

Section 20. Dodge County Subdivision Regulations

2001. Subdivision Regulations

This Section of the Dodge County Zoning Ordinance shall be known as the Dodge County Subdivision Regulations and may be referred to in this Section as “this Section” or “these Regulations” or the “Dodge County Subdivision Ordinance.”

This Section is adopted as an amendment to the Dodge County Zoning Ordinance /Development Code pursuant to the authority delegated to Dodge County under Minnesota Statutes Annotated, Chapter 394, and shall be administered and enforced under the purview of the Dodge County Zoning Ordinance /Development Code, its intent and purpose, jurisdiction and scope, general provisions and zoning district provisions, for the purpose of promoting the health, safety, order, convenience and general welfare, and for the orderly future development of Dodge County, Minnesota. These Regulations replace any pre-existing Dodge County Subdivision Ordinances or Regulations.

2002. Purpose and Intent

To the extent authorized by law, it is the purpose of these Regulations to:

1. **Encourage well-planned, efficient, and attractive subdivisions** by establishing adequate standards for land suitability, design and construction.
2. **Ensure orderly growth and development** and to supplement and facilitate the provisions in the Dodge County Comprehensive Land Use Plan, Zoning Ordinance, and Zoning /Land Use Map.
3. **Set the minimum requirements necessary** to protect the public health, safety, comfort, convenience and general welfare.
4. **Allow flexibility** in the placement and type of dwelling units within the subdivision with respect to environmental safety and preservation of unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands.

2003. Jurisdictions and Scope

The regulations contained in this Section shall apply in the unincorporated areas of Dodge County and shall apply to any division of land into two (2) or more parcels for the purpose of sale or transfer of ownership, lease or separation thereof, building development or tax assessment purposes by

plattling, re-plattling, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

1. **Interpretation.** In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare. Any provision or use neither specifically permitted or denied shall be considered prohibited.
2. **Conflict.** Where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Section or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. **Separability.** If any section, subsection, sentence, clause, phrase, or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions hereof.
4. **Effective Date.** After the effective date of this Section as an amendment to the Dodge County Zoning Ordinance /Development Code:
 - a. No land shall be subdivided or platted nor shall any plat be recorded
except as provided in this Section and approved by the County as having fulfilled the requirements of this Section.
 - b. Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re- separated without approval in the manner prescribed in this Section.
 - c. No public improvements are to be installed unless the Preliminary Plat is approved and no service shall be provided until approval of the design and construction standards by the County Engineer, Township, and / or City, as appropriate.

- d. No zoning permit shall be issued for construction until all requirements of this Ordinance have been fully complied with.
- e. No structure shall be built or placed on a lot in a new plat until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the County Engineer.

2004.

Definitions

Unless otherwise specifically defined herein, all words and phrases defined in Minnesota Statutes 394 and 505 and the Dodge County Zoning Ordinance shall have the same meanings when used in this Section. Terms and abbreviations used herein, which are not specifically defined by law, shall be construed in accordance with the context and professional usage.

Adequate Public Facilities: Facilities determined to be capable of supporting the physical area and designated intensity of the proposed subdivision as determined by the Governing body based upon specific levels of service.

Administrator: The duly appointed person charged with enforcement of this Ordinance.

Agricultural Land: This term means a contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes, whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities. Agricultural use may include pasture, timber, waste, unusable wild land, and land included in state or federal farm programs. Real estate of less than ten acres used principally for raising or cultivating agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Agricultural-Farmland, Prime: Natural Resource Conservation Service (NRCS) Technical Guide, section 2, Cropland Interpretations.

Alley: Any dedicated public right-of-way providing a secondary means of access to abutting property.

Access / Access Drive: Any entrance, public or private, intended to permit vehicles, equipment or pedestrians to enter upon a public right of way.

Applicant: The owner of the land proposed to be subdivided or his/her representative, such as a Subdivider, or Developer.

Block: A tract of land, as identified on a recorded plat by number, bounded by thoroughfares, plat boundaries, outlots, parks, or bodies of water.

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

Building: To include all structures of every kind regardless of similarity to buildings.

Buildable Lot Area: Means the contiguous area of a lot which is sufficient in area to accommodate construction of water supply and septic systems, buildings, driveways, and provide for adequate setbacks, typically $\frac{3}{4}$ acre. Area which is flood way, wetlands, right-of-ways, or poor soils unsuitable for building or individual septic systems, cannot be included in calculating the buildable area of a lot.

Building Setback: The minimum horizontal distance from the street right-of-way or property line as prescribed in the Zoning Ordinance.

Certificate of Survey: Certificate of Survey within the purpose and intent of this document is defined as a graphic representation of any parcel or tract of real property whose primary purpose is to show the results of a boundary survey

Cluster Development /Open Space Development: A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated or reserved open space.

Conservation Corridors: Linked tracts of natural areas, scenic areas, prime aggregate resources, and other open spaces that have unique natural characteristics, including a combination of contiguous large tracts of forest and grassland forming corridors that support important wildlife and that maintain near-native biodiversity providing natural conditions that are little impacted by humans and livestock. These areas are identified as the best of all natural resource areas in the county and are illustrated in corridors that may be updated or added as such areas are so identified and designated by the County Board of Commissioners..

Conservation Easement: As defined in Minnesota Statutes, Chapter 84C: A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, archaeological, or cultural aspects of real property.

Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

Copy: A print or reproduction.

County: Dodge County, Minnesota, or any department, representative or agent of the County who is authorized by this Chapter or otherwise by the County Board to represent Dodge County in the enforcement or administration of these Regulations.

County Attorney: The County Attorney of Dodge County, Minnesota or the authorized representative.

County Auditor: The County Auditor for Dodge County, Minnesota or the authorized representative.

County Board: The Dodge County Board of Commissioners.

County Engineer: The County Engineer of Dodge County, Minnesota, or the authorized representative.

County Recorder: The County Recorder of Dodge County, Minnesota, or the authorized representative.

County Surveyor: The County Surveyor of Dodge County, Minnesota, or the authorized representative.

Cul-De-Sac: A street which is open at one end only.

Covenants: Protective or restrictive contracts, agreements, or declarations entered into between two (2) or more private parties, which constitutes a restriction on the use of private property within a subdivision and to provide protection against undesirable aspects of development that would impair values.

Deed Restriction: A recorded document that limits land use on a specified parcel(s).

Developer: The owner of land proposed to be subdivided or his/her representative.

Development Agreement: A Development Agreement within the purpose and intent of this document is defined as a contract between all responsible parties which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction (Exhibit F).

