

**SUBDIVISION
ORDINANCE**

FOR

**OLMSTED COUNTY
MINNESOTA**

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ARTICLE I

GENERAL PROVISIONS

Section 1.0. SHORT TITLE.

This ordinance shall be known and may be cited as the “Subdivision Ordinance of Olmsted County” and its provisions shall apply to all lands to be subdivided in Olmsted County which lie outside the limits of incorporated cities, villages and towns.

Section 1.1. PURPOSE.

The Subdivision Ordinance of Olmsted County sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.
- Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters.
- Encourage well-planned subdivisions through the establishment of adequate design standards.
- Discourage inferior developments that might adversely affect the local tax base.
- Create neighborhoods, which will be of lasting credit to the community.
- Facilitate adequate provisions for transportation and other public facilities.
- Secure the rights of the public with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Safeguard the interests of the public, the homeowner, the subdivider and units of local government.
- Prevent, where possible, excessive governmental operating and maintenance costs.

Section 1.2. ADMINISTRATION.

The Subdivision Ordinance of Olmsted County shall be administered by the Olmsted County Board of Commissioners through the Olmsted County Planning Advisory Commission appointed by them.

Section 1.3. COMPLIANCE.

After the adoption of this ordinance, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat or metes and bounds subdivision has been approved and recorded and until any reasonable improvements required by the Olmsted County Board of Commissioners relative to the subdivision have been constructed or guaranteed as provided herein. No land shall be subdivided which is held unsuitable by the Olmsted County Board of Commissioners for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodway and flood fringe (FFA and FFB) districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the Olmsted County Board of Health regulations and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

Section 1.4. REQUIRED APPROVAL OF SUBDIVISION PLATS.

Before any plat shall have any validity it shall have been approved by the Olmsted County Planning Advisory Commission and the Olmsted County Board of Health and the Olmsted County Board of Commissioners as provided herein and recorded in the office of the Register of Deeds of Olmsted County.

ARTICLE II

DEFINITIONS

For the purpose of interpreting this ordinance, certain terms and words are herewith defined.

Section 2.0. SUBDIVISION.

The division of a lot, parcel or tract of land into two (2) or more lots or parcels by the owner thereof or his agent, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land into forty (40) acres or more and not involving a new street shall not be deemed a subdivision. This term shall include resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to land subdivided.

Section 2.1. STREETS AND ALLEYS.

The term street means a way for vehicular traffic, whether designated as a street, highway, parkway, thoroughfare, arterial, road or however otherwise designated.

For the purposes of this ordinance, six (6) functional classifications of streets are used and are defined as follows:

- A. **HIGHWAYS** – Routes carrying large volumes of relatively fast-moving traffic and are designated as either Federal, State or Interstate highways.
- B. **MAJOR STREETS** – Arterials carrying large volumes of local traffic between widely separated areas of the community and which may be designated as County State Aid highways.
- C. **COLLECTOR STREETS** – Streets which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
- D. **LOCAL STREETS** – Streets which are used principally for access to abutting properties, especially residential properties.
- E. **SERVICE ACCESS STREETS** – Trafficways which are adjacent and parallel to highways and major streets providing access to abutting properties.
- F. **ALLEYS** – Minor trafficways affording a secondary means of access to abutting properties which is not intended for general traffic circulation.

Section 2.2. PARKS.

Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

Section 2.3. OFFICIAL MAP.

A map of Olmsted County and/or any portion thereof lying outside incorporated cities, villages and towns, which shows the exact alignments, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.

Section 2.4. COMPREHENSIVE DEVELOPMENT PLAN.

A series of maps, documents and publications showing the desirable future development, the appropriate uses of private land and the general location and extent of all necessary or desirable facilities.

ARTICLE III

PROCEDURES FOR SUBMISSION OF PLATS

Section 3.0. PREPLAT INVESTIGATION.

Prior to the filing of an application for conditional approval of a preliminary plat, the subdivider shall consult with the Olmsted County Board of Health, and with the Townboard of the township(s) in which the subdivision is to be located.

Within five (5) days following the next regularly scheduled Planning Advisory Commission and County Board of Health meeting, the subdivider shall be informed, in writing, that the plan as submitted or as modified does or does not meet the objectives of this ordinance.

Section 3.1. PRELIMINARY PLAT.

Upon completing the pre-plat investigation, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Planning Advisory Commission and the County Board of Health.

