

THE LYON COUNTY SUBDIVISION ORDINANCE

April 1, 2003

AN ORDINANCE AUTHORIZING THE ADOPTION OF PROCEDURES FOR SUBDIVISION AND PLATTING OF LAND, PROVIDING FOR THE ORDERLY, ECONOMIC AND SAFE DEVELOPMENT OF LAND, AND PROVIDING FACILITIES TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE UNINCORPORATED AREA OF LYON COUNTY.

Effective April 1, 2003

Any amendments to the Subdivision Ordinance will be posted on the Lyon County web site at www.lyonco.org

**LYON COUNTY
LAND SUBDIVISION ORDINANCE**

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ARTICLE 1: GENERAL PROVISIONS

SECTION 1.1 TITLE

This Ordinance shall be known as the Lyon County Subdivision Ordinance, and will be referred to herein as the Ordinance.

SECTION 1.2 PURPOSE

This Ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the county.
- B. To preserve land in tracts large enough for viable agricultural operations.
- C. To protect and conserve the value of land throughout the county, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- D. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the county.
- E. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
- F. To prevent the pollution of air, streams, and lakes; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the county.
- G. To preserve the natural beauty and topography of the county and to ensure appropriate development with regard to these natural features.
- H. To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the Zoning Ordinance.
- I. Promote cooperation between the county, municipalities and townships in the administration of this Ordinance.

- J. Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

SECTION 1.3 JURISDICTION

The provisions of this Ordinance shall apply to all lands within the un-incorporated areas of Lyon County and areas under the jurisdiction of joint planning boards or under the controls of an approved orderly annexation agreement.

SECTION 1.4 PLATTING AUTHORITY

The County Board shall serve as the platting authority of the un-incorporated areas of the county in accordance with Minnesota Statute Chapters 394, 505, 508 & 508A, as may be amended. A developer or property owner shall not submit a plat or replat to the Office of the County Recorder or Registrar of Titles for filing unless adopted by the affirmative vote of the majority of the members of the County Board approving such plat or replat.

SECTION 1.5 GENERAL REGULATIONS

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, potable water, domestic wastewater, streets, and capital improvements such as schools, parks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.
- B. Each lot created under the provisions of this Ordinance must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the county.

- C. The existing and proposed public improvements shall conform to and be properly related to the Comprehensive Plan and the County Capital Improvement Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance, the Comprehensive Plan, township or Municipal Regulations, and Capital Improvement Plan.

SECTION 1.6 APPLICATION OF RULES

The language contained in this Ordinance shall be interpreted in accordance with the following rules of construction as applicable:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The words "must" and "shall" are mandatory, not discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future. Words used in the singular shall include the plural, and the plural the singular.
- D. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- E. All stated and measured distances shall be taken to the nearest integral unit of measure. If a measured distance is one-half ($\frac{1}{2}$) unit or less, the unit next below shall be taken.
- F. All distances, unless otherwise specified, shall be measured horizontally.
- G. All references to the masculine gender shall include the feminine and neuter genders.
- H. The word "lot" shall include the terms "parcel" or "tract".
- I. Unless otherwise defined herein, words or phrases used in this Ordinance shall have the meaning given in other applicable Lyon County Ordinances, Minnesota Statutes and Rules, and federal laws where applicable.
- J. All words or phrases used in this Ordinance that are not defined in A-I above shall be interpreted so as to give the same meaning as they have in common usage and so as to give this Ordinance its most reasonable interpretation.

SECTION 1.7 DEFINITIONS

The following definitions have the meaning given them solely for the purposes of implementation of this Ordinance:

Alley - A public right-of-way that affords a secondary means of access to abutting property.

Applicant – The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

Best Management Practices (BMPs) –Best management practices as described in current Minnesota Pollution Control Agency’s manual and other sources as approved by the county.

Block - An area of land within a subdivision which is entirely bounded by streets or by a combination of streets, railroad right-of-way, or public parks, the exterior boundary or boundaries of the subdivision, or the shoreline of the above with a lake, stream, or river.

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

1. The slope rises at least twenty five (25) feet.
2. The grade of the slope from the toe of the bluff to the top of the bluff averages thirty (30%) percent or greater.

Bluff Impact Zone - A bluff and land located within twenty (20) feet from the top of a bluff.

Bluff, Toe – The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18%) percent.

Bluff, Top – The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18%) percent.

Boulevard - That portion of the street right-of-way between the curb line or edge of the pavement and the property line.

Buffer Yard – A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Land – Non-hydric land having a size and configuration capable of supporting principal and accessory buildings, with an approved domestic wastewater treatment system and potable water system.

Building - Any structure having a roof, which may provide shelter or enclosure of persons, animals, cattle, or property of any kind.

Building Line - A line parallel to a lot line, or the ordinary high water level where applicable, at the minimum required setback beyond which a structure may not extend.

Capital Improvement Plan - An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

Certificate of Survey – A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Cluster Development - The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Common Open Space - Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.

Community Water and Sewer Systems - Utility systems serving more than one building or lot.

Comprehensive Plan - The Lyon County Comprehensive Plan.

Conveyance System – Any path, including but not limited to, ditches, streams, overland flow channels, and storm sewer systems, traveled by water as it passes through the watershed.

Conveyor, Lateral – Any system that provides drainage for local areas that do not have natural or artificial water storage or retention areas or natural channels. “Lateral conveyors” outlet into natural or artificial water storage or retention areas or outlet directly into “outflow conveyors.”

Conveyor, Outflow – Any system, including but not limited to, streams and other natural channels, that forms the outlet for a natural or artificial water storage or retention area of any landlocked depression where the accumulated runoff from extreme storm events would pose risk of injury or property damage.

County Board - Includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the Lyon County Board of Commissioners.

Cul-de-sac - (See Street).

Developer - A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

Diameter – The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level).

Development Review Team – A committee consisting of the County Planning and Zoning Administrator, County Highway Engineer, SWCD, utilities providers, and township official(s) from the affected township, and other affected jurisdictions or agencies, whose purpose is to review a proposed sketch plan based on compliance with all local regulations and make comments to the developer prior to submittal of the subdivision application.

Drip Line – The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.

Easement - The right to use the land of another owner for a specified use. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, individual sewage treatment systems, utilities, drainage, driveways, or other uses.

Engineer - The Township and/or County Engineer or an engineer employed by the township and/or county.

Escrow - The deposition of funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

Filter Strip – A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintain as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Financial Guarantee – A financial security consistent with Article 10 of this Ordinance, posted with the township and/or county with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the township and/or county.

Floodplain Related Definitions:

1. Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
2. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
3. Flood Fringe - That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Lyon County.
4. Floodplain - The channel or beds proper and the areas adjoining a wetland, lake or watercourse, which have been, or hereafter may be covered by the regional flood. Floodplain areas within Lyon County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
5. Floodway - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
6. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
7. Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Forester – A person holding a bachelor’s degree in forestry from an accredited college of forestry.

Frontage - That boundary of a lot which abuts a publicly maintained road.

Grade, Percentage of - The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

Hydric Soil – For the purposes of this Ordinance, hydric soils shall include:

1. Hydric soils as shown on the Lyon County Geographic Information System (GIS); or
2. Land inside of the 100 year floodplain area, as determined by the county, using two (2) foot contour surveys of relevant areas; or
3. A field delineation of the hydric soils by a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987 Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

Improved, Lot - Any building, structure, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Improvement, Public - Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which township or county responsibility is established.

