

ORDINANCE NO. 4
SUBDIVISION PLATTING ORDINANCE

FOR

KANABEC COUNTY, MINNESOTA

AUGUST 28, 1985

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SUBDIVISION PLATTING ORDINANCE FOR
KANABEC COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING COMPREHENSIVE PLATTING REGULATIONS FOR THE LAYING OUT OF STREETS, ALLEYS, AND OTHER PUBLIC GROUNDS AND THE SUBDIVISION OF PLATS WITHIN KANABEC COUNTY, MINNESOTA, OUTSIDE THE INCORPORATED LIMITS OF MUNICIPALITIES IN PURSUANCE OF THE AUTHORITY GRANTED BY STATE LAW.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF KANABEC ORDAINS:

ARTICLE I

GENERAL PROVISIONS

SEC. 1.10 SHORT TITLE- This ordinance shall be known as the “Subdivision Platting Regulations of Kanabec County, Minnesota.”

SEC. 1.11 REPEALER- Kanabec County Subdivision Platting Ordinance, Ordinance No. 4 as adopted August 10, 2005 is hereby amended and replaced by this ordinance.

SEC. 1.12 PURPOSE- Each new subdivision becomes a permanent unit in basic physical structure of the county, a unit to which, in the future communities will of necessity be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate public services, and sale streets, all subdivisions shall fully comply with the regulations hereinafter set forth in this ordinance.

SEC. 1.13 INTERPRETATION- In the interpretation and application, the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

SEC. 1.14 SCOPE- This ordinance shall apply and be binding upon all of the area of Kanabec County, Minnesota, located outside the incorporated limits of municipalities and outside a two mile area adjoining any municipality that has adopted subdivision platting regulations and by ordinance has extended the application of such regulations to unincorporated territory located within two miles of its limits.

SEC. 1.15 FILING- The County Auditor shall not accept a subdivision of land in the jurisdiction of this ordinance unless a final plat has been filed under ARTICLE VIII, an exemption certificate has been granted under ARTICLE VII, or a variance is obtained from the County Board under ARTICLE VI.

Except in the case of re-subdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this ordinance, nor is it intended by this ordinance to repeal, annul, or in any way impair or interfere with existing provision of other laws or ordinances except those specifically repealed by, or in conflict with this ordinance, or with private restrictions places on property by deed, covenant or other private agreement, or with the restrictive covenants running with the land. Where this ordinance imposes a greater restriction upon the land than is imposed or required by such existing provision of law, ordinance, contract or deed, the provision of this ordinance shall control.

ARTICLE II

DEFINITIONS

Unless the context indicates a different meaning, for the purposes of this ordinance, certain words, phrases and terms shall be construed as follows:

SEC. 2.10 ALLEY - A public way used primarily as a service access to the rear or side of a property, which abuts on a road.

SEC. 2.11 ATTORNEY- The County Attorney of Kanabec County, Minnesota, or their authorized representative.

SEC. 2.12 AUDITOR - The County Auditor of Kanabec County, Minnesota, or their authorized representative.

SEC. 2.13 BLOCK - The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

SEC. 2.14 CLUSTER DEVELOPMENT - A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas.

SEC. 2.15 COMMISSION - The Planning Commission of Kanabec County, Minnesota.

SEC. 2.16 COUNTY - Kanabec County, Minnesota.

SEC. 2.17 COUNTY BOARD - The Kanabec County Board of Commissioners.

SEC. 2.18 CUL-DE-SAC - A permanent road terminating at one end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a road.

SEC. 2.19 DOUBLE FRONTED LOTS - Lots which have a front line abutting one road and a back or rear line abutting another road.

SEC. 2.20 DRAINAGE COURSE - A watercourse or indenture for the drainage of surface water.

SEC. 2.21 ENGINEER - The County Highway Engineer of Kanabec County, Minnesota, or an authorized representative.

SEC. 2.22 FINAL PLAT - The drawing or map of a subdivision prepared for filing of record pursuant to Chapter 505 of Minnesota Statutes and information required by ARTICLE VIII of this ordinance.

