTRATION**

- 1. Enforcing Officer
  - A. This Ordinance shall be administered and enforced by an Administrator. The Redwood County Zoning Administrator is hereby designated the Administrator of this Ordinance.
- 2. Duties of the Zoning Administrator
  - A. The Administrator is charged with the enforcement of this Ordinance and the regulations contained therein.

- B. The Administrator shall receive and forward to the Planning Commission all application materials and information governed by the regulations contained in this Ordinance.

3. Variances

- A. Where the County Board of Adjustment finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the official map, or the Zoning Ordinance.
  - 1. Where the County Board of Adjustment finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of the inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may vary such requirements subject to appropriate conditions.
  - 2. Application for a variance shall be made in writing by the subdivider and shall state all facts relied upon by the applicant and be supplemented with maps, plans and other additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.
  - 3. In the granting of a variance from this Ordinance the County Board of Adjustment shall require such conditions as will, in its judgement, secure substantially the objectives of the standards of requirements so varied.
  - 4. Any variance granted shall be made by resolution and entered into the minutes setting forth the reasons which justify the resolution.

4. Variances Permitted

- A. Where the County Board of Adjustment finds the extraordinary and unnecessary hardships result from strict compliance with this Ordinance; variances may be granted provided such variances will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, official map, or the zoning ordinance.

1. Exceptional Topography
  - a. A variance may be granted where the subdivider can show that by reason of exceptional topography or other physical conditions the strict compliance with this Ordinance would cause undue hardship on the enjoyment of a substantial property right.
2. Complete Neighborhood
  - a. A variance may be granted in a case where a subdivision that is large enough to constitute a self-contained neighborhood provided the County Board of Adjustment receives adequate safeguards to assure the development is according to a plan.
5. County Board of Adjustment
  - A. Powers
    1. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Minnesota Statutes, Section 394.21 to 394.37.
  - B. Procedure
    1. The Board of Adjustment shall follow applicable state laws and county ordinances in reviewing appeals from ordinances adopted pursuant to the provisions of Minnesota Statutes, Section 394.21 to 394.37. The procedure for review by the County is outlined in the Redwood County Zoning Ordinance.
6. Amendments to the Subdivision Ordinance
  - A. The procedure for amending this Ordinance is the same prescribed for its adoption.
7. Fees
  - A. The amount of all fees to be paid under the provisions of this Ordinance shall be set by the County Board by resolution.

## **SUBDIVISION 8. VIOLATIONS AND PENALTY**

1. Sale of Lots From Unrecorded Plats
  - A. It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or parcel of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded with the County Recorder.
2. Receiving and Recording Unapproved Plats
  - A. It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless approved in accordance with the requirements of this Ordinance.
3. Misrepresentations as to Construction, Supervision, or Inspection of Improvements.
  - A. It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision has been approved by the County Board, or has been supervised or inspected by the County when such improvements have not been so constructed, supervised, or inspected.
4. Penalty
  - A. Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than three hundred (300) dollars or by a commitment to jail for a period not to exceed ninety (90) days. Each month during which compliance is delayed shall constitute a separate offense.

## **SUBDIVISION 9. SEPARABILITY, REPEAL AND EFFECTIVE DATE**

1. Separability
  - A. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
  2. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.
2. Repeal
- A. The SUBDIVISION ORDINANCE OF REDWOOD COUNTY adopted July 12, 1972, July 15, 1981 is now repealed.
3. Effective Date
- A. This Ordinance is deemed effective 15 days after adoption and upon publication thereof
  - B. Adopted this 23<sup>rd</sup> day of September 2003

Attest \_\_\_\_\_  
Matthew L. Hylan  
Redwood County Coordinator  
Commissioners

\_\_\_\_\_  
Brian Kletscher Chairperson,  
Redwood County Board of