

SIBLEY COUNTY

Article 320 “Subdivision Ordinance” of the Code of Ordinances of the County of Sibley

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ARTICLE 320 SUBDIVISION ORDINANCE OF SIBLEY COUNTY

An ordinance establishing regulations for the subdivision and platting of land within Sibley County and without boundaries of municipalities, defining certain terms used herein, providing for the preparation of plats, providing for the installation of streets, roads, and other improvements; establishing procedures for the approval and the recording of plats; and providing penalties for violation of this ordinance.

SECTION 320.1 General Provisions

SUBD 320.1.1 Short Title

320.1.1.1 This Ordinance shall be known as the “Subdivision Ordinance of Sibley County”, and will be referred to herein as “this Ordinance.”

SUBD. 320.1.2 Purpose and Intent

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

320.1.2.2 It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Sibley 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,” passed by the Legislature of the State of Minnesota, Chapter 559, Laws of 1959 as amended, which regulations the Board of County Commissioners deems necessary for the health, safety, and general welfare of the County.

SUBD. 320.1.3 Jurisdiction

320.1.3.1 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 municipalities.

SUBD. 320.1. 4 Application of Ordinance

320.1.4.1 Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or re-platting of land or lots.

320.1.4.2 It is the intention of this Ordinance to allow three (3) splits by metes and bounds description per Quarter-Quarter Section (approximately 40 acres). Effective April 1, 2006, subject to the exceptions described below, for any additional split or subdivision of a Quarter-Quarter Section, the subdivider shall cause a plat of the split or subdivision to be prepared and approve as provided by this ordinance; and filed with the County. Unless such approvals have been obtained, building permits shall be withheld for buildings on tracts which have been subdivided.

As exceptions to the platting requirement, no plat needs to be prepared in the following situations:

- a. A split or subdivision of an existing building site from the contiguous land owned by the same person.
- b. A split or subdivision from contiguous land for an addition of land to a separately described existing building site.
- c. A split or subdivision of contiguous parcels to effectuate a life-kind exchange of the parcels.
- d. A split or subdivision of wetlands or similar non-agriculture producing land from the contiguous land owned by the same person.

All splits or subdivision allowed as exceptions to the platting requirement shall be described on a survey prepared by a registered land surveyor and must be recorded with the County Recorder or Registrar of Titles as appropriate.

Effective August 1, 2011, all plats and land surveys shall utilize the "Minnesota Coordinate Systems of 1983 as defined by Minnesota Statute", which shall be further defined and based on the North American Datum of 1983 (NAD83), 1996 Adjustment, Sibley County Coordinate System.

SUBD 320.1.5 Approvals Necessary for Acceptance of Subdivision Plats.

320.1.5.1 Before any plat shall be recorded or be on 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 municipality has adopted extraterritorial subdivision platting regulations as provided by State law, any proposed

plat lying within two miles of said municipality shall also be submitted to and approved by said municipality. Where any township in Sibley County has adopted platting regulations as provided by State law, any proposed plat lying within said township shall also be submitted to and approved by said township.

SUBD. 320.1.6 Compliance

320.1.6.1 No plat of any subdivision shall be entitled to record in the Sibley 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.

SUBD 320.1.7 Building Permits

320.1.7.1 No building permits shall be issued by Sibley County 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.

SECTION 320.2 RULES AND DEFINITIONS

SUBD 320.2.1 Rules

320.2.1.1 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 work "shall" is mandatory and not discretionary.

SUBD 320.2.2 Definitions

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

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

320.2.2.2 Block – is 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.

320.2.2.3 County – is the County of Sibley.

320.2.2.4 County board – is the Board of County Commissioners of Sibley County.

320.2.2.5 County Planning Commission – is the Sibley County Planning Commission.

- 320.2.2.6 Comprehensive Plan – refers to the group of maps, charts and texts that make up the Comprehensive long-range Plan for the County.
- 320.2.2.7 Design Standards – are the specifications to landowners or sub-dividers 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.
- 320.2.2.8 Easement – is a grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
- 320.2.2.9 Final Plat – is a 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.
- 320.2.2.10 Highway – any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Sibley County numerical route designation.
- 320.2.2.11 Highway, Major Intercity and Regional – State and Federal highway routes within the County.
- 320.2.2.12 Highway, Principal Arterial – The principal County highways; such arterial highways inter-connect communities within Sibley County and adjoining counties, and carry traffic between principal land use districts within Sibley County.
- 320.2.2.13 Highway, Minor Arterial – the secondary County highways; such highways carry traffic between land use district, but also provide ready access to private properties.
- 320.2.2.14 Parks and Playgrounds – are public lands and open spaces in Sibley County dedicated or reserved for recreation purposes.
- 320.2.2.15 Percentage of Grade – on street center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
- 320.2.2.16 Pedestrian Way – is a public 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 and will be shown the same as an alley.
- 320.2.2.17 Preliminary Plat – is a tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

