

Chapter 523 Subdivision Regulations

523.01 Purpose

The purpose of this Chapter is to regulate the subdividing of land in Rice County lying outside the incorporated limits of a city, so that new subdivisions will be integrated with the development and protection objectives of Rice County as expressed in the Rice County Comprehensive Land Use Plan and contribute to an attractive, stable and wholesome environment, adequate public services and an integrated and safe street and highway system.

523.02 Land Suitability Requirement

No land shall be subdivided which is held unsuitable by the County for the proposed use because of any of the following conditions:

- A. Flooding
- B. Inadequate drainage
- C. Soil and rock formations with severe limitations for development
- D. Severe erosion potential
- E. Unfavorable topography
- F. Inadequate water supply or sewage disposal capabilities
- G. Any other feature likely to be harmful to the health, safety, or welfare of the future residents and or development of the proposed subdivision or of the community

523.03 Geographic Scope

The rules and regulations governing plats and subdivision of land contained in this Chapter shall apply to all lands lying outside the incorporated limits of a city in Rice County and other land as permitted by State Statutes.

523.04 Rice County Plat Review Committee

Some plats and subdivisions may occur outside of the geographic scope of this Chapter as stated in §523.03. Plats and subdivisions that lie outside the geographic scope of this Chapter shall be reviewed by the Rice County Plat Review Committee of which the County shall be a member. The township or incorporated city with primary review authority shall deliver a copy of the proposed plat or subdivision to the Plat Review Committee within five (5) days of receipt from the applicant. The Plat Review Committee shall review the plat or subdivision and deliver comments to the primary review authority within ten (10) days of receipt of the proposed plat or subdivision.

523.05 Exceptions to Scope

Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to July 8, 1975, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land.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.

523.06 Subdivisions Processed as Plats

All subdivisions that create two (2) or more lots or parcels that are two and one-half (2-1/2) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. The County Board may waive any or all of the provisions of this Section and may grant a "Waiver of Platting," however, conditions may be imposed upon the "Waiver of Platting".

523.07 Subdivision Approval Required for Permits

No permit for construction of buildings or sewage treatment systems shall be issued for lots created after enactment of this Ordinance unless the lots were approved as part of a formal subdivision.

523.08 Subdivision Review Process

The following process shall be followed in reviewing plats and subdivisions in Rice County:

- A. **Preliminary and final plat review required.** No real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission and the final plat has been approved by the County Board as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the County Board.
- B. **Pre-application meeting.** Prior to the preparation of a preliminary plat, the applicant shall meet with the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The applicant is urged to avail himself of the advice and assistance of the Planning Commission and County staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.
 1. **Sketch plan.** At the pre-application meeting or at subsequent informal meetings, the applicant shall submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan shall include:
 - a. A line drawing to accurate scale with the scale indicated on the plan;
 - b. Topography of the site;
 - c. General location and number of buildings;
 - d. General location of roads and access; and
 - e. The relationship of the proposed subdivision to existing community facilities that would serve it, and to neighboring subdivisions and developments.
- C. **Preliminary plat.** After the pre-application meeting, the applicant shall apply for a platting permit with the Zoning Administrator and shall file twelve (12) copies of a preliminary plat with the Zoning Administrator.
 1. **Data required.** The data required for preliminary plats is detailed in §523.09.
 2. **Reviewing bodies.** The Zoning Administrator shall refer an appropriate number of copies to the Planning Commission for their review and report. The plat shall be submitted to the Planning Commission at least fifteen (15) days prior to the meeting of the Planning Commission at which consideration of the plat is requested. Any proposed plat located within two (2) miles of a city shall also be submitted to the City and Town Board in which the proposed plat is located, the County Soil and Water Conservation District and the County Highway Engineer for review. Any comments regarding said plat shall be returned to the Zoning Administrator for review at the public hearing.
 3. **Public hearing.** Within forty-five (45) days after the plat has been submitted and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the

