

CASS COUNTY
SUBDIVISION AND
PLATTING ORDINANCE

CASS COUNTY, MINNESOTA

Effective Date: May 17, 2004

CASS COUNTY SUBDIVISION AND PLATTING ORDINANCE

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SUBDIVISION AND PLATTING ORDINANCE CASS COUNTY, MINNESOTA

An ordinance establishing comprehensive land subdivision and platting regulations for the laying out of streets, alleys, and other public ground and the subdivision of tracts, lots and plats within Cass County, Minnesota, outside the incorporated limits of municipalities, pursuant to the authority granted by state law.

WHEREAS; The Board of County Commissioners of Cass County has entered into a comprehensive planning and zoning program under provisions of Minnesota Statutes, Chapter 394, as amended; and,

WHEREAS; The following regulations have been recommended by the Cass County Planning Commission after a public hearing for the purposes stated below.

NOW, THEREFORE, the County Board of Cass County ordains:

ARTICLE 1 - GENERAL PROVISIONS

1.01 SHORT TITLE:

This ordinance shall be known as the Subdivision and Platting Ordinance of Cass County, Minnesota.

1.02 PURPOSE:

Each new division of land becomes a permanent unit in the basic physical structure of the County, a unit to which, in the future, communities will, of necessity, need to adhere. In order that new divisions of land contribute toward an attractive, orderly, stable, and wholesome community environment; adequate public services; and safe streets, all divisions of land shall fully comply with the regulations hereinafter set forth in this ordinance. To avoid costly changes it is suggested the developer discuss all proposed land divisions with the Environmental Services Department.

1.03 INTERPRETATION:

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

1.04 SCOPE:

1.04.01 This Ordinance shall apply and be binding upon all of the unincorporated areas of Cass County, Minnesota and those incorporated areas that have not enacted a subdivision ordinance.

1.04.02 This Ordinance shall apply to all divisions of land by metes and bounds description; divisions under the provisions of Minnesota Statutes, Chapter 505; 508, 508A, 515, 515A, and 515B.

1.04.03 Except in the case of re-subdivision, 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 the effective date of this ordinance.

1.04.04 Lots created under Section 3.01.04 that are less than 10 acres, or lots created under Section 3.03 shall be reviewed by the ESD Department for compliance with Cass County Ordinances prior to certification of delinquent taxes by the County Auditor-Treasurer.

1.04.05 Applications for plats and minor subdivisions will be considered based upon the ordinance provisions that are in effect on the date of preliminary plat or preliminary minor subdivision approval.

1.05 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected.

1.055 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

1.056 REPEAL OF PREVIOUS VERSION

All previous versions of this Ordinance are hereby repealed.

1.06 SURVEY FILING REQUIREMENTS:

1.06.01 Pursuant to Minnesota Statutes, Chapter 389.08, any Licensed Professional Land Surveyor who shall perform a survey of any lands in Cass County, including municipalities, for an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity shall file a true and correct copy of the survey in the office of the County Surveyor within thirty (30) days after completion of the survey. The manner of filing and all incidents thereof shall be determined by the County Surveyor.

1.06.02 All survey records so filed shall be public records and shall be available for inspection by any person during normal hours of courthouse operations.

1.06.03 A Certificate of Location of Government Corner (MN/DOT form 2106 or equivalent) shall be filed in the Office of the County Recorder for all Public Land Survey corner positions determined and/or established by any Land Surveyor. The contents of these corner certificates shall conform to Minnesota Statutes Chapter 160.15, subdivision 5.

1.06.04 For any land survey record to be considered in compliance with Section 1.06.01 above, the requisite Corner Certificate must accompany the survey or have been previously filed in accordance with 1.06.03 above.

1.06.05 Certificates of Survey involving property divisions must first comply with Minnesota Statutes, Chapter 389.08 before acceptance by the ESD Department, and the Auditor's office.

1.07 SURVEYOR LICENSE SUBMITTAL:

All licensed professional surveyors practicing surveying work in Cass County must supply a copy of a current Minnesota license, as issued under Minnesota Statutes 326, biannually to the Environmental Services Department.

ARTICLE 2 - DEFINITIONS

Words used in the present tense shall include in the future; words in the singular shall include the plural and the plural the singular; words in the masculine gender shall also include the feminine and neutral; and the word "shall" shall be mandatory and not discretionary. Unless the context indicates a different meaning for the purposes of this ordinance, certain words, phrases, and terms shall be construed as follows:

2.01 Applicant:

The owner of land proposed to be subdivided or his designated representative.

2.02 As Built Drawing:

A graphic representation of the actual constructed dimensions, areas, property configurations, improvements, and features of a development.

2.03 Attorney:

The County Attorney for Cass County, Minnesota, or the authorized representative.

2.04 Auditor:

The County Auditor of Cass County, Minnesota or the authorized representative.

2.05 Block:

A single lot or series of contiguous lots enclosed within the perimeter of roads, property lines, or boundaries of the subdivision.

2.06 Bluff:

A topographic feature having the following characteristics (see appendix A):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;
- C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
- D. The slope must drain toward the water body.

2.07 Bluff Impact Zone:

A bluff and land located within thirty (30) feet inland from the top of the bluff (see appendix A)

2.08 Boulevard:

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

2.09 Boundary Survey:

A survey made to establish or to re-establish a boundary line on the ground in order to obtain data which is represented in a Certificate of Survey.

2.10 Buildable Area:

The minimum required area remaining on a newly created parcel of land or platted lot after all public road rights-of-way, road easements, setbacks, bluffs, and wetlands are subtracted.

2.11 Buildable Lot:

A lot having sufficient size to meet the minimum square footage, buildable area, width standards, and setbacks in the LAND USE ORDINANCE FOR CASS COUNTY, MINNESOTA.

2.12 Building:

Any structure used or intended for storage, shelter or occupancy.

2.13 Certificate of Survey:

A graphic representation of any parcel, tract, or lot of real property whose primary purpose is to show the results of a boundary survey which is certified and signed by a licensed surveyor.

2.14 Commissioner:

The State Commissioner, Department of Natural Resources, State of Minnesota or the authorized representative.

2.15 Comprehensive Plan:

The plan or plans for the orderly growth of Cass County as adopted and amended from time to time by the Planning Commission and the County Board. The group of maps, charts and texts that make up the comprehensive long range plan of the county.

2.16 Condominium:

Defined in Minnesota Statutes, Chapter 515A.

2.17 County:

Cass County, Minnesota.

2.18 County Board:

The Cass County Board of Commissioners.

2.19 County Surveyor:

The County Surveyor of Cass County, Minnesota, or the authorized representative.

2.20 Design Standards:

The specifications applicable to land owners or subdividers for the preparation of sketch plans or plats, both preliminary and final, indicating among other things the optimum minimum or maximum dimensions of such items as right-of-ways, blocks, easements and lots.

2.21 Development Objectives:

The goals determined from time to time in plan or policy form as part of the County's Comprehensive Planning Program that indicates how the County wishes to develop itself in line with orderly and logical growth.

2.22 Development Plan:

A plan showing the proposed use of property and indicating such things as: location of existing and proposed buildings, sewage systems, utility and drainage easements, and bluffs.

2.225 Dock:

A platform extending waterward from the shoreline intended for ingress and egress for moored watercraft or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

2.23 Drainage Course:

A watercourse or indenture for the drainage of water, whether manmade or provided by nature.

2.235 Driveway:

See Road, Driveway

2.24 Easement:

A grant by a property owner, of less than the fee interest in a portion of his property, for the use by another for the purpose of constructing and maintaining drives and utilities, including but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

2.25 Engineer:

The County Highway Engineer of Cass County, Minnesota, or the authorized representative.

2.26 Environmental Services Department (ESD OR DEPARTMENT)

The Environmental Services Department of Cass County, Minnesota, or the authorized representative.

2.27 Final Plat:

A drawing or map of a subdivision showing the official plat to be filed in the office of the County Recorder according to Minnesota Statute, Chapter 505 and Amendments and the subdivision regulations of Cass County.

2.28 Government Subdivisions:

A full government subdivision or a government lot, or

A simple fractional part--increments of one half or one quarter of a full government subdivision.

A simple quantity part of a full government subdivision such as twenty acres, two hundred feet, ten chains, and similar quantities.

2.29 Individual Sewage Treatment System (ISTS):

A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

2.292 Land Use Ordinance:

The guidelines established in the most recent version of the Land Use Ordinance for Cass County, Minnesota.

2.295 Licensed Professional Land Surveyor:

Any person who practices land surveying and is licensed as a land surveyor by the State of Minnesota under Minnesota Statutes 326.

2.30 Lot:

A parcel of land designated by plat, registered land survey, auditors plat, or other accepted means and recorded in the Office of the County Recorder.

2.305 Lot Area:

Square footage or acreage included within the boundaries of a lot.

2.31 Lot, Corner:

A lot situated on the intersection of two (2) thoroughfares

2.32 Lot Frontage:

A minimum dimension of a lot lying along and abutting a road, lake, river, or other physical feature as required by the Land Use Ordinance for Cass County, Minnesota.

2.33 Lot Improvement:

Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

2.34 Lot Width, Non-riparian:

The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot. (See Appendix A)

2.345 Lot Width, Riparian:

The shortest distance between side lot lines measured at the building setback line. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river. (See Appendix A)

2.35 Metes and Bounds:

A description of a tract, lot, or parcel of land by course and distance, by reference to natural or artificial monuments, or any other method or means.

2.353 Non-riparian:

A lot that does not abut a public or protected water of the State of Minnesota.

2.355 Official Monument:

A certified public land survey corner, or corner shown in a record plat that is based on certified public land survey corners.

2.36 Ordinary High Water Level (OHWL):

The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changed from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

2.37 Outlot:

That portion of a plat that is either:

- A. A lot remnant or parcel of land left over in a plat that is intended as open space, park land, or other specified uses; or
- B. land held in common by an association or a group of lots governed by covenants for use by members of the subdivision; or
- C. land held in reserve for future development.

2.38 Owner:

Includes the plural as well as the singular and where appropriate shall include a natural person, partnership, firm, association, syndicate, trust, public or quasi-public corporation, private corporation or a combination of them having a fee interest in real property.

2.39 Parks and Playgrounds:

Public or private land and open spaces dedicated or reserved for recreation purposes.

2.40 Percentage of grade:

The distance vertically in feet and tenths of foot divided by one hundred (100) feet of horizontal distance.

2.41 Pedestrian Way:

A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may also be used for the installation of utilities.

2.42 Planned Unit Development (PUD):

A type of development by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide such areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

2.43 Planning Commission (PC):

The Planning Commission of Cass County as established by county ordinance pursuant to Minnesota Statutes Chapter 394.30

2.44 Preliminary Plat:

A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

2.45 Protective Covenants:

Restrictions contained in plats, deeds, or other documents on file in the Cass County Recorder's Office which deal with the manner in which land may be used.

2.46 Public Hearing:

A public hearing is the forum at which all interested parties are heard for the record concerning a proposed action.

2.47 Public Improvement:

Any drainage ditch, roadway, parkway, sidewalks, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility.

2.48 Recording:

Refers to a lot or tract of land recorded through a numbered document in the Cass County Recorder's Office.

2.481 Right-of-way:

An area of land that is surveyed and recorded for the provision of access.

2.482 Riparian:

A lot that abuts a public or protected water of the State of Minnesota.

