

LE SUEUR COUNTY LAND DIVISION ORDINANCE

This Ordinance shall be known, cited, and referred to as the “Le Sueur County Land Division Ordinance”, when referred to herein it shall be known as “this Ordinance”.

SECTION 1.0 PURPOSE AND SCOPE

SUBDIVISION 1.1 PURPOSE

The process of dividing land into separate parcels for uses including residential, industrial, and commercial sites is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community is firmly established. It is, therefore, in the interest of the general public, the developer, and the future land owners that land division be conceived, designed, and developed in accordance with standards that will protect the health, safety, and welfare of the general public.

All divisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- A. Encourage well-planned, efficient, and attractive land divisions by establishing adequate standards for design and construction.
- B. Provide for the health and safety of residents by requiring necessary services, such as properly designed streets and adequate area sewage and water facilities.
- C. Place the cost of improvements against those benefitting from their construction.
- D. Secure the rights of the public with respect to public lands and waters.
- E. Improve land records by establishing standards for surveys and plats.
- F. Protect environmentally sensitive areas.
- G. Encourage parks and open space development.

SUBDIVISION 1.2 SCOPE

The rules and regulations governing all divisions of land contained herein shall apply within the unincorporated area of Le Sueur County as provided in MN Statutes, Chapter 394.

It is not the intent of this Ordinance to repeal, annul, or in any way impair or interfere with existing provisions of the other laws or ordinances, except those specifically repealed by, or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land.

Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, Ordinance, contract, or deed, the provisions of this Ordinance shall control.

SUBDIVISION 1.3 AMENDMENTS

The provisions of this Ordinance may be amended by the Le Sueur County Board of Commissioners, based upon the recommendation of the Le Sueur County Planning and Zoning Commission or the Joint Planning Board.

SUBDIVISION 1.4 VALIDITY

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SUBDIVISION 1.5 CONSISTENCY WITH OTHER CONTROLS

Land divisions shall conform to all official controls of Le Sueur County. In areas not served by publicly owned sewer and water systems, a land division will not be approved unless an appropriate water supply is available and enough area for two (2) soil treatment and dispersal areas that can support a Type 1 system can be provided on every lot. The provision for enough area for two (2) soil treatment and dispersal areas that can support a Type 1 sewage treatment system may be waived if municipal sewer connection is required. Lots that would require use of holding tanks shall not be approved. Each lot shall meet the minimum lot size and dimensional requirements as stated under specific SECTIONS of the Le Sueur County Zoning Ordinance.

SUBDIVISION 1.6 PUBLIC IMPROVEMENT

No public improvement shall be installed unless the Final Plat is approved and same has been duly recorded.

SECTION 2.0 RULES AND DEFINITIONS

SUBDIVISION 2.1 RULES

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

- A. The singular number includes the plural and the plural the singular.

- B. The present includes the past and future tenses, and the future tense includes the present tense.
- C. The word “shall” is mandatory, and the word “may” is permissive.
- D. In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.
- E. The provisions of this Ordinance shall be construed and interpreted to give full force and effect to its purposed and scope.

SUBDIVISION 2.2 DEFINITIONS

For purposes of these regulations, certain terms and words are hereby defined as follows:

Abutting - Having a common border by a right-of-way, alley or easement.

Accessory Structure - A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Administrative Land Split – An approval of a change in property description of land that is approved by the Department and not subject to public hearings.

Agent – Someone who is authorized to act for or in place of another; a representative.

Agricultural land – Land devoted to the production of horticulture, row or close grown crops, introduced hayland crops, and to the pasturing of livestock, to growing nursery stock, and to animal feedlots, or was set aside to receive price support or other government subsidy payments, six of the ten years prior to June 1, 2022.

Alley - A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration - Any change, addition, or modification in construction or occupancy of an existing structure.

Block - The enclosed area within the perimeter of roads, property lines, or boundaries of the major subdivision.

Board of Commissioners – The Le Sueur County Board of Commissioners.

Boulevard - The portion of the street right-of-way between the curb line and the property line.

Buildable area – The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs and/or areas below the ordinary high water level.

Buildable lot - A parcel of record, or other lot, tract or parcel legally recorded with the county recorder that meets the requirements of the Zoning Ordinance, and where required, has frontage on an improved and maintained public road. An Outlot is not buildable.

Building - Any structure, either temporary or permanent, having a roof, and used or built for shelter or enclosure of persons, animals, chattel, or property of any kind.

Calendar year – The period of 365 days (or 366 days in leap years) starting from the first of January, used for reckoning time in ordinary affairs.

City - See municipality.

Cluster development - A pattern of development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Common development plan - A development project completed at once or in stages with each stage being capable of existing independently.

Common interest community - Contiguous or noncontiguous real estate within the state that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (hereafter referred to as a CIC).

1. **Condominium**. A CIC in which portions of the real estate are designated as units, the remainder of the real estate is designated for common ownership solely by the owners of the units, and undivided interests in the common elements are vested in the unit owners.
2. **Cooperative**. A CIC in which the real estate is owned by an association each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.
3. **Flexible CIC**. A CIC to which additional real estate may be added.
4. **Leasehold CIC**. A CIC in which all or a portion of the real estate is subject to a lease the expiration of which will terminate the CIC or reduce its size.
5. **Planned community**. A CIC that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

Community - A group of people living in the same locality under the same government.

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

Contour map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy - A print or reproduction made from tracing.

Concept plan or sketch plan - A generalized plan of a proposed major subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the Department at the pre-application meeting.

Conveyance - To transfer ownership or title by deeds, contracts for deed, mortgages, and any other instrument which transfer or may result in transfer of title. Easements shall be excluded from this definition.

Corner lot - A lot situated at the intersection of two or more streets.

County - Le Sueur County, Minnesota.

Covenants - Contracts entered into between private parties which constitutes a restriction on the use of all private property within a plat for the benefit of property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Cul-de-sac - A local street, one end of which is closed and consists of a circular turn-around.

Density - The number of dwelling units permitted per net acre of land.

Department - The Le Sueur County Environmental Services Department.

Developer - Any person commencing proceedings under the Ordinance to effect a division of land hereunder, for himself or for another.

Development - The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Double frontage lot - A lot bordered on at least two sides by streets.

Drainage way - A system of swales or concavities on the landscape that receive and direct overland surface water flow toward larger surface water bodies.

Easement - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Engineer, County - The registered professional engineer employed by the County, unless otherwise stated.

Engineer, project - The registered professional engineer (engineer of record) employed by the subdivider to prepare plans and reports required by this Ordinance.

Final Plat - The final map, drawing, or chart on which the major subdivision is presented to the Board of Commissioners for approval and which, if approved, will be submitted to the County Recorder.

Flag lot - A lot which is connected to a public street or highway by a narrow strip of land extending from the buildable lot area to the public street or highway

Floodplain - The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

Floodway - The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Governing body - The Le Sueur County Board of Commissioners.