SEC. 2.23 GENERAL COUNTY PLAN - The plan or plans for the orderly growth of Kanabec County as adopted and amended from time to time by the Planning Advisory Commission and the County Board.

SEC. 2.24 GROUP HOUSING - A housing project consisting of a group of five or more buildings constructed on a plot of ground three acres or more in size.

SEC. 2.25 LOCAL ROAD - A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

SEC. 2.26 LOT - Any tract, including out lots, within a subdivision marked by the sub divider as a numbered tract to be offered as a unit of land for sale.

SEC. 2.27 LOT WIDTH - The dimension of a lot measured at the setback line as established by zoning regulations.

SEC. 2.28 MAJOR COLLECTOR — A road that carries an above average volume of traffic. It collects and distributes traffic from neighborhoods, commercial and industrial areas to the arterial road system.

SEC. 2.29 MINOR ARTERIAL — A road that connects cities, large business concentrations, and institutional facilities. More access is provided than principal arterials.

SEC. 2.30 MINOR COLLECTOR — Similar to major collector with less traffic volume.

SEC. 2.31 MINOR SUBDIVISION - One division of a tract of land into two lots or parcels as defined in Article VII.

SEC. 2.32 PERSON- Any individual, firm, association, syndicate, or partnership, corporation, trust or any other legal entity.

SEC. 2.33 PRELIMINARY PLAN- A drawing of a proposed subdivision prepared in the manner and containing the data, documents, and information required by ARTICLE III of this ordinance.

SEC. 2.34 PRINCIPAL ARTERIAL — A road that connects metropolitan centers, major business concentrations, large institutional facilities, or major transportation terminals.

SEC. 2.35 PRIVATE ROAD OR RESERVE STRIP- A purported road, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.

SEC. 2.36 PUBLIC WALKWAY- A public way designed for the use of pedestrian traffic.

SEC. 2.37 SUBDIVIDER- The owner, agent or person having control of such land as the term is used in this ordinance.

SEC. 2.38 SUBDIVISION- The separation of an area, parcel, or tract of land ~~under single~~ into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interests necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial or other combination thereof provided that the following shall not be deemed a subdivision.

- a. Any transfer for which an Exemption Certificate has been given under ARTICLE VII.
- b. The division of a tract of land into complete government lots as defined in the original Public Land Survey Plat Maps of Minnesota as a subdivision of a section, which is normally described by a lot number. A government lot may be regular or irregular in shape and its acreage varies from that of regular section subdivisions. Typically government lots are located along meandering bodies of water.
Complete quarter/quarter sections with all tracts resulting from the division having an access of at least two rods in width to an existing public road with a maximum of one deeded access per 300' of public road frontage.
- c. Transfer of interest in land pursuant to court order.
- d. A separate parcel of record on September 9, 1969, or a parcel subject to a written agreement to convey entered into prior to such time.
- e. A separate parcel recorded between September 9, 1969 and the effective date of this ordinance, meeting the requirements of all laws and ordinances in effect on the date of its conveyance and recording; or a parcel subject to a written agreement to convey, entered into during such time, meeting said requirements.

SEC. 2.39 SURVEYOR- The County Surveyor of Kanabec County, Minnesota, or his authorized representative.

SEC. 2.40 ZONING ORDINANCE- A zoning ordinance or resolution controlling the use of land as adopted by the county or township.

ARTICLE III

PRELIMINARY PLAN

SEC. 3.10 PROCEDURE FOR PRELIMINARY PLAN- In order to familiarize oneself with this ordinance and related laws and to avoid costly revision of plans and plats, the subdivider is encouraged to have a preliminary discussion with the Surveyor and Commission.

SEC. 3.11- The subdivider shall submit to the Environmental Services Director:

SEC 3.11.1- Eight copies of the preliminary plan and protective covenants, if any proposed.

SEC 3.11.2- Two copies of topographic information including elevation.

SEC 3.11.3- Two copies of soils information and proposed septic treatment sites for individual SSTS's (Subsurface Sewage Treatment Systems, per chapter 7080, MN Pollution Agency).

