

ORDINANCE #2006-04**

CASS COUNTY

**SUBDIVISION AND
PLATTING ORDINANCE**

CASS COUNTY, MINNESOTA

Effective date: November 10, 2006

****--Incorporating Amendments made by:**

**Ordinance #2009-02
EFFECTIVE DATE: March 1, 2009**

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.

1.025 INCORPORATION BY REFERENCE:

The following are hereby incorporated by reference: the current version of the Land Use Ordinance for Cass County, Minnesota; Cass County Individual Sewage Treatment System Ordinance, Minnesota Statutes, Chapters 505, 508, 508A, 515, 515A and 515B.

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 unincorporated areas of Cass County, Minnesota and those incorporated areas by mutual agreement.

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 Article 3.01.04 that are less than 10 acres, or lots created under Article 3.03 shall be reviewed 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 application.

1.05 SEVERABILITY

If any article, subarticle, 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.

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 REPEALOR

Cass County Ordinance #2004-02 is 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 Article 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

See Cass County Environmental Definitions Ordinance #2007-04.

ARTICLE 3 - SUBDIVISION METHODS

3.01 METES AND BOUNDS AND CERTIFICATE OF SURVEY CONVEYANCES:

No metes and bounds conveyances shall be recorded in the office of the County Recorder without a certificate of survey from a licensed professional surveyor except for the following:

- 3.01.01 A trust in existence before August 15, 2002 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 of record in the Office of the County Recorder.
- 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.

3.015 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., The number of new lots created from any one lot existing as of August 15, 2002 does not exceed four, including the 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 article 3.04, or certificate of survey in accordance with this article. The division of a lot, other than an outlot, into four or fewer lots shall be allowed with a certificate of survey provided all of 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, except for boundary line adjustments.
- 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, and a certificate of survey drawn to scale is prepared that is suitable for recording.
- E. At a minimum, a 33 foot road easement providing access to a publicly maintained 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, delineated wetlands (provide a copy of the delineation report), ordinary high water level, 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 the Cass County Individual Sewage Treatment System Ordinance, two sewage treatment system sites shall be identified by a State licensed ISTS site evaluator, and evaluation documents are submitted to the ESD Office at the time of transfer.
- H. Before recording and after all County fees have been paid, a statement must be received from the ESD Department as to whether the proposed subdivision meets the requirements of article 3.03.
- I. Further subdivision of lots created under this section shall be done as a plat in accordance with Articles 4 through 7 of this ordinance and heard by the PC.
- J. No land use permits shall be allowed for construction on any lot(s) created under this Article until the ESD Department has received evidence of the lot(s) being recorded in the office of the County Recorder.

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. Minor subdivisions shall be processed using the procedures in articles 4 through 7 of this ordinance except the PC and public hearing requirements.

- 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 the Cass County Individual Sewage Treatment System Ordinance, and;
- D. The minor subdivision does not impact significant cultural or historical sites, and;
- E. Lot designs shall accommodate setbacks required in Section 1126 of the Land Use Ordinance for Cass County, Minnesota, and;
- F. No variances are required or requested, and;
- G. The minor subdivision shall not divide or replat an outlot, and;
- H. The minor subdivision shall not create a planned unit development, and;
- I. Permanent easements are created in favor of Cass County under Minnesota Statutes, Chapter 84C that protect all wetlands from any future draining or filling.
- 3.04.04 All roads within the minor subdivision shall meet applicable Cass County road specifications unless site specific conditions allow an alternative design.
- 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 forty (40) calendar days from the date of notice expressing their recommendations.
- A. If no report is received within forty (40) 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 Unless an extension is granted by the Department, 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.
- 3.04.12 Further subdivision of lots created under this section shall be done as a plat in accordance with Articles 4 through 7 of this ordinance and heard by the PC.

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 of Survey is prepared and attached as an exhibit to said transfer. A resulting less conforming lot or lot residue is not allowed.

3.06 NO LAND USE PERMITS ISSUED BEFORE RECORDING

No land use permits shall be allowed for construction on any lot(s) created under this Article until the ESD Department has received evidence of the lot(s) being recorded in the office of the County Recorder.

