

## **SUBDIVISION CONTROLS ORDINANCE OF OTTER TAIL COUNTY - REVISED \*\*\***

### **REVISED**

**MAY 1, 1997**

### **LAND & RESOURCE MANAGEMENT**

**FERGUS FALLS, MN 56537**

(SUBVDFT.DOC)

### SUBDIVISION CONTROLS ORDINANCE OF OTTER TAIL COUNTY

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### **I. GENERAL PROVISIONS**

#### **1. Title:**

This Ordinance from the date of its passage shall be entitled:

### **SUBDIVISION CONTROLS ORDINANCE OF OTTER TAIL COUNTY**

#### **2. Purpose:**

In order to integrate new subdivisions with the development objectives of Otter Tail County and to contribute to an attractive, stable and wholesome environment, adequate public services and an integrated safe road and highway system, the subdividing of land in Otter Tail County outside the incorporated limits of cities or towns having the powers of statutory city pursuant to law shall be required.

#### **3. Legal Authority:**

This Ordinance is enacted pursuant to Minnesota Statutes 394.21 through 394.37.

#### **4. Compliance:**

A. No subdivision of any real property of less than two and one-half 2.5 acres shall be made except by a plat duly approved by the County Board and properly recorded in the Office of the County Recorder, Otter Tail County, Minnesota.

B. No subdivision of any real property of less than 5five acres, which is located within the Shoreland Area or which contains any wetland area, shall be made except by a plat duly approved by the County Board and properly recorded in the Office of the County Recorder, Otter Tail County, Minnesota.

C. No conveyance other than those described in paragraphs A and B above, shall be recorded unless it meets the requirements of Section VII herein.

D. No conveyance or other document creating a subdivision of any real property other than by a duly approved plat, shall be recorded unless accompanied by a registered surveyor's drawing for recording. The surveyor's drawing shall accurately illustrate the Subdivider/~~Essubdivider's~~ entire lot, parcel or tract which is subdivided by the conveyance or other document, and shall illustrate the location of any wetlands on that property. No conveyance or other document shall be recorded unless accompanied by this surveyor's drawing.

E. Any surveyor performing a survey in Otter Tail County shall file a copy of that survey with the County Recorder.

F. No deed or other document purporting to subdivide property shall be recorded or certified for recording by the County Auditor, County Treasurer or County Recorder unless it meets the requirements set forth above.

#### **5. Savings Clause:**

All plats approved under this Ordinance are approved for County purposes only and shall not release the subdivider from any liability or obligation imposed by Minnesota Statutes, Federal Law or a more restrictive Township Ordinance relating thereto. In the event any provision of this Ordinance shall be found contrary to law by a Court of competent jurisdiction from whose final judgment no appeal has been taken, such provision shall be considered void. All other provisions of this Ordinance shall continue in full force and effect as though the voided provision had never existed.

## 6. Exemptions:

A. The division of a surveyed lot, parcel or tract for the purpose of attachment to contiguous lots where no residual plot or lot or real property is left unattended is exempted from the provisions of this Ordinance, as are subdivisions conveying property to a public utility for such things as substations, poles, towers, telephone booths, etc.

B. If the parcel can be described as a rectangular portion of a parcel of the government rectangular survey system, a surveyor's drawing will not be required.

C. Metes and Bounds subdivisions of less than 2.5 acres (Sec.1.4.A.) or less than 5 acres (Sec.1.4.B.) that will be permanently attached to an adjacent contiguous parcel will be exempt from the minimum size requirements provided all other conditions of this Ordinance are complied with.

## II. DEFINITIONS

As used in this Ordinance words in the present tense shall include future tense and words used in the singular number shall include the plural number and the plural the singular. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

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

**1. Administrative Officer:** The Administrator of the Office of Land and Resource Management of Otter Tail County and his assistants.

**2. Alley:** Any strip of land publicly or privately owned, less than 33 feet in width between property lines, set aside for public vehicular access to abutting property.

**3. Arterial Road or Highway (primary):** A road or highway of considerable continuity designed primarily to serve as an interconnection link between sectors of the County and beyond (such as from within a city to outlying areas).