SEC. 3.11.4 - Township approval letter. A letter of township approval from the affected township.

SEC. 3.12 - The Environmental Services Director shall distribute copies of the preliminary plan as follows:

3.12.1 - Planning Commission, two copies, together with both copies of information under Sec. Sec. 3.11.

3.12.2 - Commissioner of Highways if on a State or Federal highway.

3.12.3 - County Highway Engineer.

3.12.4 - the affected Board of Town Supervisors.

3.12.5 - Municipal Council of any municipality within two miles of the affected property.

3.12.6 - County Surveyor.

SEC. 3.13- The Engineer, Surveyor and the District Highway Engineer, when appropriate, shall within 15 days submit reports to the Commission expressing recommendations for approval, disapproval or revisions. If no report is received within 15 days, it will be assumed by the Commission that there are no objections in the plan as submitted.

SEC. 3.14 - At the first regular meeting following receipt of the above reports, the Commission shall determine whether such plan conforms to design standards set forth in this ordinance and conforms to adopted county plans. The Commission may approve a preliminary plan subject to certain revisions.

SEC. 3.15 - Approval of a preliminary plan by the Commission assures the general acceptability of the layout. Subsequent approval by the County board will be required of the final plat as outlined in ARTICLE VIII. If the final plat is not submitted within one year, the approval of the preliminary shall be considered void unless an extension of the time has been granted as provided for in ARTICLE VIII.

SEC. 3.16 - The action taken by the Commission shall be recorded in the proceedings of the Commission and transmitted to the applicant.

SEC. 3.17 DATA REQUIRED FOR PRELIMINARY PLAN-

3.17.1 Scale: 1 inch equals 100 feet or larger scale.

3.17.2 Identification and Description:

3.17.2.1 - Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the county.

3.17.2.2 - Location by section, town and range with small-scale sketch showing location within the section.

3.17.2.3 - Names and addresses of the owner, subdivider, surveyor and designer of the plan.

3.17.2.4 - Graphic Scale.

3.17.2.5 - North-Point.

3.17.2.6 - Date of Preparation.

3.17.2.7 - Existing conditions in the tract and unless already platted, within 300 feet surrounding the tract:

3.17.2.8 - Property lines.

3.17.2.9 - Districts proposed for non-residential use.

3.17.2.10 - Total acreage of proposed plat.

3.17.2.11 - Platted roads, railroad right-of-way and utility easements.

3.17.2.12 - Permanent buildings or other structures.

3.17.2. 13 - Topographic conditions of area to be platted, including lakes, water courses, swamp areas, rock outcroppings and terrain exceeding 15% slope to adequately portray the land form conditions.

3.17.3 Subdivision Design Features

3.17.3.1 - Layout of proposed roads, showing rights-of-way and names.

3.17.3.2 - Location and widths of proposed pedestrian ways and utility easements.

3.17.3.3 - Layout of proposed surface water drainage easements. Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision while protecting against erosion.

3.17.3.4 - Layout, number and dimension of lots.

3.17.3.5 - Areas other than roads, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

3.17.3.6 - Typical roadway section. Show a typical roadway section for all proposed roads. Refer to figure 1 for suggested section.

SEC. 3.18 STAGE DEVELOPMENT: Whenever a portion of a tract is proposed for platting and is of a size for future enlargement of such platted portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.

ARTICLE IV

MINIMUM DESIGN STANDARDS

SEC. 4.10 APPLICATION- The following land subdivision principles, standards and requirements will be applied by the commission in evaluating plans for proposed subdivisions:

SEC. 4.11- The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.

SEC. 4.12- Where literal compliance with the standards herein specified is clearly impractical, the Board may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations. The procedure for variation is stated in ARTICLE VI.

SEC. 4.13 LAND REQUIREMENTS:

SEC. 4.13.1 - Land shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved, if considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of potential flooding, swamp condition, or adverse earth or rock formation.