Land Disturbance – Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Landscape Architect – A person licensed by the State as a landscape architect.

Lot, Corner – A lot situated at the junction of, and abutting on two (2) or more intersecting streets. On a corner lot, both streets shall be deemed front lines for the application of this Ordinance.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line - A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot, Through - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both streets shall be deemed front lines for the application of this Ordinance.

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

Metes and Bounds - A method of property description by means of their direction and distance from an identifiable point of beginning.

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 preliminary plat.

Official County Map - A map adopted in accordance with the provisions of Minnesota Statute 394.361, as may be amended.

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

Outlot - A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the township or county and the developer; or for a public purpose and for which no building permit shall be issued except for open air structures allowed in an Open Space Design Development (OSD).

Owner - Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Parks and Open Space – Any tract or parcel of land designated and used by the public for active or passive recreation. Or any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment for the use and enjoyment of owners, occupants, and their guests of land adjoining such open space.

Planning and Zoning Administrator – The individual appointed by the Lyon County Board to administer the provisions of this Ordinance or the appropriate designee.

Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended.

Plat, Final - The final map or drawing on which the developer's plan or subdivision is presented to the County Board for approval and which, if approved, will be submitted to the Office of the County Recorder or Registrar of Titles for filing.

Plat, Preliminary - The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

Potable Water – Any water suitable for drinking or cooking purposes.

Premature Subdivision – A subdivision of land or plat meeting any of the requirements of Section 2.3 of the Lyon County Subdivision Ordinance.

Protective Covenant - A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the County Recorder or the Registrar of Titles.

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

Registered Land Surveyor - A land surveyor licensed and registered in the State of Minnesota.

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

Right-of-Way - A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

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

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.

Shoreland - Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level of a lake, pond or flowage or three hundred (300) feet from such river or stream or the landward extent of a floodplain designated in the Lyon County Zoning Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides, which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources, and the County Commissioners.

Street - A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets.

Principal Arterial - Streets that include all interstate freeways and other roadways that provide for the longest trips. The emphasis is on mobility rather than land access.

Minor Arterial - A street system that serves medium to short trips and provides access to the principal arterial. They interconnect concentrations of commercial or industrial land uses and connect cities and towns of the region to each other and to similar places outside the region. The emphasis is still on mobility rather than land access.

Collector - A street that provides connection between neighborhoods and from neighborhoods to minor business concentrations. Mobility and land access are equally important.

Local - Those that remain, serving the shortest trips and providing access to adjacent property.

Cul-De-Sac - A local street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

Service or Frontage - A local street which is parallel and adjacent to a highway or an arterial street and which provides access to abutting properties and protection from through traffic.

Street Width - The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivision - The creation of one or more lots under the provisions of this Ordinance.

Zoning Ordinance - The Lyon County Zoning Ordinance, as may be amended, regulating the use of land within the un-incorporated areas of the county.

SECTION 1.8 RESTRICTIONS ON RECORDING AND BUILDING PERMITS

No person shall present a subdivision for recording in the Office of the County Recorder or Registrar of Titles, nor shall it have any validity unless approved under the provisions of this Ordinance. The county shall not issue construction permits for any structure on any lot in a subdivision that has not received final approval pursuant to this Ordinance. Nothing in this section shall prevent a property owner from completing the restoration of property prior to approval of a subdivision or plat.

SECTION 1.9 COMPLIANCE WITH COMPREHENSIVE PLAN, ZONING ORDINANCE, AND OFFICIAL MAP

All subdivision of land shall comply with the provisions of the Comprehensive Plan, Zoning Ordinance and Official Maps.

SECTION 1.10 FEES

The County Board shall establish the fees for all applications and for all permits by resolution. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

ARTICLE 2: GENERAL PROVISIONS FOR THE SUBDIVISION OF LAND

SECTION 2.1 PLATTING REQUIRED

- A. All subdivisions of land resulting in lots less than forty acres in the Highway Commercial District or five (5) acres in any other district shall be regulated by this Ordinance and shall be platted in accordance with the procedures of Articles 3, 4 and 5 of this Ordinance, with the exception of those subdivisions of land specifically provided for in Article 6 of this Ordinance.
- B. Whenever any subdivision of land is proposed, regardless of whether the land has been previously subdivided; before any contract is made for the sale of any part thereof; and before any permit for the erection of a structure on such proposed subdivision shall be granted; the subdividing owner or an authorized agent shall receive final approval of such subdivision in accordance with the procedures in Articles 3, 4, and 5 of this Ordinance. A sign advertising the subdivision may be erected after preliminary approval is granted, in compliance with Section 17.3.G of the Lyon County Zoning Ordinance, as may be amended.
- C. In all zoning districts any divisions of property resulting in a tract less than ten (10) acres shall be surveyed by a licensed surveyor.

SECTION 2.2 VARIANCES

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use. But, where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from these subdivision regulations, provided that such variances shall not have the effect of nullifying the intent and purpose of this Ordinance, the Zoning Ordinance, or the Comprehensive Plan. Procedures and criteria for review of variance requests shall be the same as outlined in Article 26 of the Lyon County Zoning Ordinance as may be amended.

SECTION 2.3 PREMATURE SUBDIVISIONS

The County Board shall deny any preliminary plat, final plat and/or development deemed premature pursuant to the criteria listed below.

- A. Condition Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the provisions which follow exist:
1. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
 - (a) Surface or subsurface water retention and runoff is such that it constitutes a hazard resulting in flooding, loss of life, property damage, or other losses.
 - (b) The proposed subdivision will cause pollution of water bodies or damage to other natural resources.
 - (c) The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.
 - (d) The proposed subdivision fails to comply with the storm water management requirements of the Lyon County Zoning Ordinance, as may be amended.
 - (e) Factors to be considered in making these determinations may include: average rainfall for the area; area drainage patterns; the relationship of the land to floodplains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope and stability of the land; and the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources.
 2. Lack of Adequate Potable Water Supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
 3. Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:

- (a) County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when, said roads are inadequate for the intended use.
 - (b) The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on highways existing at the time of the application or proposed for completion within the next two (2) years.
- 4. Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if in subdivisions for which sewer lines are proposed, there is inadequate public or private sewer capacity in the present system to support the subdivision if developed to its maximum permissible density, or if in subdivisions where sewer lines are neither available nor proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Lyon County Comprehensive Plan, as may be amended.
- 5. Inconsistency with Comprehensive Plan. A proposed subdivision shall be deemed inconsistent with the Lyon County Comprehensive Plan when the subdivision is inconsistent with the purposes, objectives and/or recommendations of the adopted Comprehensive Plan of Lyon County, as may be amended.
- 6. Public Service Capacity. The county, township or school district lacks necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.
- 7. Minnesota Environmental Quality Board (EQB) Policies. The proposed subdivision is inconsistent with the policies of the EQB, as may be amended, and could adversely impact critical environmental areas or potentially disrupt or destroy historic areas, which are designated or officially recognized by the County Board as being in violation of Federal and State historical preservation laws.