**4. Backlot:** Residential lots without water frontage located in the Shoreland Area of Otter Tail County.

**5. Backslope:** The portion of the roadway cross-section beginning at the outside edge of the ditch bottom, sloping upward to a point where the slope intersects the existing ground line.

**6. Bluff:** A topographic feature such as a hill, cliff or embankment having all of the following characteristics:

A. Part or all of the feature is located in the Shoreland Area.

B. The slope rises at least 25 feet above the Ordinary High Water Level.

C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the Ordinary High Water Level averages 30% percent or greater.

D. The slope must drain toward the water body.

If the 50 foot segment on either side of the point at which a feature is 25 feet above the OHWL has a slope of 30% or more, it is a bluff.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

**7. Collector Road (secondary):** A road designed to serve internal traffic circulation of a recognized land use area which

distributes and collects traffic from local roads and connects with Arterial Roads and/or Highways.

**8. Commissioner:** Commissioner of the Department of Natural Resources.

**9. Crowding Potential:** The "crowding indicator" as set forth in the most recent Otter Tail County Shoreland Development Study.

**10. Cul-de-sac:** A road having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

**11. Dedicated Road:** A roadway designated for public use.

**12. Development Objectives:** Those goals defined as part of the County's comprehensive planning program which indicate how the County wishes to develop itself in line with orderly and logical direction.

**13. Easement:** A grant by an owner of land for the specific use of said land by the public, generally, or to a person or persons.

**14. Fee Schedule:** A document setting forth Otter Tail County's fees for Permits, Appeals, Variances and Subdivision filings as determined by the County Board of Commissioners.

**15. Final Plat:** The final map, drawing or chart on which the Subdivider/Es subdivider's plan of subdivision is presented to the County Board for approval and which, if approved will be submitted to the County Recorder.

**16. Inslope:** The portion of the roadway cross-section beginning at the outside edge of the roadway shoulder, sloping downward to the inside edge of the ditch bottom.

**17. Local Road (tertiary):** A road designed for access to abutting property and not intended to facilitate through traffic.

**18. Lot:** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

**19. Metes and Bounds:** A description of real property which identifies a parcel of land by its shapes and boundaries, starting at a known point and describing the bearing and distances of lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

**20. Ordinary High Water Level:** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High Water Level is the elevation of the top of the bank of the channel. For reservoir and flowages, the Ordinary High Water Level is the operating elevation of the normal summer pool.

**21. Owner:** Any 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 this Ordinance.

**22. Preliminary Plat:** The preliminary map drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

**23. Public Road:** A particularly described and identified right-of- way, at least 33 feet in width, dedicated to public use for road or highway purposes.

**24. Service Road:** A public road having a traveled surface of at least 24 feet in width 24' lying parallel and adjacent to an Arterial Road or Highway and which provides access to abutting properties and protection from through traffic.

**25. Shoreland Area:** Land located within the following distances from public water: 1,000 feet from the Ordinary High Water Level of a lake, pond or flowage; and 300 feet from a river or the landward extent of a flood plain designated by Ordinance on a river, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the

Commissioner.

**26. Structure:** Any building or appurtenance, including but not limited to, vision obstructing fences, decks, retaining walls, satellite dishes, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, tower poles and other supporting facilities.

**27. Subdivider:** Any person commencing proceedings under this Ordinance to effect a subdivision of land for himself or for another.

**28. Subdivision:** A parcel of land which is divided.

**29. Wetland:** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular #39 (1971 Ed.), which is hereby incorporated by reference, is available through the Minitex/Minuet Interlibrary Loan System and the Land & Resource Management Office, and is not subject to frequent change.

### III. PLATTING PROCEDURES

The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held, a preliminary plat has been reviewed and approved and until a final plat has been reviewed and approved as set forth in the procedures provided herein.

#### 1. Pre-Application Meeting:

Prior to the submission of any plat for consideration by the Planning Commission under the provisions of this Ordinance, the subdivider may meet with the Administrative Officer to introduce himself as a potential subdivider and learn the relevant requirements of Otter Tail County Ordinances.