- 320.2.2.18 Protective Covenants – are 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.
- 320.2.2.19 Road – is 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.
- 320.2.2.20 Road, Cu-de-sac – is a minor street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- 320.2.2.21 Road Width – is the shortest distance between lines of lots delineating the road right-of-way.
- 320.2.2.22 Sub-divider – is 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.
- 320.2.2.23 Subdivision – is a described tract of land which is to be or has been divided into two (2) or more lots or parcels, in any of which resultant parcels is less than five (5) acres in area and three hundred fifty (350) feet in width, for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land. The term includes re-sub-division and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.
- 320.2.2.24 Tangent – is a straight line that is perpendicular to the radius of a curve where a tangent meets a curve.
- 320.2.2.25 Vertical Curve – is the surface curvature on a road or highway center line located between lines of different percentage of grade.

SECTION 320.3 DESIGN STANDARDS

SUBD 320.3.1 Blocks

- 320.3.1.1 Block Length – In general, intersecting streets and roads, determining block lengths, 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 normally 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 should normally not exceed six hundred (600) feet in length.

- 320.3.1.2 Block Width – The width of the block shall normally 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.

SUBD 320.3.2 Lots

- 320.3.2.1 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 Sibley County Zoning Ordinance.
- 320.3.2.2 Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Sibley County Zoning Ordinance.
- 320.3.2.3 Side lines of lots shall be approximately at right angles to road or street lines or radial to curved road or street lines.
- 320.3.2.4 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. Such double frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the back lot line.
- 320.3.2.5 Every lot must have the minimum 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.
- 320.3.2.6 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 Sibley County Zoning Ordinance. On those lots which are intended for business or industrial use, the setback shall be less than the setback required by the Sibley County Zoning Ordinance.
- 320.3.2.7 The entire subdivision shall have a pro-rated crop equivalency rating calculation that is equal to or less than 57. The applicant must provide to the zoning administrator a pro-rated crop equivalency calculation of the proposed plat. Performance of this calculation shall be conducted by the Sibley Soil and Water Conservation District according to established protocol. A fee in an amount established by Sibley Soil and Water Conservation District will be required to perform this service.

SUBD. 320.3.3 Roads, Highways, Streets and Alleys

- 320.3.3.1 The arrangement of highways shall conform as nearly as possible to the Sibley County Comprehensive Plan. 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 un-subdivided tracts, or shall be a reasonable projection of 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.
- 320.3.3.2 Local roads and streets should be so planned as to discourage their use by non-local traffic. Dead-end streets and roads shall be prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than five hundred (500) feet, including a terminal turn-around which shall be provided at the closed end, with an outside edge of curb, or gravel or bituminous, radius of at least seventy-five (75) feet and a right-of-way radius of not less than ninety (90) feet.
- 320.3.3.3 If required by the Planning and Zoning Office personnel, 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 un-subdivided portion shall be prepared and submitted by the subdivider.
- 320.3.3.4 If required by the Planning and Zoning Office personnel, 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 re-subdivision, with provision for adequate utility connections for such re-subdivision.
- 320.3.3.5 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. Under normal conditions, the minimum angle of intersection of roads shall be eighty (80) degrees. Road intersection jogs with a offset of less than two hundred (200) feet shall be avoided.
- 320.3.3.6 Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State or Federal highway, provision shall be made 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 depths.

320.3.3.7 Alleys shall be provided in commercial and industrial districts, except 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.

320.3.3.8 Dedication of half streets or roads will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when it is found that it will be practical to required the dedication of the other half when the adjoining property is subdivided, or where it becomes necessary to acquire the remaining half by condemnation so that it may be improved in the public interest.