- hearing. Notice of the public hearing shall also be sent to the property owners within five hundred (500) feet of the property to be subdivided in incorporated areas and property owners within one-half (1/2) mile of the property to be subdivided in unincorporated areas. This shall constitute the public hearing on the plat as required by state law.
4. **Planning Commission review and report.** Within fifteen (15) days of the date of the close of the public hearing, the Planning Commission shall make its report to the County Board. The Planning Commission and the Zoning Administrator shall forward to the County Board a favorable, conditional or unfavorable report and said reports shall contain a statement of findings and recommendations.
 5. **County Board review and report.** The Rice County Board shall act to approve or disapprove the preliminary plat within sixty (60) days after receiving the recommendations of the Planning Commission, unless a written extension is granted by the applicant. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the applicant within thirty (30) days after the meeting of the County Board.
 6. **Planning Commission and County Board review standards.** In the case of all subdivisions, the Planning Commission and the County Board shall make the following findings:
 - a. That the proposed subdivision is not in conflict with adopted applicable general and specific plans of Rice County;
 - b. 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, are such that the site is physically suitable for the proposed density of development;
 - c. That the site is physically suitable for the proposed density of development;
 - d. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage;
 - e. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
 - f. That the design of the subdivision or the type of improvements will not conflict with easements of record or with easement established by judgment of a court.
 - g. That the physical characteristics of the site will insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
 - h. In the Flood Plain District the proposal shall be evaluated in accordance with the standards established in Chapter 518 of this Ordinance.
- D. **Final plat approval required before rights vested.** The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the applicant that he may proceed toward a final plat in accordance with the terms of approval and provisions of the Ordinance. The applicant shall file the final plat with the County Recorder within six (6) months after approval of the final plat or the approval of the preliminary and final plat shall be null and void. During the intervening time between approval of the preliminary plat and the signing of the final plat, the applicant shall submit acceptable engineering plans for all required improvements.
- E. **Final plat.** The applicant shall file two (2) copies of the final plat with the Zoning Administrator prior to the Planning Commission meeting at which it will be considered. If this is not done within six (6) months, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the applicant and granted by the Board.
1. **Final plat requirements.** The following are requirements for final plat applications:
 - a. Data required in §523.09.

- b. All changes required in the report approving the preliminary plat.
 - c. The applicant may be required to submit at this time an up-to-date certified abstract of title or registered property report.
 - d. The final plat shall have incorporated all changes recommended by the County Engineer regarding roads, and the County Board as to conditions of approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat that the applicant proposed to record and develop at that time, provided that such a portion conforms to all requirements of this Ordinance.
2. **Review.** The Zoning Administrator shall refer an appropriate number of copies of the final plat to the County staff for its review and report. The report of these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the plat and the County Board shall act on the final plat within sixty (60) days of submission of the final plat.
 3. **Recordation of final plat required.** Upon approval of the final plat by the Rice County Board, the applicant shall record such final plat with the County Recorder, as provided for that office, within ninety (90) days after the approval. Otherwise the approval of the final plat shall be considered void. The applicant shall, within thirty (30) days of recording, furnish the Zoning Administrator with one copy of the recorded plat. In addition to providing the printed copy, the applicant shall also furnish the Zoning Administrator with one micro-fiche slide of the final plat.

523.09 Data for Preliminary and Final Plats

Required data for preliminary and final plat applications are listed below:

- A. **Data for Preliminary Plat.** The applicant shall engage a qualified land planner, registered land surveyor or engineer to prepare a preliminary plat of the area to be subdivided. The preliminary plat shall contain:
 1. **Identification and Description**
 - a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County and the name must have approval of the County Zoning Administrator.
 - b. Location by section, township, range, and by legal description.
 - c. Names and addresses of the record owner, any agent having control of the land, applicant, land surveyor, engineer, or designer of the plan.
 - d. Graphic scale not less than one (1) inch to one hundred (100) feet.
 - e. North arrow.
 - f. Key map of the surrounding area.
 - g. Date of preparation.
 2. **Existing Conditions**
 - a. Boundary line of proposed subdivision, clearly indicated to a reasonable degree of accuracy.
 - b. Existing zoning classifications for land within and abutting the subdivision.
 - c. A listing of the approximate acreage and dimensions of the lots.
 - d. Location, right-of-way width, names of existing or platted streets, or other public ways, parks, other public lands, permanent buildings and structures, easements, section and corporate lines within the plan and to a distance one hundred (100) feet beyond shall also be indicated.