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 signed copy of the pre-application checklist as written authorization from the Environmental Services Department to proceed with the preparation of a preliminary plat. This checklist 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 40th day prior to the public hearing when the preliminary plat is to be heard by the Planning Commission:
 - A. One (1) copy of the subdivision application.
 - B. Fourteen (14) copies of the Preliminary Plat including a vicinity map.
 - C. Fourteen (14) copies of proposed protective covenants, if any.
- 4.03.02 Thirteen (13) of the above copies of the preliminary plat 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.
- 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.
- 4.03.04 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.

4.04 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, Leech Lake Band of Ojibwe, State Historic Preservation Officer, local fire department, 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. 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, Leech Lake Band of Ojibwe, State Historic Preservation Officer, local fire department, 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 as will, in its judgment, preserve the general intent and objectives of Cass County ordinances.
- 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 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, and also 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. Approve the preliminary plat with conditions to be satisfied prior to submittal of the final plat, or;
 - E. Deny the preliminary plat and state in writing the reasons for denial.
- 4.06.05 Per Minnesota Statutes, Chapter 505.09, Subd. 1a., the PC shall not approve a plat in a township that has a township planning commission unless the Town Board of the township first approves the plat.
- 4.06.06 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.
- 4.06.07 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 variance from the Cass County Board of Adjustment in accordance with the procedures in section 805 of the Land Use Ordinance for Cass County, Minnesota to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.
 - 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.
- 5.01.03 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.
- 5.01.04 Outlots created after August 15, 2002 through the platting process must have a stated purpose as defined in Article 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.
- 5.01.05 All planned unit developments must meet all the regulations of Section 1116 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 and type of subdivision--The County Recorder shall verify that names shall not duplicate or too closely resemble names of existing subdivisions

and under which statute the plat will be recorded.

- 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 an interest, including 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 with physical features such as lakes, rivers and roads, with access to the plat indicated.

5.02.02 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. Highest known water level and Ordinary High Water Level shown on plat, if applicable.
- 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, delineated wetlands (provide a copy of the delineation report), 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.
- I. Near-shore conditions including emergent aquatic vegetation, and water depth to a depth of five feet or 100 feet lakeward of the OHW, whichever comes first.
- 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 of the lot, from existing information.
- L. Phase I archeological report based on the standards included in the document entitled, "SHPO Manual for Archeological Projects in Minnesota", published in July, 2005 by the State Historic Preservation Office, which is incorporated by reference.

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. 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.
3. Permanent easements are created under Minnesota Statutes, Chapter 84C that protect all wetlands from any future draining or filling.
4. Perpetual easements are created that acknowledge the pre-existence of adjacent agricultural uses, extractive uses, the Camp Ripley Military Reservation, or gun/shooting ranges, where applicable. (see Appendices C-1, C-2, C-3, or C-4 respectively)

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 –All platted lots shall meet all requirements of the Land Use Ordinance for Cass County, Minnesota.
- B. Pursuant to the Cass County Individual Sewage Treatment System Ordinance, each lot must include sufficient area for two (2) sewage treatment systems.
- C. Where there is an existing public water supply adjacent to 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.
- D. Corner Lots - for residential use, shall have additional width to permit appropriate

- building setback from both roads.
- E. Side Lot Lines - Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
 - F. Lot Frontage - Every lot must have at a minimum, thirty-three (33) feet of frontage on an approved road with at least a 33 feet right-of-way, and have access to that road.
 - G. 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 or designated as outlots.
 - 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: Access lots must comply with the provisions of Section 1113.4 of the Land Use Ordinance for Cass County, Minnesota.

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 within plats and minor subdivisions shall meet the criteria established for the appropriate road category in Cass County Road Specifications (See appendix B) unless site specific conditions allow an alternative design. 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, island turnarounds, and "T" turnarounds shall be permitted where topography or the physical conditions, number of lots served, and use warrant them. The local road authority must approve such designs if the roads are to be publicly maintained.
- 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 turn 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 approved by the County Engineer due to site specific conditions, the grades in all streets, thoroughfares, collector roads, local roads and alleys in any subdivision shall not exceed ten (10) percent.
- 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:
1. 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.
 2. Shall not be used if:
 - a. Road is to be considered a through road to adjacent potentially developable property.
 - b. 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.

- S. 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.

