

Hubbard County Subdivision Ordinance

July 13, 2006

Revised: March 26, 2009



Ordinance No. 35
Subdivision Ordinance of Hubbard County
July 13, 2006

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Subdivision Ordinance of Hubbard County, Minnesota

An Ordinance establishing regulations for the subdivision and platting of land within Hubbard County and without boundaries of municipalities, defining certain terms used herein, providing for the preparation of plats, providing for the installation of streets and roads, establishing procedures for the approval and the recording of plats, setting fees, and providing penalties for violation of this ordinance.

Section 1 General Provisions.

Subdivision A. Short Title.

This Ordinance shall be known as the “Subdivision Ordinance of Hubbard County, Ordinance No. 35,” and will be referred to hereafter as “this Ordinance”.

Subdivision B. Purposes and Intent.

This Ordinance is enacted for the following purposes to:

1. Protect and provide for the public health, safety, and general welfare of the County;
2. Safeguard the best interests of the public, the homeowner, the subdivider, and the investor;
3. Encourage well planned subdivisions by the establishment of uniform procedures and adequate standards for design and construction in order that new subdivisions will be integrated with the *Hubbard County Land Use Plan* and general plans of the community, thereby contributing toward an attractive, orderly, stable and wholesome community environment.
4. Establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land;
5. Implement land subdivisions in accordance with the *Hubbard County Land Use Plan*; and
6. Prevent the pollution of air, streams, and lakes; ensure the adequacy of drainage facilities; protect underground water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the County.

Subdivision C. Authority.

The County Board shall serve as the platting authority of the unincorporated areas of the County in accordance with Minnesota Statute Chapters 394 and 505, as may be amended. No plat or replat shall be filed or accepted for filing by the County Recorder office unless adopted by the affirmative vote of the majority of the County Board approving the plat or replat, except as provided in this Ordinance.

Subdivision D. Jurisdiction.

This Ordinance shall apply and be binding upon all plats and subdivisions of land, including registered land surveys and conveyances by metes and bounds, in the area of Hubbard County, Minnesota, located outside the incorporated limits of municipalities, and outside a two mile area adjoining any municipality that has adopted subdivision platting regulations to unincorporated territory located within two miles of its limits. The subdivider should be aware of all municipality regulations concerning this area. Any persons wishing to subdivide a single tract into two or more tracts shall do so only in accordance with the provisions of this Ordinance.

Subdivision E. Compliance.

No subdivision or plat shall be recorded in the County Recorder's office or have any validity unless the subdivision has been prepared, approved, and acknowledged in accordance with the provisions of this Ordinance. No subdivision shall be approved if a violation of any Hubbard County Ordinance exists on the parcel that is the subject of the subdivision application at the time of such application.

Subdivision F. Zoning Permits and Improvements.

No zoning permits shall be issued by the County for the construction of any ISTS, sign, or improvement to the land or to any lot in a subdivision or plat until all requirements of this Ordinance have been complied with. The County shall not allow any improvements to be installed unless the preliminary plat is approved.

Subdivision G. Conflict.

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other official regulations, resolutions, or ordinances the highest standards shall apply. It is not the intent of this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions except these specifically repealed by, or in conflict with, this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of other ordinances, contract, or deed, the provisions of this Ordinance shall control.

Subdivision H. Savings Clause.

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

Subdivision I. Minimum Requirements.

The requirements listed in this Ordinance shall be construed as minimum requirements and the County Board shall have the authority to impose additional, reasonable standards to protect the public's health, safety and general welfare.

Section 2 General Subdivision Procedures.

Subdivision A. Platting Required.

1. Except for divisions of property as provided in Section 4, all subdivisions of land regulated by this Ordinance shall be platted in accordance with the procedures of Section 5 of this Ordinance.
2. Whenever any subdivision or plat of land is proposed and prior to an application for a ISTS permit for a structure within a proposed subdivision is granted, the subdivider shall apply for and receive approval of a subdivision in accordance with the procedures of Sections 4 and 5 of this Ordinance.