320.3.3.9 For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads and highways shall be as shown in the Sibley County Comprehensive Plan, and where not shown therein, 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:

Major Intercity and Regional Highways

Major Intercity Highway 150 feet

Arterial Highways

Principal Arterial Highway 100 feet

Minor Arterial Highway 100 feet

Local Streets and Roads 60 feet

Marginal Service Access Roads 50 feet

Alley 20 feet

Pedestrian Way 10 feet

Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of right-of-way, these shall be required. Right-of-way widths for major intercity highways shall also meet standards established by the Minnesota State Highway Department.

320.3.3.10 Minor street access to State and Federal highways shall not be permitted at intervals of less than six hundred (600) feet.

320.3.3.11 Road and highway grades – The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than maximum grades for each classification as follows:

Major Intercity Highways

Major Intercity (as required by the Minnesota State Highway Department)

Arterial Highways

Principal Arterial Highways	5 percent
Minor Arterial Highways	8 percent
Local Streets and Roads	8 percent
Alley	8 percent

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

320.3.3.12 Road and Highway alignments – The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

a. Horizontal – radii of center line:

Major Intercity Highways

Major Intercity Highways (as required by the Minnesota State Highway Department)

Arterial Highways

Principal Arterial Highways	500 feet
Minor Arterial Highways	300 feet
Local Streets and Roads	100 feet

b. Vertical – All changes in street grades shall be connected by vertical parabolic curves of such lengths as follows:

Major Intercity Highways (as required by the Minnesota State Highway Department)

Arterial Highways 30 times the algebraic difference In the percent of grade of the two adjacent slopes.

Local Streets and Roads

20 times the algebraic difference
In the percent of grade of the two
adjacent slopes.

320.3.3.13 All proposed streets or roads shall be offered for dedication as public rights-of-way. No private streets or roads shall be permitted.

SUBD 320.3.4 Easements

320.3.4.1 An easement for utilities at least ten (10) feet wide shall be provided along the side line of lots, front line and/or rear line of lots where necessary to form a continuous right-of-way, at least twenty (20) 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.

320.3.4.2 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.

320.3.4.3 Where a subdivision contains or is traversed by a water course, drainage way, channel, lake or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Committee may deem the most adequate, conforming substantially with the lines of such water courses, shall be provided, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall be determined by the County Engineer.

SUBD. 320.3.5 Public Sites and Open Spaces

320.3.5.1 In subdividing land or re-subdividing an existing plat, due consideration shall be given by the subdivider and by the Planning Commission upon review, to the dedication or reservation of suitable sites for schools, parks, playgrounds, conservation areas, or other public or semi-public recreational areas or open spaces. Areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. Whenever the Comprehensive Plan shows the proposed public area partially or completely within a proposed subdivision, and the area of said park or recreational area exceeds seven (7) percent of the total area of the subdivision, the preliminary plat of said subdivision shall show the proposed site as reserved and the County shall have one year from date of approval of the preliminary plat by the Planning Commission in which to purchase said land which exceeds the said seven (7) percent of the said total area, or to initiate condemnation proceedings with respect thereto.

- 320.3.5.2 In all subdivisions of twenty (20) gross acres or more, seven (7) percent of the gross area of the subdivision shall be dedicated to the County for public recreation, park, school or other public use. Said seven (7) percent of the total gross area of the subdivision shall be in addition to any dedication of streets, alleys, and easements. The location of said dedications within the area of the subdivision shall be subject to the approval of the County Planning Commission and County Board. At the option of the County Planning Commission and County Board the subdivider may be required to pay a fee of (10) percent of the raw land market value in lieu of the seven (7) percent land dedication. The raw land market value shall be determined as set forth below.
- 320.3.5.3 In all subdivisions of less than twenty (20) gross acres, the subdivider shall pay a fee of ten (10) percent of the raw land market value in lieu of a land dedication. The raw land market value shall be determined as set forth below.
- 320.3.5.4 The raw land market value shall be determined by the County Board through use of tax assessment records. Effective August 1, 2011, the raw market land value shall be \$5,000 per acre.

SECTION 320.4 PLATS: SUBMISSION PROCEDURE AND DATA

SUBD 320.4.1 Sketch Plan

- 320.4.1.1 Prior to the filing of an application for conditional approval of the preliminary plat, the subdivider shall submit for review with the Planning Commission staff, 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.
- 320.4.1.2 Such sketch plans will be considered as submitted for informal and confidential discussion between the subdivider and the Commission staff. Submission of a subdivision sketch plan shall not constitute formal filing of a plat with the Commission.
- 320.4.1.3 As far as may be practical on the basis of a sketch plan, the Commission staff 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 and will discuss possible plan modifications necessary to ensure conformance.