5.02.10 Erosion and sedimentation control:

- A. Erosion control and stormwater management plans must be developed and must:
1. Be designed and construction managed to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, infiltration areas, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface waters. Erosion control plans must be approved by the Department.
 2. Be designed and constructed to effectively manage a 50 year storm event.
 3. Have a stormwater management plan developed by a Registered Professional Engineer. The hydrologic models and design methodologies used for determining runoff characteristics, and their specifications, assumptions, and computations for the plan submitted for review must be signed by the design Engineer. The stormwater management plan must include the following:
 - a. Construction must use best management practices, which achieve a reduction of 80 percent of the sediment load carried in runoff on an average annual basis until the construction site has undergone final stabilization. The use, storage, and disposal of chemicals, cement, or other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport into lakes, rivers, or wetlands.
 - b. After construction, best management practices shall be designed, installed, and maintained to control total suspended solids, peak discharge, and promote infiltration. Peak runoff discharge rates shall be reduced to pre-development conditions for the 2-year, 24-hour design applicable to the site. Post-development runoff infiltration shall equal pre-development infiltration. Plats shall be designed to contain a 50-year, 24-hour storm event with the development area comparable to natural, pre-development conditions. Best management practices include but are not limited to porous pavement, filter strips, swales, infiltration basins, disconnected impervious areas, and rain gardens.
 4. Have an MPCA Stormwater Permit if construction results in the disturbance of one or more acres.
 5. Natural swales, depressions, steep slopes, and topsoil shall be preserved. Alterations to these areas may only be permitted in conjunction with erosion control, stormwater management, and vegetation management plans that are approved by the Planning Commission and effectively implemented.
 6. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Natural Resources Conservation Service.
 7. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 8. Fill or excavated material must not be placed in bluff impact zones.

9. Any alterations below the ordinary high water level of public waters shall be authorized by the commissioner under Minnesota Statutes, Chapter 103G.245 and 103G.405 prior to the commencement of any work.
10. Alterations of topography shall only be allowed if they do not adversely affect adjacent or nearby properties.

5.02.11 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 1126 of the Land Use Ordinance for Cass County, Minnesota.

5.02.12 Parks:

- 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. If a park is dedicated as open space, water and sewer facilities may be located within the designated park to serve the proposed subdivision.

ARTICLE 6 - EXCEPTIONS FROM REQUIREMENTS

6.01 SUBDIVISION PHYSICAL CONSTRAINTS

Exceptions from the requirements of these standards shall be processed as variances by the Board of Adjustment according to the procedures in section 805 of the Land Use Ordinance for Cass County, Minnesota. Any such variances shall be approved before the PC gives final plat approval.

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. Fourteen (14) 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, meeting the standards in Article 5.02 and indicating final buildable areas, wetlands, setbacks, bluff areas for each lot, shall also be submitted. 13 of these copies shall be a minimum of 20 by 30 inches in size. 1 of the copies shall be a minimum of 11 by 17 inches in size.
- B. Certificate of Location of all government corners referenced

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 final 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) working 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) working 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 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
- C. 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 recording 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 recorded 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 connection with the plat have been paid.
- 7.04.04 The Department shall require the subdivider to submit proof of financial assurance in the amount equal to the estimated cost of the improvements unless the Department finds that a lesser or greater amount is reasonable under the circumstances. The financial assurance may be in force for one (1) year following the final acceptance of any required improvements as determined by the Department.
- 7.04.05 Monuments shall be installed prior to recording of the final plat unless a delay of up to one year is approved by the PC with financial assurance of \$100 per monument not set..
- 7.04.06 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 Cass County Engineer or Township.

7.05 APPROVAL

- 7.05.01 The final plat together with the reports required in article 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.
- 7.05.04 Further subdivision of lots created under this section shall be done in accordance

with Articles 4 through 7 of this ordinance and heard by the PC.

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 Minnesota

Statutes, Chapter 505.03 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. 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.
- E. Plats--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)

- F. Minor Subdivision Plats--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__

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 - PENALTY

Misrepresentation of construction, supervision, or inspection of improvements.

8.01 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.

8.02 The Cass County Board of Commissioners and the Environmental Services Department are responsible for the administration of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements by a landowner or their agent, including violations of or failure to comply with conditions and safeguards established in connection with the approval of lot subdivisions, minor subdivisions or plats shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes. Each day of a violation of this ordinance or each day that a failure to comply with any requirements of this ordinance continues shall constitute a separate offense. The Cass County Environmental Services Department and the Cass County Sheriff shall have the power to enforce this ordinance by issuing citations for criminal violations of this ordinance upon the owner of a property and/or their agent. Cass County, through the Environmental Services Department may sue for injunctive relief on any violation, including restoration of the premises to its condition existing prior to the violation.