#### 2. Preliminary Plat:

##### A. Submission of Plat:

The subdivider shall submit to the Administrative Officer twenty-two (23) copies of a preliminary plat of his proposed subdivision, the requirements of which are set forth in this Ordinance. Any application for a Conditional Use Permit to authorize road construction on the platted property shall also be filed at the same time. They shall be filed at least thirty (30) days prior to a regularly scheduled Planning Commission meeting and shall be accompanied by the fees set forth in the Fee Schedule.

##### B. Notice Procedure:

At least twenty-seven (27) days prior to the public hearing on the preliminary plat, the Administrative Officer shall submit one (1) copy of the preliminary plat to the governing bodies of any city, the incorporated limits of which lie within two (2) miles of the proposed subdivision, and to each town board of the Township wherein the subdivision is proposed. In addition one (1) copy shall be retained by the Administrative Officer and one (1) copy submitted to each of the following: the County Attorney, County Assessor, County Auditor, County Engineer, County Treasurer, County Planning Commission Members, appropriate Otter Tail Soil and Water Conservation Districts, Army Corps of Engineers and each public utility providing electric, gas and telephone service. Notice of the public hearing at which the Planning Commission will consider the preliminary plat shall be made by the Administrative Officer pursuant to Minnesota Statutes 394.26. The owner or subdivider shall also be notified as to the time and place of the public hearing.

##### C. Public Hearing:

At the public hearing set for consideration of the preliminary plat, the Planning Commission shall consider comments to the Notice of Plat, and it shall also review the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, the compatibility with the Otter Tail County Comprehensive Plan and overall County planning. Design standards and required improvements as set forth hereafter may be waived if similar provisions of a more stringent nature are requested from any city or township required under the terms of this Ordinance to review the subdivision, provided that such provisions are included in a subdivision controls ordinance regularly enforced in such city or township.

#### D. Planning Commission Action:

At the conclusion of the public hearing set forth in the preceding paragraph, the Planning Commission shall either recommend approval, conditional approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration. The Planning Commission shall not approve a preliminary plat unless the presentation requirements set forth in Section IV have all been met. No lot on the preliminary plat shall be approved if in the opinion of the Planning Commission a lot does not have dedicated road access, an adequate building site, or sufficient area for two (2) onsite individual sewage treatment systems in areas where public services are not available, meeting the requirements of all rules and regulations in this Ordinance, the Shoreland Management Ordinance and the Sanitation Code of Otter Tail County.

The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the Otter Tail County Board of Commissioners.

#### E. County Board Action:

The County Board shall consider the Planning Commission's action at their next regularly scheduled meeting and shall either approve, approve with conditions, deny or table for future consideration. Approval shall mean the acceptance of the design as a basis for preparation of the final plat, and the submission of such final plat for approval. Approval by the County Board of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electric service, road gradients and widths and the surface of roads is required prior to the approval of the final plat. The Board may, after notifying the subdivider, employ qualified persons to check and verify each proposal, the costs of such services shall be paid by the subdivider.

### 3. Final Plat:

#### A. Filing of the Final Plat:

The owner or subdivider shall file with the Administrative Officer within one (1) year of the date of the approval of the preliminary plat, the final plat which shall substantially conform to the preliminary plat as approved. (See Section IV.2.GIV,2.G. for filing document requirements.)

Final plat approval shall not be granted to any plat which is not filed within the time herein specified; unless an extension is requested in writing and for good cause, granted by the County Board. The final plat shall be presented to the County Board at a scheduled Board meeting which is at least two (2) weeks after the date of filing with the Administrative Officer.

#### B. Contents:

The subdivider may file a final plat limited to such portion of the preliminary plat which he proposed to record and develop at one time, provided that such portion must conform to all requirements of this Ordinance. Lots which have received preliminary approval but are not included on the final plat must be considered as a new subdivision.

#### C. Review:

The Administrative Officer shall check the final plat to see that it is in substantial conformity with the preliminary plat as approved by the County Board and that it meets all Ordinances and regulations of the County.

#### D. County Board Action:

Final plat approval shall not be granted unless all presentations requirements of Section IV of this Ordinance have been met. The County Board shall approve, deny or table the final plat, and the Clerk of the County Board shall notify the owner or subdivider of the Board's actions within 30 days.