Homeowners Association - A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

Improvements - Any facility which constitutes a physical betterment of the property, including public water, sewer, or storm sewer system, or any on-site sewage system, water system, drainage system, or other facility.

Joint Planning Board - A Board established by a home rule charter or statutory city council by resolution presented to the County Auditor. It shall be established to exercise planning and land use control authority in the unincorporated area within two miles of the corporate limits of the participating city, as authorized by MN Statutes, Chapter 462.3585.

Land Division - The division of improved or unimproved land into two or more parcels under the provisions of either the major or minor subdivision process as outlined in this ordinance.

Lot - A parcel or portion of land in a major subdivision, separated from other parcels or portions by description as on a subdivision plat or record of survey map, for the purpose of sale or lease or separate use thereof.

1. **Lot area** - The total horizontal area within the lot lines of a lot. The lot area shall conform to Lot area standards as stated in the Zoning Ordinance. Contiguous Lot area shall be free from rights-of-way, waterways, easements, ravines or other physical features which would preclude use of the required lot area
2. **Lot, corner** - A lot located at the intersection of two streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred and thirty-five (135) degrees.
3. **Lot, coverage** - Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, by the gross area of the lot.
4. **Lot depth** - The average horizontal distance between the front and rear lot line.
5. **Lot line** - A line dividing one lot from another lot or from a street or alley.
6. **Lot line, front** - The line separating the front of the lot from a public street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.
7. **Lot line, rear** - The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
8. **Lot line, side** - Any lot line not a front of rear lot line.

9. **Lot of record** - All lots which are a part of a land division legally recorded with the County Recorder, and lot or lots described by metes and bounded, the deed to which has been recorded in the office of the County Recorder and which are in compliance with the official controls at the time of recording. Lots of record shall be considered legally developable providing all applicable standards and official controls of the Le Sueur County Zoning Ordinance and Land Division Ordinance can be met at the time of development.
10. **Lot width** - The horizontal distance between side lot lines, measured at the required front setback line.

Map key - A map drawn to comparatively small scale which definitively shows the area proposed to be platted and the areas surrounding it to a given distance.

Metes and bounds description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by describing lines or portions thereof.

Minimum plat design standards - The guides, principles, and specifications for the preparation of the major subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Municipality - A town, city, or other district having powers of local self-government.

Official map - The Le Sueur County Zoning Map adopted by the County Board.

Open space - Land used for recreation, resource protection, amenity, and/or buffers. In no event shall any area of a lot constituting the minimum lot area, not any part of any existing or future road or right-of-way, be counted as constituting open space.

Outlot - Land shown on a plat that may be deemed unbuildable because of topography or soils, or land that is a remnant either too small or odd shaped for development. Zoning Permits shall not be granted for development on designated outlots. Within a plat, outlots shall be identified by alphabetical designation beginning with the letter "A".

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

Parcel - A lot, outlot, plat, metes and bounds, registered land survey, auditor's plat, or other accepted means of description of real property which has been recorded in the County Recorder's office.

Park - Any public or private land available for recreational, educational, cultural, or aesthetic use.

Performance Guarantee - A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

Planned Unit Development - A defined area of land developed as a unit rather than as an individual development wherein two or more buildings or uses may be located in relationship to each other rather than to the lot lines or land use district boundaries.

Planning Board - Refers to either a designated Joint Planning Board or the Le Sueur County Planning Commission.

Planning Commission - A Board established by Le Sueur County to recommend action to the Le Sueur County Board of Commissioners concerning planning and land uses in the unincorporated areas of the County.

Plat - The drawing or map of a major subdivision prepared for filing of record pursuant to MN Statutes, Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to MN Statutes, Chapter 394.21 to 394.37 and MN Statutes, Chapter 505.

Preliminary approval - Official action taken by the County on an application to create a major subdivision which establishes the rights and obligations set forth in the applicable major subdivision regulation. Unless otherwise specified in the applicable major subdivision regulation, preliminary approval may be granted only following the review and approval of the Preliminary Plat or other map or drawing establishing without blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Preliminary Plat - The preliminary map, drawing, or chart, indicating the proposed layout of the major subdivision; to be submitted to the Joint Planning Board or Planning and Zoning Commission for their consideration.

Principal use - The primary use and chief purpose of a lot or structure.

Public land - Land owned and/or operated by a governmental unit.

Recreational land - Land intended for open space or recreational activities that do not require additional land development.

Registered land survey - A survey map of registered land designed to simplify complicated metes and bounds descriptions, designating the same into a tract or tracts of registered land survey numbers as per MN Statutes, Section 508.47.

Registered Land Surveyor - A surveyor duly registered and licensed by the State of Minnesota.

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

Right-of-way - The publicly owned land along a street or highway corridor, a portion of which is covered by the street or highway pavement.

Screening - The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berm, or other feature.

Simple land split - The division of land requiring review as outlined in the simple land split process of this ordinance.

Site plan - A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Sketch plan - A sketch of a proposed subdivision showing the information specified in Section 3.1 of this Ordinance.

Streets, roads, and alleys:

1. **Alley** - A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.
2. **Street/Road** - A public or private right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.
3. **Collector street** - A street which carries traffic from local streets to arterials.

4. **Cul-de-sac** - A local street, one end of which is closed and consists of a circular turn-around.
5. **Local street** - A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
6. **Arterial street** - A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the appropriate city and beyond.
7. **Major or thoroughfare street** - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
8. **Service street** - A marginal access street which is generally parallel and adjacent to a major street and which provides secondary access to abutting property.

Street width - The width of the right-of-way, measured at right angles to the centerline of the street.

Subdivider - Any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision - The described tract of land which is to be or has been, divided into two or more lots or parcels for the purposes of transfer of ownership or a building development; or if a new street is involved, any division of a parcel of land. The term includes Resubdivision of a parcel of land.

Subdivision, major - A division of land requiring review as outlined in the formal platting process of this Ordinance.

Subdivision, minor - A division of land requiring review as outlined in the administrative land split process of this Ordinance.

Surveyor - A land surveyor licensed in the state of Minnesota.

Tracing - A plat or map drawn on transparent paper which can be reproduced by using regular reproduction procedures.

Utilities - All utility services, including, but not limited to water, sewer, phone, electrical services, whether such services are government-owned facilities or furnished by private utility companies, or privately installed and maintained.

Variance - A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the property, which, because of unusual or unique circumstances, is denied by the terms of the Zoning Ordinance.

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard - A required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by the Zoning Ordinance.

Zoning Ordinance - The Le Sueur County Zoning Ordinance controlling the use of land as adopted by the Le Sueur County Board of Commissioners.

SECTION 3.0 GENERAL PROCEDURES FOR THE DIVISION OF LAND

The following procedures shall be followed in the administration of this Ordinance and the County Zoning Ordinance.