8. Inconsistency with Capital Improvement Plans. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the Lyon County, township or other regional Capital Improvement Plans. The County Board may waive this criteria when it can be demonstrated that a revision to capital improvement plans can be accommodated.

B. Burden of Evidence.

The burden shall be upon the applicant to show evidence that the proposed subdivision or development is not premature.

C. Procedure for Subdivision in Urban Expansion Area

Subdivisions with the Urban Expansion (UE) district are subject to additional review by the affected Municipality. Prior to acceptance of the preliminary plat application, a property owner or developer shall meet with the affected municipality to determine if annexation of the subject property is feasible. If annexation is not feasible, the subdivision or plat application shall proceed under the county regulations.

Subdivisions or plats within the UE districts shall not be considered premature subdivisions if the affected municipality reviews the sketch plan and submits a letter of support for the application.

ARTICLE 3: SKETCH PLAN

Developers shall prepare, at the discretion of the Planning and Zoning Administrator, a sketch plan depicting a subdivision proposal. The sketch plan, and accompanying information, shall serve as the basis for discussions between the developer, the Planning and Zoning Administrator, the Town Board representatives, and is intended to provide the developer with a review of the subdivision without incurring major costs.

SECTION 3.1 INFORMATION REQUIRED FOR SKETCH PLAN

Prior to the formulation of a preliminary plat, applicants shall present a sketch plan to the Planning and Zoning Administrator prior to the filing of a formal application. The sketch plan shall include the following information:

- A. Name and address of developer/owner.
- B. Date of plan preparation.
- C. Scale of plan (engineering scale only).
- D. North arrow indication.
- E. Legal description.
- F. Property location map illustrating the site location relative to adjoining properties and streets.
- G. Scaled drawing (engineering scale only) illustrating property boundaries. The applicant shall use the Lyon County's GIS database, where it is available.
- H. Scaled drawing of the proposed subdivision sketch plan including proposed street patterns; all proposed land uses including any proposed public, common or other parks or open space; and lot layout related to the natural features of the site and adjoining properties.
- I. Proposed densities. In all zoning districts, residential density shall be determined in accordance with the Lyon County Zoning Ordinance.
- J. Natural Features. A generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas, hydric soils and significant slopes or a statement indicating the applicant's general understanding of slope conditions.

- K. Any required zoning changes.
- L. Proposed timing and staging of development.
- M. Proof of ownership or legal interest in the property in order to make application.
- N. Generalized locations for private or cluster sewage treatment facilities, private or public water sources and other applicable utility connections.
- O. For PUD developments, the following additional items shall be submitted:
 - 1. A written statement generally describing the proposed PUD explaining:
 - (a) Its relationship to the comprehensive plan,
 - (b) Its relationship to neighboring properties,
 - (c) The estimated number of dwelling units and a tabulation of the proposed approximate allocations of land uses expressed in terms of acres,
 - (d) The provision that is to be made for the care and maintenance of any common open space or community water or sewer systems, and
 - (e) The general intent of any restrictive covenants that are to be recorded for the PUD.
 - 2. A map depicting the general existing use and development of the subject property and all land within two hundred (200) feet thereof.
- P. Additional information as required by the Planning and Zoning Administrator.

SECTION 3.2 FILING AND REVIEW OF APPLICATION

- A. An application for a sketch plan along with the associated information and fee established by the County Board shall be submitted to the Planning and Zoning Administrator.

- B. The Planning and Zoning Administrator shall submit copies of the sketch plan and associated information to other staff, committees, consultants, or agencies as appropriate.
- C. Development Review Team (DRT) Meeting. The sketch plan shall be presented to the Planning and Zoning Administrator, other relevant agencies and departments, and township representatives to discuss the proposed subdivision. Through this meeting, the Planning and Zoning Administrator will summarize the information requirements and issues related to the specific subdivision request.
- D. The Planning and Zoning Administrator shall advise the developer as to the conformance of the subdivision with the Comprehensive Plan, the Subdivision Ordinance, Zoning Ordinance, and other applicable official controls.
- E. If the developer decides to proceed with the subdivision as proposed or revised, he may proceed with the preparation of the preliminary plat as provided in Article 4 of this Ordinance.

SECTION 3.3 DETERMINATION OF REQUIREMENT FOR ENVIRONMENTAL REVIEW DOCUMENTS

The County Planning and Zoning Administrator shall review the sketch plan and shall determine if a wetland delineation as required by the Wetland Conservation Act or an Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), or Alternative Urban Area-Wide Review (AUAR) is required pursuant to Minnesota Rules. If such documents are required, the Planning and Zoning Administrator shall notify the developer of the requirement. The costs for the preparation and administration of the state and/or federal environmental reviews shall be borne by the developer.

ARTICLE 4: PRELIMINARY PLAT

SECTION 4.1 INFORMATION REQUIRED FOR PRELIMINARY PLAT

After the completion of the sketch plan application process, if requested, the owner or developer shall file with the Planning and Zoning Administrator an application for preliminary plat approval. The preliminary plat stage is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by the Planning and Zoning Administrator, the Town Board, the Planning Commission, the County Board, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. The preliminary plat is a plan of how property will be subdivided and developed. The preliminary plat shall substantially comply with an approved sketch plan.

Additional information or modifications may be required by county Planning and Zoning Administrator, Town Board, the Planning Commission or County Board and additional information may be requested during the review process. In certain cases some information required by this Ordinance may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

Preliminary plat information is typically furnished on maps; however, some information is more appropriately submitted in other forms. The plat, and associated information, shall be submitted in a form that is legible, organized and understandable. The preliminary plat application shall consist of maps and accompanying documents. The preliminary plat shall contain only those items required for plats by the State. Any other required application items shall be submitted as accompanying documents.

The application shall comply with all requirements of the Lyon County Zoning Ordinance relating to stormwater management, flood plains and wetlands, as may be amended.

A. General Information

1. The proposed name of the plat.
2. Date of application, name, address, phone number and applicable license number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney or other principle involved in the development of the plat.
3. Proof of ownership or legal interest in the property in order to make application.

4. Township, school district, watershed management organization, or other special district in which the proposed plat is located.
5. Existing zoning or any zoning changes needed, or reference to any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.
6. Total acreage of the land to be subdivided.
7. Six (6) paper copies of the preliminary plat and supporting documents, plus any additional copies deemed necessary by the Planning and Zoning Administrator, plus one (1) reproducible copy reduced to 11" x 17" along with one (1) copy of the preliminary plat and all related engineering plans in a digital format (DXF file in county coordinates) compatible with county requirements.
8. North arrow and scale of one to two hundred (1:200) to one to fifty (1:50) depending upon the size of the plat and the detail of the information to be shown.
9. Proposed street names.
10. Results of site evaluation, including percolation tests and soil borings.
11. Use of road right-of-way when determining density and minimum lot size. See Section 16.11 of the Lyon County Zoning Ordinance.
12. Any additional information as requested by the Planning and Zoning Administrator.

B. Existing Features to Be Shown

1. Existing property lines and property lines extending two hundred (200) feet from the exterior boundaries of the parcel to be subdivided, including the names of the adjacent property owners shall be indicated.
2. Existing roads, both public and private, showing width of road, type of construction, and any associated easements.

