

# **ISANTI COUNTY SUBDIVISION ORDINANCE**

*As recommended by the Isanti County  
Planning Commission July 9<sup>th</sup>, 1996  
and amended September 20<sup>th</sup>, 2006*

# **Subdivision Ordinance Of Isanti County, Minnesota**

AN ORDINANCE ESTABLISHING REGULATION FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN ISANTI COUNTY AND OUTSIDE THE BOUNDARIES OF CITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS; PROVIDING FOR THE INSTALLATION OF STREETS, ROADS AND OTHER IMPROVEMENTS; ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

## **Section 1 General Provisions**

### **Subdivision 1 Short Title**

This Ordinance shall be known as the "Subdivision Ordinance of Isanti County" and will be referred to herein as "this Ordinance."

### **Subdivision 2 Purpose and Intent**

This Ordinance is enacted for the following purposes: to safeguard the best interests of Isanti County; to assist the subdivider in harmonizing his interests with those of the County at large, as well as with those of the local towns and cities located within the County; to prevent piecemeal and unplatted development of subdivisions, undesirable, disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions with the County Comprehensive Plan; to secure the rights of the public, with respect to public lands and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development of standards compatible with affected towns and cities within the County.

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Isanti County pursuant to "an act authorizing County Planning and zoning activities; establishing a Board of Adjustment; authorizing the enactment of official controls, and providing penalties for violation thereof," as authorized in Minnesota Statutes Chapter 394, as amended, which regulations the Board of County Commissioners deems necessary for the health, safety, and general welfare of the County.

### **Subdivision 3 Jurisdiction**

The regulations herein governing plats and the subdivision of land shall apply to all the areas of the County lying outside the incorporated limits of cities. Those areas where a municipality has extended their subdivision regulations or to those areas where the County and municipality have implemented the Urban Service Area #1 provisions of the Isanti County Zoning Ordinance shall not be regulated by this Ordinance .

#### Subdivision 4 Application of Ordinance

This Ordinance shall apply to any subdivision of land lying within the jurisdiction of this Ordinance.

#### Subdivision 5 Approvals Necessary for Acceptance of Subdivision Plats

Before any plat shall be recorded or have any validity, it shall be approved by the County Planning Commission and by the Board of County Commissioners as having fulfilled the requirements of this Ordinance. Where any city has adopted extraterritorial subdivision platting regulations as provided by State Law, or where a proposed plat lies within the Urban Service Area #2 district surrounding a city it shall be submitted to and reviewed by said municipality. Township approval and acceptance of the roads shall require a duly adopted Township Resolution which authorizes the Township officials to affix their signatures to the Final Plat.

#### Subdivision 6 Compliance

No plat of any subdivision shall be recorded in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

#### Subdivision 7 Building Permits

No building permits shall be issued for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been complied with.

#### Subdivision 8 Design Standards

All provisions in this Ordinance shall be considered minimum requirements. Design features such as lot, block and street layout shall conform to accepted standards. The Planning Commission and County Board shall interpret standards of acceptable design.

#### Subdivision 9. Consistency With Other Controls

1. Subdivisions must conform to all official controls of Isanti County. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.
2. In the shoreland areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with the County Zoning Ordinance can be provided for every lot.

3. Lots that would require use of holding tanks will not be approved.

#### Subdivision 10 Separability

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved, and shall not affect or impair the validity of the remainder of these regulations or their application.

#### Subdivision 11 Repealer

The Isanti County Subdivision Ordinance adopted on February 10, 1982 and all subsequent amendments adopted by the Isanti County Board of Commissioners, are hereby repealed in their entirety. Any previous Subdivision Ordinance which has not been repealed is also hereby repealed in its entirety.

### Section 2 Rules and Definitions

#### Subdivision 1 Rules

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory and not discretionary.

#### Subdivision 2 Definitions

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

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

Block. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, stream or lake.

County. The County of Isanti.

County Board. The Board of County Commissioners of Isanti County.

County Planning Commission. The Isanti County Planning Commission.