SUBDIVISION 3.1 GENERAL REGULATIONS

- A. No real property within the jurisdiction of this Ordinance shall be divided or a plat recorded with the County Recorder unless in compliance with this Ordinance.
- B. Any land division within a calendar year creating three (3) or more parcels, tracts, or lots less than five (5) acres in size after the adoption of these regulations shall be platted, in accordance with this Ordinance.
- C. All registered land surveys, common interest communities (CIC), preliminary and Final Plats of any subdivision, as required by this Ordinance, shall be subject to review and approval by the appropriate Board.
- D. No lots, tracts, or parcels within any proposed major subdivision may be sold prior to recording the plat with the County Recorder.
- E. The County shall not issue any permits for development on any lot, parcel, or tract within a land division that has not received final approval pursuant to this Ordinance.
- F. All registered land surveys and common interest communities (CIC), as may be required from time to time, shall be filed with the Department and shall be subject to the same procedure as required for the filing of a plan for platting purposes. The standards and requirements in this Ordinance shall apply to registered land surveys and common interest communities (CIC).

SUBDIVISION 3.2 MINOR SUBDIVISIONS

- A. Parcels of land, may be divided without going through the formal platting process or conducting a survey, provided that the land division be done in not less than quarter-quarter-quarter section sized parcels along existing section, quarter section, quarter-quarter section, and quarter-quarter-quarter section lines. In addition, the platting or survey process may not be required if the parcel can be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, ravine, lake, road, or railroad. If a split creates a parcel smaller than a quarter-quarter-quarter section, the following conditions apply:
1. When a quarter-quarter section of land is divided, one residential parcel meeting area requirements of the Zoning Ordinance, and as defined in this ordinance may be created through the minor subdivision process.
 2. Within the remaining quarter-quarter remnant, the creation of the second and subsequent residential building sites shall be done using the administrative land split provision in this ordinance. A residential development right shall first be secured, as determined by the Zoning Ordinance.
- B. When a parcel of land is divided which conveys less than a quarter-quarter-quarter section, it may be done without going through the platting process, if it includes written authorization from the Department. The written authorization shall accompany and be recorded with the metes and bounds description creating the new parcels. An electronic survey drawing, signed by a licensed surveyor shall be recorded with the metes and bounds description.
1. When a new parcel is intended for residential purposes, and to ensure eligibility for issuance of zoning permits, a statement signed by the Department may be recorded confirming the land division complies with all requirements of this Ordinance; the Zoning Ordinance; and the Minnesota Wetlands Conservation Act.
 2. Such a land division shall not interfere with the purpose of this Ordinance.

SUBDIVISION 3.21 SIMPLE LAND SPLITS

The conveyance of certain parcels of land may be split administratively if the requirements of this Ordinance are met. The Department shall have the authority to approve simple land splits.

- A. Agricultural land splits. Land that is being split for agricultural purposes may be allowed if the intended purpose of the conveyance is stated to the Department in writing. A deed restriction stating that the conveyance is not intended as a residential building site shall be recorded in the County Recorder's office.

- B. Recreational land splits. Land that is being split for recreational purposes may be allowed if the intended purpose of the conveyance is stated to the Department in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the County Recorder's office.
- C. New residential land split. Land that is being split to create a parcel for the first residential structure in a quarter-quarter section, where a plat is not required, may be allowed if the quarter-quarter section has a residential development right. Any newly created residential parcel shall meet the requirements of the Zoning Ordinance.
- D. Existing residential land split. Existing rural developments may be split from a larger parcel through the simple land split process if located within an agricultural and/or conservancy zoned district. All newly created residential parcels shall meet the requirements of the Zoning Ordinance.
- E. Septic drainfield split. Land that is being split to create an area for the installation of a septic drainfield, meeting MPCA and County requirements, to service one or more neighboring properties may be allowed if the intended purpose of the conveyance is stated to the Department in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the County Recorder's office.
- F. Public or public service purposes. Land that is being split to create an area for public or public service purposes, such as for State Department of Natural Resources public water accesses, parks, public utility facilities such as pipeline or power line service buildings, radio or telephone communication towers, or other similar nonresidential purposes.

SUBDIVISION 3.22 SIMPLE LAND SPLIT PROCEDURES

The following documents shall be provided as a part of the simple land split procedure. Unless otherwise stated within this Ordinance, failure to provide the necessary documents will result in the inability to create a legal land division according to this Ordinance.

- A. Simple land split application.
- B. Simple land split review fee.
- C. Unless exempt as stated in Subdivision 3.2, one electronic copy of a certificate of survey signed by a registered land surveyor for all affected tracts, parcels or lots with the following information, when applicable:
 1. Name of the property owner and surveyor or engineer preparing the survey.
 2. Date, scale, key map, north point.
 3. Location of the land split by quarter-quarter section, section, township, and range.
 4. Total acreage of land to be split.

5. Length and bearings of the exterior boundaries of the land being split.
 6. Parcel layout and dimensions of all parcels.
 7. Written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two (2) sites suitable for Type 1 subsurface sewage treatment systems for each parcel. The report shall include:
 - a. A site evaluation and preliminary SSTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, Class I single-family dwelling with an effluent flow of 600 gallons per day. The designated sites and ISTS design shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - b. Additional information or site specific site development plans may be required.
 8. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
 9. Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by county staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.
 10. Other information as requested by the Department to document a buildable area meeting the minimum requirements of the Zoning Ordinance.
- D. Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.
- E. Written approval for road access for each parcel from the appropriate road authority. (Township, County, and State).

Upon submittal of all required documents, the Department shall have five (5) business days to review the proposed land split for compliance with all applicable ordinances. If the simple land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the County Recorder's office. If the simple land split is not compliant all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

SUBDIVISION 3.23 ADMINISTRATIVE LAND SPLITS

The conveyance of certain parcels of land may be split administratively in agriculture or conservancy districts if the requirements of this Ordinance are met. The Department shall have the authority to approve administrative land splits. An administrative land split for the items below shall only be approved if the split does not require creation or altering of any public road right-of-way and any Parcel created by the land split is in compliance with the minimum standards and residential density of the district in which it is located. The land split shall not result in a Lot, Parcel, site, division or building which does not meet the minimum requirements of this Ordinance or the Zoning Ordinance for setbacks, size requirements and/or access.

A. Minor subdivisions.

1. Land that is being split to create an additional new residential building site in a quarter-quarter section may be allowed if the proposal meets all requirements of the Zoning Ordinance.
2. Land that is being split to create parcels for two or more new residential building sites in a quarter-quarter section with or without any existing residential building site(s) may be allowed if the proposal meets all requirements of the Zoning Ordinance.

SUBDIVISION 3.24 ADMINISTRATIVE LAND SPLIT PROCEDURES

The following documents shall be provided as a part of the administrative land split procedure. Failure to provide the necessary documents will result in the inability to create a legal land division according to this Ordinance.

A. Administrative land split application.

B. Administrative land split review fee.

C. One digital copy of a certificate of survey signed by a registered land surveyor for all affected parcels or lots with the following information, when applicable:

1. Name of the property owner and surveyor or engineer preparing survey.
2. Date, scale, key map, north point.
3. Location of the land split by quarter-quarter section, section, township, and range.
4. Total acreage of land to be split.
5. Length and bearings of the exterior boundaries of the land being split.
6. Radii of all curves and lengths of all tangents.
7. Parcel layout and dimensions of all parcel.