The final plat, if approved, shall then be filed with the County Recorder. If any irregularity prevents recording of the final plat, the County Auditor shall notify the owner or subdivider. Any approval of the final plat by the Board shall be null and void if the plat is not recorded with the County Recorder within ninety (90) days after the date of approval unless application for an extension of time is made, in writing, during said ninety (90) day period, to the County Board and for good cause granted by the Board.

#### IV. PLATTING PRESENTATION REQUIREMENTS

Each lot created through subdivision must 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, near-shore aquatic conditions unsuitable for water-based recreation, 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 or of the community.

##### 1. Preliminary Plat:

A. Preliminary plat must be prepared by a Minnesota Registered Land Surveyor.

B. Scale: One inch equals 100 feet, if possible, but not smaller than one inch equals 200 feet.

C. Identification and Description:

1. Proposed name of subdivision, which name shall not duplicate or closely resemble the name of any plat previously recorded in the County.

2. Location by section, township, range or by other identifying description.

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

4. Graphic scale.

5. North point.

6. Date of preparation.

D. Existing conditions in tract and in surrounding area to a distance of 300' feet:

1. Boundary line of proposed subdivision, clearly outlined and dimensioned.

2. Total acreage and total water frontage (Shoreland Areas).

3. Platted roads, rights-of-way and utility easements.

4. Boundary lines and ownership of adjoining land.

5. Sewers, water mains or wells, culverts or other underground facilities.

6. Plans for the provision of potable water, sewage disposal, drainage and flood control.

7. Existing structures.

8. Summary of soil and vegetation types (terrestrial and aquatic).

9. Lakes, water courses and wetlands and such other information as soil tests, location of the Ordinary High Water Level and contours at vertical intervals of not more than ten (10) feet. All elevation data shall be mean sea level or some other assumed, workable datum.

10. Evidence that the ground water level is at least three (3) feet below the level of finished grades or plans for resolving any ground water problems.

11. Structure setbacks from any lake, river, road right-of-way, lot line and bluff as set forth in the Shoreland Management or Setback Ordinances of Otter Tail County, Minnesota, must be clearly shown by dotted lines on the plat. Areas suitable for structure location shall be clearly indicated.

#### E. Subdivision Design Features:

1. Layout and width of proposed road right-of-ways and utility easements, showing road names, approximate lot dimensions, parks and other public areas. All roads must be identified and signed in accordance with the provisions of the County's Enhanced 911 Countywide Addressing System. The name of any road heretofore used within the Post Office service area of the proposed subdivision shall not be used, unless the proposed road is an extension of an already named road, in which event the name shall be used. The road right-of-way layout shall include all contiguous land owned or controlled by the subdivider.
2. Proposed use of all parcels, and if zoning change is contemplated proposed rezoning.
3. Preliminary road grades and drainage plans shall be shown on a copy of the contour map.
4. Statement of proposed protective covenants.
5. Statement of source of water supply.
6. Statement of provisions for sewage treatment. In areas where a public sewage treatment system is unavailable, a lot must contain sufficient suitable area for the installation of two (2) standard onsite sewage treatment systems. Lots that would require use of holding tanks shall not be approved.
7. Dedications:

If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands. Provisions for surface water drainage and flood control must be provided.

#### F. Preliminary Title Opinion:

The subdivider shall provide a Preliminary Title Opinion, prepared by an attorney of the Subdivider/Æssubdivider's choosing, in substantial conformity with the form set forth as Appendix I to this Ordinance.

G. Onsite: Within fourteen (14) days of submitting the preliminary plat, the subdivider must clearly stake and identify the tentative proposed lot corners and the proposed center line of the road serving the proposed subdivision.

## 2. Final Plat:

The final plat shall include the following:

- A. Such information as was found necessary for review and requested by the Planning Commission or County Board of Commissioners.
- B. Data requirements as set forth in Chapter 505, Minnesota Statutes and also the following:

All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
- C. An identification system for all lots and blocks. All lots shall be numbered consecutively.
- D. The area (in square feet) and dimensions of all lots in feet.
- E. The Subdivider shall submit two (2) hardshells, one (1) transparency copy and six (6) duplicate copies of the final plat.
- F. All signatures on the plat must be in black ink.
- G. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that



monuments and markers shown thereon exist as located and that all dimensional and geodesic details are correct.