Cul-de-sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design Standards. The specifications to landowners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements and lots.

Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, or highway ditch slope, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

Final Plat. The drawing or map of a subdivision, meeting all of the requirements of the County and the Minnesota State Statutes regarding the platting of land and in such form as required for the purposes of recording.

Comprehensive Plan. The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in tests, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

Hardship. Used in connection with the granting of a variance means the property in question can not be put to a reasonable use if used under the conditions allowed by the official controls: the plight of the landowner is due to circumstances unique to his property not created by the landowner.

Highway. Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with an Isanti County numerical route designation; any township road.

Highway, Minor Road, Township Road

Parks and Playgrounds. Public lands and open spaces in Isanti County dedicated or reserved for recreation purposes.

Percentage of Grade. On street center line, means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100') feet of horizontal distance.

Pedestrian Way. A public or private right-of-way across a block or within a block to provide access for pedestrians and which may be used for the installation of utility lines.

Preliminary Plat. A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

Protective Covenants. Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road - Private. A roadway or strip of land reserved for the use of a limited number of persons or purposes, as distinguished from a publically dedicated road.

Road, Marginal Access. Service roads, parallel with and adjacent to a thoroughfare, which provides access from the thoroughfares to abutting properties.

Road Right - of - Way Width. The shortest distance between lines of lots delineating road rights-of-way.

Sketch Plan. A sketch preparatory to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the zoning office, as to the objectives of these regulations.

Subdivider. An individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Subdivision. For purposes of this Ordinance, the term subdivision shall mean any quarter of a quarter section or government lot which has been or is divided into three (3) or more parcels; or any smaller parcel which is divided into two (2) or more parcels all within the same quarter or a quarter section or government lot. The term includes re-subdivision and where appropriate to the context relates to either the process of subdividing or the land being subdivided or to the development for which it is being subdivided.

Variance. Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

## Section 3 Design Standards

### Subdivision 1 Blocks

1. **Block Length.** In general, for intersecting streets and roads, block length shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads. Where no existing plats control, the blocks in residential

subdivisions shall not exceed thirteen hundred twenty (1,320') feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800') feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for business or industrial use shall not exceed six hundred (600') feet in length.

2. Block Width. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

#### Subdivision 2 Lots

1. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated as required by the Isanti County Zoning Ordinance.
2. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Isanti County Zoning Ordinance.
3. Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.
4. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where topographic or other conditions render subdividing otherwise unreasonable.
5. Every lot must have a minimum required frontage on a public dedicated road or street other than an alley, except on curvilinear street frontage the required frontage may be measured at the building setback line.
6. On the Preliminary Plat, 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 Isanti County Zoning Ordinance. On those lots which are intended for business or industrial use, the setback shall not be less than the setback required by the Isanti County Zoning Ordinance.

#### Subdivision 3 Roads, Highways, Streets, and Alleys

1. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection or roads in the nearest subdivided tracts. The arrangement of highways shall be considered in their relation to the reasonable circulation of traffic, to topographic

conditions, to runoff storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.

2. Dead end streets and roads shall be prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use.
3. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
4. 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 roads and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
5. Under normal conditions, roads shall be designed 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 roads shall be eighty (80<sup>0</sup>) degrees. Road intersection jogs shall have an offset of not less than one hundred twenty five (125) feet.
6. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State highway, provision may be required for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for approach connections to future grade separations, or for lot depths.
7. Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as on-site loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts. Alleys where provided, shall not be less than twenty (20') feet wide. Dead end alleys shall be avoided wherever possible, but if unavoidable, such dead end alleys may be approved if adequate turn around facilities are provided at the closed end.
8. Dedication of half streets or half roads will not be approved.
9. For all public ways hereafter dedicated and accepted, the minimum right-of-way width for streets, roads, highways, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

State Highway	As required by the Mn DOT
County Highways - major collector	120 feet
County Highways - all other	100 feet
Minor Roads	66 feet
Marginal Service Access Roads	66 feet
Alley	20 feet
Pedestrian Way	10 feet

Where the existing or anticipated traffic on State or County highways warrants greater widths of rights-of-way, these shall be required. Right-of-way widths for major intercity highways shall also meet standards established by the Minnesota Department of Transportation (Mn DOT).