Subdivision B. Variances

1. A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use.
2. The Board of Adjustment may approve a variance from any of the provisions of this Ordinance where it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal.
3. The Board of Adjustment may approve variances from this Ordinance, provided the variances will not have the effect of nullifying the intent and purpose of this Ordinance or the *Hubbard County Land Use Plan*. Further, the Board of Adjustment shall not approve or disapprove variances unless it makes findings based upon the evidence presented in each specific case that:
 - a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
 - b. The conditions upon which the request for variance is based are unique to the property for which the variance is requested and are not applicable generally to other property.
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out.
 - d. In granting any variance, the Board of Adjustment may impose conditions that it finds necessary or desirable to effect the purposes of this Ordinance and to protect the public interest.
4. Application Required.
 - a. A completed application for a variance from this Ordinance shall be submitted by the applicant on a form provided by the Environmental Services Office and acted on by the Board of Adjustment before a preliminary plat application is submitted for consideration to the County. The application shall be complete when the applicant has complied with the following requirements:
 - 1.) A written and/or graphic description of the variance request including an

explanation of the reason the variance is required, the hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the *Hubbard County Land Use Plan*.

- 2.) All other required items listed on the variance application form that must be submitted with the application form to constitute a complete application.
- 3.) A fee established by resolution of the County Board.
- b. The Environmental Services Officer shall notify the applicant within fifteen (15) business days of submittal if the application is incomplete.
- c. The notice, review and public hearing of the variance request shall follow the same procedures as found in Section 1104 of the *Hubbard County Shoreland Management Ordinance 17*.

Section 3 Rules and Definitions.

Subdivision A. Rules.

For the purpose of this Ordinance, certain terms and words are defined, as follows.

1. The present tense includes the future tense;
2. The singular number shall include the plural and the plural the singular;
3. The word shall is mandatory, and the word may is permissive; and
4. The masculine gender includes the feminine and neuter genders.

Subdivision B. Definitions.

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

Access – A way of approaching or entering property without trespassing upon another person's property.

Alley – A public road and associated right of way used as a service access to the rear or side of the property that is not intended for general traffic circulation.

Attorney - A person licensed by the State of Minnesota to practice law.

Auditor - Hubbard County Auditor.

Block – An area of land within a subdivision that is entirely bounded by right of way, or by right of way and the exterior boundary or boundaries of the subdivision, a public park, or a combination of the above with a river, stream or lake.

Board of Adjustment – The Hubbard County Board of Adjustment.

Build-out Plan – A subdivision or resubdivision concept plan illustrating possible future lot layout, and road networks for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

Certificate of Survey – A document prepared by a registered land surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.

County – Hubbard County, Minnesota.

County Board – The Hubbard County Board of Commissioners.

Cross Walk - A public right-of-way which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Cul-de-sac – A road with only one outlet that contains an area at the end to allow vehicles to turn around.

Design Standards – Minimum requirements for the preparation and layout of plats and associated required improvements.

Easement – The right to use the land of another owner for a specified use, such as the construction and maintenance of utilities, roadways, parks and pedestrian trails, individual sewage treatment systems, drainage, driveway, or other uses.

Engineer – A person licensed by the State of Minnesota to practice engineering who has been engaged by the County Board.

Environmental Services Officer – The Hubbard County Environmental Services Officer or authorized representative.

E911 Coordinator – The Hubbard County Emergency 911 Coordinator.

Final Plat – A drawing or map of a subdivision, meeting all of the requirements of the County and Minnesota State Statutes regarding the platting of land and in a form that is recordable with the County Recorder's office.

Financial Guarantee – A financial security posted with the County with the approval of a final plat of development contract, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the County.

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.

Hubbard County Land Use Plan - The policies, statements, goals, and interrelated plans for private and public land and water use, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

ISTS – Individual sewage treatment system.

Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels by its description; a numbered parcel in the lot and block description of platted property.

Lot, Butt - A lot located at the end of a block, excluding the two corner lots.

Lot, Corner - A lot located at the intersection of two (2) streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty five (135) degrees. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.