Six (6) copies of the preliminary plat and supplementary material specified in Article IV, Section 4.2 shall be submitted to the Planning Advisory Commission and two (2) copies to the County Board of Health with written application for conditional approval at least ten (10) days prior to the meeting at which it is to be considered.

Following review of the preliminary plat and supplementary material submitted for conformity thereof to this ordinance, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements made by him, the Planning Advisory Commission and the County Board of Health shall, within forty (40) days, act thereon as submitted or modified, and if approved, the Planning Advisory Commission and the County Board of Health shall express their approval as conditional approval and state the conditions of approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.

The action of the Planning Advisory Commission and the County Board of Health shall be noted on four (4) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy to the Townboard(s) in which the subdivision is to be located, one (1) copy to the County Board of Health and the other retained by the Planning Advisory Commission.

Conditional approval of a preliminary plat shall not constitute approval of the final plat. Conditional approval of a preliminary plat is hereby limited to a period of twelve (12) months, after which time the subdivider is required to resubmit a preliminary plat.

Section 3.2. FINAL PLAT.

The final plat shall conform substantially to the preliminary plat as approved, and if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time, provided however, that such portion conforms to all requirements of this ordinance.

Application for approval of the final plat shall be submitted in writing to the Planning Advisory Commission at least ten (10) days prior to the meeting at which it is to be considered.

Four (4) copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the Planning Advisory Commission within twelve (12) months after conditional approval of the preliminary plat; otherwise conditional approval of a preliminary plat shall become null and void; unless an extension of time is applied for by the subdivider and granted by the Planning Advisory Commission.

Section 3.3. RECORDING FINAL PLAT.

No final plat for record shall be approved by the County Board of Commissioners for filing which has not had prior approval of the County Health Department, County Engineer, Planning Advisory Commission and the Townboard(s) in which the subdivision is to be located.

The Final plat of record, prepared in accordance with this ordinance shall be filed by the subdivider with the County Register of Deeds. The subdivider shall furnish signed copies to the County Register of Deeds, a time of recording, one (1) reproducible mylar, two (2) muslin backed, one marked original and one marked copy, and one (1) ozlid print of the plat. There shall be a filing fee assessed against the owner or developer whose name and address shall be recorded with the County Register of Deeds at the time the record plat is submitted for acceptance by the County Board of Commissioners.

ARTICLE IV

SPECIFICATIONS FOR PLANS AND PLATS

Section 4.0. PRELIMINARY PLAT.

The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one-hundred (100) feet equals one (1) inch. Legible reproductions of said drawing may be submitted to the Planning Advisory Commission for purposes of receiving conditional approval.

Section 4.1. FINAL PLAT.

The final plat shall be drawn on muslin backed white paper, Mylar or other suitable material with black waterproof ink. The final plat shall measure thirty (30) inches in length and twenty (20) inches in width with a border line of one and one-half (1 ½) inches provided on the left side of the thirty (30) inch length and a border of one-half (½) inch provided on the other three (3) sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets, i.e., 2 of 3. The final plat shall be drawn to a scale not greater than one-hundred (100) feet to the inch.

Section 4.2. GENERAL INFORMATION.

The information to be included on the preliminary and final plat is as follows:

PRELIMINARY PLAT

Date, scale, north point.

and/or United States Geodetic Survey Datum.

Proposed subdivision name and all intended street names.

When the subdivision borders a lake, river or stream, a meander line shall be established at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.

Name of the subdivider and surveyor or engineer preparing plat.

Location of the plat by quarter, quarter section, section, town and range.

The layout and width of all new streets and rights-of-way and easements, whether public or private, for public and private utilities.

Topographic map of the area showing contours as follows: two (2) foot intervals where slope is seven (7) percent or less; five (5) foot intervals where slope is from seven (7) to fifteen (15) percent; twenty (20) foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated.

Length and bearings of the exterior boundaries of the land being subdivided.

Approximate dimensions of all lots.

Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

Approximate radii of all curves and lengths of all tangents.

Zoning classification of lands to be subdivided and all adjacent lands.

Approximate location and area of all property to be dedicated for public use or reserved by deed covenant of use by all property owners in the development with a statement of the conditions of such dedication or reservation.

Location, widths and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Planning Advisory Commission within the area being subdivided and within three-hundred (300) feet of the exterior boundaries of the area being subdivided.

Approximate location of well site if community water supply is being proposed.

Percolation test results, minimum of two (2) per lot, together with soil borings, every acre to indicate depth to water table and rock formations.