8. The location of all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated.
 9. The location of existing storm drainage, sewer, water, and utility facilities, including poles and utilities stubbed into the property. Reasonable attempts shall be made to identify the location, size, and capacity of agricultural tiles and abandoned wells.
 10. Written report, prepared by an MPCA licensed subsurface sewage treatment systems designer, which shows the location of two (2) sites suitable for Type 1 subsurface sewage treatment systems for each parcel. The report shall include:
 - a. A site evaluation and preliminary SSTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, Class I single-family dwelling with an effluent flow of 600 gallons per day. The designated sites and SSTS design shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - b. Additional information or site specific site development plans may be required.
 11. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
 12. Topographic map of the area showing contours as follows: two-foot intervals where the slope is less than 12 percent; five-foot intervals where the slope is from 12 to 18 percent; ten-foot intervals where the slope is greater than 18 percent.
 13. Contours lines shall indicate the toe and top of any bluffs present.
 14. Waterways, watercourses, lakes, and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by county staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.
 15. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater storage areas.
 16. When the land split borders a lake, river, or stream, a survey line shall be established at an elevation a minimum of four (4) feet above the ordinary high water elevation of the lake, river, or stream.
- D. Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.
- E. Written approval for road access for each parcel from the appropriate road authority. (Township, County, and State).

Upon submittal of all required documents, the Department shall have fifteen 15 business days to review the proposed land split for compliance with all applicable ordinances. If the administrative land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the County Recorder's office. If the administrative land split is not compliant, all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

SUBDIVISION 3.3 MAJOR SUBDIVISIONS

- A. Prior to the preparation of any Preliminary Plat for consideration by the appropriate Planning Board, the subdivider shall meet with the Department in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. The subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for water supply and waste disposal. The sketch plan may be presented in simple form but shall show consideration has been given to the relationship between the proposed subdivision and existing community facilities. Consideration shall also be given to neighboring development, the topography of the site, the applicable Comprehensive Plan(s), and any other requirements as stipulated in this Ordinance. The sketch plan will be considered as the basis for discussion between the subdivider and the appropriate Planning Board. Submission of such sketch plan shall not constitute formal filing of a Preliminary Plat.

- B. The subdivider is encouraged to seek advice and assistance of the Department in order to save time and effort, and to facilitate the approval of the Preliminary Plat.

SUBDIVISION 3.4 PRELIMINARY PLAT

- A. After the pre-application meeting, the subdividers or owners shall submit an application to the Department and shall file a digital copy of a Preliminary Plat which has been prepared in accordance with the regulations set forth in this Ordinance, and any supplementary materials required. At the time of submission of the Preliminary Plat, the required fees shall be paid by the subdivider.
 - 1. The filing shall be at least thirty (30) days prior to the next regularly scheduled appropriate Planning Board meeting.
 - 2. The Department shall refer copies of the Preliminary Plat to the applicable City, Town Board, County Surveyor, County Engineer, County Recorder, and other agencies to provide the appropriate Planning Board with any opinion on the proposal.

- B. Within thirty (30) days after the plat has been filed and after reports and certifications have been received as requested, the appropriate Planning Board shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official county newspaper and the affected municipality's newspaper at least ten (10) days before the day of the hearing. Notices shall also be sent to all known property owners of record within ¼ mile of the exterior boundary of the proposed plat.
- C. The appropriate Planning Board shall study the Preliminary Plat taking into consideration the requirements of the appropriate government bodies and the best use of the land being subdivided with attention being given to the following:
1. The arrangement, location, and width of streets;
 2. Road connections and their relation to the topography of the land;
 3. Water supply;
 4. Sewage treatment or disposal;
 5. Stormwater drainage;
 6. Lot sizes and configuration;
 7. Future development of adjoining lands;
 8. Consideration of parks and open space development;
 9. Requirements of the Comprehensive Plan, the Official Map, and the Zoning Ordinance.
- D. At the public hearing, all persons interested in the proposal shall be heard, and the appropriate Planning Board shall, within thirty (30) days of the conclusion of the public hearing, forward to the County a favorable, conditional, or unfavorable report and said reports shall contain a statement of findings and recommendations.
- E. The County Board shall act upon the Preliminary Plat within sixty (60) days following the delivery of an application completed in compliance with these regulations by the applicant. If the County Board fails to act within the review period, the application shall be deemed approved, and upon demand the County shall execute a certificate to that effect. If the County Board disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the County Board meeting and reported to the owners and subdividers.
- F. Approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed towards preparation of a Final Plat in accordance with the terms of approval provisions of this Ordinance.
- G. Should the subdivider desire to amend the Preliminary Plat as approved, an amended plat shall be submitted to the Department. Additional public hearings shall be exempted unless the Department considers the scope of the revisions substantial enough to constitute a new plat which will then require a new application submittal, new public hearing, and fees.

1. If a new public hearing is required, the applicant shall withdraw their original Preliminary Plat application and the Department shall refer a digital copy of the amended Preliminary Plat to the appropriate staff and agencies for their review and report. The report of these agencies and persons shall be submitted to the Department and the County Board shall act on the Preliminary Plat within sixty (60) days of the submission of the amended Preliminary Plat.
- H. In the case of all plats, the appropriate Planning Board and/or the County Board shall make the following findings:
1. That the proposed plat is not in conflict with adopted applicable general and specific land use plans of the City, County, and Township;
 2. That the physical characteristics of the site including, but not limited to, topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, and accessibility are such that the site is physically suitable for the proposed density of development;
 3. That the design of the plat or the proposed improvements are not likely to cause substantial environmental damage;
 4. That the design of the plat or the type of improvements is not likely to cause serious public health problems;
 5. That the design of the plat or the type of improvements will not conflict with easements established by judgement of a court.

SUBDIVISION 3.5 FINAL PLAT

- A. The Final Plat shall be prepared by a land surveyor duly registered by the State of Minnesota, and said plat shall conform to all state requirements in MN Statutes, Chapter 505 and this Ordinance.
- B. The owners or subdividers shall file a digital copy of the Final Plat with the Department prior to the appropriate Planning Board meeting at which it will be considered. If this is not done within twelve (12) months of the date the Preliminary Plat has been approved by the County Board, the Preliminary Plat shall be considered void unless, an extension is granted by the appropriate Board.
 1. A request for an extension of time shall be submitted in writing, by the owners or subdivider, to the Department.
 2. The request shall include a narrative justifying the extension and the description of the actions taken toward obtaining approval of the Final Plat.
 3. Decisions of time extension requests shall be given based on whether the subdivider is actively pursuing the completion of the Final Plat.

- C. Upon approval of the Final Plat by the County Board, the subdivider shall record such Final Plat with the County Recorder, within one hundred eighty (180) days after the approval. Otherwise, the approval of the Final Plat shall be considered void.