Lots subject to flooding and lots deemed uninhabitable because of adverse earth or rock formation shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

SEC. 4.13.2 - Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safe-guards against such hazards are provided by the subdivision plan.

SEC. 4.13.3 - Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

SEC. 4.13.4 - Proposed land uses shall conform to any county or township zoning ordinance in effect.

SEC. 4.14 ROAD SYSTEM:

4.14.1 - Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared, and adopted by the county.

4.14.2 - Proposed road shall further conform to such county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

4.14.3 - Roads shall be logically related to the topography so as to produce usable lots and reasonable grades.

4.14.4 - Access shall be given to all lots and portions of the tract in the subdivision. Reserved strips and land-locked areas shall not be created.

4.14.5 - Minor roads shall be laid out to discourage their use by through traffic and where possible, thoroughfares shall be protected for use by through traffic by marginal access roads, lots served by an interior road or other means.

4.14.6 - Half or partial roads will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the road can be secured.

SEC. 4.15 - CUL-DE-SAC ROADS

4.15.1 - Cul-de-sac roads, permanently designed as such shall not exceed 800 feet in length, except as variances are permitted by the Commission. Such a variance may be granted if it can be clearly shown that by reason of unfavorable landform, or the irregular shape of the plat from which the subdivision is being made; that a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.

4.15.2 - Cul-de-sac roads shall be provided at the closed end with a turn-a-round having a minimum radius to the outside edge of the finished road or curb line of not less than fifty (50) feet.

4.15.3 - Unless future extension is clearly impractical or undesirable, the turn-around right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around.

4.16 ROAD DESIGN

4.16.1 Widths: Minimum widths for each type of Public Street, or road shall be as follows:

<u>TYPE OF ROAD</u>	<u>RIGHT-OF-WAY WIDTH</u>
Principal Arterial	200 ft.
Minor Arterial	150 ft.
Major Arterial	120 ft.
Minor Collector	100 ft.
Local Road	66 ft
Alley	33 ft.

4.16.2 - Where a subdivision abuts or contains an existing road of inadequate width, sufficient additional width shall be provided to meet the above standards.

4.16.3 - Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

4.16.4 - Extensions of existing roads with lesser right-of-way and/or roadway widths than prescribed above may be permitted by variance in special cases.

4.16.5 RESTRICTION OF ACCESS: When a subdivision or portion thereof adjoins a major thoroughfare, no lot shall have direct access thereto unless there is no practical alternative. Said lots shall be provided with frontage on a marginal access road or an interior road.

4.16.6 INTERSECTIONS: Road intersections shall be as nearly at right angles as is possible, and no intersections shall be at an angle of less than sixty (60) degrees.

4.16.7 ROAD JOGS: Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

4.16.8 ROAD NAMES: A proposed road which is in alignment with and joins an existing named road shall bear the name of the existing road.

4.16.9 ALLEYS: Alleys or other loading space located off the public right-of-way shall be provided to the rear or side of all lots to be used for commercial or industrial use. When provided, alleys shall be open at both ends.

4.16.10 BLOCKS: Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by county or township zoning except adjoining a lake, stream, railroad or thoroughfare or where one tier of lots is necessary because of topographic conditions.

SEC. 4.17 ARRANGEMENT OF LOTS:

4.17.1 - Side lots lines shall be substantially at right angles to straight road lines or radial to curved road lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.

4.17.2 - Each lot shall front upon a public road.

4.17.3 - Double-frontage lots shall be avoided when possible. Residential lots shall be separated from thoroughfares and railroad rights-of-way by a greater lot depth amounting to 10% increase over that required by Section 4.23.

SEC. 4.18 SIZE OF LOTS: No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located: unless provided for otherwise by zoning regulations, the provisions of Section 4.23 shall apply.

4.18.1 - To minimize the danger of the building site being flooded, the Engineer may require that lots abutting a drainage course, channel, stream or lake have additional depth or width.