2.485 Road:

A vehicular access.

2.487 Road, Backage:

A road not adjacent to a high speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.

2.50 Road, Cartway:

A road providing access to no more than 9 lots.

2.51 Road, Cul-de-sac:

A local street open at one end only with a special turning area at the closed end.

2.515 Road, Driveway:

Private road serving no more than two residential lots.

2.516 Road, Frontage:

A road adjacent to a higher speed thoroughfare used to control access and segregate local traffic from higher speed through traffic.

2.517 Road, Half:

The dedication of one half of a required right-of-way width of a local road, granted by exception, whose remaining half will be subsequently added and improved when other adjacent or additional properties are developed in order to safely support added traffic.

2.52 Road, Local:

Road providing access to more than nine (9) lots.

2.53 Road-Private:

Any vehicular way which is not an existing federal, state, county, or township roadway; or is not shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law, or is not dedicated to public use.

2.54 Road-Public:

Any vehicular way which is an existing federal, state, county, or township roadway; or is shown upon a certificate of survey, minor subdivision, or plat approved pursuant to law as dedicated to public use; or is already for public use.

2.55 Road Right-of-way Width:

The shortest distance between lines delineating the sidelines of the linear portions of rights-of-way.

2.56 Setback:

The minimum horizontal distance between a structure, individual sewage treatment system, or other facility and ordinary high water level; sewage treatment system, top of a bluff, road, highway, property line, or other facility.

2.565 Significant Cultural or Historic Site:

Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

2.57 Sketch Plan:

A preliminary site concept plan prepared for the administrative review, suggesting land use, property configurations and proposed improvements.

2.58 Subdivider:

Any individual, firm, association, syndicate, co-partners, corporations, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

2.59 Subdivision:

A tract of land divided into lots for the purpose of sale or transfer of ownership, regardless of how it is to be used.

2.60 Thoroughfare:

A stretch of road or water, or a pathway between two places.

2.61 Toe of Bluff:

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from gentler to steeper slope above. If no break is apparent, the toe of bluff shall be determined to be the lower end of a 10 foot segment, measured on the ground, with an average slope exceeding 18 percent. (see Appendix A).

2.62 Top of Bluff:

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from steeper to gentler slope above. If no break is apparent, the top of bluff shall be determined to be the upper end of a 10 foot segment, measured on the ground, with an average slope exceeding 18 percent. (see Appendix A).

2.63 Townhouse:

Developments typically consisting of multiple dwellings with common walls and ownership of common areas of a subdivision and fall under the platting portion of this subdivision ordinance.

2.64 Wetland:

A surface feature classified as a wetland in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purpose of this definition, wetlands must have the following three attributes:

- A. have a predominance of hydric soils;
- B. are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions and;
- C. under normal circumstances support a prevalence of such vegetation.

2.65 Zoning Ordinance:

See Land Use Ordinance

ARTICLE 3 - SUBDIVISION METHODS

3.01 METES AND BOUNDS AND CERTIFICATE OF SURVEY CONVEYANCES:

No metes and bounds conveyances shall be allowed without a certificate of survey from a licensed professional surveyor if initiated after the effective date of this ordinance except for the following:

- 3.01.01 A trust in existence before the date of adoption of this ordinance designated by a conveyance of metes and bounds. The County Auditor may require proof of said trust by requesting a dated copy of the will or trust which conveyed the land.

- 3.01.02 Any lot that is recorded in the Office of the County Recorder can be resold as long as it is not subdivided; provided, if any such lot does not meet the requirements of sections 1401 for the shoreland zone and 2301 for the non-shoreland zone of the Land Use Ordinance and such lot is in a group of two or more contiguous lots owned or controlled by the same person, such lot shall not be considered a separate lot for the purposes of sale or development, but shall be combined with adjacent lots under the same ownership or control so that the combination of lots, to the extent possible, will equal one (1) or more lots, each meeting the full requirements of said sections.
- 3.01.03 A description of a full government subdivision.
- 3.01.04 A description of a simple fractional part of a full government subdivision not less than 5.0 acres. The number of new lots created from any one lot existing as of August 15, 2002 does not exceed four, including the residual.
- 3.01.05 A description by reference to a recorded survey filed in the County Recorder's Office in accordance with Minnesota Statutes, Chapters 505, 508, 508A, 515, 515A or 515B.

3.015 SUBDIVISIONS OF TORRENS PROPERTIES:

Lots with torrens title may be subdivided and recorded by the following methods:

- 3.015.01 Simple fractional (aliquot part) division of a full government subdivision creating no more than a total of 4 lots including any residual. Such divisions creating more than 4 lots must be done by registered land survey, minor subdivision, or plat.
- 3.015.02 A registered land survey, minor subdivision, or plat for any lot(s) that are not simple fractional parts of a full government subdivision. A registered land survey creating 9 or less lots shall be reviewed using the minor subdivision process unless referred to the Planning Commission by the ESD Department.

3.02 TRANSFERS BY OR PURSUANT TO COURT ORDER:

Any transfer of land required by a court order.

3.03 CREATION OF UP TO FOUR LOTS:

The division of an abstract-titled lot into 4 or fewer lots may be done by plat in accordance with Articles 4 through 7 of this ordinance , minor subdivision in accordance with section 3.04, or certificate of survey in accordance with this section. The division of a lot, other than an outlot, into four or fewer lots shall be allowed with a certificate of survey provided the following requirements are met:

- A. The number of new lots created from any one lot existing as of August 15, 2002 does not exceed four, including the residual.
- B. Each lot shall be a buildable lot
- C. An outlot cannot be created or subdivided by certificate of survey.
- D. Each lot is surveyed by a licensed professional surveyor, a Certificate of Survey drawn to scale is prepared that is suitable for recording.
- E. At a minimum, a road meeting Cass County cartway specifications and providing access to a public road is provided for each lot.

- F. The following are correctly located, plainly shown, and designated on the certificate of survey:
 - 1) All lakes, streams, creeks, ponds, wetlands, toe of bluff and top of bluff where applicable, easements of record, and flowage rights.
 - 2) Location by section, township, and range, and including descriptive boundaries of all created lots, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a certificate of survey shall meet or exceed the standards adopted by the Minnesota Society of Professional Surveyors for the particular class of survey.
 - 3) Location of survey monuments in reference to existing official monuments including true angles or bearings and distances to such reference points or monuments.
 - 4) Total lot area and total buildable area on each lot.
- G. In accordance with Minnesota Rules, Chapter 7080, two sewage treatment system sites are identified by a State certified site evaluator, and evaluation documents are submitted to the Auditor's Office with the certificate of survey at the time of transfer.
- H. Before recording and after all County fees have been paid, a statement from the ESD Department whether the proposed subdivision meets the requirements of section 3.03.
- I. Further subdivision of lots created under this section must be done through the platting process.

3.04 MINOR SUBDIVISIONS

- 3.04.01 All divisions of real property creating not more than nine (9) lots shall be designated a minor subdivision or plat at the developer's option. The ESD Department shall develop policies for processing minor subdivisions.
- 3.04.02 No public hearing is required for a minor subdivision, unless the ESD Department or the developer requests a public hearing before the PC.
 - A. If a minor subdivision is referred to the PC, all the requirements and procedures of Articles 4 through 7 of this ordinance shall apply.
- 3.04.03 A minor subdivision shall be permitted provided that:
 - A. All lots created shall meet or exceed the standards for the land use district in which any of the lot totally or partially lies, and;
 - B. No landlocked areas are created, and;
 - C. All lots shall be capable of supporting two (2) standard septic treatment systems as prescribed in State of Minnesota Pollution Control Agency Rules Chapter 7080, and;
 - D. The minor subdivision does not impact significant cultural or historical sites. Lot designs shall accommodate setbacks required in Section 1501 of the Land Use Ordinance for Cass County, Minnesota.
 - E. No variances are required or requested.
 - F. The minor subdivision does not divide an outlot.
 - G. The minor subdivision does not create a planned unit development.
- 3.04.04 All road within the minor subdivision shall meet applicable Cass County road specifications.
- 3.04.05 The developer shall submit to the ESD Department six (6) paper copies of the minor subdivision together with and any covenants or easements and pay the fees established by the County Board.
- 3.04.06 When the fees have been paid and the required copies provided, the ESD

Department shall consider the minor subdivision submitted for review. The ESD Department shall refer copies of the preliminary plat as provided by the ESD Department's minor subdivision processing policy, including written notice to all adjoining property owners.

- 3.04.07 All persons receiving a copy of the minor subdivision shall submit written reports to the ESD Department within thirty (30) calendar days from the date of notice expressing their recommendations.
 - A. If no report is received within thirty (30) calendar days, it will be construed by the ESD Department that there are no objections to the minor subdivision as submitted.
 - B. Any report disapproving of the minor subdivision as submitted shall state the reasons for disapproval and give recommendations, modifications, or revisions necessary.
 - C. All reports shall be available at reasonable times for public inspection at the ESD Department Office.
- 3.04.08 Based on the reports received, the ESD Department shall notify the developer of the recommendation and modification required before submission of the final minor subdivision.
- 3.04.09 Before filing for Public record, a minor subdivision shall be approved by the ESD Department in accordance with Minnesota Statutes Chapter 505.03, Subdivision I and Chapter 394.30, Subdivision 5.
- 3.04.10 Submissions of electronic versions of a minor subdivision are not required but may result in a reduction in application fees as determined by the ESD Department. The ESD Department shall, at the subdivider's request, make available the specifications for data compatibility and a schedule of fee reductions.
- 3.04.11 A minor subdivision becomes void within one (1) year following approval unless the official plat is filed for public record in the Cass County Recorder's office.

3.05 ATTACHMENT OR TRANSFER TO EXISTING LOTS:

It is permissible to attach or transfer a parcel of land to an existing lot for the purpose of making that lot more conforming to or exceed existing lot size requirements, provided a Certificate or Survey is prepared and attached as an exhibit to said transfer. A resulting less conforming lot or lot residue is not allowed.

ARTICLE 4 - PRELIMINARY PLAT PLAN

4.01 PROCEDURE:

The procedure established herein shall be followed in the administration of this ordinance. No plat shall be recorded until a pre-application meeting has been held, a preliminary and final plat of the proposed subdivision has been approved by the PC. A public hearing must be held for all proposed plats, and no plat shall be approved until after such public hearing. Plats 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 and approval of the PC. Subdivisions of existing platted lots must use the platting process.

4.02 PRE-APPLICATION MEETING:

- 4.02.01 Sketch Plan - In order to avoid costly revisions of plans and plats, the subdivider or the subdivider's representative, must have preliminary discussions with the Environmental Services Department to insure that the applicant is informed of the procedural requirements and minimum standards of this ordinance and the requirements or limitations imposed by other county ordinances or plans, prior to the development of a preliminary plat. Applicants shall present a sketch plan to the Environmental Services Department prior to the filing of a preliminary plat.
- 4.02.02 Authorization to Proceed - Applicant will receive a written authorization from the Environmental Services Department to proceed with the preparation of a preliminary plat. This authorization may contain comments identifying particular issues, concerns and items to address in the preliminary plat. No preliminary plat will be accepted for review without this written authorization.