SECTION 4.0 GENERAL REQUIREMENTS

SUBDIVISION 4.1 DOCUMENTS

A. PRE-PLAT MEETING REQUIRED:

Prior to the filing of an application for conditional approval of a Preliminary Plat, the subdivider shall consult with the Department, the County Engineer, and with the Town Board of the Township in which the plat is to be located to determine specific issues and/or concerns, and to receive input from staff regarding the proposed plat. A sketch plan shall be submitted to the Department for review prior to proceeding with a Preliminary Plat. The plan is for general purposes to coordinate the desires of the subdivider and the City, Township, and County goals and should generally show the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the existing road rights-of-way.
2. A soils map, all existing structures, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided. Topographic data may also be indicated at intervals of not more than ten (10) feet and be based on Mean Sea Level.
3. The name of the property owner.
4. All utilities available, and all streets which are either proposed, mapped, or built.
5. The proposed lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewage disposal, and water supply within the subdivided area.
6. All existing restrictions on the use of the land, including easements, covenants, or zoning lines.

B. APPLICATION FOR CONSIDERATION: The application for consideration of a subdivision plat shall be made to the Department on an official application form.

C. PRELIMINARY PLAT: The following information shall be submitted for the consideration of a Preliminary Plat, and shall be either placed directly on the plat or be attached to the plat.

1. The Preliminary Plat shall be drawn to a scale of not less than one inch equaling 100 feet. Where necessary, the Preliminary Plat may be on several sheets, provided they are numbered and a map key is presented with the sheets showing the entire subdivision.

Also required:

- a. Name of the subdivider and surveyor or engineer preparing plat.
- b. Proposed plat name and all intended street names.
- c. Date, scale, key map, north point.

- d. Location of the plat by government lot and/or quarter-quarter section, section, township and range.
- e. Location and names of adjacent plats and the owners of adjoining parcels of unsubdivided land.
- f. Zoning classification of lands to be divided and all adjacent lands.
- g. Total acreage of land to be divided.
- h. Exact length and bearings of the exterior boundaries of the land being divided, including the exact radii, central angle and arc length of all curves. On non-tangential curves a chord bearing and chord distance shall be shown. This means the perimeter description around the exterior boundary lines of the plat.
- i. Lot layout and dimensions of all lots and outlots.
- j. Location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, watercourses, drainage ditches, permanent buildings and structures, and such other data as may be required within the area being platted and within 300 feet of the exterior boundaries of the area being platted.
- k. The location, layout and width of all new streets, rights-of way, and all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated. Maximum grade for proposed roads shall be indicated.
- l. The location of existing storm drainage, sewer, water and utility facilities, including poles and utilities stubbed into the property. Reasonable attempts shall be made to identify the location, size and capacity of agricultural tiles and abandoned wells.
- m. Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development.
- n. Written report, prepared by an MPCA licensed subsurface sewage treatment systems designer, which shows the location of two (2) sites suitable for Type 1 subsurface sewage treatment systems for each parcel. The report shall include:
 - 1. A site evaluation and preliminary SSTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, Class I single-family dwelling with an effluent flow of 600 gallons per day. The designated sites and SSTS design shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - 2. Additional information or site specific site development plans may be required.

- o. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
- p. Topographic map of the area showing contours as follows: two-foot intervals where the slope is less than 12 percent; five-foot intervals where the slope is from 12 to 18 percent; ten-foot intervals where the slope is greater than 18 percent.
- q. Contours shall indicate all bluff areas, including the toe and top of any bluffs present.
- r. Indicate all bluff and/or shore impact zones.
- s. Waterways, watercourses, lakes, and wetlands with ordinary high water level and delineated floodway and flood fringe zones. The boundaries of wetlands shall be delineated.
- t. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater storage areas.
- u. When the plat borders a lake, river or stream, a survey line shall be established at an elevation a minimum of four feet above the ordinary high water elevation of the lake, river or stream.

2. SUPPLEMENTAL INFORMATION:

- a. A notarized certification by the owner and by any mortgage holders of the property of the adoption of the plat and the dedications required by this Ordinance;
- b. A map of the entire tract if the application covers only a part of the subdivider's entire holding, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grade and drainage in the remaining portion of the tract shall be submitted;
- c. A vicinity sketch to show the relation of the plat to adjacent lands already developed and adjacent lands which could be developed consistent with development of the property being platted;
- d. A copy of all proposed covenants or private restrictions affecting the subdivision.
- e. Drainage report describing predevelopment flows, expected post-development flows, and measures to be taken to ensure that post-development flows do not exceed predevelopment flows. Such report shall describe erosion control measures to be taken to prevent erosion and sedimentation both during and after development.

- f. Grading plans showing cut and fill sections for proposed site grading if lot alteration is proposed.

D. FINAL PLAT: The Final Plat shall comply with the requirements of MN Statutes, Chapter 505, where necessary.

1. The Final Plat may be on several sheets provided they are numbered and a map key is presented on the sheets showing the entire subdivision.
2. The Final Plat will have incorporated all changes and modifications required in all other respects conform to the approved Preliminary Plat.
3. The Final Plat may constitute only that portion which the subdivider proposed to record and develop, provided that such portion conforms with all the requirements of this Ordinance.
4. The Final Plat shall have the official form required for the granting of approval.
5. The information to be included on the Final Plat is as follows:
 - a. Name of the owner of record.
 - b. Date, scale, north point.
 - c. Plat name and all street names.
 - d. Durable benchmark with complete description, location and elevation when the plat is located within the shoreland district.
 - e. Location of the plat by quarter-quarter section, government lot, section, township and range.
 - f. Exact length and bearings of the exterior boundaries of the land being divided, including the exact radii, central angle and arc length of all curves. On non-tangential curves a chord bearing and chord distance shall be shown. This means the perimeter description around the exterior boundary lines of the plat.
 - g. Underlying plats shall be shown as dashed lines.
 - h. Exact location, widths and names of all streets being platted, their bearings, angle of intersection, length of arcs, radii, points of curvature and tangent bearings.
 - i. Exact bearings, dimensions and area of all Lots.
 - j. Location and dimensions of all parks within the boundaries of the land to be divided.
 - k. The exact location and width of railroad and utility rights-of-way, watercourses, drainage ditches, the exact location and width of all public easements, and a statement of easement rights.
 - l. Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public," or labeled as Outlots, with proper dedication in the instrument of dedication.
 - m. Water elevations of adjoining lakes, rivers and streams at the date of the survey. If high water elevation is available, it shall be shown on the plat.
 - n. When a plat borders a lake, river or stream, the exact distance and bearings of a survey line shall be established at an elevation a minimum of four feet above the recorded high water elevation of the lake, river or stream.