SEC. 4.19 PUBLIC USE AND SERVICE AREAS: Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

SEC. 4.20 PUBLIC OPEN SPACES: Where a proposed highway, school, historic site, park, recreation area or public access to water frontage shown on the General County Plan is located in whole or in part in the applicant's subdivision, the County board shall require as a condition of final approval that such space within the subdivision be dedicated or reserved. Such reserved land shall not be developed for a period of one year from the date of such final approval to that within said period the appropriate public agency may acquire said land in the manner provided as by law and before it is developed for some purpose not conforming to the official plan.

SEC. 4.21 EASEMENT FOR UTILITIES: Except where alleys are provided for the purpose, utility easements not less than twenty (20) feet in width across lots shall be provided for use in erecting, construction and maintaining poles, wires, conduits, surface drainage, water mains, electrical lines and other public utilities.

SEC. 4.22 DRAINAGE COURSES: Where storm water from adjacent areas naturally passes through a subdivision, adequate provisions shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.

SEC. 4.23 MINIMUM LOT STANDARDS, ROAD AND SANITATION IMPROVEMENTS.

	Individual Sewage Disposal	Community Sewage Disposal	Community Water Supply and Sewage Disposal System
Lot Area	43,750 sq. ft. or more if required as a result of soil percolation tests as provided for in SEC. 5.17 (Approx. 1 acre)	21,600 sq. ft. (Approx. 1/2 acre)	10,000 sq. ft. (Approx. 1/4 acre)
Lot Width	175 ft.	120 ft.	75 ft.
Lot Depth	250 ft.	180 ft.	130 ft.
Road Driving Surface Width	24 ft.	24 ft.	24 ft.

Road Pavement	6" stabilized gravel	6" stabilized gravel	6" stabilized gravel
Water Supply	Community or Individual	Individual	Community System
Set-back from Right-of-way (Minimum)	30 ft.	30 ft.	30 ft.

SEC. 4.24 - All work and improvements of roads is to be done in accordance with County Highway Department specifications and shall be subject to the recommendations, supervision and approval of the Engineer. See Figure 1 in the Appendix.

ARTICLE V

IMPROVEMENTS

Before the County Board shall approve a final plat of a subdivision the subdivider shall have completed and paid for the required improvements at his own expense. Said improvements are the following:

SEC. 5.10 SURVEY MONUMENTS: All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All government corner locations shall be monumented and certificates of government corner locations together with the resurvey information and section breakdown necessary to determine the boundaries of the proposed plat, shall be recorded with the Kanabec County Recorder.

SEC. 5.11 GRADING- Roads and lots shall be graded to secure proper drainage.

SEC. 5.12 SURFACE. WATER DRAINAGE- Surface water drainage shall be provided by storm sewers or drainage courses adequate to drain surface water from the subdivision and protect roadway pavements.

SEC. 5.13 MINIMUM PAVEMENT WIDTH AND ROADWAY SURFACING-

Roads shall meet the standards set forth in SEC. 4.24 and shall be approved after inspection by the Engineer.

SEC. 5.14 SANITATION- When located within the service area of a public sanitary sewage system, sanitary sewers shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots with connection to such public system.

SEC. 5.15- Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.

SEC. 5.16- Where lots cannot be connected with a public sewage system, provisions must be made for sanitary sewage facilities, consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the installation of individual disposal devices shall be the expense of the subdivider.

SEC. 5.17- Any subdivision or lot not provided with off-site sewer facilities may be subject to soil percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation if requested by the Commission due to limitations of soils as shown on existing soils maps. Such tests shall be made at the expense of the subdivider.

SEC. 5.18- All proposed sewage disposal systems shall comply with the regulations and recommended standards of the Minnesota Pollution Control Agency.

SEC. 5.19 WATER SUPPLY- Water supply for all areas shall be designed to meet the regulations and recommended standards of the Minnesota Department of Health.

SEC. 5.20- When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants at intervals of not less than six hundred (600) feet.

ARTICLE VI

VARIATIONS FROM REQUIREMENTS

SEC. 6.10- The Planning Commission may recommend a variation to the County Board from the requirements of subdivision planning procedure or public improvements when a group housing or cluster development is proposed or in specific cases when the tract to be subdivided is of such unusual size, shape, or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this article would result in substantial hardship or injustice.