H. Notarized certification by the owner and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas.

I. Certification showing that all taxes currently due on the property to be subdivided have been paid in full for the calendar year in which the plat is filed.

J. Form for approval by Registered Land Surveyor:

I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Controls Ordinance of Otter Tail County and Chapter 505 Minnesota Statutes.

K. Approval by Subdivider's Attorney:

The Subdivider shall provide the Auditor's Office with a Final Title Opinion prepared by the attorney who prepared the Preliminary Title Opinion in substantial conformity with the form set forth as Appendix II to this Ordinance, within fourteen (14) days of the final plat being recorded. The attorney shall also sign the following statement on the face of the plat prior to filing:

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

L. Form for Mortgage Statement:

I hereby attest to the fact that there are no mortgages, other than shown, outstanding against any of the property in this subdivision.

Signed \_\_\_\_\_ Dated \_\_\_\_\_.

Subdivider

L. Form for approval by County Recorder:

I hereby certify that the within instrument was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., and was duly recorded in Book of \_\_\_\_\_ on page \_\_\_\_\_.

Signed \_\_\_\_\_

County Recorder

Signed \_\_\_\_\_

Deputy Recorder

M. Form for acknowledgment by Township Board:

Acknowledged by the \_\_\_\_\_ Township Board, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_

Township Chairman

N. Form for comparison by Administrative Officer:

Comparison with Preliminary Plat made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Signed

\_\_\_\_\_

County Administrative Officer

O. Form for approval by County Board:

Accepted and approved by the Board of Commissioners of Otter Tail County, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_

County Board Chairman

Signed \_\_\_\_\_

Clerk of County Board

P. Form for approval by County Treasurer:

I hereby certify that the taxes for the year \_\_\_\_\_ for the lands described within are paid.

Signed \_\_\_\_\_ Dated \_\_\_\_\_.

County Treasurer

MQ. Form for approval by County Auditor:

No delinquent taxes and transfer entered. Dated \_\_\_\_\_.

Signed \_\_\_\_\_

County Auditor

Signed \_\_\_\_\_

Deputy Auditor

N. Form for approval by County Treasurer:

I hereby certify that the taxes for the year \_\_\_\_\_ for the lands described within are paid.

Signed \_\_\_\_\_ Dated \_\_\_\_\_.

County Treasurer

O. Form for approval by County Board:

Accepted and approved by the Board of Commissioners of Otter Tail County, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_

County Board Chairman

Signed \_\_\_\_\_

Clerk of County Board

P. Form for acknowledgment by Township Board:

Acknowledged by the \_\_\_\_\_ Township Board, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_

Township Chairman

Q. Form for comparison by Administrative Officer:

Comparison with Preliminary Plat made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed \_\_\_\_\_

County Administrative Officer

R. Form for approval by County Recorder:

I hereby certify that the within instrument was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .M., and was duly recorded in Book of \_\_\_\_\_ on page \_\_\_\_\_.

Signed \_\_\_\_\_

County Recorder

Signed \_\_\_\_\_

Deputy Recorder

R. Form for Mortgage Statement:

I hereby attest to the fact that there are no mortgages, other than shown, outstanding against any of the property in this subdivision.

Signed \_\_\_\_\_ Dated \_\_\_\_\_.

Subdivider

## V. PLAT DESIGN STANDARDS

### 1. Roads:

The design of all roads shall be considered in relation to existing and planned roads, to reasonable circulation of traffic, topographical conditions, to run off of storm waters and to the proposed uses of the areas to be served.

A. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new road shall be carried to the boundaries of such unsubdivided land. Where new roads extend existing adjoining roads, their projections shall be at the same or greater width, but in no case, less than the minimum required width.

B. The minimum road design standards of Otter Tail County, including road width and grade standards, shall be observed by the subdivider, as set forth in Appendix III.

C. Straight segments of at least one hundred (100) feet in length shall be introduced between reverse curves on collector roads and fifty (50) feet on local roads and alleys.