Drainage Course: A watercourse or indenture for the drainage of surface water.

Easement: A grant or sale by an owner of land for specific use by persons other than the owner.

Feedlot, Registered: An animal feedlot or manure storage area with ten (10) or more animal units that is registered into the Dodge County Feedlot Inventory.

Grade: The slope of a road, street, or other public way specified in percentage (%) terms.

Impact Fee: A fee imposed on new development by the local government in order to mitigate the impacts on community facilities created by the demand for capital improvements by the new development. Impact fees do not include the dedication of rights-of-way or easements for such facilities, or the construction of such improvements.

Lot: A fractional part of a block, as identified on a recorded plat by number, intended for private ownership. A lot may also be an unsubdivided block, as identified on a recorded plat by number, intended for private ownership.

Lot, Corner: A lot bordered on at least two (2) adjacent sides by intersecting streets.

Lot, Frontage: That part of a lot lying along and abutting a road or that part of a lot abutting water.

Lot, Line: The property line bounding a lot except that where any portion of a lot extends into the right-of-way or a proposed public right-of-way, the line of such right-of-way shall be the lot line.

Lot, Outlot: A tract of land which may, at a future date, be platted into more lots; or an unbuildable lot if the area or setbacks of the tract do not

comply with the minimums defined in local platting ordinances; or a lot remnant or any parcel of land included in a plat, which may be used as open space or access for utilities, or which may otherwise be unsuitable for development and therefore not be usable as a building site.

Lot of Record: A platted lot or a parcel of land described by metes and bounds or by a registered land survey which has been recorded in the Office of the County Recorder and conformed to the lot size requirements of the zoning ordinance in effect at the time of recording.

Metes and Bounds: A property description in which successive sides are described by direction and distance as one would walk around the area being described.

Natural Resource Areas: Areas of the county that have significant and important amounts of natural resources that help provide the “rural character” of the county, recreational opportunities such as hunting and fishing, provide habitat for game and non-game wildlife, and contain significant sand, gravel, and rock deposits that are needed for the future economic viability of the county. Natural Resource Areas also identify groundwater resources that are at a higher risk of contamination. These Natural Resource Areas are defined in the official Natural Resource Areas map (Exhibit A) that may be changed, as areas are further identified.

Official Zoning / Land Use Map: The map established by the County Board in accordance with State Statutes, showing land use, streets, highways, parks and drainage, both existing and proposed, including Zoning Districts, Overlay Districts, and Conservation Corridors.

Open Space: Land used for agriculture, forestry, natural habitat, pedestrian corridors and/or recreational purposes, that is permanently protected from future development.

Orderly Annexation Agreement: An agreement, signed by the affected township and city officials, that identifies areas designated for future annexation to the affected city.

Orderly Annexation Area: An area that is identified for future development in an Orderly Annexation Agreement that is signed by the affected township and city officials.

Parcel: A described area of land, which may be designated by metes and bounds description, by a recorded land survey, auditors plat, or other accepted means, which distinguish it from other parcels by said description for the purpose of sale, lease, or separation.

Pedestrian /Public Walk-way: A public right-of-way across or within a plat to be used by pedestrian or non-motorized vehicles.

Person: Any person, corporation or association including governmental agencies and political entities.

Plan, Comprehensive: A comprehensive development plan, adopted by the County Board which indicates the general locations recommended for various functional classes of land uses, places and structures and for general physical development of Dodge County and any unit or part of such plan or parts thereof.

Plan, General Development Concept: A general plan preparatory to the preparation of the Preliminary Plat that illustrates lot layout, streets, utility corridors, and open spaces of proposed development. Future development, natural habitat, pedestrian corridor, and neighborhood recreation open spaces are located on the development concept plan according to their type of use (Exhibit B-Figure A). The General Development Concept Plan shall include a Future Urban Density Plan where the plat to be submitted includes only part of the parcel intended for development by the subdivider.

Plan, Future Urban Density: Conceptual plan to show future development area in a planned subdivision, illustrating future streets, lot layouts, and utility corridors that will provide for additional lot divisions for future infill that may benefit from municipal utilities (Exhibit B-Figure B: Concept with Ghost Plat).

Planning Commission: The Dodge County Planning Commission, see Section 18, subpart 1803 of Dodge County Zoning Ordinance.

Plat, Final: Official Plat to be filed in the office of the County Recorder according to Minnesota Statutes and these Subdivision Regulations of Dodge County, Minnesota.

Plat, Preliminary: The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission or local Township for approval. Preliminary Plat shall contain data required as outlined in parts 2010 and 2011 of these Regulations.

Right-of-Way: The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.

Sewage Treatment System: A septic tank and soil absorption system or other individual or community type sewage treatment system as described and regulated in the Dodge County Sewage and Wastewater Treatment Ordinance and MN Rule 7080.

Shall: Means mandatory.

Street or Road: A public right-of-way, which affords the primary means of access by pedestrians and vehicles to abutting property.

Street, Collector: A street, which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

Street, Local: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.

Street, Major: A street, which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Minor: A street intended to serve primarily as an access to abutting properties.

Street or Road, Private: A purported roadway or strip of land serving as access to a limited number of parcels of land, which is not dedicated to the public but is owned and maintained by one or more private parties.

Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.

Street, Service: A minor street parallel to and adjacent to high volume arterial streets and highways, which provides access to abutting properties and protection of through traffic.

Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.

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

Subdivider: Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity initiating a subdivision or plat.

Subdivision: The division of a tract of land into two (2) or more lots or parcels for the purpose of sale or transfer of ownership, lease or

separation, building development, or establishing a new road or road easement.

Subdivision, Conservation: The preferred subdivision design process (Exhibit C), which first identifies ecologically sensitive or culturally significant natural areas to be set aside and placed under a conservation easement that permanently restricts future development.

Subdivision, Major: A subdivision not classified as a minor subdivision, including but not limited to subdivisions of three (3) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

Subdivision, Nonresidential: A subdivision whose intended use is other than residential, such as commercial or industrial.

Subdivision, Rural Residential: Any permitted development of land formerly within the boundaries of the Agricultural Zoning District, which has been rezoned as Rural Residential and that incorporates the clustering of dwelling units to meet open space requirements.

Subdivision, Urban Expansion: Any permitted development of land formerly within the boundaries of the Urban Expansion Zoning District, which has been rezoned as Urban Expansion Residential and that meet the Urban Expansion Area General Development Plan requirements.

Surveyor: A land surveyor licensed under Minnesota State Laws.

Urban Expansion District (Exhibit D): An area that is designated for future development adjacent to an urban area, which is expected to occur over twenty (20) to thirty (30) years and that is illustrated by the official Zoning map, and included in the County and / or City Comprehensive Plan(s).