A soil analysis obtainable from the United States Department of Agriculture, Soil Conservation Service, when requested.

Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey

An engineering feasibility report for the installation and operation of community type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.

FINAL PLAT

Date, scale, north point.

Subdivision name and all street names.

Location of the plat by quarter, quarter section, section, town and range.

Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

Exact location, widths and names of all existing platted or dedicated streets, easements, railroad and utility right-of-way, parks, water courses, drainage ditches, within the boundaries of the land to be subdivided.

Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.

When a subdivision borders a lake, river or stream the exact distance and bearings of a meander shall be established at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.

Exact location and width of all streets, their bearings, angle of intersection, length of arcs, radii, points of curvature and tangent bearings.

Exact location and width of all easements, whether public or private and a statement of easement rights.

Exact length and bearings of the exterior boundaries of the land being subdivided.

Exact dimensions of all lots.

Exact radii of all curves and lengths of all tangents.

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."

Deed restrictions, if any, including the boundaries of each type of restrictions.

Accurate location and material of all permanent reference monuments.

Name and address of the owner of record, the subdivider, and the engineer or surveyor preparing plat.

Certificate of the registered land surveyor preparing the plat that the plat, as presented, fully complies with the requirements of this ordinance and the platting laws of the State of Minnesota 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 him and that all monuments indicated thereon exist and their location, size and material are correctly shown.

Certificate from the Minnesota Department of Health that plans for the water supply system and sewerage system have been approved whenever applicable. In the event that the necessary certificates for community type water distribution and sewage disposal system(s) are not available at time of approval of the final plat, conditional approve may be given pending the issuance of said certificate(s) by the Minnesota Department of Health.

A certificate issued by the authorized county official stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.

A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as "Dedicated for the Public's Use" and the granting of utility easements as shown on the plat.

Certificate of approval by the Planning Advisory Commission, the County Engineer, County Health Department and the Townboard of the township(s) in which the plat is located.

ARTICLE V

SUBDIVISION DESIGN STANDARDS

The subdivision design standards contained in this ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. In addition to these regulations and to insure that future developments are consistent with the growth objectives and goals of the community, subdivisions shall conform to the Comprehensive Development Plan of Olmsted County or any part thereof, the Official Map, Zoning Ordinance, County Health Department Regulations and any other applicable ordinances of Olmsted County.

Section 5.0. GENERAL.

The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation from the subdivision to adjacent areas. Street arrangements, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function.

- A. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Planning Advisory Commission where topographic or other conditions make continuance or conformance to existing streets impracticable.
- B. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system, but not to serve in lieu thereof.
- C. Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is encouraged wherever possible.
- D. Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the Planning Advisory Commission may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip; or the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
- E. Streets designed and laid out so as to have one end permanently closed shall not exceed five-hundred (500) feet in length, except where the Planning Advisory Commission has approved additional length due to property limitations.

- F. Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum turnaround radius of sixty (60) feet. The Planning Advisory Commission may approve a “T” or “Y” type turnaround in lieu of the circular turnaround.
- G. When connecting street lines deflect from each other by more than fifteen (15) degrees, they shall be connected by a curve with a radius appropriate to the intended functional use of said street as specified in Section 5.1 of this ordinance.
- H. All subdivisions abutting a public lake, river or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one-half (½) mile intervals as measured along the lake, river or stream shoreline.

Section 5.1. STREET DESIGNATION STANDARDS.

Street design standards are based upon the intended ultimate use as specified by their functional classification and are contained in the following table:

MINIMUM STREET DESIGN STANDARDS					
	MAJOR THOROUGHFARE	COLLECTOR STREET	LOCAL STREET	SERVICE ACCESS STREET	ALLEY
<i>Rights of Way</i>	100'	80'	66'	40'	30'
<i>Surface Width</i>	As specified by County Engineer	36'	30'	24'	20'
<i>Base Specifications</i>	As specified by County Engineer				
<i>Minimum Horizontal Curve Radii</i>	850'	400'	200'	200'	200'
<i>Minimum Tangent Between Curves</i>	200'	150'	100'	100'	100'
<i>Minimum Grade</i>	0.4%	0.4%	0.4%	0.4%	0.4%
<i>Maximum Grade</i>	5%	7%	10%	10%	10%
<i>Pavement Specifications</i>	As specified by County Engineer				

Section 5.2. INTERSECTIONS.

All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two (2) streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than one-hundred fifty (150) feet shall be avoided.