- o. Notarized certificate of the licensed land surveyor certifying that the plat fully complies with the requirements of this Ordinance and the platting laws of the state relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by them and that all monumentation complies with MN State Statutes, Chapter 505 that no wetlands exist on the property or that wetlands are shown on the plat, as defined by MN Statutes, Section 505.02, subd. 1. Financial assurances shall cover costs of installing required monumentation when delayed staking provisions of MN Statutes, Chapter 505 are utilized.
- p. Notarized owner's certificates or instruments of dedication signed by the owners dedicating to the public for full public use all streets, street rights-of-way and other lands designated as "dedicated for the public's use" and granting of utility easements as shown on the plat.
- q. Title opinion from state licensed attorney.
- r. Certificates of approval to be signed by:
 - 1. The Chairperson of the Planning Commission;
 - 2. The Secretary of the Planning Commission;
 - 3. The County Surveyor;
 - 4. The County Engineer;
 - 5. The County Sanitarian;
 - 6. The Board of Commissioners Chairperson;
 - 7. The County Administrator.
- s. A certificate to be signed by the County Auditor-Treasurer office stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- t. A certificate to be signed by the County Recorder or Registrar of Titles.

SUBDIVISION 4.2 CONFORMITY TO OFFICIAL ZONING MAP AND ZONING ORDINANCE

All subdivisions shall conform and be in harmony with the Le Sueur County Zoning Ordinance, Official Zoning Map, and Comprehensive Plan.

SUBDIVISION 4.3 DELAYED APPROVAL OF SUBDIVISION

Where a proposed park, playground, school site, or other public site as shown on the Official Zoning Map is embraced in part, or in whole, by the boundaries of a proposed subdivision, such land shall be reserved and no action shall be taken towards approval of the Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

SUBDIVISION 4.4 LAND SUITABILITY

Each lot created in a proposed subdivision shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, utility easements, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision of the community.

SUBDIVISION 4.5 ESTABLISHED MONUMENTS

All international, federal, state, county, and other official monuments, landmarks, triangulation points, and stations shall be preserved in their precise locations, and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during any construction and development. All section, quarter section, and sixteenth section corner monuments shall be completely and adequately described and tied.

SUBDIVISION 4.6 PRESERVATION OF NATURAL FEATURES

In all proposed major subdivisions, the appropriate Planning Board may require the preservation of natural features which add value to the County, such as trees or groves, water courses, beaches, historic spots, vistas, and other similar irreplaceable assets.

SUBDIVISION 4.7 EROSION PREVENTION, GRADING, EXCAVATING, AND FILLING STANDARDS:

- A. Grading, excavating, and filling in any type of wetland shall be evaluated to determine how extensively the proposed activity would affect the functional qualities of the wetlands. This evaluation shall also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies. The determination shall be based on the following:
1. Sediment and pollutant trapping and retention;
 2. Storage of surface runoff to prevent or reduce flood damage;
 3. Fish and wildlife habitat;
 4. Recreational use;
 5. Shoreline or bank stabilization; and
 6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- B. Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

- C. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
- D. Methods to minimize soil erosion and to trap sediments within the area of the proposed plat and before they reach any surface water feature shall be used for any development of one (1) acre or larger. Guidelines for sediment control contained within the Board of Water and Soil Resources “Minnesota Construction Site Erosion and Sediment Control Planning Handbook” should be utilized.
- E. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation district and the United States Soil Conservation Service.
- F. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
- G. Plans to place fill or excavated material on steep slopes shall be reviewed by qualified professionals, as approved by the Department, for continued slope stability and shall not create finished slopes of 30 percent or greater.
- H. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

SUBDIVISION 4.8 BLOCKS, LOTS, AND STREET DESIGNS

Design standards shall assure that the layout of the subdivision is in harmony with existing adopted plans and roadways affecting the development of its surroundings and shall be in harmony with existing development unless the proposed development is part of a larger redevelopment plan.

The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, U-shaped street, and cul-de-sacs may be encouraged where such use will result in more desirable and efficient use of the land. However, in those areas either abutting or within one-half mile of a municipality, streets should be designed in such a manner as to align with existing streets inside the municipality if deemed necessary to accommodate a municipality’s street plan.

A. BLOCKS:

- 1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways, or lakeshores.

- a. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, block lengths shall normally not exceed thirteen hundred twenty (1320) feet, not be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterial and collector streets shall not be less than one thousand (1000) feet in length.
- b. In long blocks the appropriate Planning Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the appropriate Planning Board through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to playgrounds, transportation, shorelands, or other community facilities.
- c. Blocks designed for industrial uses shall be of such length and width as may be determined suitable for the prospective use.

B. LOTS:

1. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Le Sueur County Zoning Ordinance.
2. When possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
3. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where the topography or other conditions render other designs unreasonable.
4. Every lot shall have sufficient frontage on a public dedicated road or street other than an alley, provided, that where private roads are permitted as set forth in this ordinance, such frontage may be on an approved private street.
5. Lot remnants which are below the minimum lot size shall be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel.
6. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of lots within subdivisions are permissible. The lot shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

C. STREET DESIGN:

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, and to the proposed uses of the area to be served.
2. Where new streets extend to existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land, it shall be designed to meet the traffic needs of the area to be served by the road upon its full development.
4. Half streets shall be prohibited except where the County Board finds it to be practical upon recommendation of the appropriate Planning Board to require the dedication of the other half when adjoining property is subdivided. In such event, access to the half street shall be prohibited until such adjoining property is subdivided.
5. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing street. In no case shall the name of the proposed street duplicate names, including phonetical similarities, elsewhere in the County.
6. Where a subdivision is to be located adjacent to a collector road, the County Board may require that lots back onto those thoroughfares and be landscaped to provide a buffer zone. Access to the interior lots shall either be a cul-de-sac or designed as a U-shaped or loop street.

D. HARDSHIP TO OWNER OF ADJOINING PROPERTY:

The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

E. REVERSE CURVES:

Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

F. DEAD-END STREETS:

Dead-end streets shall be prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs outside Shoreland Districts shall not normally be longer than 500 feet. Turn-arounds shall have a minimum outside roadway radius of 60 feet and a right-of-way radius of not less than 70 feet.

G. LOCAL STREETS:

Local streets are intended for access to abutting property and shall be so aligned that their use by through traffic shall be discouraged.

H. INTERSECTIONS:

Insofar as practical, streets shall intersect at right angles. It shall be evident that safe and efficient traffic flow is encouraged. No intersection shall contain more than four “corners”. Street jogs with centerline offsets of less than 125 feet shall be avoided.

I. PUBLIC STREET AND DRIVEWAY CONNECTIONS:

Streets or driveway access points requiring connection or access to a publically maintained roadway will require access permit approval by the public road authority. The minimum required County access standards shall be met. Requirement of turn lanes will be based upon current Minnesota Department of Transportation design guidance (currently provided in the “MN/DOT Access Management Manual” and “MNDOT Road Design Manual”).

J. RIGHT-OF-WAYS:

For all public right-of-ways hereafter dedicated and accepted the following minimum right-of-way width and grade shall be met:

Minnesota Department of Transportation Standards for horizontal and vertical alignment, grades, etc. shall also be complied with to meet County Standards.