SUBD 320.4.2 Preliminary Plat

320.4.2.1 Procedure

The subdivider shall submit the preliminary plat to the County Surveyor, the County Engineer, and the Minnesota Department of Transportation, if the plat borders a state highway, for review and preparation of a report to the County Planning Commission as provided hereafter.

a. County Surveyor

The County Surveyor shall submit a report to the County Planning Commission concerning the conformity of the proposed plat with the requirements of SECTIONS 320.3 "Design Standards" and 320.4 "Plats" of this ordinance. In the case where the County Surveyor is submitting the preliminary plat, the report shall be submitted either by the County Highway Engineer or other qualified person selected by the County Planning Commission.

b. County Engineer

The County Engineer, or other qualified person designated by the engineer, shall submit a report to the County Planning Commission regarding issues concerning access, drainage, width of water easements, rights of way and setbacks for existing and future roads, erosion controls and other matters of concern to the engineer.

c. Minnesota Department of Transportation (MnDOT)

A representative of the local district of the Minnesota Department of Transportation shall submit a report to the County Planning Commission regarding issues concerning access, drainage, rights of way and set backs for existing and future roads, erosion controls and other matters of concern to MnDOT.

d. Upon receipt of the above reports, the preliminary plat shall be submitted by the subdivider to the Township Board, or Boards in which the subdivision is located for review and approval. The preliminary plat shall be submitted to the Township Board at least ten (10) days prior to the meeting at which consideration is requested.

e. Approval of the County Planning Commission

After approval of the preliminary plat by the Township Board or Boards, the preliminary plat shall be submitted by the subdivider to the County Planning Commission along with applicable fees at least twenty (20) days prior to a Planning Commission meeting at which consideration is requested. The County Planning Commission shall hold a public hearing on said preliminary plat. Notice of public hearing shall be published in a paper of general circulation and sent to property owners within three hundred (300) feet of the boundaries of the submitted plat at least ten (10) days prior to the hearing date. Public notice shall consist of a general description of the proposal, the time, date and place of hearing.

For the purpose of notification, ownership of property within three hundred (300) feet 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.

f. 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 six (6) months, unless an extension is granted by the County Board. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the County Board for approval.

320.4.2.2 Data Required:

The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information requested by Planning and Zoning, as follows:

a. Filing - Copies of a preliminary plat of any proposed subdivision shall be filed as follows: Ten (10) copies with the Planning Commission, two (2) copies with the County Surveyor, one (1) copy with the County Engineer, one (1) copy with each township, and one (1) copy with Minnesota Department of Transportation, if necessary.

b. Contents – The preliminary plat shall contain the following information:

(1) Proposed name of subdivision; names shall not duplicate or too closely resemble names of existing subdivisions.

(2) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property.

(3) Names and addresses of the subdivider and the designer making the plat.

(4) Graphic scale of plat, not less than one (1) inch to one hundred (100) feet.

(5) Date and north point.

(6) Existing Conditions:

(aa) Location, width, and name of each existing or platted street, road other public way, railroad, the utility right-of-way, parks, wildlife, and other public open spaces, and permanent buildings, within or fifty (50) feet adjacent to the proposed subdivision.

(bb) All existing sewers, water mains, gas mains, culverts, power or communication cables or other underground installations within the proposed subdivision or immediately adjacent thereto.

(7) Proposed Development:

(aa) 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.

(bb) Each lot in the preliminary plat shall have designated thereon one (1) building site containing not more than 20,000 square feet; and two (2) designated soil treatment area (DSTA) sites containing not more than 5,000 square feet each. The two (2) DSTA sites are not required if the proposed plat is served by a septic system administered by a state agency as provided by Subdivision 300.13.3 of the Sibley County Zoning Ordinance. Before the DSTA sites are designated, there shall be a site evaluation including percolation tests for each site and the site is determined to be appropriate.

(cc) Layout, numbers or letters and approximate dimensions of lots and the number of each block.

(dd) Location and size 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.

(ee) Building setback lines with dimensions.

(ff) Indication of any lots on which a use other than residential is proposed by the subdivider.

(gg) The zoning district, if any, on and adjacent to the tract.

(8) Vicinity sketch, at a legible scale, to show the relation of the plat to its surroundings.