When the Planning Advisory Commission finds it necessary for reasons of safety and the protection of property, property lines at street intersections shall be rounded with a radius of fifteen (15) feet. The Planning Advisory Commission may permit comparable cords in lieu of the rounded corners.

Section 5.3. ALLEYS.

Alleys shall be required in all commercial and industrial districts, except that the Planning Advisory Commission may waive this requirement where the commercial or industrial district is designed as a comprehensive unit and adequate provision for service access, off-street loading and unloading areas and parking space is a part of the overall development plan.

- A. Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end as determined by the Planning Advisory Commission.
- B. Alleys shall not be provided in residential areas unless a secondary means of access to certain property is necessary due to topography or other exceptional circumstances.
- C. Design standards for alleys are contained in Section 5.1 of this ordinance.

Section 5.4. EASEMENTS AND DEDICATIONS.

Easements for public utilities may be required by the Planning Advisory Commission. Where such easements are determined to be necessary, they shall be provided along the rear and side lot lines and shall be ten (10) feet in width.

- A. Where a water course, drainage way channel or stream traverse a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course. If it is deemed advisable by the Planning Advisory Commission, such water course or drainage way may be re-established to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as directed by the County Engineer.
- B. Upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the Planning Advisory Commission may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks and other neighborhood purposes.

Section 5.5. BLOCKS.

The length, width and shape of blocks shall be determined with due regard to:

- A. The provision of adequate building sites suitable to the particular needs of the type of use contemplated.

- B. Zoning requirements as to lot size and dimensions.
- C. Needs for convenient access, circulation, control and safety of traffic.
- D. Limitations and opportunities afforded by topography and other natural features.
 1. Block lengths shall not exceed sixteen-hundred (1,600) feet or be less than nine-hundred (900) feet in length wherever practical.
 2. Pedestrian walkways not less than ten (10) feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Section 5.6. LOTS.

The size, width, shape and orientation of lots and buildings set back line shall be appropriate for the type of development and use contemplated.

A. Residential lot dimensions are contained in the following table:

	LOTS SERVED BY PUBLIC SEWERAGE SYSTEM	LOTS SERVED BY PRIVATE SEWERAGE SYSTEM
<i>Minimum Lot Width at Street Line</i>	60 feet	120 feet
<i>Minimum Lot Width at Building Line</i>	60 feet	140 feet
<i>Maximum Lot Depth as measured along Side Lot Lines</i>	160 feet	2 ½ times street frontage
<i>Minimum Area of Lot</i>	7,200 square feet	20,000 square feet *

*Additional lot area may be required by the County Health Department depending upon soil and drainage conditions.

- B. Corner lots for residential use shall have additional width to permit appropriate building set back from and orientation to both streets.
- C. Side lot lines shall be as near to right angles or radial to street lines as possible.
- D. Every lot shall lie adjacent to a public street, thus providing access for fire protection, utilities and other necessary services.

ARTICLE VI

REQUIRED IMPROVEMENTS

Section 6.0. MONUMENTS.

Durable iron monuments shall be placed at all block corners, all intermediate points on blocks where there is a change in the direction of the block line, at points of curves in streets, at each angle and curve point on the exterior boundary lines of the plat, and at such other points as may be required by the Planning Advisory Commission and/or the County Engineer.

Section 6.1. STREETS.

The following specifications are set for street construction:

- A. All streets shall be graded to their full right-of-way and the roadway compacted to ninety-five (95) percent of proctor density.
- B. All streets shall be surfaced over their traveled portion with four-hundred (400) pounds of aggregate per square yard, containing sufficient binder material for stabilizing and compacted to ninety-five (95) percent of proctor density. Width of the traveled portion of the roadway shall be determined by the streets' functional classification specifications contained in Article V. Section 5.1 of this ordinance.
- C. All streets so surfaced shall be sodded or seeded with grass to provide protection from erosion over that area lying between the right-of-way lines and the edge of the surfaced roadway.
- D. Adequate provisions for the collection and disposal of surface and storm water shall be provided within the street right-of-way.
- E. All work and improvements listed under this section of the ordinance shall be done according to specifications of the Olmsted County Highway Department and shall be subject to the recommendations, supervision and approval of the County Engineer.

Section 6.2. SIGNS.

Street name signs shall be placed at all block corners and such other intermediate points as may be required by the Planning Advisory Commission. Signs shall be of a permanent nature, mounted upon metal posts and located at the intersections of the street right-of-way lines extended. At intersections having four (4) block corners it will be necessary to erect signs on two (2) diagonal corners only.