- 10. Access to State and Federal highways shall be as required by the Mn DOT.
- 11. Road and highway grades. The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

State Highways	As required by the Mn DOT
County Highways	As required by the Isanti County Highway Dept
Minor Roads	Six percent (6%)
Marginal Service Access Roads	Six percent (6%)
Alleys	Six percent (6%)

In addition, there shall be a minimum grade on all roads and highways of not less than five tenths (5/10) of one percent (1%).

- 12. Road and Highway Alignments. The minimum horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

a. Horizontal - radii of center line:

State Highways	As required by the Mn DOT
County Highways	As required by the Isanti County Highway Dept
Minor Roads	Two Hundred fifteen (215') feet
Marginal Service Access Roads	Two Hundred fifteen (215') feet

b. Vertical - all changes in street grades shall be connected by vertical parabolic curves of such length as follows:

State Highways	As required by the Mn DOT
County Highways	As required by the Isanti County Highway Dept
Minor Roads	Fifty (50) feet per 1% of algebraic grade difference

13. All proposed streets or roads shall be offered for dedication as public rights-of-way. Private roads shall only be allowed as part of a Planned Unit Development and shall be subject to the provisions of an approved "homeowners association" agreement approved by the County as part of the plat approval.

a. Additional conditions for private roads shall include:

(1) a duly executed and recordable contract applicable to all to property owners in the plat which specifies the method of assessment of maintenance costs, and a mechanism to enforce payment by each benefiting property owner.

(2) written reasons why it is in the best interest of the subdivider and future property owners that the road system be private and not accessible to the public and not to be accepted or maintained as a township road. Each deed of conveyance must contain reference to the contract for maintenance cost sharing stated above. The plat shall also make reference to the contract for maintenance sharing.

(3) the private road request shall also provide for access of emergency vehicles, should the road be capable of being blocked or gated, the individuals in the subdivision shall have the separate ability to open the road.

b. If the Planning Commission finds the reasons and enforcement mechanisms in place, it shall make a recommendation of approval to the County Commissioners as part of the final plat submission.

c. Any private road approved by the County Board of Commissioners shall be constructed in accordance with the standards set forth for public roads in this ordinance.

d. The private road shall be memorialized on the plat.

14. Cul-de-sacs shall be limited to six hundred (600) feet in length. All cul-de-sacs shall have an outside curb radius of at least sixty (60) feet.

15. All roads improved as part of a subdivision plat shall meet the following road cross-section requirement ;

a. A minimum graded roadway top of thirty (30) feet,

b. A gravel surface of twenty-six (26) feet wide

c. A minimum of six (6) inches of Class 5 aggregate base,

d. A minimum inslope of 4:1, and a backslope of 3:1,

e. A minimum ditch depth of two (2) feet measured from the shoulder,

f. A minimum ditch bottom width of four (4) feet,

- g. All available topsoil shall be salvaged on the slopes and ditch bottom, and seeded with an appropriate seed mixture. All exposed slopes shall also be stabilized to reduce erosion.

#### Subdivision 4 Easements

1. An easement for utilities at least seven (7') feet wide shall be provided along the side line of lots, front line and/or rear line of lots where necessary to from a continuous right-of-way, at least fourteen (14') feet in width. 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.
2. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the County Board, by ordinance, upon the recommendation of the Planning Commission.
3. Drainage and Wetland easements shall be required where necessary to ensure proper drainage , and protect the interests of the public and the environment.

#### Subdivision 5 Public Sites and Open Space

1. In order to provide for suitable public and semi-public parks, playgrounds , conservation areas or other public recreation or openspace areas, the County shall receive an established fee based upon the number of lots to be created , or a per lot basis. This fee shall be collected prior to the filing of the application for the final plat and all funds shall be deposited into a separate account held by the County for the express purposes of park, or open space acquisition and development. The fee shall be established by Board resolution and may be revised from time to time by the Board.