Zoning Ordinance: Regulations controlling the use and development of land as adopted by Dodge County, Minnesota.

2005.

General Subdivision Plat Design Standards

The following land subdivision principals, standards, and requirements will be applied by the Planning Commission in evaluating plans for proposed subdivisions. A subdivision shall not exceed a maximum of eighty (80) acres in size unless approved by the Planning Commission. A proposed subdivision shall conform to the Dodge County Comprehensive Plan and development policies as adopted by the County Board.

1. **Land Suitability Requirements.** Each lot created through

subdivision must be suitable in its natural state for the proposed use with minimal alteration.

- a. 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, impact to water quality, 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, or any negative effect of a proposed subdivision on the Natural Resource Areas.
- b. If the Minnesota Environmental Quality Board Regulations require an Environmental Assessment Worksheet (EAW) or Impact Statement, such (EAW) or Impact Statement shall be submitted as part of the application for Preliminary Plat approval.

2. **Consistency with Other Controls.** Subdivisions must conform to all official controls and the publicly adopted plans of this county, the State of Minnesota, and the Federal Government. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. Variances to lot size, setbacks, and road frontage may be granted if a developer follows the Conservation Subdivision Design Process outlined in Exhibit C, and is consistent with the Smart Growth Principles adopted in the County's Comprehensive Land Use Plan.

- a. Proposed land uses for all land designated as shoreland area within the jurisdiction of Dodge County shall conform to the standards contained in the Dodge County Shoreland Overlay District, Section 14 of the Dodge County Zoning Ordinance.
- b. Proposed land uses for all land designated as flood plain within the jurisdiction of Dodge County shall conform to the standards contained in the Dodge County Flood Plain Overlay District, Section 15 of the Dodge County Zoning Ordinance.
- c. For all subdivisions in the flood plain, the Regulatory Flood

Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

3. **Open Space Requirements.** Each subdivider shall be required to dedicate land for open space that will be secured by permanent conservation easements, deed restrictions, or deed covenants. Such sites shall be shown on the plat and shall comply with the County's Comprehensive Plan, Open Space Plan, Water Management Plan, and other related approved plans.
 - a. **General Design:** Priority shall be given to preservation of scenic and historic sites, wetlands, streams, shoreland zones, riparian corridors, and plant communities. Where possible, designated open space shall be contiguous with open space uses on adjacent parcels in order to provide large expanses of open space.
 - b. **Urban Expansion:** At least 10% of a plat in the Urban Expansion Area outside of the required buildable area shall be open space.
 - 1) The primary purpose of the open space is to provide active or passive recreational opportunities to landowners within the plat. The open space does not need to be legally accessible to the general public.
 - 2) The open space can be woodland and grassland in a natural condition, or outdoor recreational facilities such as play grounds and trails, but no more than 50% of the open space shall be wetland or floodplain.
 - c. **Rural Residential:** At least 40% of the plat in a Rural Residential Subdivision outside of the required buildable area shall be open space.
 - 1) The primary purpose of this open space is to preserve the rural character of the area and to provide active or passive recreation opportunities to landowners in the subdivision.
 - 2) The open space can be agricultural land, pasture, and/or woodland and grassland in a natural condition; no more than 50% of the required open space shall be wetland, floodplain, or agricultural land.

- 3) The open space does not need to be legally accessible to the general public.
- 4) Open Space requirements can be reduced by up to 75% if open space is secured in a Conservation Corridor at a ratio of 1 acre open space to three (3) acres within the Conservation Corridor (Exhibit A).
- 5) Criteria for Dedication of land in a Conservation Corridor as a substitute for required open space in Rural Residential subdivisions:
 - i. Parcels must contain at least three (3) acres of undeveloped land.
 - ii. The land will be prohibited from intensive development by a conservation easement, deed restrictions, or deed covenants. Prohibited intensive uses include row crop agriculture, feedlots, clear-cut forestry, commercial, industrial, and subdivision development, including minor rural subdivisions. The development restriction does not need to limit the landowner's right to existing uses or future passive uses such as sustainable forestry, pasture, and hunting.
 - iii. The land cover must be woodland, natural grassland / shrub, or wetland, with no more than 50% being wetland or flood plain.
 - iv. Parcels are not eligible if they have an existing easement, deed restriction, or deed covenant that prohibits intensive development.

4. **Maximum Density of Subdivisions.**

- a. The maximum density of dwellings in a plat shall not exceed one (1) home per three (3) acres until all or a portion of the subdivision is annexed by a city or municipal sewer service is provided. Homes may be clustered as long as the ratio is maintained and adequate provision is made for sewage treatment systems as further qualified

in Subsection 5 below.

b. In an Urban Expansion Subdivision, the maximum density of dwellings in plat may be increased to one (1) home per one and one-half (1.5) acres if a community type sewage treatment system is incorporated to serve the subdivision.

c. In an Urban Expansion Subdivision, the maximum density of dwellings in a plat may be increased to one (1) home per three-fourths (3/4) of one acre if a community type sewage system serves the subdivision and municipal wastewater treatment services can be provided to the subdivision within twenty (20) years as determined by engineering estimates prepared in consultation with municipalities.

d. In an Urban Expansion Subdivision, City density standards may be applied if the subdivision will be constructed to be served by municipal sewer and water and all other construction is designed to meet municipal standards.

5. Water, Wastewater, Sewage, Drainage, and Public Utilities

a. In areas where public water is not available, primary location of the water supply well shall be shown.

b. In areas where public sewer is not available, and is not planned to be available within twenty (20) years, all Preliminary Plats using community type sewage treatment systems shall demonstrate the ability to accommodate the equivalent of three (3) standard sewage treatment system sites per home.

c. In an Urban Expansion District or an Orderly Annexation Area, where municipal sewer and water services are

planned to be available within twenty (20) years and can reasonably be built based on engineering estimates prepared in consultation with municipalities, all Preliminary Plats using community type sewage treatment systems shall demonstrate the ability to accommodate two (2) sewage treatment system sites per home.