All signs, posts and their installation shall require approval of the County Engineer.

Section 6.3. UTILITIES.

It shall be the responsibility of the subdivider to contact utility companies to determine the availability of services and to make the necessary arrangements for their installation.

- A. Where a community type water supply system is to be utilized, the subdivider or developer shall install the water mains prior to construction of buildings upon the lots.

Section 6.4. ENGINEERING PLANS.

Street plans and profiles shall be drawn with black ink on standard highway plan and profile linen. Street plans and profiles shall be drawn to a scale not greater than one (1) inch equals one-hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, and shall show original and proposed centerline elevations, all curve data, street orientation and a typical cross section for each street.

Section 6.5. PERFORMANCE BONDS.

In the interest of good development and to protect the taxpayers and future purchasers of residential, commercial and industrial properties, it shall be the policy of the Olmsted County Board of Commissioners to require that all dedicated streets and other public lands be improved to the degree herein stated prior to acceptance and recording of final plat and the building of structures thereon.

The County Board of Commissioners may accept a final plat for recording where the owner and/or developer of the platted subdivision furnished a certified check or surety bond acceptable to the County Board of Commissioners in sufficient amount to cover the provisions of this ordinance.

The amount of said certified check or surety bond shall be determined by the County Engineer and the stipulated period covered by such bond shall in general be for a period of one (1) year. In no case, however, shall the period of performance bonds exceed two (2) years.

ARTICLE VII

PLATTING EXCEPTIONS AND CONDITIONS

Section 7.0. METES & BOUNDS SUBDIVISION.

1. Portion of Platted Lot. On application of the owner, the Planning Department may approve a metes and bounds subdivision of a portion of a platted lot under the following circumstances if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.
 - a. When it is desired to relocate a property line separating platted lots, or a platted lot and unplatted land, which would not result in the creation of any additional lots.
 - b. When it is desired to divide two platted lots into not more than three parcels.
 - c. When it is desired to divide one platted lot into not more than three parcels.
 - d. When the parcels are approved for private sewage disposal systems, if needed, by the Health Department.
 - e. When such a subdivision will not interfere with the purposes of the Subdivision Ordinance.
2. Unplatted Land. On application of the owner, the Planning Department may approve a metes and bonds subdivision under the following conditions if, in each instance, the new and residual parcels of land which would result from the metes and bounds subdivision meet the requirements of the Zoning Ordinance.
 - a. When the subdivision involves the creation of no more than a total of three new and residual parcels from a legally recorded parcel.
 - b. When the parcels are approved for private sewage disposal systems, if needed, by the Health Department.
 - c. When it is desired to relocate a property line that would not result in the creation of any additional lots.
 - d. That such a subdivision will not interfere with the purposes of the Subdivision Ordinance.
3. Dedication of Street, Public Utility, and Environmental Corridor Easements. When it is determined that additional public street easements are required along existing public roads in order to improve drainage or roadway safety, the owner shall be

required to dedicate such necessary street easements as a condition of metes and bounds subdivision approval.

When public utility easements and/or environmental corridor easements are required as a result of a metes and bounds subdivision, the owner shall dedicate such necessary easements as a condition of metes and bounds subdivision approval.

4. Applications. All applications under this section shall be filed with the Planning Department and shall have attached thereto a legal description and map of the land to be subdivided showing all new and residual parcels, any deed covenants or restrictions that exist or are proposed, and written approval of the Olmsted County Health Department for private sewage disposal systems, if needed.

All applications shall be sent to the Township Board for their review and comment. Failure to comment on any application within thirty-five (35) days of receipt shall cause the Township to forfeit its opportunity to comment on said application. After the Township has had an opportunity to comment on the application, the Planning Department shall render a decision within thirty-five (35) days.

Final approval of all applications will require a Plat of Survey prepared by a registered land surveyor for each new parcel (unless waived by the County Surveyor in total or in part). The County Surveyor may waive the Plat of Survey for a parcel of land that is six (6) acres or more in size.

5. Filing Fee. A filing fee as established by the County Board (See Appendix A) shall accompany all applications for metes and bounds subdivision approval. All fees paid by check be made payable to the Olmsted County Treasurer.
6. Appeals. All appeals of the decisions of the Planning Department or regarding this section shall be made directly to the Olmsted County Board of Adjustment. Appeals must be filed within ten (10) days of the date of the decision of the Planning Department. The Board shall hold a public hearing within sixty (60) days from receipt of a written appeal and shall dispose of all requests within sixty (60) days of the hearing. The decision of the Board of Adjustment shall be final.