3. Any and all existing public and private easements with purpose of easement and types and location of any facility or installation that is located in the easement.
4. Location, size, capacity of all existing and abandoned drainage, stormwater, and agricultural tiles; individual sewage treatment systems, wells, and utilities, including poles located on the property and to a distance of two hundred (200) feet beyond the property, based on available information.
5. Permanent buildings or other substantial land uses located on the property and to a distance of two hundred (200) feet beyond the property.
6. For all commercial and industrial developments and for residential developments requiring a resource management plan, topography at two (2) foot intervals, extending at least one hundred (100) feet beyond the limits of the property. Topography at two (2) foot intervals, extending at least one hundred (100) feet beyond the limits of the property is required for all other development.
7. A report, prepared by a Minnesota Pollution Control Agency (MPCA) licensed designer, on the feasibility of individual sewage treatment systems (ISTS) and water systems on each lot or a communal or shared sewage and water system serving the subdivision. The report shall follow the provisions of the Lyon County Zoning Ordinance and the Minnesota Rules Article 7080, as may be amended, and include soil boring analysis or percolation tests to verify report conclusions.
8. A delineation of hydric soils within the subdivision. Acreage calculation for buildable land for lots (non-hydric land, non-floodplain land, and area above the ordinary high water level (OHWL) of lakes, rivers, and wetlands, determined using one of the following methods:
 - (a) Non-hydric soils as shown on the Lyon County Geographic Information System (GIS); or
 - (b) Land outside of the 100 year floodplain area, as approved by the county using two (2) foot contour surveys of relevant areas; or
 - (c) A field delineation of the hydric soils by a licensed wetland delineator or a Registered Soil Scientist following the criteria found in the United States Army Corps of Engineers Wetland Delineation Manual (1987

Manual) or the Natural Resource Conservation Service publication Field Indicators of Hydric Soils in the United States.

The local government unit (LGU) has the primary responsibility for administration of the Wetland Conservation Act and for making wetland determinations. The LGU for Lyon County is the Lyon County Soil and Water Conservation District.

9. Waterways, watercourses, lakes, and wetlands with ordinary high water level and one hundred (100) year flood elevations shown on the map and delineated in the field.
10. The toe and top of any bluffs present.

C. Proposed Features to be Shown.

1. Proposed lot lines, dimensions, and the gross and non-hydric soil acreage of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown.
2. Location and total area expressed in acres of all proposed uses, including parks and open space, stormwater retention areas, and areas of common ownership.
3. Location, grade, and width of proposed streets, pedestrian ways, bicycle paths, trails, walking paths and provision for extending streets to serve adjacent areas. Access and street classifications shall be consistent with the Transportation Chapter of the Lyon County Comprehensive Plan.
4. Plans for the installation of electricity, streetlights, telephone, gas, and drainage and stormwater facilities.
5. Location of proposed structures, including any existing structures that will remain, driveways, percolation tests and soil borings, if applicable, and two (2) sites suitable for individual sewer treatment systems with the method outlined for protecting the alternate individual sewage treatment system site for future use.
6. Grading plans showing how the site will be graded and showing the final contours into the existing contours. Grading and/or Resource Management Plans shall include erosion and sediment control measures to be implemented both during and after development. Locations for stockpiling

of soils, the proposed 100-year floodplain elevation, and a vegetation restoration plan for all areas disturbed by grading shall be illustrated on the plan.

7. A wetland delineation and wetland mitigation plan shall be submitted in accordance with the Lyon County Zoning Ordinance, as may be amended, and Minnesota Wetland Conservation Act of 1991, as amended.
8. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and water bodies, including stormwater retention areas and easements for the installation of utilities.
9. The minimum setback requirements with resulting building envelope.

D. Additional Information Required

1. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review.
2. Proposed title declarations for residential lots adjoining potential future development open spaces notifying the prospective homeowner of the intent to have the open space developed in the future.
3. Information or easements showing how public and/or private utilities, drainage, and roads can be extended to serve adjacent property.
4. Landscape and screening plans showing landscape plantings for street boulevards, subdivision entrances, and buffer yards.
5. A statement describing the provision that is to be made for the care and maintenance of any common open space and any community sewer or water systems.
6. A written statement of the proposed number of dwelling units.
7. All other information that may have been required by the County in conjunction with the approval of the Sketch Plan.
8. A statement summarizing all changes which have been made in any document, plan, data or information previously submitted.

9. For PUD developments, the following items shall also be submitted:
 - (a) Preliminary architectural typical plans indicating use, floor plan, elevations and exterior wall finishes of all proposed buildings, except single-family homes.
 - (b) A tabulation indicating the gross square footage of any commercial and industrial floor space by type of activity (i.e. drug store, dry cleaning, etc.).
 - (c) A draft PUD agreement outlining all terms, requirements and conditions of the proposed PUD zone, consistent with all items submitted for the Sketch Plan and Preliminary Plat and the Lyon County Zoning Ordinance.
10. Any additional information as requested by the Planning and Zoning Administrator.

SECTION 4.2 FILING AND REVIEW OF APPLICATION

A. Complete Application

The preliminary plat application shall be considered to be officially filed when the Planning and Zoning Administrator has received and examined the application and has determined that the application is complete.

B. Procedure

1. Sketch Plan. Prior to submittal of a preliminary plat application, the property owner shall submit a sketch plan and meet with the Development Review Team (DRT) to discuss the subdivision application in accordance with Article 3 of this Ordinance.
2. The applicant shall meet with the Development Review Team (DRT) to discuss the proposed preliminary plat application. Through this DRT meeting, the Planning and Zoning Administrator shall summarize the information requirements and issues related to the request. A second DRT meeting may be scheduled if deemed warranted to assist the applicant in the submission of a complete application.

3. The person applying for preliminary plat approval shall submit to the Planning and Zoning Administrator a complete application and all other information required no later than four (4) weeks prior to a regularly scheduled Planning Commission meeting. The application shall address the informational requirements and issues identified through the sketch plan review procedure.
4. A complete preliminary plat application shall include:
 - (a) A graphic and written description of the information requirements outlined in Section 4.1 of this Ordinance.
 - (b) Supporting information described by the Planning and Zoning Administrator during the sketch plans review or subsequent DRT meeting. The Planning and Zoning Administrator may request the applicant to provide documentation that describes the subdivision's potential effects or impacts on public facilities, utilities and services including, but not limited, to:
 - (1) Streets.
 - (2) Law enforcement.
 - (3) Ambulance/emergency services.
 - (4) Fire protection.
 - (5) County/Township administration.
 - (6) Schools.
 - (7) Utilities.
 - (c) Applications must be accompanied by a fee and processing escrow established by the County Board.
5. The Planning and Zoning Administrator, upon receipt of the application, shall notify the applicant within ten (10) county business days if the application is found to be incomplete.
6. The Planning and Zoning Administrator shall refer copies of the preliminary plat to other staff, committees, consultants, or agencies as appropriate.
7. Upon receipt of a complete application, the Planning and Zoning Administrator shall prepare a report and refer the application to the Lyon County Planning Commission and the appropriate Township Board for consideration.