4.021 SKETCH PLAN:

Sketch Plans shall contain, at a minimum, the following information:

- A. Plat boundary
- B. North arrow
- C. Scale
- D. Street layout on and adjacent to the plat
- E. Access route to the plat
- F. Designation of land use and current or proposed zoning
- G. Significant topographical or physical features
- H. General lot locations and layout
- I. Nature of land title—abstract or torrens
- J. Vicinity map
- K. Declaration of the intended use of outlots, if any.

4.03 PRELIMINARY PLAT:

- 4.03.01 The subdivider shall submit to the Environmental Services Department the following documents by the close of business on the 35th day prior the public hearing when the preliminary plat is to be heard by the Planning Commission:
- A. One (1) copy of the subdivision application.
 - B. Twenty four (24) copies of the Preliminary Plat including a vicinity map.
 - C. Twenty four (24) copies of proposed protective covenants, if any.
 - D. Twenty four (24) copies of application for any exceptions.
- 4.03.02 Fifteen (15) of the above copies shall be a minimum of 20 by 30 inches in size. Nine (9) of the copies shall be a minimum of 11 by 17 inches in size.
- 4.03.03 The subdivider shall submit a written statement from all utility companies serving the proposed plat indicating availability of service and utility easement requirements.

4.04 PAYMENT OF FEES, PUBLIC HEARINGS, DISTRIBUTION OF COPIES:

When the plat fees have been paid and the requisite copies provided, the ESD Department shall consider the preliminary plat officially submitted and the following procedure shall be followed:

- A. Written notice of proposed preliminary plats shall be given to the County Engineer, County Surveyor, Commissioner of the Department of Natural Resources, Minnesota Department of Transportation, and Corps of Engineers, if appropriate, and also to Town Board of Supervisors and the municipal council of a municipality and adjacent counties within two (2) miles of the affected property. Such notice shall be mailed at least thirty three (33) calendar days prior to the date upon which the application will be considered.
- B. The ESD Department shall refer the preliminary plat application to the Planning Commission for public hearing. Such hearings shall be held within 60 days. Notice of time, place and purpose of the public hearing shall be given in the official newspaper of the County at least ten (10) days before the hearing. Written notice shall be sent to owners of record within one half (1/2) mile of the affected property, or to the nearest ten property owners, whichever would provide notice to the greatest number of owners. It shall be the responsibility of the ESD Department to cause said notice of the date, time and place at which the Planning Commission will consider the application to be mailed to the applicant and all required persons. All notices shall be mailed at least ten (10) calendar days prior to the date upon which the application will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings.

4.04.02 No singular lot shall extend over a political boundary or school district line without documented notification to affected units of government.

4.04.03 The ESD Department shall refer one (1) copy of said plan to the Minnesota Department of Transportation, the Minnesota Department of Natural Resources, and the Army Corps of Engineers for their review when appropriate or required.

4.05 REPORTS, RECOMMENDATIONS, MODIFICATIONS:

4.05.01 The County Engineer, Town Board, County Surveyor, Commissioner of the Department of Natural Resources, Minnesota Department of Transportation and Corps of Engineers, if appropriate, shall prior to the date that the preliminary plat is to be heard by the Planning Commission, submit reports to the ESD Department expressing their recommendations. The County Engineer, in consort with the appropriate Township officials, shall determine the appropriate roadway jurisdiction authority for any proposed roadway and set the appropriate criteria for acceptance by the roadway authority.

4.05.02 If no report is received prior to the date that the preliminary plat is to be heard by the Planning Commission, it will be assumed by the ESD Department and PC that there are no objections to the plat as submitted.

4.05.03 If any department or agency disapproves, then the reasons for disapproval shall be fully stated in writing or offered verbally at the public hearing. Also, any department or agency shall give recommendations, modifications, or revisions requested for their approval. Any written comments shall be available during usual office hours for public inspection at the ESD Department prior to the public hearing.

4.06 FINALIZING THE PRELIMINARY PLAT:

4.06.01 At the first regular meeting following the receipt of the above reports and the procedures, the PC shall have the preliminary plat on its agenda. The said meeting may serve as the public hearing.

- 4.06.02 If the above reports disapprove the preliminary plat and, in the judgment of the PC are unreasonable, impractical and would result in substantial hardship or injustice to the subdivider, the PC may still approve the plat. In approving, the PC may impose such modifications, recommendations, revisions, or exceptions as will, in its judgment, preserve the general intent and objectives of this ordinance.
- 4.06.03 The PC shall table the preliminary plat in the absence of the subdivider or a representative of the subdivider.
- 4.06.04 At the meeting, the PC shall do one or more of the following:
- A. Table the preliminary plat for further study and review; or
 - B. Continue the hearing from time to time and hold additional hearings that may be necessary to receive all the input; or
 - C. Approve the preliminary plat as submitted; or
 - D. Deny the preliminary plat and state in writing the reasons for denial.
 - E. Determine if the subdivision is in compliance with the Environmental Review Program, State of Minnesota, mandatory threshold limits for Environmental Assessment Worksheets or Environmental Impact Statements.
 - F. In the event that new information is presented after the preliminary approval, of such a nature as to bring into question the need for design changes or other approvals, the Preliminary Approval may be revoked. Until such time as the changes are made or determined by the PC as unneeded the plat will be tabled.
 - G. The PC may, upon written request by the developer, the ESD Department, or other interested parties, reconsider conditions placed on the approval of a preliminary plat. The notice process outlined in section 4.04, A. and B. shall be used.
- 4.06.05 Unless an extension of time is requested by the subdivider and granted by PC, the subdivider shall within one (1) year following the approval of the preliminary plat submit to the Environmental Services Department the final plat, otherwise the preliminary plat becomes null and void.

ARTICLE 5 - MINIMUM DESIGN STANDARDS

5.01 APPLICATION:

All applicable statutes, regulations, ordinances and the following land subdivision principles, standards, and requirements will be applied by the PC in evaluating plans for proposed subdivisions.

- 5.01.01 All the provisions outlined herein shall be shown on the plat, and/or in accompanying documentation, and be considered minimum standards and requirements for promotion of the public health, safety, morals, and general welfare.
- 5.01.02 Where literal compliance with the standards herein specified is clearly impractical, the subdivider may apply for a exception to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

- 5.01.03 Proposed subdivisions shall be coordinated with existing nearby villages or neighborhoods so that the community as a whole may develop harmoniously.
 - A. Proposed land use shall conform to all county or township zoning ordinances in effect.
 - B. Stage Development: Whenever a proposed subdivision constitutes only a portion of a tract, of a size sufficient for future enlargements of such subdivided portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.
 - C. Each subdivision shall be in compliance with Environmental Quality Board Rules.
- 5.01.04 All land platted or subdivided must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- 5.01.05 Outlots created after August 15, 2002 through the platting process must have a stated purpose as defined in Section 2.37. Outlots not dedicated as open space may be subdivided by platting, consistent with the requirements of this ordinance. Outlots created after 1971 but before the effective date of this ordinance shall not be developed or subdivided except by replatting.
- 5.01.06 All planned unit developments must meet all the regulations of Section 1120 of the Land Use Ordinance for Cass County, Minnesota.

5.02 PRELIMINARY PLAT:

The subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information as follows:

- 5.02.01 Identification and Description:
 - A. Proposed name of subdivision--The County Recorder shall verify that names shall not duplicate or too closely resemble names of existing subdivisions.
 - B. Location of boundary lines in relation to a known section, quarter-section or quarter-quarter section lines comprising the legal description of the property.
 - C. Names and addresses of all persons having interest, the owners, developers, designer and surveyor together with his registration number.
 - D. Graphic scale on plat, not less than one (1) inch to one hundred (100) feet. If multiple plan sheets to show plat are required at one (1) inch to one hundred (100) feet, then the scale may be reduced to one (1) inch to two hundred (200) feet.
 - E. North Arrow.
 - F. Date of preparation.
 - G. Total approximate acreage of total development, roads and parcels.
 - H. Vicinity map

5.02.02 Existing Land Conditions:

All existing conditions within the tract shall be shown and clearly labeled and should include, at a minimum, the following:

- A. Plats and platted streets (including names) railroad right-of-ways, and utility easements.
- B. Boundary lines, ownership, zoning and use of adjoining land.
- C. Sewers, water mains, culverts or other underground facilities.
- D. Permanent buildings and structures.
- E. Ordinary High Water Level shown on plat, if available.
- F. Contour levels of two (2) foot intervals up to the building line or bluff impact zones, whichever is greater and ten (10) foot intervals to the plat boundary.
- G. All streams, creeks, ponds, wetlands, and flowage rights shall be correctly located, plainly shown, and designated on the plat. Source and date of information and, when available, the normal pool elevation, highest known peak elevation and current pool elevation. This information is usually available from the Minnesota Department of Natural Resources, Division of Waters Hydrographic Section, the United States Army Corps of Engineers, or the Cass Soil and Water Conservation District.
- H. Statement regarding source of domestic water supply; near-shore emergent aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
- I. Toe of bluff, top of bluff, and bluff impact zone. (See Appendix A)
- J. Existing Utility lines, underground and overhead.
- K. General physical and development conditions within 300 feet immediately adjoining the lot, from existing information.

5.02.03 Proposed Subdivision Design Features:

- A. Building setback lines
- B. Easements
 - 1. Easements as needed for drainage will be provided to accommodate the surface and storm water runoff and watershed flowage. The effect proposed roads and buildings, etc., have on surface water runoff and the proposed handling of this drainage shall be shown on the plan or discussed in accompanying documentation. A stormwater control permit may be required from the Minnesota Pollution Control Agency. A copy of that permit, when required, will be submitted to the ESD Department.
 - 2. Easements as needed for public utilities will be provided and shown on the plat. Location of these utilities is normally within the roadway right-of-way. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the plat.

5.02.04 Location and width of pedestrian ways.

5.02.05 Districts proposed for nonresidential use and areas intended to be dedicated or reserved for public use shall be shown, including dimensions and area. Due consideration shall be given to the allocation of areas, suitably located and of adequate size, for playgrounds and parks for local or neighborhood use as well as public service areas.

5.02.06 Block:

- A. Block Length - In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing

streets. Where no existing plats control, the blocks in the residential subdivisions should not exceed one thousand eight hundred (1,800) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these limits. Where lake lots are concerned, crossroad development shall apply only to development beyond the first tier next to the public water (i.e. compliance with the crossroad configuration cannot result in an otherwise undesired water access.

- B. Block Width - The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth unless it adjoins a railroad, highway, arterial street or shoreline and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases with the exception of residential uses, the lot width or depth shall be at least twenty-five (25) feet greater than minimum requirements. Blocks intended for business or industrial use shall be of such width as to be considered most suitable of their respective use including adequate space for off-road parking and deliveries.

5.02.07 Lots:

- A. Areas – Unless specifically excepted in Article 6, all platted lots shall meet all requirements of the Cass County Land Use Ordinance. Pursuant to the Cass County Individual Sewage Treatment System Ordinance, each lot must include sufficient area for two (2) sewage treatment systems.
- B. Corner Lots - for residential use, shall have additional width to permit appropriate building setback from both roads.
- C. Side Lot Lines - Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- D. Frontage - Every lot must have at a minimum, thirty-three (33) feet of frontage on a public road with at least a 33 feet right-of-way, and have access to that road.
- E. Lot Remnants (residue) - All remnants of lots below minimum required lot size, left over after subdividing of a large tract, must be added to adjacent lots.
- F. Frontage on Roads - Double frontage or lots with frontage on two (2) parallel roads shall not be permitted except where lots back on arterial roads or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot lines.