The appellant, official, or township from whom the appeal is taken, and the public, shall be notified of the public hearing in accordance with Minnesota Statutes 394.27. Failure of any property owner or said persons to receive such notice shall not invalidate the proceeding provided a bona-fide attempt to give such notice has been made.

ARTICLE VIII

DEDICATIONS AND RESERVATIONS

Section 8.0. GENERAL.

Where deemed appropriate by the Planning Advisory Commission, open spaces suitably located and of adequate size for parks, playgrounds or other recreational activities for local or neighborhood use, shall be provided for in the proposed subdivision. If said parcels are not dedicated to the County of Olmsted, the Planning Advisory Commission may recommend they be reserved by covenant or deed restriction for the common use of all property owners in the subdivision.

Section 8.1. PARKS, SCHOOL AND PUBLIC USE SITES.

When a park, school or other public use site shown in the Comprehensive Development Plan or Official Map of Olmsted County lies wholly or partly within the boundaries of the proposed subdivision, and such park, school or other public use site, is not dedicated for public use to Olmsted County, the Planning Advisory Commission may recommend that the area be reserved for acquisition by Olmsted County for a period of one and one-half (1 ½) years.

ARTICLE IX

VARIANCES

Section 9.0. HARDSHIP.

Where the Planning Advisory Commission finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance.

Section 9.1. LARGE-SCALE DEVELOPMENTS.

The standards and requirements of this ordinance may be modified by the Planning Advisory Commission in the case of a subdivision large enough to constitute a self-contained community and which is to be developed in accordance with a comprehensive development plan safeguarded by appropriate restrictions and which make adequate provisions for necessary community facilities. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this ordinance.

Section 9.2. CONDITIONS.

In the granting of variances, the Planning Advisory Commission shall weigh the benefits of hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 9.3. BOARD OF ADJUSTMENT.

A Board of Adjustment, appointed by the Olmsted County Board of Commissioners, shall act upon all questions as they may arise in the administration of this ordinance. The board shall hear and decide appeals from and review any order, requirement, decision, or determination made in the enforcement of this ordinance.

ARTICLE X

ENFORCEMENT

Any person, agent or corporation found guilty of violating any of the provisions of this ordinance, upon conviction thereof, shall be subject to a fine of not more than 100.00 dollars and the cost of prosecution for each violation; or be imprisoned for a period of not more than 90 days, or both. Each day that a violation exists or continues, shall constitute a separate offense.

ARTICLE XI

AMENDMENTS

The Planning Advisory Commission may of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Advisory Commission, shall be submitted to the County Board of Commissioners for adoption in accordance with establishing procedures.

ARTICLE XII

VALIDITY, SEPARABILITY AND EFFECTIVE DATE

Section 12.0. VALIDITY.

Whenever any provision of this ordinance imposes restrictions which are more restrictive than those imposed by provisions of existing laws or ordinances, the provision of this ordinance shall govern.

Section 12.1. SEPARABILITY.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

Section 12.2. EFFECTIVE DATE.

This ordinance shall become effective March 1, 1966.

“Section 12.3 FEES.

There shall be fees established for items in this ordinance as established from time to time by Resolution of the County Board of Olmsted County. (See Appendix A).”

APPENDIX A

FEE SCHEDULE – APPENDIX A

ZONING CERTIFICATES FEES

A. Residential Uses: (Values of improvement building, grading, etc., according to the following schedule)

Total Valuation	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
\$1 to \$500	\$23	\$24	\$25
\$501 to \$2,000	\$23 + \$1.25 per \$100	\$24 + \$1.30 per \$100	\$25 + \$1.35 per \$100
\$2,001 to \$25,000	\$42 + \$2.55 per \$1,000	\$44 + \$2.60 per \$1,000	\$46 + \$2.65 per \$1,000
\$25,001 to \$50,000	\$101 + \$1.80 per \$1,000	\$104 + \$1.85 per \$1,000	\$107 + \$1.90 per \$1,000
\$50,001 to \$100,000	\$146 + \$.50 per \$1,000	\$150 + \$.55 per \$1,000	\$154 + \$.60 per \$1,000
\$100,001 and up	\$170 + \$.25 per \$1,000	\$177 + \$.25 per \$1,000	\$184 + \$.25 per \$1,000