- d. A community type sewage treatment system must be consistent with Dodge County's Sewage and Wastewater Treatment Ordinance, and shall include an operating and maintenance plan, a financial plan, and a monitoring and mitigation plan. The system must be owned by the properties using the system, unless powers are formally transferred to a public entity, and must be operated by an MPCA Licensed Individual Sewage Treatment System (ISTS) Designer with billing authority to insure proper operation and maintenance. The sewage collection system must be designed by a registered Engineer.
- e. As a part of the Financial Plan, owners of a community sewage treatment system are required to maintain a perpetual escrow account, trust, or similar funding mechanism that provides for future ISTS repair, replacement, and/or future connection to a municipal wastewater treatment system. The amount of the fund will be based on a twenty (20) year replacement/hook-up schedule based on current costs with inflationary adjustments. Construction estimates will be based on present day value with annual inflationary adjustments based upon the inflation rate derived from the Annual Implicit Price Deflator for Gross National Product as found in the Survey of Current Business issued by the U.S. Department of Commerce.
- f. To protect groundwater, the County may require additional sewage treatment technologies such as aeration and filtration and may require additional monitoring including groundwater monitoring for community systems serving 10 or more homes or for community systems located within 1320 feet of an existing or proposed community system with a combined service of 15 or more homes that are located in areas identified in the County's Environmental Atlas as highly sensitive to groundwater contamination.
- g. All individual sewage treatment systems shall comply with Dodge County's Sewage and Wastewater Treatment

Ordinance

- h. All public utility lines for telephone and electric service shall be placed within easements or dedicated public ways.
- i. Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground utility installations, which traverse privately owned property.

6. **Easements and Deed Restrictions.** Required easements, deed restrictions, and deed covenants shall be filed in the County Recorder's Office as part of the Final Plat.

- a. An easement for drainage and utilities at least ten (10) feet wide shall be provided along the front line and/or rear line of lots where necessary. Easements of greater width may be required along lot lines or across lots, if necessary for the extension of water main or sewer lines or similar utilities.
- b. Drainage and utility easements shall connect with easements established on adjoining properties. These easements, when approved, shall not hereafter be changed without the approval of the County Board, upon the recommendation of the Planning Commission.
- c. Drainage and Wetland easements shall be required where necessary to ensure proper drainage and to protect both the interests of the public and the environment. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet by maintaining or replacing the natural watercourse.
- d. Roadway or Road Easement: No structure, or sewage treatment system or water supply system shall be allowed on any public or private roadway, road easement, or cartway. Utility lines may be constructed under a road to connect a structure to the utility system, provided permission

from the appropriate governing body is obtained in the form of an easement for such purposes.

- e. Easements and Deed Restrictions must specify:
 - 1) What entity will maintain the easement or designated open space and to what standards it will be maintained;
 - 2) The purposes of the easement /deed restriction and /or the conservation values of the property;
 - 3) The legal description of the land under the easement;
 - 4) The restrictions on the use of the land and /or restriction from future development of the land;
 - 5) Who will have access to the easement or open space.

7. **Blocks and Lots.** The lengths, widths and shapes of blocks, and lots

within blocks, shall be determined with due regard to:

- a. The provision of adequate building sites suitable to the special needs of the principal and all required accessory uses.
- b. Zoning requirements as to lot sizes and dimensions, and provisions regulating off- street parking and loading spaces.
- c. Needs for convenient access, circulation, control and safety of street traffic.
- d. Limitations and opportunities of topography.
- e. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.
- f. The minimum lot area, lot width, and lot depth shall conform to the requirements of the Zoning District in which the plat is situated.
- g. Lots abutting the turning circle end of a public or private road cul-de-sac, Y-shaped, T-shaped or other dead end turn-

arounds shall have a minimum width at the building setback line of seventy (70) feet.

- h. **Block Length.** In general, intersecting street and roads, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads.
- i. **Block Width.** The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

2006. Roads, Highways, Streets and Alleys

The arrangement of roads, highways, streets and alleys shall conform as nearly as possible to the Dodge County Comprehensive Plan.

1. **The arrangement of roads and streets** shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, storm water runoff, public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or, if feasible, shall provide for future connections to adjoining un-subdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts.
2. **Under normal conditions, roads shall be designed** so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of roads shall be eighty (80) degrees. Road intersection jogs with an offset of less than one hundred twenty-five (125) feet shall be avoided.
3. **Adjacent to right-of-way.** Wherever the proposed subdivision contains or is adjacent to the right-of-way of a County, State or Federal highway, the Planning Commission may require a frontage road approximately parallel and adjacent to the boundary of such right-of-way for access.
4. **Minimum right-of-way widths.** For all public roads hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads and highways shall be sixty-six (66) feet. Where existing or anticipated traffic on roads warrant greater widths of

rights-of-way, they shall be required. All plats adjoining a County Road shall provide a minimum right-of-way of fifty (50) feet from the centerline of the County Road, to the right-of-way line of the property being subdivided, so as to allow a minimum total right-of-way of one hundred (100) feet for the County Road.

5. **All newly platted roads** intersecting a County Road shall include, within the platted right-of-way, sight corners. The design of such sight corners shall meet the standards described in the Minnesota Department of Transportation Road Design Manual or a design acceptable to the County Engineer.
6. **When a proposed road does not connect directly with an existing public right-of-way**, a public road easement of equal or greater width as the platted road shall be filed in the County Recorder's Office prior to approval of the Final Plat. When a subdivision plat does not abut a public road, the road connecting said plat to the public road shall be constructed by the developer, to the minimum County road standards as set forth in this Ordinance or those of the affected township, prior to approval of the Final Plat by the County Board. Subdivisions will not be allowed if access is provided by a statutorily created cartway or easement if it is only thirty three (33) feet wide. Subdivisions are allowed if the easement or cartway is sixty-six (66) feet wide, or statutorily established and maintained as a county or township road.
7. **Accesses to State and County highways** shall not be permitted at intervals of less than eight hundred (800) feet unless approved by the County Engineer or the Commissioner of Transportation. Minor street access to Township Roads shall not be permitted at intervals of less than four hundred (400) feet."
8. **Dead-end roads** are permissible where practical, however, adequate provision for turn-arounds shall be provided in the form of cul-de-sac, t-shape, y-shape or other suitable means. The minimum turning radius on a cul-de-sac shall be sixty (60) feet, the maximum length of either leg of a y-dead end shall be eighty (80) feet, and the maximum length of a T-shaped dead end shall be one hundred and fifty (150) feet. These are illustrated in Exhibit E attached hereto and incorporated by reference.
9. **Street Grades.** The grades in all streets, thoroughfares, collector streets, local streets and alleys in any subdivision shall not be greater than eight percent (8%), unless said grade is deemed acceptable by the County Engineer and the affected township.