(9) If required by Planning and Zoning personnel where lots to be platted are larger in area than 20,000 square feet or greater than one hundred fifty (150) feet in width at the building setback line, and public sewer and water facilities are unavailable, a preliminary re-subdivision plat shall be prepared and submitted, showing a feasible method by which large lots may be re-subdivided in the future for higher density development in the event that public sewer and water facilities become available. The location of the principal structure on each lot shall be shown and building permits will only be issued for those structures which allow the economically feasible re-subdivision.

(10) Existing topography, with contour intervals of not less than two (2) feet, 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.

(11) 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.

a. Supplementary Requirements:

Upon request of the Planning Commission, supplementary information shall be submitted; such supplementary information may include the following:

- (1) Proposed surface drainage diagrams for lots in the form of arrows, Proposed contours or other appropriate method.
- (2) Soil test and reports, as specified by the County Engineer, by an approved soils laboratory.

SUBD. 320.4.3 Final Plat

320.4.3.1 Procedure:

After the preliminary plat has been approved, the subdivider shall submit the final plat to the County Surveyor, the County Engineer, and the Minnesota Department of Transportation, if the plat borders a state highway, for review and preparation of a report as provided hereafter:

a. The County Surveyor shall submit a report to the County Attorney regarding the conformity of the proposed final plat to the approved preliminary plat, the requirements of Sections 320.3 "Design Standards" and 320.4 "Plats" of this ordinance and all provisions of the Minnesota Statutes regarding the platting of land. In the case of the County Surveyor submitting a proposed final plat, another Registered Land Surveyor chosen by the County Attorney shall examine said plat and submit a report to the County Attorney. Compensation may be paid to the County Surveyor, other Registered Land Surveyor for this checking of the plat. Said compensation shall be paid by the developer or submitting surveyor before recording in the amount determined by the County Board of Commissioners.

b. The County Engineer, or other qualified person designated by the engineer, shall submit a report to the Planning Commission regarding issues concerning access, drainage, width of water easements, rights of way and set backs for existing and future roads, erosion controls and other matters of concern to the engineer.

c. Minnesota Department of Transportation (MnDOT) a representative of the local district of the Minnesota Department of Transportation shall submit a report to the County Planning Commission regarding issues concerning access, drainage, rights of way and setbacks for existing and future roads, erosion controls and other matters of concern to MnDOT.

d. Upon receipt of the above reports, the final plat shall be submitted by the subdivider to the Township Board, or Boards in which the subdivision is located, for review and approval. The final plat shall be submitted to the Township Board at least ten (10) days prior to the meeting at which consideration is requested.

e. Approval of the County Planning Commission:

After approval by the Township Board, or Boards, the final plat shall be submitted by the subdivider to the County Planning Commission at least twenty (20) days prior to a Planning Commission meeting at which consideration is requested. The Planning Commission shall act on each plat submitted within sixty (60) days 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 shall be necessary to meet the approval of the Planning Commission.

f. Approval of the County Board

After review and approval of the final plat by the Planning Commission and Township Board, such final plat, together with the recommendations of the Planning Commission, shall be submitted to the County Board for action. The County Board shall act on each plat, recommended by the Planning Commission, within thirty (30) 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.

320.4.3.2 Data Required:

The subdivider shall submit a final plat together with any necessary supplementary information.

a. Filing:

- (1) Copies of a final plat shall be filed as follows: Ten (10) copies with the Planning Commission, two (2) copies with the County Surveyor, one (1) copy with the County Engineer, one (1) copy with each township, and one (1) copy with the Minnesota Department of Transportation, if necessary.
- (2) Two (2) copies of final plat on photomat stock with linen backing and two (2) copies on linen or mylar reproducibles shall be signed and filed as provided by law – one of the reproducible copies when signed shall be retained by the Township.
- (3) At least one (1) of the above photomat prints of the final plat shall be deposited with the County Auditor. This print shall contain the calculated square footage or acreage of all lots and outlots shown on the plat.

b. Contents – The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of Minnesota State Statutes and as required below:

- (1) Names of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.
- (2) Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in seventy-five hundred (7,500).
- (3) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established road lines, in true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency or road lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one-half (1/2) inch or larger in diameter and 14 inches long, set at or below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent “Sibley County Monument” shall be placed at all section, quarter section, meander and witness corners within the subdivision or on its perimeter.
- (4) Location of lots, streets, roads, highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii delta angle and arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be

shown. Dimensions shall be shown from all angle points of curve to lot lines.