- e. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet, identified by name and ownership, including all contiguous land owned or controlled by the applicant.
 - f. Topographic data, including contour intervals of two (2) feet unless the grade is more than 15 percent, waterways, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
 - g. A soils analysis and soil percolation tests of the subdivision using S.C.S. data and information may be required by the County Board if conditions warrant it.
 - h. For all subdivisions in the Flood Plain, Flood Way and Flood Fringe boundaries, the regulatory flood plain elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
 - i. If a proposed subdivision requires the removal of the special Flood Hazard Area designation, full compliance with FEMA shall be established.
- 3. Subdivision Design Features**
- a. Layout of proposed streets showing the right-of-way widths, centerline gradients, and typical cross sections if requested by the Zoning Administrator.
 - b. Location and widths of proposed pedestrian ways.
 - c. Layout, numbers and preliminary dimensions of lots and blocks.
- 4. Other Information**
- a. Statement of the proposed use of lots stating type of residential buildings with the number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
 - b. Provision for surface water and sanitary sewage disposal, drainage, and flood control.
 - c. If any zoning changes are contemplated, the proposed zoning for the areas.
 - d. Where the applicant owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require that the applicant submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
 - e. A plan for soil erosion and sediment control both during construction and after development has been completed may be required by the County Board.
 - f. For subdivisions in a VMU Extension area as regulated by Chapter 513, the applicant shall show the location of dedicated easements necessary for future connections to public utilities.
 - g. Such other information as may be requested by the Zoning Administrator or Planning Commission.
- B. Data for Final Plat.** The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota Statutes Chapter 505 and these regulations.
- 1. Surveying requirements of the final plat shall be under the regulation of the County Surveyor or a Registered Land Surveyor appointed by the County Board.
 - 2. Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public cause and shall include a dedication to the County of sufficient easements to accommodate utility services.

- 3. Special conditions and or restrictions pertaining to the approval of the final plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

C. **Certifications.** The following certifications shall be obtained by the applicant as part of final approval of the final plat:

- 1. For approval by signature of County officials concerned with the recording of the plat.

(1) No delinquent taxes and transfer entered this _____ day of _____, 20 ____.

(Name)

Rice County Auditor

(2) Checked and approved as in compliance with the Rice County Zoning Ordinance and Subdivision Regulations.

Chairman

Rice County Planning Commission

Approved by Rice County Board of Commissioners this _____ day of _____, 20 ____.

Chairman of Rice County Board

Attest:

Rice County Auditor _____

523.10 Subdivision Design Standards

All subdivisions shall meet the design standards in Chapters 505, 506 and 507 of this Ordinance, and shall meet the following additional design standards:

- A. **General.** The layout of the subdivision shall harmonize with site conditions and surrounding conditions and land uses, and shall be in conformity with the development objectives of the County as expressed in the Rice County Comprehensive Land Use Plan.
- B. **Streets.** The design of streets shall meet the provisions of Chapter 505 and the Access Guidelines of Rice County, and the following additional provisions:

1. Half streets shall be prohibited.
 2. Private streets shall be prohibited.
 3. 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.
- C. **Lot design.** Lot dimensions shall be such as to comply with the minimum lot areas specified for the type of use in the applicable zoning district. The following additional design standards shall be met:
1. **Side lot lines.** Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines. Each lot shall abut a public street or highway.
 2. **Drainage.** Lots shall be designed so as to provide drainage away from building locations.
 3. **Lot Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels unless the owner can show plans for the future use of such remnants wherein they shall be platted as outlots (reserve lots).
 4. **Land locked parcels.** As a general rule, the County shall not permit land locked parcels or parcels that are only served by private easements. However, the County may permit the following:
 - a. Land locked parcels in a multiple dwelling or commercial complex provided said parcel(s) have access to a public street by an easement over another parcel within the same multiple dwelling or commercial complex. Said land locked parcel is permitted in this instance only for the purpose of establishing separate taxable parcels within a complex.
 - b. Land locked parcels which are unbuildable (outlots) and reserved as permanent public open spaces such as ponding areas may be permitted. A scenic easement may be required by the County to insure that the property is preserved as open space.
- D. **Natural features.** In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- E. **Easements**
1. All easements shall be dedicated by appropriate language on the plat as required by Minnesota Statutes §505.02, Subdivision 2.
 2. Utilities easements shall be provided for utilities where necessary.
 3. Where a subdivision is traversed by a waterway, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially within the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.
- F. **Parks, trailways and recreation areas**
1. **Designation on Preliminary Plat.** Where a proposed park, trailway, ponding or open space area, shown on or referenced to the Rice County Comprehensive Land Use Plan, or Official Map, is located in the whole or in part in a subdivision, such area or areas shall be shown on the preliminary plat. Such area or areas shall also be dedicated to the County by the applicant if the County requests such dedication under the provisions of paragraphs below.
 2. **Parkland dedication required.** Said dedicated land shall be in an amount determined to be reasonable by the County. Said land must be suitable and acceptable for said uses(s), as determined by the County.