10. **Street Alignment.** The vertical and horizontal alignment standards on all streets shall be a twenty (20) miles per hour (MPH) minimum design speed for vertical curves and a fifteen (15) miles per hour (MPH) minimum design speed for horizontal curves, unless otherwise deemed acceptable by the County Engineer.
11. **Minimum standards.** The County Engineer's determination of road design requirements shall be based on the following minimum standards (See also Township Subdivision Roadway Design Standards developed by the County Engineer Exhibit E):
 - a. The road driving surface shall be twenty-four (24) feet wide with a two (2) foot shoulder on each side.
 - b. Ditch in-slopes shall be three to one (3:1) or flatter, with a four (4) foot wide ditch bottom.
 - c. Back slopes may be variable, but not to exceed two to one (2:1).
 - d. There shall be a minimum two (2) foot elevation separation from road shoulder to the ditch bottom.
 - e. The road driving surface shall be covered with six (6) inches of stabilized gravel that meets Minnesota Department of Transportation Specification 3138, Class 2.
 - f. Additional right-of-way and roadway widths may be provided or required to promote public safety and convenience when special conditions warrant or to provide parking space in areas of intensive use.
 - g. All exposed slopes, ditches and areas where vegetation has been removed shall be covered with mulch material and seeded with appropriate grass seed. All exposed slopes shall also be stabilized to reduce erosion. These standards are illustrated as Exhibit E attached hereto and incorporated by reference.
12. **Roads shall be open to public travel.** All roads in a subdivision, except for private driveways, shall be open to public travel and shall be labeled on the plat as street(s) or avenue(s) as assigned by the County.
13. **Approved design and construction standards.** All subdivisions containing public roads may not be filed as a Final Plat until the County Engineer, Township, and / or City, as appropriate, have

approved the design and construction standards of the road system. City approval shall also be required when the subdivision is located within an Urban Expansion or Orderly Annexation Area.

- a. The township shall forward to the Zoning Administrator prior to the submission of the Final Plat, a resolution stating the township's intent to accept the road system as township roads, upon construction completion that meets the approved design and construction standards. The chairman of the township board of supervisors shall certify, on the Final Plat, that the roads will be township roads and that the township approves the Final Plat. If the township refuses to accept the road system as town roads, the Planning Commission shall notify the Dodge County Board and subdivider of the reasons given by the township. Final Plat approval cannot occur on a plat with public roads that the affected township refuses to accept as a township road.
- b. When applicable, the city shall forward a resolution accepting the road system as future city streets, to the Zoning Administrator prior to the submission of the Final Plat. The mayor shall certify, on the Final Plat, that the roads are acceptable as future city streets. If the city refuses to accept the road system as future city streets, the Planning Commission shall notify the Dodge County Board and subdivider of the reasons given by the city. Final Plat approval cannot occur on a plat with public roads that the affected city refuses to accept as future city streets.
- c. The developer will be billed for the costs and installation of signs as required to identify the street(s) and/or avenue(s) as assigned by the County.

2007. Improvements

1. Road and Highway Improvements

- a. The right-of-way shall be cleared and the road constructed in accordance with standards and specifications for road construction as approved by the County Engineer.
- b. All roads shall be of an overall width in accordance with the standards and specifications for road construction as approved by the County Engineer.
- c. Improvement of an existing road may be required, at the Developer's expense, when the existing road is determined to be insufficient to carry the projected traffic flow of the new development.

- d. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the County Engineer.
2. **Other Improvements.** All subdivision boundary corners, witness corners, lot and block corners, and points of tangency and curvature shall be marked with durable iron or steel survey monuments and be identified as required by MN *Statutes*. Ch. 505, as amended.
- a. At all section, quarter section, meander, or witness corners of the Government Survey (Public Land Survey System, or P.L.S.S.) within the subdivision, or on its perimeter, or otherwise as shown on the face of the plat, a Dodge County Monument shall be placed and a "Certificate of Location of a Government Corner" be filed with the County Surveyor, if one is not already of record for said corner, or if the one of record should be updated. The notation, "Dodge County Land Survey Monument" shall be placed on the face of the plat by each monument so shown.
 - b. In addition, a Dodge County Monument shall be placed, and a Certificate of Location of a Government Corner prepared and filed for each Government Corner necessary to survey the boundaries of the plat if such monument has not already been set and a Certificate filed. All U.S., State, County, and other official bench marks, or triangulations, or other monuments in or adjacent to the property shall be preserved in position unless a relocation is approved by the governing agency.

2008. Application Procedure and Approval Process

- 1. **Procedural Steps.** Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedure for a major subdivision, which consists of three (3) or more lots:
 - a. General Development Concept Plan
 - b. Preliminary Plat
 - c. Final Subdivision Plat

2. **General Development Concept Plan (GDGP), General Requirements.**

In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Ordinance, and the requirements of limitations imposed by other County regulations prior to the development of a preliminary plat, the subdivider shall submit for review with the Zoning Administrator, thirty (30) days before the next regularly meeting of the Planning Commission, five (5) copies of a subdivision GDGP, and one (1) 8 ½ X 11 inch copy, which shall show or contain:

- a. The GDGP shall be at a reasonable scale and shall include the entire original parcel and proposed lots, the proposed plat name as reviewed with the County Recorder, tract boundaries, approximate dimensions, and north point. The GDGP need not be drawn by a registered surveyor or engineer but must demonstrate compliance with the County Comprehensive Plan;
- b. Topographic data at ten (10) foot contour intervals. Data at two (2) foot contours and flood plain information may be required if deemed necessary by the Zoning Administrator;
- c. All existing structures, wooded areas, streams and other significant topographic and physical features on the property to be platted and within 200 feet of all property lines;
- d. Driveway access points to nearest accessible public roadway, subject to approval by the roadway authority;
- e. All existing utilities and streets on or adjacent to the tract to be divided;
- f. Proposed general street and lot layout with lot sizes of individual parcels designated;
- g. Buildable area on the proposed lots;
- h. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units or type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;

- i. General location of proposed public and private open space areas;
- j. Current zoning of the property and names of adjoining property owners;
- k. Proposed Covenant and Dedication Agreements, including easements;
- l. Likely location of sewage treatment and water supply systems;
- m. Proposed drainage, grading, erosion control plans, and stormwater management plan that includes retention structures and complies with Dodge County Zoning Ordinance Section 1617;
- n. Wetland delineation report and map, if applicable;
- o. Documentation required by Dodge County Sewage and Wastewater Ordinance;
- p. Other information required to determine if land meets the minimum conditions for rezoning as defined in the Dodge County Zoning Ordinance.

Such subdivision GDCP will be considered as submitted for informal discussion between the subdivider and the Zoning Administrator. Submission of a subdivision GDCP shall not constitute formal filing of a plat with the County. As far as may be practical, on the basis of a subdivision GDCP, the Zoning Administrator will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Ordinance.