Street Classification	Min. width R.O.W.	Min. Driving Width	Max. Grade	Min. Drainage Grade
Major Arterial	100 ft.	60 ft.	5%	0.5%
Minor Arterial/Collector	80 ft.	44 ft.	5%	0.5%
Local Streets and Roads	66 ft.	24 ft.	8%	0.5%
Service Access Roads	50 ft.	24 ft.	8%	0.5%
Alleys	20 ft.	16 ft.	8%	0.5%
Pedestrian Way	10 ft.	-	-	-

K. PRIVATE STREETS OR ROADS:

Private streets or roads may be permitted, provided these streets or roads meet the approval of the appropriate Planning Board and standards set forth in this Ordinance. No person shall sell any parcel of land in a subdivision if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the township or county.

L. TOWNSHIP SPECIFICATIONS:

Upon recommendation by the affected township, the developer may be required to provide a driving surface per that township's specifications.

SUBDIVISION 4.9 EASEMENTS

- A. An easement for utilities at least 10 feet wide shall be provided along the side line of lots and/or the rear line of lots, where necessary, to form a continuous right-of-way at least 20 feet in width. If necessary for the extension or construction of main water or sewage lines or similar utilities, easements of greater width may be required along lot lines or across lots. Easement obstructions may be removed for utility repair or installation.
- B. Utility easements shall be aligned and connected with easements established in adjoining properties.
- C. Additional easements for pole guides may be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guides will fall alongside lot lines.
- D. Where a subdivision contains, or is traversed by, a water course, drainage way, channel, lake or stream; a stormwater easement, drainage right-of-way or park dedication, , shall be provided. The stormwater easement, drainage right-of-way, or park dedication shall be large enough to provide adequate stormwater drainage of the area. The width of such easements may be reviewed by the County Engineer.

SUBDIVISION 4.10 NATURE OF STORMWATER FACILITIES

A. GENERAL STANDARDS:

- 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

2. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, and when any developments shall provide runoff retention structures or other acceptable measures to maintain predevelopment runoff rates (assuming adequately protected land). Various types of constructed facilities including but not limited to diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. SPECIFIC STANDARDS:

1. Impervious surface coverage of lots shall meet the standards of the applicable zoning district as listed in the Zoning Ordinance.
2. When constructed facilities are used for stormwater management, the following shall apply:
 - a. Documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the County Soil and Water Conservation District.
 - b. Areas intended to be used as a stormwater facility to manage runoff within subdivisions are required to be located on a separate outlot. The outlot shall be jointly owned by all landowners in the subdivision.
 - c. The owners of the stormwater facility shall be responsible for its annual maintenance. Every year, the owners shall submit an annual report to the Department, prior to November 1st, stating the maintenance events that occurred over the previous year and outlining the type of maintenance activities planned for the upcoming year.
3. Newly constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
4. Accessibility to Public Storm Sewers:
Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters, subject to the specifications reviewed by the County Engineer.

5. Accommodations of Upstream Drainage Areas:
A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall review specifications to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
6. Effect on Downstream Drainage Areas:
The County Engineer may review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate shall serve as a guide to determine the runoff incident that the development of the subdivision will have on any existing downstream drainage facilities. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage way or facility.
7. Floodplain Areas:
Floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, excavating, or dumping of earth, or waste material.

SUBDIVISION 4.11 SHORELAND REGULATIONS

Subdivisions within shoreland areas, as designated by the County Zoning Ordinance and Official Zoning Map, shall comply with all State and County Standards applicable to shoreland areas. Development with shoreland areas may be allowed as provided in the Le Sueur County Zoning Ordinance.

SUBDIVISION 4.12 PLANNED UNIT DEVELOPMENTS (PUD)

Development may be allowed as a PUD, as provided in the Le Sueur County Zoning Ordinance.

SUBDIVISION 4.13 PUBLIC SITES AND OPEN SPACE

- A. Where a proposed park, playground, or open space shown on the County Comprehensive Plan is located in whole or in part in a subdivision, the appropriate Planning Board shall require that such area or areas be shown on plats in accordance with the requirements specified in this Section. Such area or areas shall be dedicated to the Township, County, or to a homeowner's association responsible for maintenance, by the subdivider if the governing body approves such dedication.
- B. The appropriate Planning Board shall require that plats show sites of character, extent and location suitable for the development of a park, playground, or other recreation purposes. The appropriate Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

- C. In all new subdivisions, the County may require 10 percent of the gross area of the subdivision to be dedicated for public recreation space, with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivisions is suitable for such use, the subdivider may be required by the County to pay a fee of 10 percent of the pre-platted land value for the land intended for development. The land value shall be determined by utilization of assessment records and formulas that apply thereto. Cash payments received shall be used only for the acquisition and development or improvements of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan. Cash payments shall not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands or open space.

SECTION 5.0 REQUIRED IMPROVEMENTS

SUBDIVISION 5.1 DEVELOPERS AGREEMENT

Prior to approval of the Final Plat, the Subdivider shall execute and submit to the County Board an agreement, which shall be binding on the successor heirs, personal representatives and assigns, that will cause no private construction to be made on said plat, or file, or cause to be filed, any application for permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following with respect to highways, roads, or streets to which the lots sought to be constructed have access.

SUBDIVISION 5.2 PAYMENT FOR IMPROVEMENTS

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the City, County, or Township, unless otherwise stated. In the case of an improvement, the County may pay a portion of the costs of improvements if the County determines that the cost of the improvement exceeds the benefit which will occur to the properties to be assessed for the improvements, or if the County determines that the improvements provide a general benefit which should be paid for out of the general tax revenues. Furthermore, if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, the County Board may, at a duly called public hearing, make provision for causing a portion of the cost of the improvement, representing the benefit of such lands, to be assessed against the same. In such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

SUBDIVISION 5.3 CONSTRUCTION PLAN

Construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by an appropriate engineer. Such plans, together with the qualities of construction materials, may be submitted to the County Engineer at the direction of the County Board for his/her review and comment. Upon receipt, the plans shall be the basis of the cost portion of the contract required by Subdivision 5.2 of this Ordinance. An electronic copy of the tracing of the land reviewed by County Engineer shall be submitted and placed on file in the County Engineer's office.

SUBDIVISION 5.4 PLANS FOR INSTALLATION OF GAS AND ELECTRIC FACILITIES

The appropriate agencies shall approve the plans for installation etc. prior to the approval of the Final Plat. The plans shall be submitted to the County Engineer and the Department upon their submission and approval by the appropriate agencies. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

SUBDIVISION 5.5 CONTRACT FOR INSTALLATION OF IMPROVEMENTS

Prior to the installation of any required improvements and prior to the approval of the Final Plat, the subdivider shall enter into a contract, in writing, with the appropriate City, Township, or County which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plan, specifications and normal contract conditions approved by the County Board. The contract shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

SECTION 6.0 FINANCIAL GUARANTEE

At their option, the County Board, may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.