5.02.08 Access Lots:

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of riparian or nonriparian lots within subdivisions are permissible if the following standards can be met:

- A. They must meet the width and size requirements for residential lots in the respective lake class, and be suitable for the intended uses of controlled access lots.
- B. Lake access does not have a material adverse impact on critical fish or wildlife habitat.
- C. Controlled access lots shall provide lake or river access for up to six (6) riparian or non-riparian lots. If access for more than six (6) lots is to be allowed, then the width and area of the lot must be increased by 25% for each additional lot served beyond six (6). Permanent watercraft storage shall be limited to one watercraft per lot served.
- D. The landward end of all docks must meet a 10 foot setback from the nearest lot line. Docks must be placed so that no portion extends across the projection of the

setback from the lot line into the lake, and so as not to block access from an adjacent property to open water.

- E. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
- F. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or other enjoyment of normal property rights by adjacent property owners. Examples of insignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

5.02.09 Roads:

- A. Roads - Except for cul-de-sacs, roads shall connect with existing easement or roads already dedicated in adjoining or adjacent subdivisions or provide for future connections to adjoining subdivided tracts or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of thoroughfares and roads shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to preservation of wetlands, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served and its surroundings. All roads, including access by easement, must meet the criteria established for the appropriate road category in Cass County Road Specifications (See appendix B). Certified road construction plans shall be submitted with the application. Road designs may be approved by other responsible public road authorities.
- B. Dead end roads are prohibited but cul-de-sacs shall be permitted where topography or the physical conditions justify their use.
- C. Cul-de-sacs shall have a terminal turn around which shall be provided at the closed end, with a turn around of a minimum outside right-of-way diameter of one hundred twenty (120) feet and a radius of sixty (60) feet.
- D. Road plans for future subdivision - Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- E. Temporary cul-de-sac - In those instances where a road is terminated pending future extension in conjunction with future subdivision, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. The temporary cul-de-sac must be maintained and left in place until the future extension is completed.
- F. Road intersections - Roads shall be laid out so as to intersect as nearly as possible at right angles. No road intersection angle shall be smaller than 70 degrees or

- greater than 110 degrees. The minimum separation distance between road intersections shall be 125 feet, or the minimum separation distance prescribed by the adjacent road authority, whichever is greater.
- G. Subdivision abutting right of ways – When required by the County Engineer or other public road authority, subdivisions containing or adjacent to any public road right of way must include provisions for controlled access, including but not limited to a marginal access roads approximately parallel to the boundary of such right of way, and shared or joint driveways.
- H. Service access - Service access shall be provided in commercial and industrial areas for off road loading, unloading and parking consistent with and adequate for the uses proposed.
1. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential districts.
 2. Alleys - dead end alleys may be approved, if adequate turns around facilities are provided at the closed end.
- I. Half roads - Dedication of half roads shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of those regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. The minimum right-of-way width is thirty three (33) feet.
- J. Road grade - Except, when upon the recommendation of the County Engineer, that the topography warrants a greater minimum, the grades in all streets, thoroughfares, collector roads, local roads and alleys in any subdivision shall not be greater than ten (10) percent, if deemed necessary, by the PC.
- K. The road arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- L. Road right-of-way radius - The minimum road right-of-way radius shall be the same as specified for the road right-of-way width.
- M. Reverse curves - Minimum design standards for collector and arterial roads shall comply to Minnesota State Aid or AASHTO Standards.
- N. Road right-of-way width – (See Cass County Road Standards in Appendix B).
- O. When a cartway is used, the following apply:
- a. Ten (10) foot wide utility and drainage easement abutting right-of-way for benefit of lots and placement of utilities must be shown on each lot.
 - b. Shall not be used if:
 1. Road is to be considered a through road to adjacent potentially developable property.
 2. Topography does not allow construction within limits.
- P. Roads with less than a sixty six (66) foot right-of-way or roads that cannot meet road design specifications shall be private roads with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without the acquisition of additional right-of-way shall be recorded on the plat and in the covenants and restrictions.
- Q. Road and 911 Signs - It shall be the subdivider's responsibility to contact the County 911 Coordinator to assign plat road names and 911 address for proposed lots.
- R. Access Roads Outside of Plats - When a proposed roadway in a plat does not connect directly with an existing public roadway, a public easement, in the case of a public roadway; or a public or private easement, in the case of a private roadway,

meeting the same Cass County road standards as the roadway in the plat shall be recorded in the Recorder's office prior to approval of the plat. Every roadway so donated and dedicated to the public on a plat and every roadway connecting said plat to the public roadway shall be constructed to Cass County road standards by the developer prior to acceptance of the plat.

5.03.10 Erosion and sedimentation control:

No structure shall be placed in any areas which will require grading and filling which results in the impairment of public waters by reason of erosion and sedimentation, violation provisions of statewide standards and criteria for management of flood plain areas of Minnesota or result in the impairment of fish or aquatic life.

5.03.11 Protected areas:

- A. Where land proposed for subdivision is deemed environmentally sensitive by the PC due to the existence of wetlands, drainage ways, water courses and flood-prone areas, the design of said subdivision shall clearly reflect all necessary adverse environmental impact.
- B. Based upon the necessity to control and maintain certain sensitive areas, the PC shall determine whether said protection would be accomplished through lot enlargement and redesign, easement, or dedication of those sensitive areas in the form of outlots.
- C. In general, measures of protection shall include solutions that allow for construction and grading, involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.
- D. No plat shall be designed so as to impact a significant cultural or historical site. Lot designs shall accommodate setbacks required in Section 1501 of the Land Use Ordinance for Cass County, Minnesota.

5.03.12 Park Land:

- A. Private open space for park and recreation purposes can be provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision.
- B. Private open space for water and sewer purposes can be provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision.

ARTICLE 6 - EXCEPTIONS FROM REQUIREMENTS

6.01 SUBDIVISION PHYSICAL CONSTRAINTS

The PC may grant an exception from the requirements of Section 5 of this Ordinance or the requirements of the Land Use Ordinance for Cass County, Minnesota when a plat or planned unit development is proposed, or in specific cases, when the tract to be subdivided is of such unusual size, shape, topography, or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of Section 5 would result in substantial environmental

damage, hardship, or injustice. Half roads are an example of such an exception.

6.02 PLANS WITH COVENANTS

The standards and requirements of these regulations may be modified by the PC in the case of plans, which in the judgment of the PAC, achieve substantially the objectives of this ordinance and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

6.03 POLICY FOR EXCEPTIONS

In granting any exception, the PC shall take into account the following:

6.03.01 The location of the proposed subdivision, proposed land use, and existing use of land in the vicinity.

6.03.02 The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

6.03.03 Those exceptions that will allow the subdivider to develop the property in a reasonable manner and at the same time preserve the general intent and spirit of this ordinance and protect the public welfare and interest of the County.

6.03.04 In granting exceptions and modifications, the PC may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

6.04 PROCEDURE FOR EXCEPTION

An application for an exception shall be submitted in writing to the ESD Department by the subdivider at least twenty five (25) days before the final plat considered for approval and shall state fully the grounds for the application and the facts relied upon. The burden of proof that the exception is warranted lies with the subdivider. Applications for exceptions shall be noticed a part of the process set forth in section 7.02, A. and B. The PC shall consider such application at the time of its consideration of said final plat. Approved exceptions shall be reported to the County Board.

ARTICLE 7 - FINAL PLAT

After approval and endorsement of the preliminary plat, the following procedure shall be followed:

7.01 SUBMISSION

7.01.01 Unless an extension of time is requested by the subdivider and granted by the PC, the subdivider shall within one (1) year following the approval of the preliminary plat and at least twenty five(25) days prior to a PC public hearing, submit to the ESD Department:

- A. Seventeen (17) copies of the final plat shall be submitted to the Environmental Services Department for distribution. In addition, if any changes are made after the preliminary plat, one (1) copy indicating final buildable areas, wetlands, setbacks, bluff areas for each lot shall be also submitted. 15 of these copies shall be a minimum of 20 by 30 inches in size. 2 of the copies shall be a minimum of 11 by 17 inches in size.

B. Financial Guarantee, if applicable, as per Section 7.04.04.

7.02 PUBLIC HEARINGS, DISTRIBUTION OF COPIES:

When the requisite copies provided, the ESD Department shall consider the final plat officially submitted and the following procedure shall be followed:

- A. Written notice of the final plat shall be given to the County Engineer, County Surveyor, Commissioner of the Department of Natural Resources, Minnesota Department of Transportation, and Corps of Engineers, if appropriate, and also to Town Board of Supervisors and the municipal council of a municipality and adjacent counties within two (2) miles of the affected property. Such notice shall be mailed at least twenty three (23) calendar days prior to the date upon which the application will be considered.
- B. The ESD Department shall refer the preliminary plat application to the Planning Commission for public hearing. Such hearings shall be held within 60 days. Notice of time, place and purpose of the public hearing shall be given in the official newspaper of the County at least ten (10) days before the hearing. Written notice shall be sent to owners of record within one half (1/2) mile of the affected property, or to the nearest ten property owners, whichever would provide notice to the greatest number of owners. It shall be the responsibility of the ESD Department to cause said notice of the date, time and place at which the Planning Commission will consider the application to be mailed to the applicant and all required persons. All notices shall be mailed at least ten (10) calendar days prior to the date upon which the application will be considered. Failure of any property owner to receive such notification shall not invalidate the proceedings.

7.03 REPORTS

Reports shall be submitted to the ESD Department as follows:

- A. The County Surveyor shall state whether the final plat conforms to applicable Cass County Subdivision regulations and Minnesota Statutes.
- B. The Cass County Engineer shall state whether the final plat and proposed improvements conform to applicable road standards, including requirements of the Minnesota Department of Transportation, if applicable.
- C. The Environmental Services Department shall state whether the final plat conforms to the preliminary plat approved by the PC and incorporates all changes that might have been requested by the PC
- D. Townships exercising their authority under Minnesota Statutes, Chapter 505.09, shall state that the final plat has been reviewed and approved by the Township Board of Supervisors and the Township Planning Commission.