8. The application may be reviewed by Township Board. A written recommendation on the application from the Township Board may be forwarded to the Planning and Zoning Administrator. The Township recommendations received by the Planning and Zoning Administrator will be forwarded to the Planning Commission for their consideration of the application at a public hearing. Failure of the township to submit a recommendation shall not prohibit the County Planning Commission from taking action on a complete application.
9. The Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper of the county at least ten (10) days prior to the hearing. Written notice shall be given to the affected board of town supervisors and the city council of any municipality located within two (2) miles of the affected property and within the county. In unincorporated areas, written notice shall be sent to the property owners of record within one-half (1/2) mile of the affected property. Where the subject site adjoins an incorporated area, written notice shall be sent to all property owners of record, within the incorporated areas located within 500 feet of the affected property. The applicant shall be responsible for all costs associated with obtaining the names and addresses of property owners within a municipality.

Timing of the mailed notice shall be the same as that for the published notice.

The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

10. The applicant, or an appointed representative, shall appear before the Planning Commission in order to answer questions concerning the proposed preliminary plat.
11. The Planning Commission and Planning and Zoning Administrator shall have the authority to request additional information from the applicant concerning a preliminary plat. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request by the County Board.

12. The Planning and Zoning Administrator shall prepare a staff report of the findings and recommendations of the Planning Commission. The recommendations of the Planning Commission may be conditional and may be an approval or denial of all or part of the preliminary plat. The recommendation shall be forwarded to the County Board for consideration.
13. If new information becomes available after a formal recommendation by the Planning Commission, or if material changes within the subdivision or plat are proposed, the County Board may at their discretion require an additional public hearing be conducted by the Planning Commission or County Board.
14. The County Board shall take action on the application within one hundred twenty (120) days following acceptance of an application completed in accordance with the regulations of this Ordinance. If it grants the preliminary plat, the County Board may impose conditions it considers necessary to protect the health, safety and welfare of the public
15. The County Board shall take action on the application with a motion of approval or denial which shall include findings of fact, and shall be entered in the proceedings of the County Board and transmitted to the applicant in writing.
16. If the preliminary plat is approved by the County Board, the subdivider must submit a complete application for final plat within one-hundred eighty (180) days after said approval or approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing by the applicant and approved by the County Board.

ARTICLE 5: FINAL PLAT

SECTION 5.1 FILING AND REQUIREMENTS FOR APPLICATION

A. Application Pre-requisites and Deadlines.

Approval of a preliminary plat by the County Board is an acceptance of the general layout, as submitted, and indicates to the developer that he may proceed toward final plat approval in accordance with the County Board approval of the preliminary plat, including conditions.

A complete application for final plat shall be submitted no later than six (6) months after the date of approval of the preliminary plat, or a time as provided in the developer's agreement. Otherwise, the preliminary plat approval shall be considered void, unless an extension is requested in writing by the developer, and for good cause, is granted by the County Board.

The final plat application shall have incorporated all the conditions of County Board approval of the preliminary plat. In all other respects the final plat shall conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat, which the developer proposes to record and develop at that time, provided that such portions conform to all the requirements of this Ordinance. The final plat shall contain only those items required for plats by the State. Any other required application items shall be submitted as accompanying documents.

Approval of the engineering specifications required by this Ordinance pertaining to drainage, domestic waste water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed by the county staff and appropriate development contracts signed prior to approval of the final plat by the County Board.

B. Information Required for Final Plat

1. Two (2) hardshell copies of the final plat.
2. One (1) reproducible copy reduced to 11" x 17" of the final plat.
3. Six (6) copies of the final plat and supporting documents, plus any additional copies deemed necessary by the Planning and Zoning Administrator plus one (1) reproducible copy reduced to 11" x 17" along with one (1) copy of the final plat, wetland delineation, topography contours, and all related engineering plans in a digital format (DXF file in county coordinates) compatible with county requirements.

4. One (1) up-to-date (within three (3) months) title insurance or opinion, as the County Attorney or Planning and Zoning Administrator may require.
5. One (1) copy of the developer's agreement, including signature lines for the developer, the county, and Town Board (only if the plat includes the dedication of a public road),
6. One (1) copy of any title declaration, deed restriction, restrictive covenant, or homeowner's association documents in recordable form.
7. Proof the establishment of any entity that is to be responsible for the management and maintenance of any public or common open space or community sewage treatment facilities.
8. Boundary line survey and legal description. Identify any property within the subdivision that is registered (torrens).
9. Existing covenants, liens, or encumbrances.
10. For PUD developments, final architectural working drawings of all structures, except single-family dwellings shall be submitted.
11. One (1) copy of the final plat shall be submitted to the County Surveyor and one (1) copy to the County Recorder to be checked for compliance with the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines LYON COUNTY EDITION, as may be amended.
12. One (1) copy of the approved Resource Management Plan in compliance with the requirements of the Lyon County Zoning Ordinance, as may be amended.
13. Other information as may be required by the County.

SECTION 5.2 REVIEW, APPROVAL, OR DENIAL

The final plat application shall be considered to be officially filed when the Planning and Zoning Administrator has received and examined the application and has determined that the application is complete.

- A. The procedure for the review of the Planning Commission and action by the County Board are the same as for preliminary plat.
- B. The County Board shall approve or deny the final plat by resolution. The resolution shall include findings of fact supporting the approval or denial, and shall be entered in the proceedings of the County Board and transmitted to the applicant in writing.

SECTION 5.3 FORM AND CONTENT

The final plat shall be of the form and content as prescribed in the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines LYON COUNTY EDITION, as may be amended.

SECTION 5.4 RECORDING

If the County Board approves the final plat, the developer shall record the plat within the Office of the County Recorder or Registrar of Titles within ninety (90) days after the date of approval, otherwise the approval of the final plat shall be considered void.

SECTION 5.5 SECURITY/FEEES

Prior to recording of any final plat, all fees, charges, and escrows shall be paid in full covering the costs of the county related to the approved final plat.

SECTION 5.6 PARTIAL APPROVAL - EXTENSION OF PRELIMINARY PLAT APPROVAL

Upon receiving approval of a final plat for a portion of the approved preliminary plat, the developer's agreement shall identify an expiration date for the preliminary plat up to a maximum of five (5) years or as specified within the developer's agreement from preliminary plat approval. If the development is a phased action, the County Board shall recognize the phasing at the time of final approval of the phase of the preliminary plat.

SECTION 5.7 RECORD PLANS

The developer shall submit for review and approval all proposals to change the original plans regarding road construction, drainage, and stormwater management. The developer must obtain written approval by the Town Board (where a public road is involved) and the county prior to changes to the plans. The developer shall submit one (1) set of record

plans (11" x 17") indicating all changes in the work, including accurate as-built locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the completed work.

ARTICLE 6: ADMINISTRATIVE SUBDIVISION

SECTION 6.1 APPLICATION OF PROVISIONS

Notwithstanding the requirements of Article 2.0 of this Ordinance, the provisions of this Article shall apply only to those subdivisions classified as administrative subdivisions.