D. Insofar as practical, road intersections shall be at right angles and no intersection shall be at an angle of less than 45 degrees. It must be evidenced that safe and efficient traffic flow is encouraged.

E. Private roads shall not be approved nor shall public improvements be approved for any previously existing private road.

F. Where a proposed plat is adjacent to a primary road or highway, the County Board may require the subdivider to provide a service road along the right-of-way of such facility.

G. The road 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.

H. At road intersections, curb lines shall be rounded at a radius of not less than fifteen (15) feet.

## **2. Easements:**

A. Utility easements at least ten (10) feet wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

B. Where a subdivision is traversed by a water course, drainage way, channel or road, there shall be provided a storm water easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both as will be adequate for stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

## **3. Lots:**

A. Where possible, side lot lines shall be at right angles to straight or radial to curved road lines. Each lot shall front on a public road or highway. Lots with frontage of two parallel roads shall be permitted only under unusual circumstances.

B. Lots within Shoreland Areas must comply with the minimum lot sizes specified in Sec.III.4.A. of Sec.III.4.A. of the Shoreland Management Ordinance of Otter Tail County. Platted lots outside of a Shoreland Area shall be 20,000 square feet or larger in area and have a minimum width of 120 feet.

C. There shall be no direct vehicular access to a primary road, and residential lots shall be separated from primary roads and railroad rights-of way by a twenty-five (25) foot buffer strip in instances where they do not front on a service road which may be in the form of added depth or width of lots backing on or siding on the road or railroad right-of-way.

D. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans consistent with the purpose of this Ordinance for the future use of such remnants.

## **VI. REQUIRED IMPROVEMENTS**

Before the County Board approves a final plat, the subdivider shall give satisfactory assurance of the provision of the following requirements:

### **1. Monuments:**

Steel monuments shall be placed at all block corners, angle points, points of curves in roads and at intermediate points as shown on the final plat. All U.S., State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

### **2. Roads:**

All roads shall be improved in accordance with the road design standards as specified in Appendix III.

### **3. Water Supply:**

Wherever connection with a community or public water system is possible, the public water shall be used. In other case, individual wells shall be used. Either shall be provided in accordance with State and County regulations.

### **4. Sanitary Sewer:**

Wherever trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other cases, individual onsite sewage treatment systems shall be used. Either shall be provided in accordance with State and County regulations.

## **5. Stormwater Management:**

A. When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

B. Development must 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 must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

C. When development density, topographic features, and soil runoff using natural features, and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

D. The following are specific standards:

1. Constructed facilities which are used for stormwater management must be designed and installed consistent with the Field Office Technical Guide of the local Soil And Water Conservation Districts.

2. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

## **VII. METES AND BOUNDS STANDARDS**

No subdivision of real property in which the divided tract is described by metes and bounds shall be permitted, unless all tracts meet the following standards:

1. Each lot, located in the Shoreland Area or containing a wetland area must be a minimum of five5 acres in size; and all other lots must be a minimum of 2.5 acres in size.

2. Certification of township approved public road access.

3. All roads must be identified on the surveyor's drawing and signed in accordance with the provisions of the County's Enhanced 911 Countywide Addressing System.

4. Sufficient suitable area for the installation of two (2) standard onsite sewage treatment systems.

54. A registered surveyor's drawing accompanies the document creating the subdivision for recording, as required by Section I.4.D., above.

65. The surveyor's drawing contains the following form for signature by the property owner: I hereby certify that the subdivided property described in this survey meets the County requirements for public road access and sewage treatment systems.

## **VIII. SUBDIVISION OF REGISTERED LAND**

The owner of unplatted registered land, who conveys any part of it which is not a full government subdivision, or simple fractional or quantity part of a full government subdivision, shall first file with the Registrar of Titles a registered land survey in triplicate of said parcel of unplatted land, showing the tract or tracts being or to be conveyed.

## **IX. ADMINISTRATION**

### **1. Variances form Standards:**

In any case where, upon application of any responsible parties to the Board of Adjustment, it appears by reason of exceptional circumstances, that the strict enforcement of any provision of the standards would cause unnecessary hardship under the circumstances, the Board of Adjustment may permit a variance therefrom upon such conditions as it may prescribe consistent with the general purposes of this Ordinance and the intent of this and all other applicable State and local regulation.