3. GDCP Distribution and Review

- a. The Zoning Administrator, shall distribute copies of the subdivision GDCP to the following who shall make written comments and recommendations before the next regularly meeting of the Planning Commission:
 - 1) The County Environmental Quality Director,
 - 2) The County Engineer,
 - 3) The County Surveyor, and

4) The Township Board of Supervisors of the affected Township /City Council.

b . The Zoning Administrator, within ten (10) days of the aforesaid regular meeting of the Planning Commission, shall inform the subdivider that the plan as submitted or as modified does or does not meet the objectives of these regulations, except that action may be tabled for forty-five (45) days pending further investigation.

Te Subdivider is encouraged to include the comments of the above listed officials with the submission of the Preliminary Plat, to ensure the proposed subdivision meets the intent of this Ordinance.

4. **General Development Concept Plan (GDGP).** A GDGP shall be required for all Major Subdivisions.

a. A GDGP illustrates lot layout, streets, utility corridors, and open spaces of proposed development. Future development, natural habitat, pedestrian corridor, and neighborhood recreation open spaces are located on the development concept plan according to their type of use (Exhibit B-Figure A).

b. Staged Development / Planning for Future Development: All subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use within five hundred (500) feet beyond the boundaries being proposed for the subdivision.

1) **Urban Expansion Area:** The General Development Concept Plan shall include a Future Urban Density Plan where the plat to be submitted includes only part of the parcel intended for development by the subdivider. The Future Urban Density Plan shall show a conceptual plan for future development in the planned subdivision, illustrating future streets, lot layouts, and utility corridors that will provide for additional lot divisions for future infill that may benefit from municipal utilities and meet the urban standards of the adjacent city. The Future Urban Density Plan shall also identify proposed future easements for sewer and water mains, storm sewer, and other utilities. (Exhibit B-Figure B: Concept with Ghost Plat).

2) **Rural Residential:** The Zoning Administrator shall require the subdivider / developer to submit a GDCP to show the possible relationships between the proposed subdivision and any future subdivision. If the Preliminary Plat contains either a temporary or permanent cul-de-sac, a plan may also be required to show the potential for development of property adjacent to the cul-de-sac.

- c. Such other information as may be requested by the Zoning Administrator, the County Engineer or the Planning Commission.
- d. Upon acceptance of the GDCP by the Planning Commission, the GDCP shall provide the basis for review of all phases of plat development for subdivision.

2009. Subdivision Platting – General Provisions and Procedures

1. **Number of lots or outlots.** All subdivisions that create three (3) or more lots or outlots are defined as Major Subdivisions and shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505.
2. **A Certificate of survey** shall be required, which shall be neatly drawn to a convenient scale, contain proper linear and angular dimensions, show the method of orientation, correctly designate lines, contain pertinent physical features (natural, artificial or both), and include other data and information developed by and during the survey that is pertinent, relevant, or important to the boundary surveyed. The Certificate of survey shall be certified and signed by the Land Surveyor.
3. **Construction permits.** No permit for construction of buildings or sewage treatment systems shall be issued for lots or outlots created after these official controls are enacted unless the lot or outlot was approved as part of a platted subdivision.
4. **Consent for subdivision of property** shall be required from the owner of the property, in writing.
5. **Development Agreement.** A Development Agreement shall be required, which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction.
6. **Subdivision Review** shall be coordinated with the local Township and/or City, as appropriate. At all phases of plat approval, the Township and/or City, as appropriate, shall provide a written

statement of review and comment, including any issues or concerns of the proposed subdivision.

7. **Information Requirements.** Sufficient information must be submitted by the applicant for the county to make a determination of land suitability. The information shall include at least the following, which shall be prepared by licensed professionals where appropriate:

- a. Topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting site characteristics;
- b. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- c. Adequate soils information to determine suitability for dwellings and on-site sewage treatment systems for every lot including soil information and karst features assuming four bedroom homes on each lot.
- d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; types, location, and size of vegetation including identification of native, unique, threatened, rare, and endangered species identified by a qualified person. near-shore aquatic conditions, including depths, and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities;
- e. Location of 100 year flood plain areas and floodway districts from existing adopted maps or data; location of protected waters of the state and the extent of the shore impact zone and the shoreland overlay zone; and
- f. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream. (Preliminary Plat, only)

2010. Preliminary Plat Requirements

The following information shall be submitted for Preliminary Plat review. Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch. In addition, an 8 ½ x 11 inch copy is required.

1. **Special Conditions.**
 - a. Any lot or parcel of land designated as an “outlot” shall have a development agreement recorded against this outlot, which shall specify the usage, ownership, and type of development, if any, to be allowed on said outlot.

2. **Identification and Description.**
 - a. Proposed name of the subdivision as reviewed with County Recorder. This name shall not duplicate or be alike in pronunciation or spelling of the name of any plat theretofore recorded in the County.

 - b. Legal description of the property and approximate total acreage.

 - c. Name and address of the owner of record and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.

 - d. North point and vicinity map of area showing well-known geographical points for orientation within a five hundred (500) foot radius in a manner that clearly identifies the location of the subdivision.

 - e. Date of preparation.

3. **Existing Conditions.**
 - a. Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the Final Plat so that no major changes are necessary in preparing said Final Plat.

 - b. Existing zoning classification for land in and abutting the subdivision,
including the Shoreland Overlay District and Shore Impact Zone.

 - c. Location, right-of-way width, significant physical features and/or natural resources including native, unique, threatened, rare, or endangered species, permanent buildings and structures, easements, corporate and school district lines within the plan and to a distance of five hundred (500) feet beyond. Names and locations of existing or platted streets or other public ways, parks, and other public lands shall be shown to a distance of one-half (1/2) mile on the Preliminary Plat,

- d. Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the Preliminary Plat are and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- e. Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider or developer.
- f. All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the Preliminary Plat. A copy of the wetlands delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.
- g. Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot contour vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. Survey benchmarks shall be established on-site and shown on map. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
- h. Soil types and location of limits of each soil type as shown in the Soil Survey of Dodge County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Dodge Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application.
- i. On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted unless deemed unnecessary by the Zoning Administrator.

The applicant shall document the path of each drainage way

from the proposed development to the first DNR Protected Water within one (1) mile of the project. Protected Water's are listed in section 7, subpart 703 in the Dodge County Zoning Ordinance.