7.04 IMPROVEMENTS

- 7.04.01 Before a final plat is approved by the PC, the subdivider shall pay all applicable fees, and, if applicable, execute and submit to the Department a developer's agreement which shall be binding upon his or their heirs, personal representative and assigns. The agreement shall state that the subdivider will cause no private construction to be made on the land within said plat, nor shall the subdivider file or cause to be filed any applications for land use permits for such construction until all improvements required under this ordinance have been arranged for in the manner and conforming

- to the requirements set forth herein.
- 7.04.02 Prior to the approval of the final plat by the PC, the subdivider shall have all required improvements within the plat completed, or shall provide financial assurance to complete all required improvements within the plat in such amount as the PC may require. The deadline and associated financial assurance may be extended one year with approval of the ESD Department. Improvements include: roads, paving of roads, collector sewer systems, central water systems, and others as may be required by the PC.
- 7.04.03 No final plat shall be approved by the PC without certification that the improvements described herein together with the agreements and documents required under this Article of the Ordinance meets the requirements of the County. The County Auditor-Treasurer shall certify that all fees required by the County in connections with the plat have been paid.
- 7.04.04 The PC shall require the subdivider to submit proof of financial assurance ~~a~~ in the amount equal to the estimated cost of the improvements unless the PC finds that a lesser or greater amount is reasonable under the circumstances. The financial assurance bond shall be in force for one (1) year following the final acceptance of any required improvements.
- 7.04.05 Reproducible "as built drawings" shall be required by the County Engineer and shall be furnished to the County by the subdivider of all required road improvements. Such "as built drawings" shall be certified to be true and accurate by a registered engineer or surveyor. At a minimum, said drawings shall contain the following:
- A. A centerline profile at a minimum of 100 foot stations and such intermediate points to indicate changes in grade, together with showing the constructed provisions for centerline crossings by storm water.
 - B. Typical cross-sections indicating widths, crown, ditch separation and finished surface type and thickness.
- 7.04.06 All the required road improvements to be installed under the provisions of this ordinance shall be approved by and subject to the inspection of the County Engineer. All of the County's expenses incurred as the result of the required improvements shall be paid either directly, indirectly or be reimbursed to the County by the subdivider.
- 7.04.07 Monuments: Monuments shall be installed prior to signature of the final plat by the PC unless specifically excepted by the PC.
- 7.04.08 Road Improvements:
- A. Roads shall be constructed in accordance with the road specifications outlined in the Cass County Road Standards.
 - B. All roads shall be improved in accordance with the standards and specifications for road construction as required by the PC, Cass County Engineer, or Township.
- 7.04.09 Sanitary Sewer and Water Distribution Improvements:
- A. Where there is an existing public water supply on or near the subdivision, the local municipality furnishing such services and the PC shall determine the feasibility of services and the requirements to be followed by the subdivider in connecting to the system. Where there is no existing public water supply, individual water supply systems may be permitted in accordance with the minimum standards of the Minnesota Department of Health and Cass County.
 - B. Sanitary sewer and water facilities, where required, shall be installed in accordance with the standards and specifications as required by the Minnesota Pollution Control Agency and Cass County. Soil information must be included to determine suitability

for building and ISTS.

7.04.10 Railroad Crossings: No road dedications will be accepted which require a crossing of a railroad unless sufficient land, as determined by recommendation of the road authority engineer, is dedicated to insure a safe view.

7.05 APPROVAL

7.05.01 The final plat together with the reports required in section 7.03, shall be submitted to the PC for action within one (1) year unless an extension of time is requested by the subdivider and granted by PC. The Plat will not be presented to the PC until all requirements of this ordinance have been met.

7.05.02 At the PC's public hearing on the final plat, the PC shall do either of the following:

- A. Approve the final plat as submitted by a majority vote
- B. Disapprove the final plat and state in writing reasons for disapproval. The grounds for any refusal to approve a plat shall be set forth in the proceedings of the PC and reported to the subdivider.

7.05.03 Special Assessment - When any existing special assessments which has been levied against the property described as divided and allocated to the respective lots in the proposed plat, the Cass County Auditor-Treasurer shall estimate the clerical cost of preparing a revised assessment roll, filing the same and make such division and allocation, and upon approval by the County Board of Commissioners of such cost, the same shall be paid to the Auditor-Treasurer before the final plat approval.

7.06 GENERAL PROVISIONS

Provisions of Minnesota Statutes, Chapter 505, as amended, and such final plat shall contain the following information:

7.06.01 Name of subdivision, which shall not duplicate or too closely approximate the name of an existing subdivision. This shall be verified in writing by the County Recorder.

7.06.02 Location by section, township, range, county, and state and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) part in seventy five hundred (7,500).

7.06.03 The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments, including true angles or bearings and distances to such reference points or monuments.

7.06.04 Location of lots, roads, public highway, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground shall be shown from all angle points of curve to lot lines.

7.06.05 In accordance with Minnesota Rules, Chapter 7080, a State certified site evaluator must identify two sewage treatment system sites, and evaluation documents must be submitted with the final plat.

7.06.06 Lots shall be numbered clearly. Blocks are to be numbered clearly in arabic numerals in the center of the block.

- 7.06.07 The exact locations, width and names of all roads to be dedicated. Road names shall not duplicate the names of other streets or roads in the community or township in which the subdivision is located.
- 7.06.08 Location, width and purpose of all easements to be dedicated.
- 7.06.09 Name and address of the surveyor making the plat.
- 7.06.10 Scale of plat (the scale to be shown graphically on a bar scale).
- 7.06.11 Statement dedicating all easements shall be shown on the plat.
- 7.06.12 Statement dedicating all public roads and the public areas shall be shown on the plat.
- 7.06.13 A vicinity map, drawn at a scale which permits the depiction of the found, restored, or established controlling corners, and the directions and distances necessary to properly determine the boundaries of the platted area.

7.07 CERTIFICATIONS AND RECORDING

- 7.07.01 Recording Final Plat - If the final plat is approved by the PC, the subdivider shall record it within one hundred twenty (120) days after said approval, or approval of the final plat shall be considered null and void, unless a request for time extension is submitted in writing and approved by the PC.
- 7.07.02 No land use permits shall be allowed for construction on any lot in said plat until the ESD Department has received evidence of the plat being recorded in the office of the County Recorder.
- 7.07.03 The following certifications are required:
 - A. Certification by a licensed professional surveyor in the form required by Section 505.03 Minnesota Statutes as amended.
 - B. Execution by all owners of any interest in the land, or any holders of a mortgage thereon shall include a dedication of the utility easements and other public areas in such form as approved by the PC.
 - C. A statement indicating any change in fee ownership that occurs during the platting proceedings before the date of the meeting of the PC at which the final plat is submitted for approval.
 - D. Certificate of Title Insurance or an attorney's opinion certifying that marketable title exists, together with proof of a current abstract of title for abstract property; or proof of a certificate of title, registered property abstract, or certificate of condition for torrens property.
 - E. The subdivider must provide copies to the County Recorder at the time of recording as prescribed in the Cass County Recorder's Plat Document Specifications.
 - F. The subdivider is referred to the ESD Department for an up-to-date example of an acceptable instrument of dedication and acknowledgments.
 - G. Space for certificate of approval and review to be filled in by signature of the Chairperson of the PC, ESD Director, County Surveyor, and Township Board Chairman, if the affected township is exercising its authority under Minnesota Statutes, Chapter 505.09. The forms of approval are as follows:

Approved by Cass County, Minnesota:

This _____ Day of _____, 20__

Signed: _____

Insert Current Name, Chairperson, Cass County Planning Commission

Attest: _____

Insert Current Name, Environmental Services Department Director

Insert Current Name, Cass County Surveyor

Insert Current Name, Township Board Chairman (per MN. Stat., Chap. 505.09)

ARTICLE 8 - SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 9 - PENALTY

Misrepresentation of construction, supervision, or inspection of improvements.

9.01 It shall be unlawful for any person, firm, or corporation subdividing land within the County to represent that any improvements in said subdivision have been constructed according to the plans and specifications approved by the PC or has been supervised or inspected by the County when such improvements have not been so constructed, supervised or inspected.

9.02 Anyone violating any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine or by imprisonment to a maximum penalty as established by Minnesota Statutes. Each day during which compliance is delayed shall constitute a separate offense.

ARTICLE 10 – AMENDMENTS AND APPEALS

10.01 Amendments--This ordinance may be amended whenever the public necessity, convenience and the general welfare requires such amendment.

- A. Requests for amendments of this ordinance shall be initiated by a petition of the property owner or owners subject to this ordinance; a recommendation of the PC; or by action of the Cass County Board of Commissioners.
- B. The County Board shall conduct a public hearing in the manner prescribed by Minnesota Statutes, Chapter 375.51

- C. Following the public hearing, the PC shall make a report of its recommendations on the proposed amendments and shall file a copy with the Cass County Board of Commissioners within sixty (60) days.

10.02 Appeals—

- A. The decision of the Planning Commission shall not be final. Any person having an interest affected by the decision, has the right to appeal to District Court on questions of law and fact within fifteen (15) calendar days from the date of the meeting at which the decision was rendered.
- B. Decisions or determinations made by the Environmental Services Department in the interpretation and enforcement of this Ordinance shall not be final. Any person having an interest affected by the decision, has the right to appeal to the Board of Adjustment on questions of law and fact.

ARTICLE 11 – SIGNATURE AND EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its publication, public hearing, passage, and recording according to Minnesota Statutes, Chapter 375.51.

Adopted this 6th day of April, 2004

Cass County:

Chairperson, Cass County Board

Attested to:

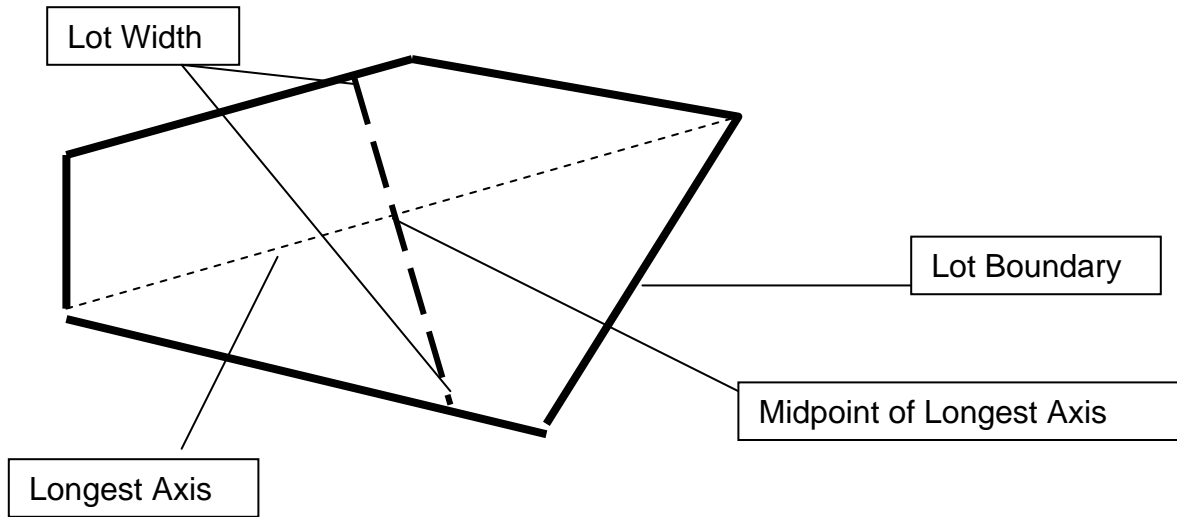
Cass County Administrator

Effective Date: May 17, 2004

APPENDIX A—LOT WIDTH AND BLUFF DIAGRAMS

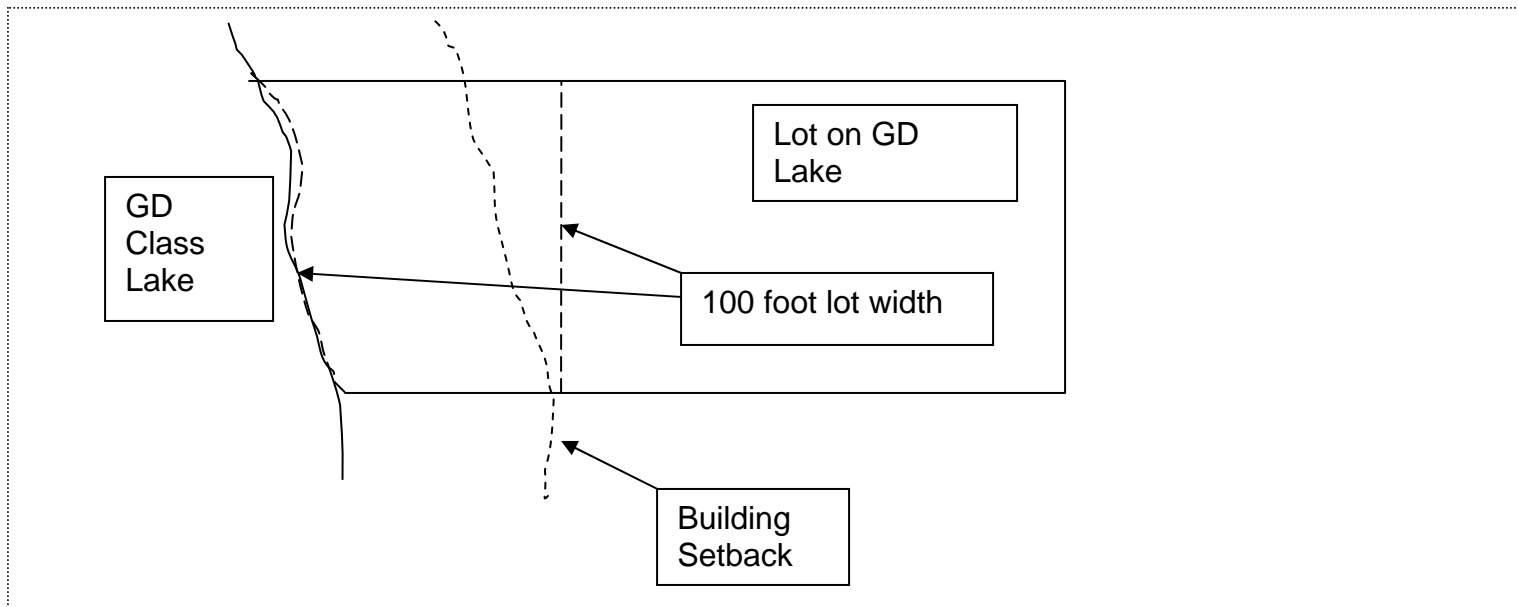
Lot Width, Non-riparian

“The shortest distance between side lot lines as measured at the midpoint of the longest axis of said lot.”



Lot Width, Riparian

“The shortest distance between side lot lines measured at the building setback line. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river.”

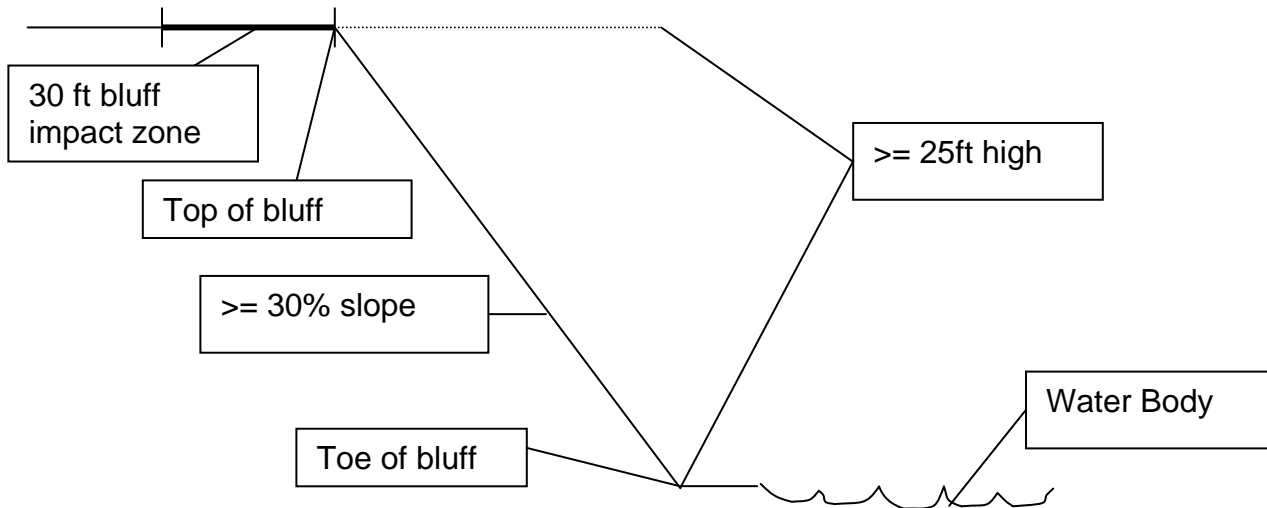


Bluff Criteria

“Bluff: A topographic feature having the following characteristics:

- A. Part or the entire feature is located in a shoreland area;
- B. The slope rises at least twenty five (25) feet above the ordinary high water level of the waterbody;
- C. The grade of the slope from the toe of the bluff to a point twenty five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
- D. The slope must drain toward the water body.”

“Bluff Impact Zone: A bluff and land located within thirty (30) feet inland from the top of the bluff



APPENDIX B-- CASS COUNTY ROAD SPECIFICATIONS

A. DESIGN CRITERIA

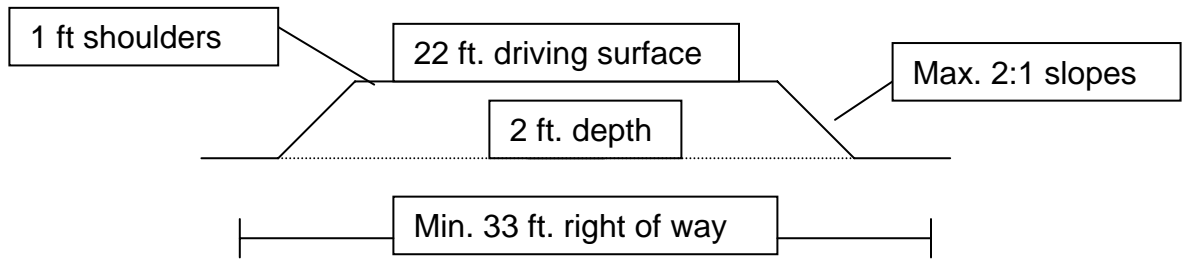
FUNCTIONAL CLASS	ROAD AUTHORITY	MINIMUM RIGHT-OF-WAY
Local Road	County in unorganized township Township, Municipality, or Private	66 feet
Cartway	Private	33 feet
Frontage Road	County, County in unorganized Township, Municipality, or Private	50 feet
Cul-de-sac	Same as connecting roadway	60 feet

B. REQUIRED CLASS 5 AGGREGATE ADDITION BY SUBGRADE SOIL TYPE

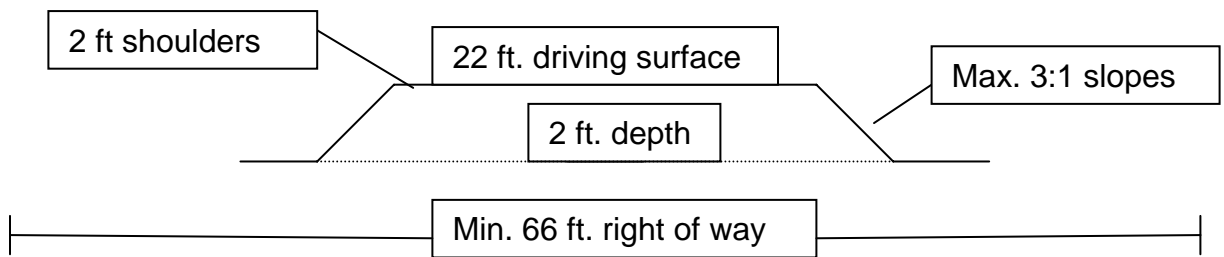
SUBGRADE SOIL	SAND. GRAVEL	ALL OTHER SOILS
Aggregate surface or pavement	4 Inches	6 Inches

C. TYPICAL CARTWAY AND LOCAL ROAD CROSS SECTIONS

CARTWAY



LOCAL ROAD



D. ADDITIONAL SPECIFICATIONS

1. AGGREGATE DRIVING SURFACES SHALL BE STABILIZED GRAVEL THAT MEET:
 - a. Minnesota Department of Transportation specifications 3138, Class 5, except that the County Engineer reserves the right to eliminate the 10% crushing requirement where crushing material is not available.
2. Bituminous driving surfaces shall meet Minnesota Department of Transportation specifications 2331.
3. The above constitute minimum road standards. The PC may require any additional criteria recommended by the road authority. This may include, but is not limited to additional right-of-way and roadway width.

APPENDIX C—MINOR SUBDIVISION PROCESSING PROCEDURE

I. PROCEDURE

A. The following procedure shall be followed in processing minor subdivisions outlined in section 3.04 of the Cass County Subdivision and Minor subdivision Ordinance. The steps in the process include:

- A pre-application meeting
- Submission of the preliminary minor subdivision
- An on-site review
- Consideration of the preliminary minor subdivision at a regular review session
- Submission of a final minor subdivision
- Consideration of the final minor subdivision at a regular review session
- Recording

1. PRE-APPLICATION MEETING:

A. In order to avoid costly revisions of plans and minor subdivisions, the subdivider or the subdivider's representative, must have preliminary discussions with the Environmental Services Department (hereinafter the ESD Department) and County Surveyor to insure that the applicant is informed of the procedural requirements and minimum standards of this ordinance and the requirements or limitations imposed by other county ordinances or plans, prior to the development of a preliminary minor subdivision. Applicants shall present a sketch plan to the ESD Department at the pre-application meeting.

B. Applicant will receive a written authorization from the ESD Department to proceed with the preparation of a preliminary minor subdivision. This authorization may contain comments identifying particular issues, concerns and items to address in the preliminary minor subdivision. No preliminary minor subdivision will be accepted for review without this written authorization.

2. SKETCH PLAN:

Sketch Plans shall contain, at a minimum, the following information:

- A. Plat boundary
- B. North arrow
- C. Scale
- D. Street layout on and adjacent to the plat
- E. Access route to the plat
- F. Designation of land use and current or proposed zoning
- G. Significant topographical or physical features
- H. General lot locations and layout
- I. Nature of land title—abstract or torrens
- J. Vicinity map
- K. Declaration of the intended use of outlots, if any.

II. PRELIMINARY MINOR SUBDIVISION:

The subdivider shall submit to the ESD Department the following documents by the close of

business on the 35th day prior the date that the preliminary minor subdivision is considered by the ESD Department:

- A. One (1) copy of the subdivision application.
- B. Nine(9) copies of the Preliminary Minor subdivision including a vicinity map. Eight (8) of the above copies shall be a minimum of 20 by 30 inches in size. One (1) of the copies shall be a minimum of 11 by 17 inches in size.
- C. Nine(9) copies of proposed protective covenants, if any.

1. PAYMENT OF FEES, DISTRIBUTION OF COPIES:

When the fees have been paid and the requisite copies provided, the ESD Department will consider the preliminary minor subdivision officially submitted and will:

- A. Set a date for an onsite review.
- B. Set a review session date for consideration of the preliminary minor subdivision.
- C. Notify the subdivider or their designated representative, the Minnesota Department of Transportation, the County Engineer, the County Surveyor, the Town Clerk of the Township in which the proposed subdivision is located, the Minnesota Department of Natural Resources, and the Army Corps of Engineers, if applicable, of the application.