#### Subdivision 6 Shoreland Land Suitability Analysis

- 1 Each lot created must be suitable in its natural state for the proposed use with minimal alteration.
2. Suitability analysis shall be based upon material provided by the DNR and shall consider the following:
  - a. susceptibility to flooding;
  - b. existence of wetlands;
  - c. soil and rock formations with severe limitations for development;
  - d. severe erosion potential;
  - e. steep topography;
  - f. inadequate water supply or sewage treatment capabilities;

- g. near shore aquatic conditions unsuitable for waterbased recreation;
  - h. important fish and wildlife habitat;
  - i. presence of significant historic sites;
  - j. 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 the current residents of the county.
3. The suitability analysis may find the presence of the identified conditions, however, their presence may not necessarily render the site unsuitable for subdivision. The subdivision shall be required to incorporate these features into the design of the subdivision.

## Section 4 Plats: Submission Procedure and Data

### Subdivision 1 Isanti County Plat Manual

All technical platting requirements for final plats shall conform to the Isanti County Plat Manual as developed by the Isanti County Zoning and Isanti County Surveyor's Office.

### Subdivision 2 Sketch Plan

1. Prior to the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit for review with the Zoning Office, subdivision sketch plans which shall contain the following information: tract boundaries, north point, description of nature and purpose of tract, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, and proposed general lot layout. On the basis of the Sketch Plan a site review shall be made.
2. Such sketch plans will be considered as submitted for informal and confidential discussion between the subdivider and the Zoning Office. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the Commission.
3. As far as may be practical on the basis of a sketch plan, the Zoning Office will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance.

### Subdivision 3 Preliminary Plat

1. Procedure
  - a. County Staff. The County Surveyor, County Engineer and Zoning Administrator shall submit a report to the County Planning Commission concerning the feasibility of the proposed plat and its conformance with the requirements of this Ordinance.

- b. The preliminary plat shall be submitted to the Township Board, or Boards in which the subdivision is located, for review and preliminary approval of the road design . Only those Townships with established Planning Commissions and Subdivision Ordinances shall be required to undertake approval of the entire plat.
- c. If the plat is located within the Urban Service Area - 2 District, the plat shall be submitted to the Planning Commission and City Council of the nearest city for review .
- d. For all subdivisions in shoreland areas the Suitability Analysis required in Section 3 Subdivision 6, shall accompany the application.
- e. Approval of the County Planning Commission

After approval of the roads by the Township Board , the preliminary plat shall be submitted to the Planning Commission. An application for a Preliminary Plat shall not be forwarded to the Planning Commission when there is incomplete information or without the Townships approval of the road system, and The Planning Commission shall schedule a public hearing for the purpose of reviewing the preliminary plat. Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the area concerned, and in the official newspaper of the County, at least ten (10) days before the hearing.

Public notice shall consist of a general description of the proposal, the time, date and place of hearing. Written notice of the public hearing shall be sent to all property owners of record within one - quarter mile (1/4 mile) of the affected property, the City Council of any city within two (2) miles of the affected property, and the affected Board of Town Supervisors.

For the purpose of notification, ownership of property within one - quarter mile (1/4 mile) shall be determined by the tax record for the previous year. The owner as herein defined, shall be the fee owner or contract purchaser. The Planning Commission shall act on each plat submitted within sixty (60) days of date of submission; failure to act shall be deemed as approval. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Planning Commission.

- e. Approval of the County Board

After the public hearing and review of the preliminary plat by the Planning Commission, such preliminary plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for consideration.

The County Board shall act on each plat forwarded by the Planning Commission within sixty (60) days after submission to the County Board. Approval or disapproval of the preliminary plat shall be conveyed to the subdivider in writing within ten (10) days after the meeting of the County Board at which such plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the County Board. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the final plat. This approval of the preliminary plat shall be effective for a period of one (1) year unless a single one (1) year extension is granted by the County Board.