- (5) Lots shall be numbered clearly. If blocks are to be numbered, these shall be shown clearly in the center of the block.
- (6) The exact locations, widths, and names of all roads to be dedicated.
- (7) Location and width of all easements to be dedicated.
- (8) Name of owners, mortgagees and surveyor making the plat.
- (9) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point.
- (10) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
- (11) Statement dedicating all highways, streets, roads, alleys and other public areas not previously dedicated as follows: Roads, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.
- (12) Location of all water bodies and lowlands.

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 on Final Plats:

All signatures on each plat shall be written with black ink (not ball point).

- (1) Notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas and easements.

Statement dedicating streets and other public areas to be worded as follows: ".....hereby donate and dedicate to the public for public use forever the streets, roads, alleys, drives and other public areas as shown on the plat.

Statement dedicating all easements to be worded as follows: "Also subject to utility and/or drainage easements as shown on the plat."

- (2) Notarized certification by a registered land surveyor, to be worded as follows:

"I do hereby certify that I have surveyed and platted the property described in the dedication of this plat as _____

Addition; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and nearest hundredth of a foot, that all monuments have been correctly placed in the ground or will be set within one (1) year pursuant to Minnesota Statutes §505.02, subd. 1 as shown on the plat; that the outside boundary lines are correctly

designated on the plat; and there are no wet lands or public highways to be designated on said plat other than shown thereon.”

Surveyor _____

Minnesota Registration No. _____

(3) Certification showing that all taxes due on the property have been paid in full.

(aa) County Auditor:
Certification to be worded: “Taxes paid for all years through year (payable in) _____ and transfer entered this _____ day of _____, 20____.”

County Auditor

(bb) County Treasurer:
Certification to be worded: “I hereby certify that taxes payable in the year _____ on lands herein described are paid, this _____ day of _____, 20____.”

County Treasurer

(4) Township Board:
To be worded as follows: “The plat of _____ was approved and accepted by the Township Board of the Township of _____ at a meeting held this _____ day of _____, 20____.”

Chairman of Commission

Clerk of Township Board

(5) County Planning Commission:
To be worded as follows: “The plat of _____ was approved by the Sibley County Planning Commission at a meeting held this _____ day of _____, 20____.”

Chairman of Commission

Secretary of Commission

(6) County Board of Commissioners:

To be worded as follows: "The plat of _____ was accepted and approved by resolution of the Board of County Commissioners of Sibley County, Minnesota, at a _____ meeting of said Board held this _____ day of _____, 20____."

Chairman of County Board

County Auditor

(7) County Attorney:

To be worded as follows: "This plat was approved as to form and execution this _____ day of _____, 20____."

County Attorney, Sibley County

(8) County Surveyor:

To be worded as follows: "Examined and recommended for approval this _____ day of _____, 20____."

Signed _____
Sibley County Surveyor or
Registered Land Surveyor No. _____
(For plat submitted by County Surveyor)

(9) County Highway Engineer:

To be worded as follows: "This plat was recommended for approval this _____ day of _____, 20____."

Sibley County Highway Engineer

(10) County Recorder:

To be worded as follows: "I hereby certify that the instrument on this sheet was filed in this office for record on the _____ day of _____, 20____, at ____ o'clock _____ M., and was duly recorded in Book _____ of _____ on Page _____ or as Document No. _____"

Deed Tax Hereon Due _____

- e. Supplementary Documents and Information may be required as follows:
- (1) A complete set of street profiles showing grade lines as constructed.
 - (2) Copies of any private restrictions affecting the subdivision or any part thereof.
 - (3) Signatures of municipal officials when such approval is required by law.

SECTION 320.5 BASIC IMPROVEMENTS

SUBD 320.5.1 General

- 320.5.1.1 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 development 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. For townships with its own zoning ordinance, there may be a joint development agreement among the subdivider, County Board and township.
- 320.5.1.2 Prior to making of such required improvements, the subdivider shall deposit with the County Auditor an amount equal to one and one-quarter ($1 \frac{1}{4}$) times the County's estimated cost of such improvements, either in cash or an indemnity bond with sureties, or letter of credit satisfactory to the County, conditioned upon the payment of all construction costs incurred in making of such improvements and all expense incurred by the County for engineering and legal fees and other expense in connection with the making of such improvements.
- 320.5.1.3 No final plat shall be approved by the County Board without first receiving a report from the County Engineer certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable ordinances. Drawings showing all improvements as built shall be filed with the County Engineer.
- 320.5.1.4 No final plat shall be approved by the County Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets or roads and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the County Engineer, make the area suitable for use without interfering with the flow of water under flood conditions, the final plat of the subdivision may be approved.