B. Multiple Family and Non-Residential Uses: (Values of improvement building, grading, etc., according to the following schedule)

Total Valuation	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
\$1 to \$500	\$23	\$24	\$25
\$501 to \$2,000	\$23 + \$1.80 per \$100	\$24 + \$1.85 per \$100	\$25 + \$1.90 per \$100
\$2,001 to \$25,000	\$50 + \$3.60 per \$1,000	\$52 + \$3.70 per \$1,000	\$54 + \$3.80 per \$1,000
\$25,001 to \$50,000	\$133 + \$1.55 per \$1,000	\$137 + \$1.60 per \$1,000	\$141 + \$1.65 per \$1,000
\$50,001 to \$100,000	\$172 + \$.85 per \$1,000	\$176 + \$.90 per \$1,000	\$183 + \$.95 per \$1,000
\$100,001 and up	\$214 + \$.25 per \$1,000	\$222 + \$.25 per \$1,000	\$230 + \$.25 per \$1,000

C. Double Fee: When the building construction or remodeling has occurred prior to issuing of the zoning certificate, a double fee maybe imposed.

APPENDIX A

D. Other Zoning Permits:

Other Zoning Permits	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
Single Family Repairs and Interior Alterations	\$22 per application	\$24 per application	\$25 per application
Agricultural Setback Permit	\$41 per application	\$42 per application	\$43 per application
Mobile Home Installation	\$31 per application	\$32 per application	\$33 per application
Moving Permit	\$83 per application	\$86 per application	\$90 per application
Grading Permit	\$130 per application	\$135 per application	\$140 per application
Erosion Plan Review	Refer to Grading/Erosion Permit		
Demolition Permit	\$42 per application	\$43 per application	\$45 per application
Compliance Letter			
Single Family	\$83 per application	\$86 per application	\$90 per application
Other	\$165 per application	\$170 per application	\$175 per application
Home Occupation (Staff Approved)	\$160 per application	\$170 per application	\$175 per application
Temporary Use Permit	\$260 per application	\$270 per application	\$280 per application

E. Wetland Permits:

Other Zoning Permits	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
Wetlands			
Exception Determination	\$235 per application	\$245 per application	\$250 per application
No-Loss Determination	\$235 per application	\$245 per application	\$250 per application
Delineation Review			
Less than 1 acre	\$300 per application	\$310 per application	\$320 per application
1 - 10 acres	\$670 per application	\$690 per application	\$715 per application
11+ acres	\$950 per application	\$980 per application	\$1,020 per application
Replacement Plan			
Less than 1 acre	\$570 per application	\$590 per application	\$610 per application
1 - 10 acres	\$1,240 per application	\$1,280 per application	\$1,320 per application
11+ acres	\$1,850 per application	\$1,900 per application	\$1,950 per application
Sequencing Plan	\$570 per application	\$585 per application	\$600 per application
Appeal	\$345 per application	\$355 per application	\$365 per application
Banking Plan			
Less than 1 acre	\$570 per application	\$590 per application	\$610 per application
1 - 10 acres	\$1,240 per application	\$1,280 per application	\$1,320 per application
11+ acres	\$1,850 per application	\$1,900 per application	\$1,950 per application
Annual Monitoring Report	\$100 per application	\$100 per application	\$105 per application

APPENDIX A

DEVELOPMENT APPLICATION FEES

Development Applications	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
Rochester Urban Service Area and Olmsted County			
Land Use Plan Amendment			
Less than 1 acre	\$1,650 per application	\$1,700 per application	\$1,750 per application
1 - 10 acres	\$1,650 + \$47 per acre	\$1,700 + \$48 per acre	\$1,750 + \$50 per acre
11 - 99 acres	\$2,120 + \$13 per acre	\$2,180 + \$14 per acre	\$2,250 + \$15 per acre
100 + acres	\$3,277 + \$1 per acre	\$3,426 + \$1 per acre	\$3,585 + \$1 per acre
Olmsted County - Residential			
Zoning District Change			
Less than 1 acre	\$1,030 per application	\$1,070 per application	\$1,100 per application
1 - 10 acres	\$1,030 + \$11 per acre	\$1,070 + \$12 per acre	\$1,100 + \$13 per acre
11 - 99 acres	\$1,140 + \$5 per acre	\$1,100 + \$5 per acre	\$1,100 + \$5 per acre
100 + acres	\$1,585 + \$1 per acre	\$1,545 + \$1 per acre	\$1,545 + \$1 per acre
Olmsted County - Non-Residential			
Zoning District Change			
Less than 1 acre	\$1,350 per application	\$1,400 per application	\$1,450 per application
1 - 10 acres	\$1,350 + \$62 per acre	\$1,400 + \$65 per acre	\$1,450 + \$68 per acre
11 - 99 acres	\$1,970 + \$15 per acre	\$2,050 + \$15 per acre	\$2,130 + \$15 per acre
100 + acres	\$3,305 + \$1 per acre	\$3,385 + \$1 per acre	\$3,465 + \$1 per acre