SECTION 6.2 ADMINISTRATIVE SUBDIVISIONS

The following shall be considered administrative subdivisions:

- A. The exchange of abutting land between owners, the addition of land to an existing lot or the relocation of the boundary line between two abutting, existing parcels of property, provided such exchange, addition or relocation shall not cause the creation of an additional parcel or parcels and the resulting parcel(s) comply with the requirements of the Zoning Ordinance.
- B. The platting of county road right-of-ways.
- C. The division of land created by the separation of an existing dwelling unit from a larger parcel of land meeting the following criteria:
 - 1. The existing dwelling is sold on a tract that is less than (forty) 40 acres in size; and
 - 2. The remnant parcel is not used or sold for a new building site; and
 - 3. The existing dwelling meets all density and setback requirements set forth in the Lyon County Zoning ordinance; and
 - 4. The site has not been previously subdivided.

SECTION 6.3 FILING AND REVIEW OF APPLICATION

- A. Whenever any subdivision of land as outlined in Section 6.2 is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an administrative subdivision.
- B. The administrative subdivision application shall be considered to be officially filed when the Planning and Zoning Administrator has received the application and has determined that the application is complete.

C. Information Required for Administrative Subdivision.

A map or sketch, drawn to scale or survey, if required at the discretion of the Planning and Zoning Administrator, showing:

1. Name and address, including telephone number, of legal owner and/or agent of property.
2. All contiguous property and all roads and their legal name.
3. Proposed new property lines with dimensions noted.
4. Proposed driveway location and location of existing driveways on the same side of the road.
5. Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.
6. Proposed legal description of the parcel(s) to be subdivided.
7. Location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.
8. 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.
9. Location of a primary and an alternate site for individual sewage treatment systems. A copy of percolation tests and soil borings.

SECTION 6.4 PROCEDURE

The Planning and Zoning Administrator shall review the documents and may approve the administrative subdivision when said application complies with the Comprehensive Plan, the Zoning Ordinance, or any other official controls of the county.

The land exchanged, added to, or relocated and combined to a property as indicated in 6.2 shall be considered a single lot for zoning purposes. If possible the lots shall be combined under one (1) Tax Parcel Identification Number (P.I.D.) and one (1) deed.

Two (2) or more parcels required to be considered one parcel for zoning purposes by the Planning and Zoning Administrator shall be consolidated or combined to form a single parcel. The combination or consolidation shall be accomplished through the filing of the appropriate deed or contract for deed transferring interest in all of the parcels to be merged, i.e., a deed by the property owner(s), [the grantor(s)] deeding to herself or himself [the grantee(s)], setting forth the legal descriptions of all said parcels required to be consolidated. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County Assessor's Department.

A written request by the property owners to combine the parcels under one (1) parcel identification number may be required by the County Assessor at the time the consolidating deed is to be recorded. A note shall be placed on the deed as follows: "This is one parcel for zoning purposes."

SECTION 6.5 RECORDING

If the administrative subdivision is approved by the Planning and Zoning Administrator, the applicant shall record the deed, and the accompanying survey, in the Office of the County Recorder or Registrar of Titles within forty-five (45) days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.

ARTICLE 7: DESIGN STANDARDS

SECTION 7.1 CONFORMITY WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE

A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the county, and to the Lyon County Zoning Ordinance, as may be amended.

SECTION 7.2 LAND REQUIREMENTS

- A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.
- B. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the township and county as a whole may develop efficiently and harmoniously.

SECTION 7.3 LOTS

- A. Area/Development Density. The minimum lot area or development density, width and depth shall not be less than that established by the Lyon County Zoning Ordinance in effect at the time of adoption of the final plat.
- B. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Lyon County Zoning Ordinance.
- C. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- D. Width. Every lot must have the minimum width measured at the front yard setback and at the setback from the Ordinary High Water Level (OHWL) of an abutting lake or stream and extending to the location of the principal building.
- E. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Lyon County Zoning Ordinance, as may be amended.

- F. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- G. Lot Remnants. All remnants of lots below minimum lot size left over after subdividing of a larger tract must be added to adjacent lots.
- H. Political Boundaries. No singular plat shall extend over a political boundary or school district line without document notification to the affected units of government.
- I. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, county or state highways, or where topographic or other conditions render subdividing otherwise unreasonable.
- J. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the county an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.
- K. Required Yard Setback Infringements. All single-family residential lots shall be designed in consideration of potentials for buildings accommodating three (3) car garages, porches and decks, etc. Said buildings and structures are to be compatible in size and character with the surrounding area.
- L. Outlots. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open spaces. The outlet shall be sized in a manner to accommodate its intended use. No construction permits shall be issued for an outlot except those permitted in the developer's agreement.

SECTION 7.4 STREETS AND ALLEYS

- A. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

- B. Local Streets. Local streets shall be so planned as to discourage their use by non-local traffic.
- C. Street Plans for Future Subdivisions. Where the plat application includes only part of the tract owned or intended for development by the subdivider, a plan illustrating a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- D. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside the street right-of-way. Financial guarantee will be required for removal or restoration as determined by the County Engineer.
- E. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- F. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than three hundred (300) feet shall be avoided.
- G. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, or a county arterial or collector road, provisions may be made for a local street. The design shall include proper circulation, setbacks from an intersection on the major right-of-ways, minimum distance required for approach connections to future grade separations, and for lot depths.
- H. Half Streets. Dedication of half streets shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided.

- I. Compliance with the Lyon County Transportation Plan. All subdivisions incorporating streets which are identified in the County Transportation Plan, as amended, shall comply with the minimum right-of-way, surface width, and design standards as outlined in said plan, and must be reviewed and approved by the County Engineer.
- J. Street Grades. Except when, upon the recommendation of the County Engineer, the topography warrants a greater maximum, the grades of all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than ten (10%) percent. In addition, there shall be a minimum grade on all streets and thoroughfares of not less than five-tenths (0.5%) percent unless approved by the County Engineer because of existing conditions.
- K. Street right-of-way widths shall conform to county and state standards for highways. If no such standards are applicable, right-of-way and pavement widths shall not be less than the following.

Road Classification	Right of Way Width (ft)	Roadway/Pavement Width (ft)
Minor Arterial	120	36 to 44
Major Collector	120	24 to 36
Minor Collector/ Local (Rural Residential)	100	24
Local (Urban Residential)	60	28 to 32
Local (Rural Commercial/Industrial)	100	36
Local (Urban Commercial/Industrial)	60	36
Cul-de sac, turn around radius (urban residential)	60	42
Cul-de-sac, turn around radius (rural residential)	60	40
Cul-de-sac, turnaround radius (Commercial/Industrial)	60	48
Township or Private Street (Rural Residential)	50	22 to 24
Township or Private Street (Urban Residential)	44	22 to 24
Township or Private Street (Rural Commercial/Industrial)	50	26
Township or Private Street (Urban Commercial/Industrial)	50	26

Urban: refers to a typical urban section with curb and gutter and storm sewer.

Rural: refers to a typical rural section with no curb and gutter and ditch drainage.

Where a subdivision abuts or contains an existing road of inadequate width to conform to these standards, provision for sufficient width shall be made by the subdivider to meet these standards for roads passing through the proposed subdivision, or at least one half (1/2) the sufficient additional width for roads abutting the proposed subdivision.

- L. Street design shall comply with the standards of the Lyon County Highway Department. All local street designs shall be subject to the review and approval of the County Engineer.
- M. Cul-de-Sacs/Dead-End Streets.
 - 1. Dead-end streets (temporary or permanent) without cul-de-sac turn arounds shall be prohibited.
 - 2. Permanent cul-de-sacs shall only be allowed in cases where proper interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.