SUBDIVISION 6.1 ESCROW DEPOSIT

An amount equal to 125 percent of the cost estimate prepared by a certified engineer for the developer and any costs for inspections of the improvements to be furnished and/or installed by the developer shall be filed with the County Auditor, and a copy of such note deposit shall be forwarded to the County Board. When authorized by the County Board, the County shall be entitled to reimbursement from said deposit for costs and expenses incurred by the County for the inspection of the construction and for the completion of work not approved by the County and for damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.

SUBDIVISION 6.2 PERFORMANCE BOND

The subdivider may be required to furnish a letter of credit or a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the cost estimate determined by the County Engineer for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County Attorney prior to its acceptance. The expiration date of the performance bond be set by the County Board. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

SECTION 7.0 RELEASE OR REDUCTION OF PERFORMANCE BOND

SUBDIVISION 7.1 CERTIFICATE OF SATISFACTORY COMPLETION

The County Board will not accept dedication of required improvements, nor release, nor reduce a performance bond, letter of credit or cash escrow until all improvements have been satisfactorily completed. The County Board may require a statement from the County Engineer stating that the required improvements are satisfactorily completed. Upon receipt of such statement, the County Board may accept the improvements for dedication in accordance with the established procedure.

SUBDIVISION 7.2 REDUCTION OF PERFORMANCE BOND

A performance bond shall be reduced upon actual dedication of public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

SUBDIVISION 7.3 COMPLETED IMPROVEMENTS

Any improvements within a subdivision which have been completed prior to the application for approval of the Preliminary Plat may be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Board shall certify they are satisfied the existing improvements conform to the applicable standards.

SUBDIVISION 7.4 INSPECTION OF IMPROVEMENTS

At least ten (10) days prior to commencing construction of required improvements, the subdivider shall notify the Department and the County Engineer in writing of the time when he/she proposes to commence construction of such improvements so that the Department and County Engineer may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required. If the County Engineer and/or the Department finds, upon inspection, that any of the required improvements have not been constructed in accordance with the County construction standards and specifications, the subdivider shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.

SUBDIVISION 7.5 MODIFICATION OF THE DESIGN OF IMPROVEMENTS

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the County Engineer that the unforeseen conditions make it necessary or preferable to modify the location or design of such improvements, the County Engineer may, upon approval by a previously delegated member of the County Board, authorize modifications, provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver of substantial alteration of the functions of any improvements required. The County Engineer shall issue any authorization under this Ordinance in writing and shall transmit a copy of such authorization to the appropriate Planning Board and the County Board.

SUBDIVISION 7.6 PROPER INSTALLATION OF IMPROVEMENTS

If the County Engineer and/or the Department shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he/she shall so report to the County Board. The Department shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the County Board as long as the subdivider is in default on a previously approved plat.

SUBDIVISION 7.7 PARK DEDICATION RECREATION AREAS

Where a park, playground, or other recreation area has been shown on a Final Plat, the appropriate Planning Board may also require the filing of a written agreement between the applicant, the County Board, or landowner covering the cost of grading, development equipment, and maintenance of any such recreation area.

SUBDIVISION 7.8 PUBLIC ACCEPTANCE OF STREETS

The approval by the appropriate Planning Board of the Final Plat shall not be deemed to constitute to be evidence of any acceptance by any Municipality, Township, County, or the State of any street, easement, or other right-of-way shown on such Final Plat. Such acceptance shall be made by the governing body of a Municipality, Township, County, or State.

SUBDIVISION 7.9 MAINTENANCE OF IMPROVEMENTS

A subdivider shall be required to maintain all improvements within the subdivision until written acceptance of said improvements by the County Board or affected township, or municipality.

SECTION 8.0 ADMINISTRATION

SUBDIVISION 8.1 ENFORCING OFFICER

This Ordinance shall be administrated and enforced by the Planning and Zoning Administrator appointed by the County Board.

A. DUTIES FO THE ENFORCING OFFICER

1. The Planning and Zoning Administrator is charged with the enforcement of this Ordinance and the regulation contained therein.

2. The Planning and Zoning Administrator shall receive and forward to the appropriate Planning Board all applications, materials, and information governed by the regulations contained in this Ordinance.

SECTION 9.0 AMENDMENTS TO THE SUBDIVISION ORDINANCE

The procedure for amending this Ordinance is the same prescribed for its adoption.

SECTION 10.0 FEES

Fees for subdividing shall be established by the County Board. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Department, which shall be deposited with the County Auditor-Treasurer, at the time of submission of the materials required by this Ordinance. Fees permitted by State Statutes for filing of plats with the County Recorder are excluded from the provisions of this Ordinance.

SECTION 11.0 PENALTIES

SUBDIVISION 11.1 VIOLATIONS

- A. Any subdivider who violates, omits, neglects, or refuses to comply with the provisions or the enforcement of this Ordinance, or who sells, or leases any lot or block of land which is in violation of this Ordinance, shall be guilty of a misdemeanor and shall be punishable as defined by law. Each lot in violation and each day of violation shall be deemed a separate offense.
1. Whenever the Department determines there are reasonable grounds to believe there has been a violation of any provision of this Ordinance, the Zoning Administrator shall give notice of such alleged violation, as hereinafter provided. Such notice shall:
 - a) Be in writing;
 - b) Include a statement of the reasons for the issuance;
 - c) Allow a time period not to exceed 30 calendar days for the performance of any act it requires (if work cannot be completed in the 30-day period, extensions may be granted if reasons for the hardship do prevail and can be verified);
 - d) Be served upon the alleged violator or their agent as the case may require, provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to their last known address, or when he/she has been served with such notice by any method authorized or required by the laws of this State.
 2. Any person affected by any notice has been issued in connection with the enforcement of any provision of this Ordinance, may request, and shall be granted, a hearing of the same before the Board of Adjustment.

SECTION 12.0 EFFECTUATION

SUBDIVISION 12.1 SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:’

- A. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance and specifically included in said judgement.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, other structure, such judgement shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgement.

SECTION 13.0 RESERVED

SECTION 14.0 REPEAL AND ADOPTION

SUBDIVISION 14.1 REPEAL

The Le Sueur County Subdivision Ordinance adopted on June 18, 1996 and its amendments, is hereby repealed in its entirety. That document was recorded as Document #253951 on July 8, 1996.

SUBDIVISION 14.2 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The Le Sueur County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Subdivision Ordinance on the 10th day of February 2022 at the Le Sueur County Environmental Services Building. After hearing public testimony and with due deliberation, the Planning Commission recommends adoption of this Ordinance to the Le Sueur County Board of Commissioners.

SUBDIVISION 14.3 ADOPTION

The Le Sueur County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption and enactment of this Ordinance on the 1st day of March, 2022 at the Le Sueur County Government Center. After hearing public testimony with due deliberation, the Le Sueur County Board of Commissioners voted five (5) ayes and zero (0) nays to adopt this Ordinance.

SUBDIVISION 14.4 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law, with an effective date of June 1, 2022.