**2. Appeals:**

The Board of Adjustment shall hear and decide appeals from and review any order, requirements, decisions or determinations made by any Administrative Officer charged with enforcing any provision of this Ordinance.

**3. Enforcement and Penalties:**

A. This Ordinance shall be administered and enforced by the Administrative Officer who is hereby designated the enforcing officer.

B. Any violation of the terms and provisions of this Ordinance shall constitute a misdemeanor. All fines paid for violations shall be credited to the County General Revenue Fund. Each 24-hour day that a violation continues shall constitute a separate offenses.

C. In the event of a violation or threatened violation of this Ordinance, the County Board and/or the Administrative Officer, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action. This will include, but not be limited to, actions for injunctive relief before a court of competent jurisdiction.

D. Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper officer or officers of any duty required by this Ordinance.

E. All employees of the Otter Tail County Land and Resource Management Office, members of the County Board of Commissioners, Planning Commission and Board of Adjustment, in the performance of their duties, shall have free access on all land included within the boundaries of a proposed subdivision.

F. Effective Date:

This Ordinance as amended shall be in full force and effect on and after May 1, 1997.

**APPENDIX I****PRELIMINARY TITLE OPINION**

Otter Tail County Board of Commissioners  
Otter Tail County Courthouse  
Fergus Falls, MN 56537

RE: Plat of \_\_\_\_\_

Subdividers \_\_\_\_\_

Gentlemen:

**PRELIMINARY OPINION**

I hereby certify that I have examined the above-described plat including the signatories thereon and an abstract of title consisting of entries \_\_\_\_\_ through \_\_\_\_\_ inclusive, last certified by (Abstract Co.) to the hour of 8:00 a.m. on \_\_\_\_\_. From such examination I conclude that good record title in fee simple absolute is in the Subdividers/Æ so as to vest in the public those right-of-way rights and easement rights as in the plat, subject to the following:

- 1.
- 2.
- 3.

which shall be cured prior to the recording of the plat. I further agree to furnish the Final Title Opinion following the

recording of the plat as required by the Subdivision Controls Ordinance of Otter Tail County, Minnesota.

Sincerely,

## APPENDIX II

### FINAL TITLE OPINION

Otter Tail County Board of Commissioners  
Otter Tail County Courthouse  
Fergus Falls, MN 56537

RE: Plat of \_\_\_\_\_

Subdividers \_\_\_\_\_

Gentlemen:

### FINAL OPINION

I hereby certify that I have examined all records relating to the above described plat in the Office of the County Recorder from the date of the abstract of title to \_\_\_\_\_, the date the plat was recorded. From such examination I conclude:

1. That all defects cited in the Preliminary Opinion have been cured.
2. That as of the date of recording, good record title in fee simple absolute was in the Subdividers; and
3. That the public is vested with those right-of-way rights and easement rights as in the plat indicated.

Sincerely,

## APPENDIX III

### MINIMUM ROAD STANDARDS

1. The following width and grade standards of road design shall be observed by the subdivider:

	Minimum Right-of-Way Width	Maximum Grade
Highways and Arterial Roads/Collector Roads		
(secondary)	80 Feet	6%
(primary)	100 Feet	6%
Local Roads		
(tertiary)	66 Feet	8%
Alleys	33 Feet	8%

2. All roads dedicated for public use or for the use of lot owners on a plat presented for the approval shall have a

permanent minimum width of 66 feet right-of-way (during the road construction period the right-of-way width may exceed 66 feet to provide for the appropriate backslope). Dead end roads require a cul-de-sac which has a minimum 120 foot diameter.

3. All dedicated roadways have a roadbed of not less than 24 feet in width when a permanent gravel surface is anticipated and not less than 32 feet when a bituminous surface is anticipated. All cul-de-sacs, regardless of surface type, shall have a minimum traveled surface diameter of 100 feet.
4. When necessary for drainage, ditches along the roadbed shall not be less than 2 feet deep.
5. Graveling is required. Minimum gravel thickness shall be 3 inches compacted or 4 inches loose.
6. Call Land & Resource Management Office, (218) 998-8095 when road is ready for inspection.