APPENDIX A

Development Applications	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
Olmsted County - Agricultural Zoning District Change			
Less than 10 acre	\$1,030 per application	\$1,070 per application	\$1,100 per application
10 - 99 acres	\$1,030 + \$5 per acre	\$1,070 + \$5 per acre	\$1,100 + \$5 per acre
100 + acres	\$1,450 + \$1 per acre	\$1,520 + \$1 per acre	\$1,550 + \$1 per acre
Text Amendment	\$1,030 per application	\$1,065 per application	\$1,100 per application
General Development Plan	\$1240 per application	\$1280 per application	\$1,320 per application
ARC Amendment	\$720 per application	\$740 per application	\$760 per application
Conditional Use Permits			
Home Occupation	\$450 per application	\$475 per application	\$500 per application
Agricultural Use	\$440 per application	\$455 per application	\$470 per application
Residential Use	\$500 per application	\$500 per application	\$500 per application
Non-Residential Use	\$1,140 per application	\$1,180 per application	\$1,225 per application
Variance			
Residential Use	\$440 per application	\$455 per application	\$470 per application
Residential Use with Multiple Lots	\$440 per application \$150 per additional lot	\$455 per application \$150 per additional lot	\$470 per application \$150 per additional lot
Non-Residential Use	\$880 per application	\$910 per application	\$940 per application
Appeals	\$220 per application	\$228 per application	\$235 per application
Plats			
Preliminary and Resubdivisions	\$1,030 per application plus \$20 per lot	\$1,065 per application plus \$20 per lot	\$1,100 per application plus \$20 per lot
Final	\$850 per application plus \$20 per lot	\$650 per application plus \$20 per lot	\$850 per application plus \$20 per lot
Subdivision Variance	\$440 per application	\$455 per application	\$470 per application
Metes & Bounds Convey.	\$620 per application	\$640 per application	\$660 per application
Thoroughfare Plan Amend.	\$880 per application	\$910 per application	\$940 per application
Traffic Impact Study			
Rezoning Traffic Analysis or Traffic Impact Report	\$155 per application plus \$77 per hour (over 2 hrs)	\$160 per application plus \$78 per hour (over 2 hrs)	\$165 per application plus \$80 per hour (over 2 hrs)
Traffic Design Analysis Report	\$77 per application	\$78 per application	\$80 per application

APPENDIX A

Development Applications	Rate of Fee		
	June 1, 2006	January 1, 2007	January 1, 2008
Environmental Worksheet			
Less than 1 acre	\$1,650 per application	\$1,700 per application	\$1,750 per application
1 - 10 acres	\$1,650 + \$71 per acre	\$1,700 + \$73 per acre	\$1,750 + \$75 per acre
11 - 99 acres	\$2,360 + \$15 per acre	\$2,430 + \$15 per acre	\$2,500 + \$15 per acre
100 + acres	\$3,695 + \$1 per acre	\$3,765 + \$1 per acre	\$3,835 + \$1 per acre
Environmental Impact Statement	To be determined on a contractual basis	To be determined on a contractual basis	To be determined on a contractual basis
Manufactured Home Park			
1 - 10 homes	\$1,350 (1-10 homes)	\$1,400 (1-10 homes)	\$1,450 (1-10 homes)
11 - 99 homes	\$1,350 + \$20 per home	\$1,400 + \$20 per home	\$1,450 + \$20 per home
100+ homes	\$3,150 + \$5 per home	\$3,200 + \$5 per home	\$3,250 + \$5 per home
Manufactured Home Park Amendment	\$875 per application	\$900 per application	\$925 per application

Incomplete Applications Changes or Delays: Incomplete applications, application changes or delays initiated by the applicant during the review process that result in additional expenses to review the application, resubmit referrals, notices, etc. require the applicant compensate the Planning Department for these additional costs. If the application has been tabled for period of nine months or more, at the applicant request, the applicant is required to file a new application and pay the entire application fee.