SEC. 6.11- The standards and requirements of these regulations may be modified by the County Board after a public hearing in the case of plans, which in the judgment of the Commission, achieve substantially the objectives of this ordinance and which are further protected by such covenants or other legal provision as will assure conformity to and achievement of the plan.

SEC. 6.20 POLICY- In recommending any variation, the Commission shall take into account the following:

SEC. 6.21- The location of the proposed subdivision, proposed land use, and existing use of land in the vicinity.

SEC. 6.22- The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

SEC. 6.23- Those variations that will allow the subdivider to develop his property in a reasonable manner and at the same time preserve the general intent and spirit of this ordinance and protect the public welfare and interests of the county.

SEC. 6.30 PROCEDURE FOR VARIATION- Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plan is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Commission shall consider such application, give its written recommendations thereon, with the reasons therefore, at the time of its approval or disapproval of said plan. If the Commission refuses to recommend a variation, the subdivider may at once, without preparing a Final Plat, petition the County Board for a review of the decision of application for variation.

ARTICLE VII

EXEMPTION CERTIFICATE

SEC 7.10 The Environmental Services Director may grant an exemption certificate for the following minor subdivisions:

7.10.1 One division of a tract of land into 4 parcels in any twelve month period.

7.10.2 the division of a tract of land into parcels results with all parcels having a minimum width of 300 feet and a minimum of 300 feet of continuous frontage on an existing public road, and

7.10.3 All parcels resulting from the split must be at least one acre in size.

7.10.4 The exemption application form must contain a town official's signature indicating that the resulting parcels meet with town board requirements.

7.10.5 All parcels resulting from the split to be allowed as a building site must meet the requirements as stated in Kanabec County Ordinance #6 – Sewage and Wastewater Treatment –and as defined in MN Rules 7080.1100 Subp. 45 “Lot”. Parcels resulting from a split not meeting this requirement shall be recorded as non-buildable until such time as septic requirements can be met.

7.10.6 Splits must be simple in nature and each resulting parcel not exceeding eight corners.

7.10.7 - Parcels sold to adjacent property owners to provide a better subdivision.

7.10.8 Parcels desirable to correct survey errors or faulty descriptions. This can be accomplished without fee providing that an affidavit of attorney or surveyor stating is presented to the Environmental Services Director.

7.10.9 The division of a tract of land that is a complete quarter/quarter section, but that part exempted by a natural boundary or public road with all tracts resulting from the division having an access of at least two rods in width to an existing road.

7.10.10 Survey Requirements. If the split contains only right angle corners and each resulting parcel is readily defined by metes and bounds, a survey is not required. All other splits require surveys, other than those formed by natural boundaries or pre-existing public roads.

7.11 - Application for an exemption certificate shall be made to the Environmental Services Director.

7.12 - The Environmental Services Office in its consideration shall properly study the application and:

7.12.1 - Determine if the objectives of this ordinance are met.

7.12.2 - May require a public hearing.

7.12.3 - May require a surveyor's description or certificate of survey.

7.12.4 - May notify or consult with the affected town board, county official, or any other person, and may seek professional advice.

7.12.5 - Additional information necessary to properly consider the minor subdivision may be requested.

7.13 - The Environmental Services Director shall grant an exemption certificate if the objectives of this ordinance are met. If denied the subdivider shall be notified of the reasons. An appeal may be taken by any aggrieved person. Such an appeal shall be filed within 30 calendar days after the date of the decision of the Environmental Services Director and specifying the grounds thereof. Appeals shall be to the Board of Adjustment pursuant to §394.27, Subd 6, Minnesota Statutes.

ARTICLE VIII

FINAL PLAT

SEC. 8.10 PROCEDURE FOR FINAL PLAT- After the approval and endorsement of a preliminary plan, the following procedure shall be followed:

SEC. 8.11- Unless an extension of time is requested by the sub divider and granted by the Commission, the subdivider shall within one year following approval of the preliminary plan, submit to the Environmental Services:

8.11.1 Six (6) paper prints of the Final Plat, together with an up-to-date Abstract of Title or a Certificate of Title, and an Opinion of Title by the subdivider's Attorney. The Final Plat shall conform to all Minnesota Platting Regulations.