320.5.1.5 All of the required improvements to be installed under the provisions of this Ordinance shall be inspected during the course of the construction by the County Engineer. All of the inspection costs pursuant thereto shall be paid by the subdivider in the manner prescribed in paragraph 320.5.1.2 above.

SUBD. 320.5.2 Road and Highway Improvements

320.5.2.1 The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the County Board.

320.5.2.2 All roads shall be improved with pavement in accordance with the standards and specifications for road construction as approved by the County Board.

320.5.2.3 All roads to be paved shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Board.

320.5.2.4 Curb and gutter shall be constructed as required by the standards and specifications for road construction as approved by the County Board.

320.5.2.5 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 Board.

320.5.2.6 Road signs of the standard design approved by the County Board shall be installed at each street or road intersection.

SUBD 320.5.3 Sanitary Sewer and Water Distribution Improvements

320.5.3.1 Sanitary sewers, both public and private, shall be installed as required by standards and specifications as approved by the County Board.

320.5.3.2 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.

SUBD. 320.5.4. Public Utilities

320.5.4.1 All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

320.5.4.2 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 320.6 VARIANCES

SUBD. 320.6.1 General

320.6.1.1 The Planning Commission may recommend a variance from the provisions of this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons who reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

- a. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

SECTION 320.7 REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

SUBD 320.7.1 Registered Land Surveys

320.7.1.1 It is the intention of this Ordinance that all registered land surveys in Sibley 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, except that a re-subdivision plan, topography contours, and road or street profiles are not required unless specifically requested by the Planning Commission. The Planning Commission shall first approve the arrangement, sizes, and relationship of the 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 subdivided 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.

SUBD. 320.7.2 Conveyance by Metes and Bounds

320.7.2.1 No conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcel described in the conveyance are five (5) acres or less in area and three hundred fifty (350) feet in width, unless such parcel was a separate parcel of record at the effective date of this Ordinance. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method and the County may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

320.7.2.2 It is the intention of this Ordinance to allow three (3) splits by metes and bounds description per Quarter-Quarter Section (approximately 40 acres). Effective April 1, 2006, subject to the exceptions described below, for any additional split or subdivision of a Quarter-Quarter Section, the subdivider shall cause a plat of the split or subdivision to be prepared and approved as provided by this ordinance; and filed with the County. Unless such approvals have been obtained, building permits shall be withheld for buildings on tracts which have been subdivided.

As exceptions to the platting requirement, no plat needs to be prepared in the following situations:

- a. A split or subdivision of an existing building site from the contiguous land owned by the same person.
- b. A split or subdivision from contiguous land for an addition of land to a separately described existing building site.
- c. A split or subdivision of contiguous parcels to effectuate a life-kind exchange of the parcels.
- d. A split or subdivision of wetlands or similar non-agriculture producing land from the contiguous land owned by the same person.

All splits or subdivision allowed as exceptions to the platting requirement shall be described on a survey prepared by a registered land surveyor and must be recorded with the County Recorder or Registrar of Titles as appropriate.

Effective August 1, 2011, all plats and land surveys shall utilize the "Minnesota Coordinate Systems of 1983 as defined by Minnesota Statute", which shall be further defined and based on the North American Datum of 1983 (NAD83), 1996 Adjustment, Sibley County Coordinate System.

SECTION 320.8 VIOLATIONS AND PENALTY

SUBD 320.8.1 Sale of Lots from Unrecorded Plats

320.8.1.1 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 re-plat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or re-plat shall have first been recorded in the Office of the Register of Deeds of Sibley County.

SUBD 320.8.2 Receiving and Recording Unapproved Plats

320.8.2.1 It shall be unlawful to receive or record in any public office any plans, plats or re-plats 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.

SUBD 320.8.3 Misrepresentations as to Construction, Supervision or Inspection of Improvements

320.8.3.1 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 an 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.

SUBD 320.8.4 Penalty

320.8.4.1 Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine of not more than one thousand dollars (\$1,000) and/or by a commitment to jail for a period of not to exceed ninety (90) days. Each day during which compliance is delayed shall constitute a separate offense.

SECTION 320.9 VALIDITY

SUBD 320.9.1 If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.