ARTICLE 9 – AMENDMENTS

9.01 Amendments

- A. The County Board of Commissioners, the Department, or any person owning real estate within the county may, upon their own motion, initiate a request to amend the text of this Ordinance.
- B. Procedures
 - 1. Requests for ordinance amendment shall be filed in writing with the County Board.
 - 2. The County Board shall refer such ordinance amendment requests to the Department for review and drafting of amendment language. The Department shall refer the draft amendments to the Planning Commission for public hearing. The Planning Commission shall provide notice and review the draft amendments in accordance with the provisions of applicable statutes and their adopted Rules of Business.
 - 3. Not more than 60 days from the receipt of the Planning Commission's recommendation, the Board shall schedule a second public hearing. The Board shall provide notice and review the draft amendments in accordance with the provisions of applicable statutes and their adopted Rules of Business.
 - 4. Following their public hearing, the Cass County Board shall make a report of its decision to approve or deny the amendments within thirty (30) days. The enactment of any changes shall take effect no sooner than thirty (30) days after the date of their approval.

ARTICLE 10 – 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 3rd day of October, 2006

Cass County:

Chairperson, Cass County Board

Attested to:

Cass County Administrator

Effective Date: **November 10,2006**

APPENDIX A

See Cass County Environmental Definitions Ordinance #2007-04.

APPENDIX B-- CASS COUNTY ROAD SPECIFICATIONS

A. DESIGN CRITERIA

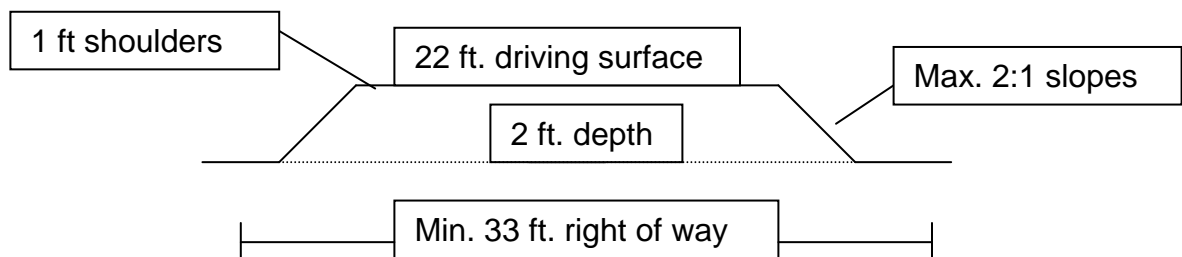
| FUNCTIONAL CLASS | ROAD AUTHORITY | MINIMUM RIGHT-OF-WAY |
|------------------|--|----------------------|
| Local Road | County in unorganized township Township, Municipality, or Private | 66 feet |
| Cartway | Private | 33 feet |
| Frontage Road | County, County in unorganized Township, Municipality,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

B. REQUIRED CLASS 5 AGGREGATE ADDITION BY SUBGRADE SOIL TYPE

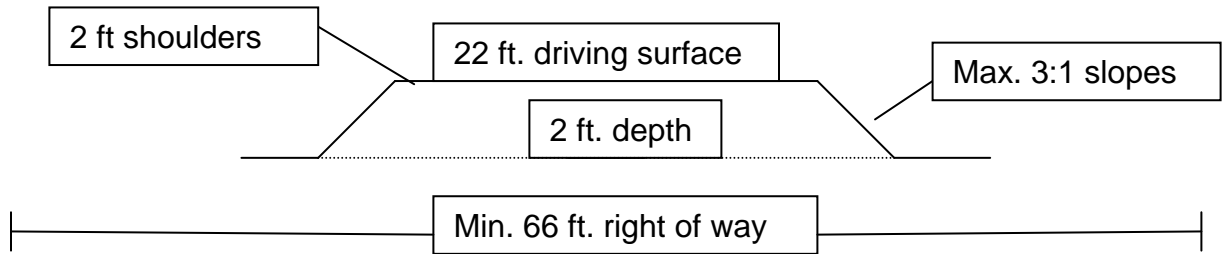
| SUBGRADE SOIL | SAND. GRAVEL | ALL OTHER SOILS |
|----------------------------------|--------------|-----------------|
| Aggregate surface or pavement | 4 Inches | 6 Inches |