8.11.2 The Final Plat shall incorporate all changes required by the Commission; otherwise, it shall conform to the preliminary plan. The Final Plat may constitute only that portion of the preliminary plan, which the subdivider proposes to record and develop at the time.

SEC. 8.12- The Environmental Services Director shall refer two (2) prints of the Final Plat to the Surveyor, one (1) to the Engineer, one (1) to the Planning Commission, and one (1) to the Attorney, together with an up-to-date Abstract of Title or a Certificate of Title, and the Opinion of Title prepared by the subdivider's Attorney.

Sec. 8.13- A report of the Surveyor, Engineer, the Planning Commission, and the Attorney shall be submitted to the County Board within (30) days after the submission of the Final Plat. The Surveyor shall state whether the Final Plat conforms to the State Platting Regulations. The Engineer shall state whether the Final Plat and the proposed improvements conform to all engineering standards including requirements of the Minnesota Highway Department, if applicable. The Planning Commission shall state whether the final Plat conforms to the preliminary plan approved by the Commission and incorporates all changes that might have been required. The Attorney shall state whether the fee simple title to the platted property is in the names of the platters.

SEC. 8.14- The County Board shall act on the Final Plat within 60 days of the date on which it was submitted to the Environmental Services. It shall not approve a Final Plat unless it:

8.14.1 - Conforms to a preliminary plan approved by the Commission.

8.14.2 - Meets the design standards and engineering specifications set forth in this ordinance.

8.14.3 - Conforms to all plans adopted by the Commission and County Board.

8.14.4 - Meets all requirements and laws of the State of Minnesota.

SEC. 8.15 - When the Final Plat is approved by the County Board and certified by the County Auditor/Treasurer and County Attorney, the subdivider shall submit one double mounted, cloth backed prints on card stock or material of equal quality and two transparent reproducible copy. The Final Plat shall then be recorded with the County Recorder.

SEC. 8.16 DATA REQUIRED FOR FINAL PLAN shall be as required under regulations of State laws.

ARTICLE IX

FEES

SEC. 9.1- The fees for submitting or applying for preliminary plats, final plats, exemptions, and variances shall be in the amounts as periodically set by the County Board of Commissioners.

ARTICLE X
PLANNING COMMISSION

SEC. 10.10 KANABEC COUNTY PLANNING COMMISSION- The Kanabec County Planning Commission is hereby established and vested with such authority as provided by statutes and ordinances. The Planning Commission shall be composed of five (5) and not more than eleven (11) voting members appointed by the County Board. Members may likewise be removed or suspended for non-performance of duty or misconduct in office. Any vacancies shall likewise be filled. Members can be reappointed.

SEC. 10.20- The members will be appointed for staggered terms of three (3) years. Two (2) members will be appointed the first and third years and three (3) members appointed the second year.

ARTICLE XI
SEPARABILITY

SEC. 11.10- If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and sub holding shall not affect the validity of the remaining portions hereof.

ARTICLE XII
ENFORCEMENT

SEC. 12.10- This ordinance shall be enforced by the Environmental Services Director, who is hereby designated the enforcing officer.

SEC. 12.20- Any person who shall violate any of the provision of this ordinance shall be deemed guilty of a misdemeanor.

**ARTICLE XIII
AMENDMENTS**

SEC. 13.10- Amendments may be made to this ordinance by the County Board after recommendations of the Commission following the holding of a public hearing with notice given in the official newspaper of the County at least ten (10) days in advance of the hearing.

**ARTICLE XIV
EFFECTIVE DATE**

SEC. 14.10- This Ordinance shall be in full force from and after its passage and publication.

Signed _____
Commissioner Kevin Troupe
Chairperson of the Kanabec County Board of Commissioners,
Kanabec County, Minnesota

Attest: _____
Dan Weber
Kanabec County Coordinator

Date: _____