- a. In lieu of the conveyance of dedicated land as provided above, the applicant may, at the option of the County, pay to the County, for use in acquisition and development of parks or ponding areas, a cash payment to the County. Such payment shall be based upon a formula established by resolution of the County Board.
3. **Land in excess of dedication requirement.** Where land proposed for public use exceeds the percentage normally required by the County and the applicant will not dedicate the additional amount, the County shall have six (6) months from the date of initial consideration to proceed and purchase said additional amount. Where a purchase is not initiated within said six (6) months, the plat shall be revised to permit another use and the processing of the plat shall continue.
4. **Condition of areas to be dedicated.** Areas to be dedicated for public park, trail or ponding shall be brought to a suitable condition by the applicant prior to acceptance by the County. All dead trees, trash, junk, unwanted structures or similar undesirable elements shall be removed by the owner at this expense.
5. **Title and survey requirements.** Lands so dedicated shall be accompanied by a certificate of survey or shall be designated as a lot or outlot on the plat as determined by the County. Such lands shall be free and clear of all liens and encumbrances including special assessments as evidenced by an up-to-date Abstract of Title or Registered Property Abstract to be submitted at developer's cost to the County for its examination. Such dedication shall be in the form and manner as prescribed by the County Attorney.

523.11 Improvements Required

Prior to the approval of a final plat, the applicant shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- A. **Monuments.** Monuments of a permanent character, as required by Minnesota Statutes §505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at corners, angle points and curve points on each lot.
- B. **Streets.** All streets shall be improved in accordance with the engineering specifications established by the County Engineer.
- C. **Water Supply.** Where a connection with a community water system is possible, the public water shall be used. In other instances, safe and palatable water shall be provided by a central distribution system serving the subdivision or by individual wells. In all cases, water shall be supplied in accordance with Environmental Health Services Division specifications.
- D. **Sanitary Sewer.** In all cases where trunk line sanitary sewer facilities are available, the applicant shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other instances, sanitary sewage disposal shall be by a central system serving the subdivision or by individual systems. Provisions shall be made for future connections to any planned municipal utilities. In all cases, sewage disposal systems shall be provided in accordance with Environmental Health Services Division specifications.
- E. **Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion. A proposed grading program may also be required.
- F. **Street Signs.** Street signs of standard design approved by the County Board shall be installed at each street intersection.

523.12 Payment for Installation of Improvements

Before a Final Plat is approved by the County Board, the Board may require the applicant to submit a performance bond or cash escrow agreement to assure the following:

A. General.

1. The applicant shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision with the exception of individual wells and individual sewage disposal systems.
2. Guarantee completion of the required improvements within a two (2) year period.
3. Payment by the applicant for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plat.
4. The County may elect to install any of the required improvements under the terms of a cash escrow agreement.
5. The performance bond or cash escrow agreement shall be equal to one and one-quarter (1 and 1/4) times the estimated cost of the requirement improvements.
6. If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the applicant.
7. The applicant shall satisfy park dedication requirements by dedication of land or cash in lieu thereof.

- B. Construction plans.** Construction plans for the required improvements, conforming in all respects to the standards of Rice County and applicable ordinances, may be required to be prepared at the applicants expense by a licensed architect or professional engineer licensed to design the type of construction proposed and registered in the State of Minnesota and said plans shall contain his/her seal. Such plans together with the quantity of construction items, shall be submitted to the County Engineer for approval and for an estimate of total cost of the required improvements; upon approval they shall become a part of the approval. Two reproducible prints of the plan approved shall be provided to Rice County and filed by the County.

523.13 Exceptions

The County Board may, but is not required to, grant an exception to the provisions of this Chapter upon resolution only for the following reasons:

- A. Minor Subdivisions.** For small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following recommendation by the Planning Commission, so determines, and following compliance with procedures as follows:
1. Simple Lot Split - When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived. Transfer of title or the process of subdividing shall be by filing of a final plat.
 2. Waiver of Plat - Where no more than two lots are created and where both lots exceed five (5) acres in area, the County Board may waive the requirement for platting but may attach any conditions to the waiver to otherwise satisfy the requirements of this Ordinance.
 3. Said five (5) acres may include adjacent public road right-of-way.