2. Data Required. The subdivider shall prepare and submit a preliminary plat as follows, together with any necessary supplementary information.
  - a. Filing. Fifteen (15) half scale and ten (10) full sized copies of a preliminary plat of any proposed subdivision shall be filed with the Planning Commission.
  - b. Contents. The preliminary plat shall contain the following information:
    - i. Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.
    - ii. Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.
    - iii. Names and addresses of the subdivider and the designer making the plat.
    - iv. Graphic scale of plat, not less than one (1") inch to one hundred (100') feet. Except for large subdivisions where a smaller scale will be acceptable after consultation with the Zoning Administrator.
    - v. Date and north point.
    - vi. Existing conditions:
      - 1) location, width, and name of each existing or platted street, road, or other public way, railroad, the utility right-of-way, parks, wildlife, other public open spaces, and/or permanent buildings, within the proposed subdivision or within fifty (50') feet adjacent to the proposed subdivision;
      - 2) all existing sewers, water mains, gas mains, culverts, power or communication cables or other underground installations within the proposed subdivision or within fifty (50') feet adjacent to the proposed subdivision;

- 3) if the subdivision includes shoreland area, the following existing conditions will also be required information to be shown on preliminary plats:
  - the surface water features as obtained from USGA quadrangle topographic maps or more accurate sources;
  - location of 100-year flood plain areas and floodway districts from existing adopted maps or data;
  - a line or contour representing the ordinary high water level and the toe and top of bluffs; and
  - near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.

vii. Proposed Development

- 1) the location and width of proposed streets, roads, alleys, pedestrian ways and easements. Typical road cross sections shall be provided showing grading within the right-of-way, traveled way width, type and thickness of surfacing proposed, base course thickness and type;
- 2) the location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines;
- 3) layout, numbers or letters and approximate dimensions of lots and the number of each block;
- 4) location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation;
- 5) building setback lines with dimensions;
- 6) indication of any lots on which a use other than residential is proposed by the subdivider;
- 7) the zoning district, on and adjacent to the tract;
- 8) additional shoreland information required includes:
  - the minimum building setback distances from the top of bluffs or from the ordinary high water level of lakes or streams;
  - the proposed methods for controlling stormwater run-off and erosion, both during and after construction;

- lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in the Isanti County Zoning Ordinance; and
- each lot shall meet the minimum lot size and dimensional requirements of the shoreland district, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil sewage treatment systems.

- viii. Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings.
  - ix. Existing topography, with contour intervals of not less than two (2') feet, unless otherwise specified by the Zoning Administrator related to United States Geological Survey datum; also the location of water courses, ravines, bridges, lakes, marshes, wooded areas, rock outcroppings, approximate acreage, and other such features as may be pertinent to the subdivision.
  - x. Two (2) copies of profiles for each proposed street and road, showing existing grades and proposed approximate grades and gradients on the center line. The location of proposed culverts and bridges shall also be shown.
  - xi. Proposed surface drainage diagrams for lots in the form of arrows, proposed contours or other appropriate method.
  - xii. Each lot must show adequate information demonstrating that the lot will accommodate a primary and an alternative on - site sewage treatment system. The information must demonstrate that the sites will meet the MPCA 7080 rules on wastewater treatment. All sites must also be located by an MPCA Licensed Designer.
  - xiii. Stakes shall be provided by the subdivider locating road center lines of proposed roads at one hundred (100') foot intervals and at drive entrance(s).
3. Township Road Approval. The letter / resolution from the appropriate Town Board indicating their preliminary approval of the road design in the subdivision.
  4. Filing Fee. The preliminary plat shall be accompanied by a fee established by the County Board. Such fees to be used for the expense of the County in connection with the review, inspection, approval or disapproval of said plat which may thereafter be submitted.