4. **Subdivision Design Features.** The Preliminary Plat must show:
 - a. Layout of proposed streets showing right-of-way widths and names of streets and/or avenues as assigned by Dodge County.
 - b. Location and widths of proposed alleys, pedestrian ways, drainage ways and utility easements.
 - c. Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot, excluding slopes over twenty-five percent (25%), required setbacks and drainage easements shall be noted.
 - d. The most likely location of a 3000 sq ft home and garage with proposed front, side and rear building setbacks as well as setbacks from water bodies.
 - e. Location and site of proposed sanitary sewer lines and water mains or proposed township sewer and water systems.
 - f. Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
 - g. Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated as open space or reserved for public use including the size of such area(s) in acres.
 - h. Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resource, Army Corps of Engineers and/or other Local Governmental Unit.
 - i. Erosion and sediment control plan, stormwater management plan, and provisions for flood control.
 - j. Preliminary septic design that assumes a four bedroom home on each lot and the most likely location of the tank and drainfield. The total treatment area must be designed in

accordance with Part 105.5 of this Ordinance. A site evaluation prepared in accordance with Dodge County Sewage and Wastewater Ordinance and MN 7080 Rule must be submitted with the Preliminary Plat.

- k. Such other information as may be requested by the Zoning Administrator, the County Engineer or the Planning Commission.
- l. Also required with the Preliminary Plat is a copy of a draft development agreement and copies of all proposed covenants, declarations, and dedication agreements, including easements, to be recorded with the Final Plat.

2011. Preliminary Plat Procedures

- 1. **Subdivider** shall submit the following to the Zoning Administrator:
 - a. One 8 ½ x 11 inch copy and eight full size paper copies of the Preliminary Plat of the proposed subdivision, showing topography, soils, protective covenants or restrictions, and any other features required by this Ordinance.
- 2. **Zoning Administrator** shall distribute copies of the Preliminary Plat to the following:
 - a. The Planning Commission, along with a copy of the topographic and soils information.
 - b. The County Environmental Quality Director, along with a copy of the topographic and soils information.
 - c. The County Engineer, along with a copy of the topographic and soils information.
 - d. The Minnesota Department of Transportation.
 - e. The Minnesota Department of Natural Resources.
 - f. The Township Clerk for the affected Board of Town Supervisors.
 - g. The City Council of any municipality within two (2) miles of the affected property.
 - h. The County Board.
 - i. The County Surveyor.

j. The Soil and Water Conservation District Office.

3. **Review Reports.** If no report is received from the above notified parties within forty-five (45) days, it will be assumed by the Zoning Administrator and the Planning Commission that there are no objections in the plan as submitted. If any agency/official recommends disapproval, its reasons for disapproval shall be fully stated in writing, including recommendations, modifications, or revisions.
4. **Public Hearing.** The Planning Commission shall, within thirty (30) days of the receipt of all the Preliminary Plat documents, set the time and place for the public hearing. Notice of public hearings shall not be more than thirty (30) days and not less than ten (10) days before a hearing, by publication at least once in the official newspaper of Dodge County. Such notice shall include the time and place of the hearing, a description of the contents of the request to be heard and the legal description of the property to which the request applies. In addition to the general notice to the public, written notice shall be given to the affected board of town supervisors, the municipal council of any municipality within two miles and to the owners of record within one-quarter (1/4) mile of the affected property.
5. **Planning Commission Review.** The Planning Commission will take into consideration the following items in considering the Preliminary Plat:
 - a. The plat shall be briefly reviewed before the hearing and any studies that have been generated completely after the hearing,
 - b. Additional information necessary to properly consider the plan may be requested of the subdivider before or after the hearing,
 - c. Any County or Township official or other person having pertinent information to contribute to the study of the proposed plan should submit the same in writing or in person at the public hearing,
 - d. The Planning Commission may seek professional advice concerning the Preliminary Plat,

- e. The draft Development Agreement which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction.
 - f. The Planning Commission, in determining to recommend approval or disapproval of a subdivision, shall consider if it contains sufficient and suitable land to protect against flooding, inadequate drainage, stable soil or rock conditions, erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities; or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision.
 - g. The Planning Commission, in determining to recommend approval or disapproval of a subdivision, shall consider if the proposed plat meets the sustainable design principles defined in the county's Comprehensive Plan. And shall consider if the proposed plat and its covenants is designed to provide maximum protection of existing Natural Resource areas, drainage ways, and water quality; where maximum protection means all reasonable actions taken to prevent the restriction of wildlife habitat, the daily and seasonal movement of wildlife, and the preservation of native, unique, threatened, rare and endangered wildlife and communities.
 - h. The Planning Commission may recommend approval; approval with modifications; or denial of the Preliminary Plat. If recommended for approval or approval with modifications, the Planning Commission shall then forward a report including the Preliminary Plat, recommended modifications and any issues relating to plat approval to the affected Township /City, and the County Board, informing them of their action on the plat. If not recommended for approval, the subdivider shall be notified of the reason for disapproval.
6. **Preliminary Plat Approval Duration.** The County Board approval of the Preliminary Plat shall be effective for a period of two (2) years. A single two (2) year extension may be granted by the County Board upon recommendation by the Planning Commission. The subdivider may file a Final Plat limited to such portion of the Preliminary Plat which he/she proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion of the Preliminary Plat has not been submitted as a Final Plat for approval within this period, a Preliminary Plat must again be submitted for review by the Planning Commission.

7. **Preliminary Plat Amendments.** At any time after Preliminary Plat approval and before submission of the Final Plat, the applicant may request of the Zoning Administrator that an amendment be made to the Preliminary Plat.
 - a. If the proposed amendment is major, the Planning Commission shall hold a public hearing on the proposed major amendment in accordance with the same requirements for Preliminary Plat approval found in Section 2011. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved.
 - b. The Commission shall recommend approval or disapproval of any proposed major amendment and may recommend modifications in the terms and conditions of the Preliminary Plat approval that are reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions recommended by the Commission, the applicant may withdraw the proposed major amendment.
 - c. major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more shall be a major amendment.
 - d. An applicant may not propose more than two (2) amendments, whether major or minor, to any Preliminary Plat.
 - e. The Planning Commission shall recommend approval or disapproval on the proposed major amendment within thirty (30) days, but not to exceed sixty (60) days, after the meeting at which the public hearing was held.

2012.

Final Plat

The Final Plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and this Ordinance.

1. **Required Information.** The subdivider shall submit the following to the Zoning Administrator:

- a. One 8 ½ x 11 inch copy and eight full size paper copies of the Final Plat,
- b. An Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 days of submission of the Final Plat to the County Board for approval.
- c. Covenant, Declaration, and Dedication Agreements, including easements and deed restrictions, that have been approved by the Planning Commission prior to approval of the Final Plat.
- d. The Development Agreement, which shall thoroughly describe the responsibilities of all parties involved in the subdivision development construction, shall be approved prior to beginning construction on the required road, utility and drainage improvements.
- e. A permit application for any community-type sewage treatment system and the required plans, including operations, maintenance, financing, monitoring and mitigation.