SECTION 7.5 EASEMENTS

- A. Drainage and utility easements shall be required over any stormwater management facilities, natural drainageways, and wetlands. The size and location of the necessary easements shall be reviewed and approved by the Planning and Zoning Administrator.
- B. In subdivisions being served by communal or public sanitary sewer or water, drainage and utility easements shall be required over all utilities.
- C. In all plats, a subdivision shall provide and indicate easements for utilities and drainage at least ten (10) feet wide along all lot lines, except at the discretion of the County Engineer, utility easements may be required to be a minimum of ninety (90) feet back from the platted road center. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

SECTION 7.6 STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

All subdivisions shall comply with storm water management standards of the Lyon County Zoning Ordinance, as may be amended.

SECTION 7.7 PUBLIC UTILITIES

Telephone, electric, cable, gas service lines and/or other public utilities are to be placed within road right-of-way or within prescribed easements in accordance with county standards.

ARTICLE 8: PUBLIC LAND DEDICATION

SECTION 8.1 DEDICATION OF LAND FOR PARK LAND OR OPEN SPACE

- A. In all new subdivisions where the county agrees that both local and county/regional public park land is needed and will be an asset for the subdivision, the developer shall dedicate park land or open space of suitable quality equal to five (5%) percent of the residential area within the boundaries of the subdivision, which land shall be in excess of any land dedicated for streets and roadways or for drainage or similar uses, or pay the county a fee in lieu in accordance with 8.2 of this Ordinance at the county's option. The Lyon County Park Board shall make a recommendation to the county board on whether to require land dedication or payment in lieu. Administrative subdivisions are exempt from the provision of this section.
- B. Land shall not be dedicated as parks, or open space until the county has approved such lands for the purpose to which they are to be dedicated. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with dead trees, trash, junk, pollutants and unwanted structures is not acceptable.
- C. The land shall be without restrictions or reservations and shall be transferred by deed to the Town Board and/or county. The developer and the county shall agree upon the conditions of the dedicated land at the time of final plat approval, and this agreement shall be part of the developer's agreement. All parkland or open space dedicated under this section shall be for public use and have access from a publicly maintained road.
- D. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit at the discretion of the county against the required local land or cash dedication requirements for park and recreation purposes, provided the county finds it is in the public interest to do so.
- E. The county, upon consideration of the particular type of development, may require lesser parcels of land to be conveyed to the township or county if the township or county determines that present or future residents would require greater or lesser land for park purposes.

SECTION 8.2 PAYMENT IN LIEU OF DEDICATION OF PARK LAND OR OPEN SPACE

When land is not dedicated to the public for park land or open space in a new subdivision, as defined in this Ordinance, the developer shall be required to pay, in lieu of park land or open space dedication, a fee equal to the required dedication percentage multiplied by the gross unimproved value of the subdivision to address local park system needs and to assist in the acquisition and development of the county park system. The County shall request the assessor to establish the market value.

ARTICLE 9: IMPROVEMENTS

SECTION 9.1 RESPONSIBILITY

All required improvements shall be installed and furnished by the developer, including all costs of inspection by the county, at the sole expense of the developer and not the county. If any improvement installed within the boundaries of the subdivision is determined to be of substantial benefit to lands beyond the boundaries of the subdivision, the county may make provisions for causing a portion of the cost of the improvement, representing the benefit to such lands, be assessed against the same and, in such case, the developer will be required to pay only for such portion of the whole cost of said improvements that represents the benefit to the property within the subdivision.

SECTION 9.2 STANDARDS AND REQUIREMENTS

Engineering requirements, standards for plans, the required improvements, and the standards for design and installation shall conform to such standards and specifications as adopted by the county and any additional or more restrictive standards adopted by the county in which the subdivision is located.

SECTION 9.3 SUBDIVISION MONUMENTS

- A. Official monuments, as designated and adopted by the County Surveyor's Office and approved by the County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the County Surveyor. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- B. Pipes or steel rods shall be placed at each lot and at each intersection of street centerlines. All United States, state, county, or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.

- C. To ensure that all irons and monuments are correctly in place following the final grading of a plat and construction of utilities, financial security will be required as determined by the County Surveyor. Proof of the second monumentation shall be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of zoning compliance as provided for in the Lyon County Zoning Ordinance, as may be amended.

SECTION 9.4 STREET IMPROVEMENTS

- A. The full width of the right-of-way shall be graded in accordance with the provisions for construction approved as a condition of the plat.
- B. All streets shall be improved in accordance with the county standards and specifications for street construction, as applicable.
- C. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the county, as applicable. The portion of the right-of-way outside the area surfaced shall be seeded/mulched or rip-rapped by the developer per the resource management plan.
- D. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the county.
- E. Where a subdivision gains access from a county road, the subdivision shall provide the following improvements:
 - 1. Right turn lanes, left turn lanes, and/or bypass lanes may be required on county or township roadways providing access to a subdivision where the current or projected average daily trips (ADTs), traffic speeds, turning movements, and/or other safety considerations will be present, as directed by the County Engineer.
 - 2. Service roadways adjacent to collector or arterial streets shall be required to provide access to industrial or commercially zoned subdivisions as outlined in the Lyon County Comprehensive Plan.
- F. The developer shall be responsible for costs of providing 911 address signs for all lots within the subdivision.

- G. County approved street lighting may be installed at developer's expense at all intersections with county roads at the discretion of the County Engineer and at intersections with state highways as required by the Minnesota Department of Transportation.
- H. All roads serving a subdivision (both on-site and off-site) shall be paved. In the absence of access from a paved road serving the subdivision, the developer shall pay for the construction of the off-site transportation infrastructure improvements necessitated by their subdivision.

SECTION 9.5 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS

- A. For those subdivisions with public sanitary sewer and water facilities, the facilities shall be installed in accordance with the standards and specifications as required by the county and subject to the approval of the Planning and Zoning Administrator.
- B. Where public sewer and water facilities are not available for extension into the proposed subdivision, the county may permit the use of individual water and sewer systems in accordance with applicable state standards, as may be amended.
- C. Community water and sewer may be allowed within a subdivision provided:
 - 1. All on-site community sewage treatment systems shall conform to the performance standards of Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems Minnesota Rules Article 7080 and its appendices and the Lyon County Zoning Ordinance, as may be amended.
 - 2. A community sewage treatment system shall include an operating, financing, and management plan that is controlled by a public entity with taxing authority to insure proper maintenance, management, and financing that is approved by the county.
 - 3. Subdivisions with communal sewage treatment systems shall reserve land area for a replacement system.

SECTION 9.6 DEVELOPER'S AGREEMENT

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into a developer's agreement in writing with the county requiring the developer to furnish and construct said improvements at the developer's sole cost and in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. Approval of the developer's agreement shall be a County Board resolution.