#### Subdivision 4 Final Plat

1. Procedure. After the preliminary plat has been approved, the final plat may be submitted for approval as follows:
  - a. The final plat shall be submitted to the Township Board, or Boards in which the subdivision is located, for final acceptance of all road design and plat approval if applicable. This approval/acceptance must occur prior to making application to the Zoning Office for application processing.
  - b. The County Surveyor shall check all plats prior to recording, regarding the conformance to the Isanti County Plat Manual and all provisions of the Minnesota Statutes regarding the platting of land. In the case of the part time County Surveyor submitting a proposed final plat, another Registered Land Surveyor chosen by the County shall check said plat. All plats to be recorded in Isanti County shall be checked as provided herein. (Minnesota Statutes Section 389.09 – Approval of plats and surveys and condominium plats) The fee for said plat checking, as indicated in the Isanti County Plat Manual, shall be submitted to the Isanti County Treasurer at the time said plat is submitted for checking.
  - c. Review of the final plat. After approval and acceptance of the roads by the Township Board, or Boards and if there are no changes from the preliminary plat then the final plat shall be submitted to the Zoning Office for review. If the final plat differs from the preliminary plat as approved by the Planning Commission, the final plat shall be placed on the Planning Commission agenda for approval.
  - d. Approval by the County Board of Commissioners. After review and recommendation of approval of the final plat by the Zoning Office, such final plat, together with the recommendations of the Zoning Office, shall be submitted to the County Board for action. the County Board shall act on each plat, reviewed and recommended for approval by the Zoning Office within sixty (60) days after submission to the County Board. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, roads, alleys, easements, or other public ways; and parks, or other open spaces dedicated to public purposes. If disapproved, the grounds for any refusal to approve a plat shall be set forth in the proceedings of the Board and reported to the subdivider applying for such approval.
  - e. Filing Fee. The final plat shall be accompanied by a fee established by the County Board. Such fee to be used for the expense of the County in connection with the review, inspection, approval or disapproval of said plat.
2. Data Required. The subdivider shall submit a final plat together with any necessary supplementary information.
  - a. Filing

- i. Four (4) full size and ten (10) half scale copies of a final plat shall be filed with the Zoning Office;
  - ii. Two (2) copies of final plat on mylar reproducible shall be signed and filed as provided by law;
  - iii. at least one (1) print of the final plat shall be deposited with the County Auditor. This print shall contain the calculated square footage or acreages of all lots and outlots shown on the plat;
- b. Contents. The final plat, prepared for recording purposes, shall conform to the requirements of the Isanti County Plat Manual and provisions of the MN Statute 505.
- c. Filing Fee. The final plat shall be accompanied by a fee as established by the County Board. Such fees to be used for the expense of the County in connection with the review, inspection, approval or disapproval of said plat which may thereafter be submitted.
- d. Certifications Required. Conform to the requirements of the Isanti County Plat Manual and provisions as Minnesota Statutes Section 505. Space shall be allowed for certificates of approval to be filled in by the signatures of Chairman of the Board of Township Supervisors, the County Surveyor, the County Attorney, the County Highway Engineer, the Chairman of the County Board, the County Coordinator, the County Treasurer, The County Auditor and the Recorder.
- e. Supplementary documents and information may be required as follows except the developer shall also submit the final plat (s) in electronic format.
- i. a complete set of street profiles showing grade lines as constructed;
  - ii. copies of any private restrictions affecting the subdivision or any part thereof;
  - iii. signature of municipal or township officials approving the plat, when such approval is required by State Law.

## Section 5 Basic Improvements

### Subdivision 1 General

1. Before a final plat is approved by the County Board, the subdivider of the land covered by the said plat shall execute and submit to the County Board an agreement, which shall be binding on his or their heirs, personal representatives and assigns, that he will cause no private construction to be made on said plat or file or cause to be filed any application for building permits for such construction

until all improvements required under this Ordinance have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.