2. ON SITE REVIEW:

Participation in the review will include representatives from the ESD Department, the County Surveyor, and the developer and/or their representative. It may also include the Minnesota Department of Transportation, the affected Township(s), the Minnesota Department of Natural Resources, and the Army Corps of Engineers.

3. REPORTS, RECOMMENDATIONS, MODIFICATIONS:

A. The County Engineer, Town Board, County Surveyor, the Department of Natural Resources, the Minnesota Department of Transportation, the Corps of Engineers, and all adjoining property owners, shall, prior the date that the preliminary minor subdivision is to be reviewed by the ESD Department submit comments to the ESD Department.

B. If no comments are received prior the date that the preliminary minor subdivision is to be reviewed by the ESD Department, it will be assumed that there are no objections to the minor subdivision as submitted.

C. If any person, department, or agency disapproves, then the reasons for disapproval shall be fully stated in writing. Also, any department or agency shall give recommendations, modifications, or revisions requested for their approval. Any written comments shall be available during usual office hours to the ESD Department.

4. CONSIDERATION OF THE PRELIMINARY MINOR SUBDIVISION:

A. Following the receipt of the above reports and the procedures, the ESD Department will consider the preliminary minor subdivision at its next regular review session. The ESD Department shall consider preliminary minor subdivisions on the first Wednesday of each month unless that date falls on an official county holiday or is otherwise changed by notice.

B. If the above reports disapprove the preliminary minor subdivision and, in the judgment of the ESD Department are unreasonable, impractical and would result in substantial hardship or injustice to the subdivider, the ESD Department may still approve the minor subdivision. In approving, the ESD Department may impose such modifications, recommendations, revisions, or exceptions as will, in its judgment, preserve the general intent and objectives of this ordinance.

C. At the review session, the ESD Department may:

1. Approve the preliminary minor subdivision as submitted; or
2. Deny the preliminary minor subdivision and state in writing the reasons for denial; or
3. Table the preliminary minor subdivision for further study and review; or
4. Refer the preliminary minor subdivision to the PC for public review.

D. Unless an extension of time is requested by the subdivider and granted by ESD Department, the subdivider shall within one (1) year following the approval of the preliminary minor subdivision submit the final minor subdivision, otherwise the preliminary minor subdivision becomes null and void.

III. MINIMUM DESIGN STANDARDS

1. APPLICATION:

All applicable statutes, regulations, ordinances and the following land subdivision principles, standards, and requirements will be applied by the ESD Department in evaluating plans for proposed subdivisions.

A. All the provisions outlined herein shall be shown on the minor subdivision, and/or in accompanying documentation, and be considered minimum standards and requirements for promotion of the public health, safety, morals, and general welfare.

B. Proposed subdivisions shall be coordinated with existing nearby villages or neighborhoods so that the community as a whole may develop harmoniously.

1. Proposed land use shall conform to all county or township zoning ordinances in effect.
2. Stage Development: Whenever a proposed subdivision constitutes only a portion of a tract, of a size sufficient for future enlargements of such subdivided portion from time to time, a plan for the future subdivision of the entire tract shall be submitted.
3. Each subdivision shall be in compliance with Environmental Quality Board Rules.

C. All land subdivided must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the ESD Department shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

D. Outlots created after August 15, 2002 through the minor subdivision process must have a stated purpose as defined in Section 2.37 of this ordinance.

2. PRELIMINARY MINOR SUBDIVISION:

The subdivider shall prepare and submit a preliminary minor subdivision, together with any necessary supplementary information as follows:

A. Identification and Description:

1. Proposed name of subdivision--The County Recorder shall verify that names shall not duplicate or too closely resemble names of existing subdivisions.
2. Location of boundary lines in relation to a known section, quarter-section or quarter-quarter section lines comprising the legal description of the property.
3. Names and addresses of all persons having interest, the owners, developers, designer and surveyor together with his registration number.
4. Graphic scale on minor subdivision, not less than one (1) inch to one hundred (100) feet. If multiple plan sheets to show minor subdivision are required at one (1) inch to one hundred (100) feet, then the scale may reduced to one (1) inch to two hundred (200) feet.
5. North Arrow.
6. Date of preparation.
7. Total approximate acreage of total development, roads and lots.
8. Vicinity map

B. Existing Land Conditions:

All existing conditions within the tract shall be shown and clearly labeled and should include, at a minimum, the following:

1. Streets (including names) railroad right-of-ways, and utility easements.
2. Boundary lines, ownership, zoning and use of adjoining land.
3. Sewers, water mains, culverts or other underground facilities.
4. Permanent buildings and structures.
5. Ordinary High Water Level shown on minor subdivision, if available.
6. Contour levels of two (2) foot intervals up to the building line or bluff impact zones, whichever is greater and ten (10) foot intervals to the minor subdivision boundary.
7. All streams, creeks, ponds, wetlands, and flowage rights shall be correctly located, plainly shown, and designated on the plan. Source and date of information and, when available, the normal pool elevation, highest known peak elevation and current pool elevation. This information is usually available from the Minnesota Department of Natural Resources, Division of Waters Hydrographic Section, the United States

- Army Corps of Engineers, or the Cass Soil and Water Conservation District.
8. Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water course, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
 9. Statement regarding source of domestic water supply; near-shore emergent aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities
 10. Toe of bluff, top of bluff and bluff impact zone.
 11. Existing Utility lines, underground and overhead.
 12. General physical and development conditions within 300 feet immediately adjoining the lot, from existing information.

C. Proposed Subdivision Design Features:

1. Building setback lines shall be shown together with proposed building sites and two (2) proposed sewage treatment sites.
2. Easements
 - a. Easements as needed for drainage will be provided to accommodate the surface and storm water runoff and watershed flowage. The effect proposed roads and buildings, etc., have on surface water runoff and the proposed handling of this drainage shall be shown on the plan or discussed in accompanying documentation. A stormwater control permit may be required from the Minnesota Pollution Control Agency. A copy of that permit, when required, will be submitted to the ESD Department.
 - b. Easements as needed for public utilities will be provided and shown on the minor subdivision. Location of these utilities is normally within the roadway right-of-way. Should additional easements be necessary they will be determined by the subdivider's surveyor in consultation with appropriate public officials, the utility companies, and the developer and shown on the minor subdivision.
3. Location and width of pedestrian ways.
4. Districts proposed for nonresidential use and areas intended to be dedicated or reserved for public use shall be shown, including dimensions and area. Due consideration shall be given to the allocation of areas, suitably located and of adequate size, for playgrounds and parks for local or neighborhood use as well as public service areas.
5. Block:
 - a. Block Length - In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Where no existing minor subdivisions control, the blocks in the residential subdivisions should not exceed one thousand eight hundred (1,800) feet nor be less than four hundred (400) feet in length, except where topography or other conditions justify a departure from these limits. Where lake lots are concerned, crossroad development shall apply only to development beyond the first tier next to the public water (i.e. compliance with the crossroad configuration cannot result in an otherwise undesired water access.
 - b. Block Width - The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth unless it adjoins a railroad, highway, arterial street or shoreline and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots. In these cases with the exception of

residential uses, the lot width or depth shall be at least twenty-five (25) feet greater than minimum requirements. Blocks intended for business or industrial use shall be of such width as to be considered most suitable of their respective use including adequate space for off-road parking and deliveries.

D. Lots:

1. Areas - All lots shall meet all requirements of the Cass County Land Use Ordinance. Pursuant to the Cass County Individual Sewage Treatment System Ordinance, each lot must include sufficient area for two (2) sewage treatment systems.
2. Corner Lots - for residential use, shall have additional width to permit appropriate building setback from both roads.
3. Side Lot Lines - Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. Frontage - Every lot must have at a minimum, thirty-three (33) feet of frontage on a public road and have access to that road.
5. Lot Remnants (residue) - All remnants of lots below minimum required lot size, left over after subdividing of a large tract, must be added to adjacent lots, rather than allowed to remain as unusable lots, unless identified as an Outlot.
6. Frontage on Roads - Double frontage or lots with frontage on two (2) parallel roads shall not be permitted except where lots back on arterial roads or highways, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have additional depth of at least twenty (20) feet in order to allow space for screen planting along the back lot lines.

E. Access Lots:

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of riparian or nonriparian lots within subdivisions are permissible if the following standards can be met:

1. They must meet the width and size requirements for residential lots in the respective lake class, and be suitable for the intended uses of controlled access lots.
2. Lake access does not impact critical fish or wildlife habitat.
3. Controlled access lots shall provide lake or river access for up to six (6) riparian or non-riparian lots. If access for more than six (6) lots is to be allowed, then the width and area of the lot must be increased by 25% for each additional lot served beyond six (6). Permanent watercraft storage shall be limited to one watercraft per lot served.
4. The landward end of all docks must meet a 10 foot setback from the nearest lot line. Docks must be placed so that no portion extends across the projection of the setback from side lot lines into the lake, and so as not to block access from an adjacent property to open water.
5. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
6. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or other enjoyment of normal property rights by adjacent property owners. Examples of insignificant

conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

F. Roads:

1. Roads - Except for cul-de-sacs, roads shall connect with existing easement or roads already dedicated in adjoining or adjacent subdivisions or provide for future connections to adjoining subdivided tracts or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of thoroughfares and roads shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served and its surroundings. All roads, including access by easement, must meet the criteria established for the appropriate road category in Cass County Road Specifications(See appendix B). Certified construction plans shall be required.
2. Dead end roads are prohibited but cul-de-sacs shall be permitted where topography or the physical conditions justify their use.
3. Cul-de-sacs shall have a terminal turn around which shall be provided at the closed end, with a turn around of a minimum outside right-of-way diameter of one hundred twenty (120) feet and a radius of sixty (60) feet.
4. Road plans for future subdivision - Where the minor subdivision to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
5. Temporary cul-de-sac - In those instances where a road is terminated pending future extension in conjunction with future subdivision, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. The temporary cul-de-sac must be maintained and left in place until the future extension is completed.
6. Road intersections - Roads shall be laid out so as to intersect as nearly as possible at right angles. No road intersection angle shall be smaller than 70 degrees or greater than 110 degrees. The minimum separation distance between road intersections shall be 125 feet, or the minimum separation distance prescribed by the adjacent road authority, whichever is greater.
7. Subdivision abutting right of ways – When required by the County Engineer, subdivisions containing or adjacent to any public road right of way must include provisions for controlled access, including but not limited to a marginal access roads approximately parallel to the boundary of such right of way, and shared or joint driveways.
8. Service access - Service access shall be provided in commercial and industrial areas for off road loading, unloading and parking consistent with and adequate for the uses proposed.
 - a. Except where justified by special conditions, such as the continuation of an existing alley in the same block, alleys will not be approved in residential

districts.