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 unless site specific conditions allow an alternative design. 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-1—AGRICULTURAL MANAGEMENT EASEMENTS

AGRICULTURAL MANAGEMENT EASEMENT

PARCEL ID # _____ COUNTY _____

GRANTOR(S) NAME _____

GRANTOR(S) ADDRESS _____

LEGAL DESCRIPTION:

In accordance with the approval of the subdivision on the above described property, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated in an agricultural area and may be subjected to conditions resulting from commercial agricultural operations on adjacent lands. Such operations include the cultivation, harvesting, and storage of crops and livestock raising and the application of chemicals, operations of machinery, application of irrigation water, spreading of animal manure, and other accepted and customary agricultural activities conducted in accordance with federal and state laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary agricultural management activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

APPENDIX C-2—EXTRACTIVE USE EASEMENT

PARCEL ID # _____ COUNTY _____

GRANTOR(S) NAME _____

GRANTOR(S) ADDRESS _____

LEGAL DESCRIPTION:

In accordance with the approval of the subdivision on the above described property, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated near an extractive use area and may be subjected to conditions resulting from commercial extractive use operations on adjacent lands. Such operations may include digging, hauling, crushing, screening, and production of concrete or asphalt, conducted in accordance with federal, state, and local laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary extractive use activities legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dated this _____ day of _____, 20__.

Grantor

Grantor

STATE OF MINNESOTA }
 }
 } ss.
COUNTY OF _____}

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by

_____, Owner(s)

Signature of Person Taking Acknowledgment



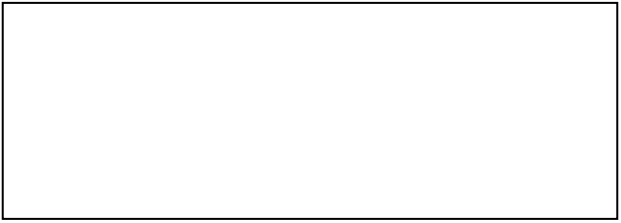
Notarial Stamp or Seal

STATE OF MINNESOTA }
 }
 } ss.
COUNTY OF _____}

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by

_____, Owner(s)

Signature of Person Taking Acknowledgment



Notarial Stamp or Seal

DRAFTED BY:

Cass County Environmental Services
PO Box 3000
Walker, MN. 56484

APPENDIX C-3—ARMY COMPATIBLE USE BUFFER AREA EASEMENT

PARCEL ID # _____ COUNTY _____

GRANTOR(S) NAME _____

GRANTOR(S) ADDRESS _____

LEGAL DESCRIPTION:

In accordance with the approval of the subdivision on the above described property, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated within the 3-mile Army Compatible Use Buffer Area of the Camp Ripley Military Reservation and may be subjected to conditions resulting from military training exercises on adjacent lands. Such exercises ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary military training exercises legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

IN WITNESS WHEREOF, the Grantors have executed this easement dated this _____ day of _____, 20__ .

Grantor

Grantor

STATE OF MINNESOTA }
 } ss.
COUNTY OF _____}

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by

_____, Owner(s)

Signature of Person Taking Acknowledgment



Notarial Stamp or Seal

STATE OF MINNESOTA }
 } ss.
COUNTY OF _____}

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by

_____, Owner(s)

Signature of Person Taking Acknowledgment



Notarial Stamp or Seal

DRAFTED BY:

Cass County Environmental Services
PO Box 3000
Walker, MN. 56484

APPENDIX C-4—GUN/SHOOTING RANGE EASEMENTS

GUN/SHOOTING RANGE EASEMENT

PARCEL ID # _____ COUNTY _____

GRANTOR(S) NAME _____

GRANTOR(S) ADDRESS _____

LEGAL DESCRIPTION:

In accordance with the approval of the subdivision on the above described property, Grantors grant to the owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated near a gun/shooting range and may be subjected to conditions resulting from normal use of the range on adjacent lands. Such uses ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary gun/shooting range operations legally conducted on adjacent lands which may conflict with Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

2. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.

3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement.