2. Before a Final Plat is signed by the Chairperson of the Planning Commission and the County Board, the subdivider shall be required to complete all required street, and other basic improvements required by this ordinance, and dedicate those improvements to the township free and clear of all liens and encumbrances on the dedicated property and public improvements.
3. No final plat shall be approved by the County Board without first receiving a report certifying that the improvements described herein, together with the agreements and documents required herein, and that all roadway design standards contained in Section 3 Subdivision 3 of this Ordinance have been met. Drawings showing all improvements as built shall be filed with the County Engineer and the affected township.
4. Final plats may be approved by the County Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets or roads and lot impossible, provided the subdivider has obtained the necessary permits or authorizations required by all applicable units of government (i.e. Army Corps of Engineers, Department of Natural Resources, Minnesota Board of Water and Soil Resources, and other federal or State Agencies). All improvements necessary for development in these areas shall be designed by a Civil Engineer or Registered Land Surveyor and filed with the County Engineer, to ensure the area is suitable for use without interfering with the flow of water under flood conditions
5. All of the required improvements to be installed under the provisions of this Ordinance shall be designed by a Civil Engineer or Registered Land Surveyor and be inspected by the County Engineer during the course of the construction. All of the inspection costs pursuant thereto shall be paid by the subdivider.

#### Subdivision 2 Road and Highway Improvements

1. The right-of-way shall be cleared, and the road constructed, in accordance with standards and specifications for road construction as approved by the County Engineer, and affected Township if applicable.
2. All roads shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Engineer, and the affected Township if applicable.

3. Curb and gutter, when required, shall be constructed as required by the standards and specifications for road construction as approved by the County Engineer.
4. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County Engineer.
5. Road signs of the standard design approved by the County Engineer, shall be installed at each street or road intersection. Costs for all road signs shall be paid for by the developer.
6. Seeding, and/or sodding, shall be installed within all road rights-of-way and over slope easements, in accordance with standards and specifications set forth in Section 3 Subdivision 3 item 15 of this Ordinance.

#### Subdivision 3 Sanitary Sewer and Water Distribution Improvements

1. Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the County Board.
2. Water facilities, both public and private, including pipe fittings, hydrants, etc., shall be installed as required by standards and specifications as approved by the County Board.

#### Subdivision 4 Public Utilities

1. All utility lines for telephone and electric service shall be placed in utility easements when carried on overhead poles.
2. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

### Section 6 Variances

#### Subdivision 1 General

The Planning Commission may recommend to the Board of Adjustment, for review and action, a variance when in its opinion an undue hardship may result from strict compliance with these regulations. The Board of Adjustment shall only permit a variance when:

1. The variance is in harmony with the general purposes and intent of these Subdivision Regulations.
2. There are practical difficulties or particular hardship in the way of carrying out the strict letter of these Subdivision Regulations.
3. The terms of the variance are consistent with the Isanti County Comprehensive Plan.
4. The variance, if granted, will not alter the essential character of the locality.

The Board of Adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

## Section 7 Registered Land Surveys and Conveyance by Metes and Bounds

### Subdivision 1 Registered Land Surveys

It is the intention of this Ordinance that all registered land surveys in Isanti County shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes, and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so designated. Unless such approvals have been obtained from the Planning Commission and County Board in accordance with the standards set forth in this Ordinance, building permits will be withheld for buildings on tracts which have been so divided by registered land surveys and the County may refuse to take over tracts as streets or roads, or to improve, repair or maintain any such tracts unless so approved.

### Subdivision 2 Conveyance by Metes and Bounds

Conveyance by Metes and Bounds shall be in accordance with Minnesota Statutes in such cases made and provided.

### Subdivision 3. Platting Requirements in All Areas

1. All subdividing activity shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505.
2. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

## Section 8 Violations and Penalty

### Subdivision 1 Sale of Lots from Unrecorded Plats

It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the Register of Deeds of Isanti County.

### Subdivision 2 Receiving and Recording Unapproved Plats

It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and the County Board.

### Subdivision 3 Misrepresentations as to Construction, Supervision or Inspection of Improvements

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the County Board, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

### Subdivision 4 Penalty

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine as specified in Minnesota Statutes. Each day during which compliance is delayed shall constitute a separate offense.

Section 10 Effective Date

This Ordinance shall be in full force and effect from and after its passage according to law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Board of County Commissioners

Attest: \_\_\_\_\_  
County Auditor

Published \_\_\_\_\_

Recommended by the Planning Commission:

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Chairman