2. **Final Plat Distribution.** The Zoning Administrator shall distribute copies of the Final Plat as follows:

- a. The Planning Commission
- b. The County Environmental Quality Director
- c. The County Surveyor
- d. The County Engineer
- e. The County Attorney
- f. The Township Clerk(s)
- g. The City Council of any municipality within two (2) miles of the affected property.

3. **Reports Required.** Written reports shall be made to the Planning Commission within thirty (30) days:
 - a. The County Surveyor or a review Surveyor shall state whether the final plat conforms to applicable Minnesota statutes.
 - b. The County Engineer shall state whether the Final Plat and proposed improvements including the road system conforms to the road standards of this Ordinance.
 - c. The County Environmental Quality Director shall state whether the Final Plat and proposed subdivision conforms to the Dodge County Sewage and Wastewater Treatment Ordinance.
 - d. The Zoning Administrator shall state whether the Final Plat conforms to the Preliminary Plat approved by the Planning Commission and incorporates all changes that were requested by the Planning Commission.
 - e. The County Attorney shall, upon the basis of the opinion of title provided by the subdivider's attorney, state whether the fee simple title to the platted property is in the sole ownership of the subdivider.
 - f. The Planning Commission shall by formal resolution certify to the Dodge County Board of Commissioners that the Final Plat conforms to this ordinance and that its design and layout meets the standards and goals for orderly planning as set forth in this ordinance, township ordinance if applicable, and any other County Ordinance or approved plans.
 - g. The affected Town Board shall state whether the Final Plat is acceptable and all required improvements, including roads, will be accepted by the township.
 - h. If applicable, the affected City shall state whether the Final Plat is acceptable and all required improvements, including roads, will be accepted by the City upon annexation.
4. **Final Plat Approval Duration.** Within one year after Final Plat approval, the County Board shall approve and sign the plat if all requirements have been met. The Subdivider shall then submit recordable copies of the Final Plat with the required signatures and fees to the County Recorder. The County Auditor-Treasurer will

verify payment of all necessary taxes, and the County Recorder will then file the Final Plat.

5. **Sale of Lots.** No lots shall be sold until the Final Plat is approved and recorded and all improvements are constructed.
6. **Improvements.** All of the required road, utility and drainage improvements to be installed under the provisions of this Ordinance shall be designed by a licensed Civil Engineer or a licensed Land Surveyor.
 - a. All improvements shall be inspected by an appropriately State certified construction inspector during the course of construction. All of the inspection costs pursuant thereto shall be paid by the subdivider. In cases where water, sewer and/or other utilities are installed, drawings showing all improvements as built shall be filed with the County Engineer.
 - b. Final Plat approval by the County Board shall be given only after the County Engineer, Township, and / or City, as appropriate, have approved the design and construction standards of all roads, and utility and drainage improvements. Construction completion is subject to approval by the County Engineer and, when necessary, the affected Township and / or City to ensure proper quality.
 - c. No Final Plat shall be approved by the County Board without first reviewing a written report from the County Engineer stating that the improvements described herein, meet the minimum requirements of the County in this Ordinance.
 - d. Final Plat approval by the County Board shall be given only after the Environmental Quality Director and Planning Director have approved easements, declarations, covenants, deed restrictions, and other written agreements relating to open space, septic systems, drainage, utilities, or other requirements of County, State or Federal law.

2013. Administration and Enforcement

Pursuant to Section 18 of the Dodge County Zoning Ordinance, a Zoning Administrator, who shall be appointed by the County Board, shall be the Administrator of this Ordinance. The Administrator shall receive and forward to the Planning Commission and County Commissioners all

applications, materials and information governed by the regulations contained in this Ordinance.

- 1. **Fees.** The Dodge County Board of Commissioners shall establish fees, by resolution. Such fees shall be due and payable at the time of Preliminary Plat application. Fees are not refundable either in whole, or in part, unless otherwise authorized by the Department.
- 2. **Other Costs.** In the event that any, environmental assessment worksheets, environmental impact statements, or additional studies are required, the subdivider or developer shall be responsible for all cost for such studies. These costs shall include: the hourly rate of County staff plus benefits; copies and postage; and any additional outside services which may be required by the County. The County shall be reimbursed for all costs related to these studies and may require a cash deposit or equivalent bond to guarantee the reimbursement of these costs to the County.
- 3. **Impact Fees** may be required to mitigate the impacts on community facilities created by the demand for capital improvements by the new development.
- 4. **Violations and Penalties.** See Section 19 of the Dodge County Zoning Ordinance.

2014. Variances and Waivers

Where the County Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Dodge County Comprehensive Plan, official land use map, or the Zoning Ordinance.

- 1. **Application for a Variance** shall be made in writing by the subdivider when the sketch plan is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans and other additional data. The plans for variances shall include such

covenants and other provisions necessary to guarantee the full achievement of the plan.

2. **Variations shall be permitted** only when the Subdivider can show that by reason of the exceptional topography or other physical conditions the strict compliance to these regulations could cause an undue hardship on the enjoyment of a substantial property right. Such relief may be granted by the Planning Commission provided there is no detriment to the public welfare and no impairment of intended purposes of this Ordinance.
3. **Conditions.** In the granting of variations with this Ordinance, the County Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied.
4. **Any Variance granted** shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

2015. Amendments (As addressed in County Zoning Ordinance)
Amendments may be made to this Ordinance by the County Board after receipt of a recommendation from the Planning Commission, and following the holding of a public hearing with notice given in the official newspaper of the County at least ten (10) days in advance of the hearing. An amendment to this ordinance may be initiated according to Minnesota Statue 394.25, Subdivision 10, or as amended.

APPENDICES

EXHIBITS

- A. Natural Resource Areas Maps, Conservation Corridors Maps and Legal Description
- B. General Development Concept Plan; Concept Plan with Ghost Plat (Future Urban Density)
- C. Conservation Subdivision Design Process
- D. Urban Expansion District Map and Legal Description
- E. Township Subdivision Roadway Design Standards
- F. Development Agreement Outline
- G. Implementation Policy
- H. Application Form(s)

REFERENCES

- A. Dodge County County-wide Comprehensive Plan
- B. Dodge County Zoning Ordinance
- C. Dodge County Sewage and Wastewater Ordinance
- D. Dodge County Extraterritorial Conceptual Land Use Plans (NAC-Boonestroo)
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