- b. Alleys - dead end alleys may be approved, if adequate turn around facilities are provided at the closed end.
9. Half roads - Dedication of half roads shall not be considered for approval except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of those regulations or where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided. The minimum right-of-way width is thirty three (33) feet. Provisions must be included to insure that when adjacent property is subdivided that an additional 33 feet of right-of-way is dedicated.
10. Road grade - Except, when upon the recommendation of the County Engineer, that the topography warrants a greater minimum, the grades in all streets, thoroughfares, collector roads, local roads and alleys in any subdivision shall not be greater than ten (10) percent, if deemed necessary, by the ESD Department.
11. The road arrangements shall not be such as to cause hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.
12. Road right-of-way radius - The minimum road right-of-way radius shall be the same as specified for the road right-of-way width.
13. Reverse curves - Minimum design standards for collector and arterial roads shall comply to Minnesota State Aid or AASHTO Standards.
14. Road right-of-way width – (See Cass County Road Standards in Appendix B).
15. When a cartway is used, the following apply:
 - a. Ten (10) foot wide utility and drainage easement abutting right-of-way for benefit of lots and placement of utilities must be shown on each lot.
 - b. Shall not be used if:
 1. Road is to be considered a through road to adjacent potentially developable property.
 2. Topography does not allow construction within limits.
16. Roads with less than a sixty six (66) foot right-of-way or roads that cannot meet road design specifications shall be private roads with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without the acquisition of additional right-of-way shall be recorded on the minor subdivision and in the covenants and restrictions.
17. Road and 911 Signs - It shall be the subdivider's responsibility to contact the County 911 Coordinator to assign minor subdivision road names and 911 address for proposed lots.

G. Erosion and sedimentation control:

No structure shall be placed in any areas which will require grading and filling which results in the impairment of public waters by reason of erosion and sedimentation, violation provisions of statewide standards and criteria for management of flood plain areas of Minnesota or result in the impairment of fish or aquatic life.

H. Protected areas:

1. Where land proposed for subdivision is deemed environmentally sensitive by the ESD Department due to the existence of wetlands, drainage ways, water courses and flood-prone areas, the design of said subdivision shall clearly reflect all necessary adverse environmental impact.

2. Based upon the necessity to control and maintain certain sensitive areas, the ESD Department shall determine whether said protection would be accomplished through lot enlargement and redesign, easement, or dedication of those sensitive areas in the form of outlots.
3. In general, measures of protection shall include solutions that allow for construction and grading, involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into lots within the proposed subdivision, the subdivider shall be required to demonstrate that the proposed design will not result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the minor subdivision boundary.
4. No minor subdivision shall be designed so as to impact a significant cultural or historical site. Lot designs shall accommodate setbacks required in Section 1501 of the Land Use Ordinance for Cass County, Minnesota.

I. Park Land:

1. Private open space for park and recreation purposes can be provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision.
2. Private open space for water and sewer purposes can be provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision.

IV. PLANS WITH COVENANTS

The standards and requirements of these regulations may be modified by the ESD Department in the case of plans, which in the judgment of the ESD Department, achieve substantially the objectives of this ordinance and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

V. FINAL MINOR SUBDIVISION

1. SUBMISSION

A. Unless an extension of time is requested by the subdivider and granted by the ESD Department, the subdivider shall within one (1) year following the approval of the preliminary minor subdivision and at least twenty five(25) days prior to the next regular review session, submit to the ESD Department:

1. Nine(9) copies of the final minor subdivision for distribution. In addition, if any changes are made after the preliminary minor subdivision, one (1) copy indicating final buildable areas, wetlands, setbacks, bluff areas for each lot shall be also submitted. Eight (8) of the above copies shall be a minimum of 20 by 30 inches in size. One (1) of the copies shall be a minimum of 11 by 17 inches in size.
2. Financial Guarantee, if applicable, as per Section 7.04.04 of the Cass County Subdivision and Platting Ordinance

B. The ESD Department shall consider final minor subdivisions on the first Wednesday of

each month unless that date falls on an official county holiday or is otherwise changed by notice.

C. Submissions of electronic versions of the final minor subdivision are not required but may result in a reduction in application fees as determined by the ESD Department. The ESD Department shall, at the subdivider's request, make available the specifications for data compatibility and a schedule of fee reductions.

2. DISTRIBUTION OF COPIES

The ESD Department shall, at least twenty three (23) days prior to the meeting at which action by the ESD Department will be taken, refer submitted materials to the following:

- A. Two (2) prints to the ESD Department.
- B. Three (3) prints to the County Surveyor
- C. One (1) print to the County Engineer
- D. One (1) print to the Township Board
- E. One (1) print to the Minnesota Department of Transportation
- F. One (1) print to the Minnesota Department of Natural Resources

3. REPORTS

Reports shall be submitted to the Environmental Services Department as follows:

- A. The County Surveyor shall state whether the final minor subdivision conforms to applicable Cass County Subdivision regulations and Minnesota Statutes.
- B. The Cass County Engineer shall state whether the final minor subdivision and proposed improvements conform to applicable road standards, including requirements of the Minnesota Department of Transportation, if applicable.
- C. The Environmental Services Department shall state whether the final minor subdivision conforms to the preliminary minor subdivision approved by the ESD Department and incorporates all changes that might have been requested by the ESD Department.

4. IMPROVEMENTS

- A. No final minor subdivision shall be approved without certification that the improvements described herein together with the agreements and documents required under this Article of the Ordinance meets the requirements of the County. The County Auditor-Treasurer shall certify that all fees required by the County in connections with the plat have been paid.
- B. The ESD Department require the subdivider to submit proof of financial assurance in the amount equal to the estimated cost of the improvements unless the PC finds that a lesser or greater amount is reasonable under the circumstances. The financial assurance bond shall be in force for one (1) year following the final acceptance of any required improvements.
- E. Reproducible "as built drawings" shall be required by the County Engineer and shall be furnished to the County by the subdivider of all required road improvements. Such "as built drawings" shall be certified to be true and accurate by a registered engineer or surveyor. At a minimum, said drawings shall contain the following:

1. A centerline profile at a minimum of 100 foot stations and such intermediate points to indicate changes in grade, together with showing the constructed provisions for centerline crossings by storm water.
2. Typical cross-sections indicating widths, crown, ditch separation and finished surface type and thickness.

F. All the required road improvements to be installed under the provisions of this ordinance shall be approved by and subject to the inspection of the County Engineer. All of the County's expenses incurred as the result of the required improvements shall be paid either directly, indirectly or be reimbursed to the County by the subdivider.

G. Monuments: Monuments shall be installed prior to signature of the final minor subdivision by the ESD Department unless specifically excepted.

H. Road Improvements:

1. Roads shall be constructed in accordance with the road specifications outlined in the Cass County Road Standards.
2. All roads shall be improved in accordance with the standards and specifications for road construction as required by the Cass County Engineer, or Township.

I. Sanitary Sewer and Water Distribution Improvements:

1. Where there is an existing public water supply on or near the subdivision, the local municipality furnishing such services and the ESD Department shall determine the feasibility of services and the requirements to be followed by the subdivider in connecting to the system. Where there is no existing public water supply, individual water supply systems may be permitted in accordance with the minimum standards of the Minnesota Department of Health and Cass County.
2. Sanitary sewer and water facilities, where required, shall be installed in accordance with the standards and specifications as required by the Minnesota Pollution Control Agency and Cass County. Soil information must be included to determine suitability for building and ISTS.

J. Railroad Crossings: No road dedications will be accepted which require a crossing of a railroad unless sufficient land, as determined by recommendation of the road authority engineer, is dedicated to insure a safe view.

5. APPROVAL

A. After review and approval by the ESD Department, the final minor subdivision shall be recorded within one (1) year unless an extension of time is requested by the subdivider and granted by ESD Department. The minor subdivision will not be approved by the ESD Department until all requirements of this ordinance have been met.

B. Special Assessment - When any existing special assessments which has been levied against the property described as divided and allocated to the respective lots in the proposed minor subdivision, the Cass County Auditor shall estimate the clerical cost of preparing a revised assessment roll, filing the same and make such division and allocation, and upon approval by the County Board of Commissioners of such cost, the same shall be paid to the Auditor before the final minor subdivision approval.

6. GENERAL PROVISIONS

Provisions of Minnesota Statutes, Chapter 505, as amended, and such final minor subdivision

shall contain the following information:

- A. Name of subdivision, which shall not duplicate or too closely approximate the name of an existing subdivision. This shall be verified in writing by the County Recorder.
- B. Location by section, township, range, county, and state and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final minor subdivision shall be one (1) part in seventy five hundred (7,500).
- C. The location of monuments shall be shown and described on the final minor subdivision. Locations of such monuments shall be shown in reference to existing official monuments, including true angles or bearings and distances to such reference points or monuments.
- D. Location of lots, roads, public highway, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the minor subdivision on the ground shall be shown from all angle points of curve to lot lines.
- E. In accordance with Minnesota Rules, Chapter 7080, a State certified site evaluator must identify two sewage treatment system sites, and evaluation documents must be submitted with the final minor subdivision.
- F. Lots shall be numbered clearly. Blocks are to be numbered clearly in arabic numerals in the center of the block.
- G. The exact locations, width and names of all roads to be dedicated. Road names shall not duplicate the names of other streets or roads in the community or township in which the subdivision is located.
 1. Location, width and purpose of all easements to be dedicated.
 2. Name and address of the surveyor making the minor subdivision.
 3. Scale of minor subdivision (the scale to be shown graphically on a bar scale).
 4. Statement dedicating all easements shall be shown on the minor subdivision.
 5. Statement dedicating all public roads and the public areas shall be shown on the minor subdivision.
 6. A vicinity map, drawn at a scale which permits the depiction of the found, restored, or established controlling corners, and the directions and distances necessary to properly determine the boundaries of the minor subdivided area.

7. CERTIFICATIONS AND RECORDING

A. Recording Final Minor subdivision - If the final minor subdivision is approved by the ESD Department, the subdivider shall record it within one hundred twenty (120) days after said approval, or approval of the final minor subdivision shall be considered null and void, unless a request for time extension is submitted in writing and approved by the ESD Department.

B. No land use permits shall be allowed for construction on any lot in said minor subdivision until the County has received evidence of the minor subdivision being recorded in the office of the County Recorder.

C. The following certifications are required:

1. Certification by a licensed professional surveyor in the form required by Section 505.03 Minnesota Statutes as amended.
2. Execution by all owners of any interest in the land, or any holders of a mortgage thereon of a certification shall include a dedication of the utility easements and other public areas in such form as approved by the ESD Department.
3. Certificate of Title Insurance or an attorney's opinion certifying that marketable

title exists, together with proof of a current abstract of title for abstract property; or proof of a certificate of title, registered property abstract, or certificate of condition for torrens property.

4. A statement indicating any change in fee ownership that occurs during the minor subdivision proceedings before the date of the meeting of the County Board at which the final minor subdivision is submitted for approval.

5. The subdivider must provide copies to the County Recorder at the time of recording as prescribed in the Cass County Recorder's Minor subdivision Document Specifications.

6. The subdivider is referred to the ESD Department for an up-to-date example of an acceptable instrument of dedication and acknowledgments.

7. Space for certificate of approval and review to be filled in by signature of the Environmental Services Department Director, Environmental Services Department Deputy Director, County Surveyor, and Township Board Chairman, if the affected township is exercising its authority under Minnesota Statutes, Chapter 505.09. The forms of approval are as follows:

Approved by Cass County, Minnesota:

This _____ Day of _____, 20__

Signed: _____
Insert Current Name, Environmental Services Department Director

Attest: _____
Insert Current Name, Environmental Services Department Deputy Director

Insert Current Name, Cass County Surveyor

Insert Current Name, Township Board Chairman (per MN. Stat., Chap. 505.09)