- A. The developer's agreement shall include provisions for the supervision of the details of construction by the County Engineer's Department, and grant to the county, or the developer's agent, authority to coordinate the work to take place under said agreement by any subcontractors authorized to proceed, and with any other work being done or contracted by the county in the vicinity.
- B. The developer's agreement shall require the developer to provide a financial guarantee to ensure completion of all improvements as provided in Article 10 of this Ordinance.
- C. The time for completion of the work, and the several parts thereof, shall be determined by the county upon recommendation of the County Engineer and/or Planning and Zoning Administrator after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
- D. One (1) copy of the developer agreement which was signed by the applicant and the county shall be submitted to the Planning and Zoning Administrator at the time of final plat approval.

SECTION 9.7 CONSTRUCTION PLANS

Construction plans for the required improvements shall conform in all respects with the Lyon County Zoning Ordinance, as may be amended, and all applicable ordinances and standards of the county. Construction documents shall be prepared, at the expense of the developer, by a licensed professional who is registered in the State of Minnesota, and said plans shall contain the licensed professional's certification. Such plans, together with the quantities of construction items, shall be submitted to the County Engineer for approval and for an estimate of the total cost of the required improvements.

Upon approval, they shall become a part of the developer's agreement. Two (2) reproducible copies of the plans approved by the County Engineer shall be furnished to the county.

SECTION 9.8 INSPECTION

All required improvements on the site that are to be installed under the provisions of the Lyon County Zoning Ordinance, as may be amended, and all applicable ordinances and the developer's agreement shall be inspected during the course of construction by the County Engineer, or an appointed agent, at the expense of the developer. It shall be the responsibility of the developer to have an inspector on-site at all times during construction.

At the discretion of the County Engineer, the county may conduct periodic inspections of the work to insure compliance with all construction plans.

SECTION 9.9 COMPLETION OF IMPROVEMENTS

- A. Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the county and the developer shall maintain the same for the period specified in the developer's agreement. Prior to construction of any temporary facility or improvement, the developer shall file with the county a separate financial guarantee for temporary facilities, which guarantee shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
- B. Governmental Units. Governmental units to which these guarantee and agreement provisions apply may file, in lieu of said agreement or financial guarantee, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- C. Failure To Complete Improvement. For a subdivision for which no financial guarantee has been posted, if the improvements are not completed within the period specified by the county in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of such financial guarantee, the county may declare the financial guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the financial guarantee is declared to be in default.
- D. Acceptance Of Dedication Offers. The approval by the County Board of a subdivision plat shall be deemed to constitute or imply the acceptance by the Town Board and county of any dedications required pursuant to this Ordinance.

- E. Upon completion of the improvements, the developer shall submit copies of as-built construction plans, detailing any discrepancies or changes from the original construction plans.
- F. Release of Financial Guarantee and Certification of Satisfactory Completion. The county shall not release a financial guarantee for those improvements required by the County Engineer until the engineer has certified that all required improvements have been satisfactorily completed and until the developer's engineer has certified to the County Engineer, through submittal of detailed plans, or survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the County Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that the improvements are completed, are ready for acceptance by the county and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the county may accept the improvements for dedication in accordance with established procedure.

SECTION 9.10 MAINTENANCE OF IMPROVEMENTS

The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the county in coordination with the developer's agreement.

SECTION 9.11 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS

- A. The county may defer or waive at the time of final plat approval, subject to appropriate conditions, the provisions of any or all such improvements that, in its judgment, are not requisite to the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
- B. Whenever it is deemed necessary by the county to defer the construction of any required improvement because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer shall pay a proportionate share of the costs of the future improvements to the county prior to approval and signing of the final plat and developer's agreement. Or the developer may post a financial guarantee ensuring completion of said improvements upon demand of the county.

ARTICLE 10: FINANCIAL GUARANTEE

The developer's agreement provided in 9.6 requires the developer to provide a financial guarantee. A maintenance bond shall be required as outlined below. In addition, the developer shall provide either an escrow deposit or letter of credit as outlined below. The developer may choose between the letter of credit or escrow deposit.

SECTION 10.1 ESCROW DEPOSIT

- A. An escrow deposit in cash, certificate of deposit, time certificate or other approved form, may be made to the County Treasurer in the sum equal to one hundred fifteen percent (115 %) of the total cost as estimated by the County Engineer, including the cost of inspection, legal and administrative costs incurred by the county, of all of the improvements to be furnished and installed by the developer pursuant to the developer's agreement and which have not been installed by the developer prior to the approval of the final plat.
- B. The county shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the county for completion of work in a case of default of the developer under said agreement, and for any damages sustained by the Town Board and/or county on account of any breach thereof. Upon completion of the work and termination of any liability to the county from the developer under said agreement, the balance remaining in deposit shall be refunded to the developer.
- C. Immediately upon completion of said work, the county shall submit to the developer an itemized bill in detail, setting forth the actual cost of inspection by the county; said bill shall be paid prior to the acceptance of said work by the county.
- D. In the event that the cash escrow is reduced below one hundred fifteen (115 %) percent of cost of work to be completed, the county may stop work on the subdivision until the escrow deposit is replenished to the amount of one hundred fifteen (115 %) percent of the cost of the remaining development work.
- E. The County shall pay any interest on escrow deposits required by state statute.

SECTION 10.2 LETTER OF CREDIT

The developer may furnish the county with a letter of credit from a financial institution providing authorization and guarantee to the county that the county may draw on the developer's account, amounts not to exceed the required financial guarantee.

The required financial guarantee shall be the sum equal to one hundred fifteen (115 %) percent of the total cost as estimated by the County Engineer, including the cost of inspection, legal and administration costs by the county, of all of the improvements to be installed by the developer pursuant to the agreement and which have not been completed or installed prior to the approval of the final plat. The letter of credit shall be irrevocable, and shall provide for thirty (30) days notice to the county and approval by the county of any change, amendment, or termination. The letter of credit shall be accepted as a financial guarantee only after review and approval by the County Attorney and the county.

In the event that the letter of credit is reduced below one hundred fifteen (115 %) percent of cost of work to be completed, the county may stop work on the subdivision until the letter of credit is replenished to the amount of one hundred fifteen (115 %) percent of the cost of the remaining development work.

SECTION 10.3 TWO-YEAR MAINTENANCE BOND REQUIRED

As part of the required Developer's Agreement, the developer shall submit a two (2) year maintenance bond for all improvements made within a development. Improvements that are completed and inspected by the county shall be exempt. The county may utilize these funds for necessary repairs to the improvements for a period not to exceed two years from the date the improvements are accepted by the county or township.

ARTICLE 11: ENFORCEMENT

SECTION 11.1 VIOLATIONS

The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, the cost of prosecution.

SECTION 11.2 PENALTIES

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues shall constitute a separate offense.

SECTION 11.3 APPLICATION TO COUNTY PERSONNEL

The failure of any officer or employee of the county to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

SECTION 11.4 INJUNCTION

In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the county, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

ARTICLE 12: SEVERABILITY AND SUPREMACY

SECTION 12.1 SEVERABILITY

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

SECTION 12.2 SUPREMACY

When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other county ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the county by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

ARTICLE 13: EFFECTIVE DATE

This Subdivision Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and Approved: March 4, 2003

Publication date: March 12, 2003

Effective date: April 1, 2003

Philip Nelson, Chairman
Board of County Commissioners

ATTEST: _____
Greg Lewis
County Administrator

Recommended by: The County Planning Commission

Date: February 18, 2003

Paula Boerboom, Chairperson