Lot, Through - Any lot other than a corner lot, which abuts more than one street.

Lot Area – The total area within the lot lines of a lot, excluding any part below the ordinary high water level. On lakes with Minnesota Department of Natural Resources and/or Hubbard County established ordinary high water levels, lot area is the area of land within the lot lines of a lot, excluding any part below the established ordinary high water level.

Lot Depth – The mean horizontal distance between the front lot line and rear lot line.

Lot Line, Non-platted – A property boundary line of a non-platted lot.

Lot Line, Platted – A property boundary line of a platted lot, except any portion of the lot that extends into the abutting road or alley.

Lot Line, Front - For a riparian lot, be it platted or non-platted, the front lot line is that line indicating the ordinary high water level. For a nonriparian platted lot, a front lot line is a line dividing a lot from any public or private road, except a limited or controlled access road to which the lot has no access. For a nonriparian non-platted lot, the front lot line is a property boundary line that can either abut a public or private right of way or extend or wholly be located within an abutting public or private right of way.

Lot Line, Rear – The lot line opposite and most distant from the front lot line.

Lot Line, Side – Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

Lot Remnant – An irregular parcel of land that serves no purpose and is not in conformance with County ordinances. Remnants of a lot pattern should not be called “outlots” merely because they are less than minimum lot size. Any lot remnant must be attached to the adjoining lot.

Lot Width, Non-Shoreland – The mean horizontal distance between side property lines of a lot located outside the jurisdictional area of the Hubbard County Shoreland Management Ordinance.

Lot Width, Non-Riparian Shoreland - The shortest distance between lot lines measured at the mid point of the building line on a non-riparian lot located within the jurisdictional area of the Hubbard County Shoreland Management Ordinance.

Lot Width, Riparian Shoreland - The shortest distance between side lot lines measured at the building setback line on a riparian lot located within the jurisdictional area of the Hubbard County Shoreland Management Ordinance. This shall also be the minimum width abutting the ordinary high water level of the adjacent lake or river.

May - Means permissive.

Metes and Bounds – A method of property description prepared by a land surveyor registered in the State of Minnesota described by the direction and distance from an identifiable point of beginning.

Mn/DNR – Minnesota Department of Natural Resources

Mn/DOT – Minnesota Department of Transportation

Mn/PCA – Minnesota Pollution Control Agency

Non-Riparian Lot - A lot that does not abut public waters of the State.

Ordinary High Water Level - The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water (OHW) level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. For lakes with established ordinary high water level elevations set by the Minnesota Department of Natural Resources and/or Hubbard County, the established OHW elevation shall be the legal ordinary high water level for purposes of this ordinance.

Outlot – A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following:

- a. land that is part of the subdivision but is to be subdivided into lots and blocks at a later date;
- b. land that is to be used for a specific purpose as designated on the final plat, or
- c. other agreement between the Township or County and the subdivider; or for a public purpose.

Owner - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Person – A firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Commission – The Hubbard County Planning Commission

Plat – The drawing or map of a subdivision prepared for filing of record in accordance with Minnesota Statute Chapter 505 and containing all elements and requirements in this Ordinance pursuant to Minnesota Statute Chapters 394 and 505.

Preliminary Plat – A drawing or map of a proposed subdivision clearly marked “preliminary plat” meeting the requirements of this Ordinance.

Private Road – A road providing access to one or more lots which is not dedicated to or maintained by the public.

Protective Covenants – A restriction of the use placed upon the property by a present or former owner and recorded with the County Recorder office. The County will not be responsible to enforce private protective covenants.

Public Improvement – Any drainage facility, road, parkway, park, lot improvement or other facility for which the County or any other local government may ultimately assume the responsibility for maintenance and operation.

Recorder – The Hubbard County Recorder.

Registered Land Survey (RLS) – A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

Residential Lot Suitable Area - The minimum area on a residential lot or parcel of land that is the combination of:

1. the minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, all easements and rights-of-way, historic sites, wetlands, and land below the ordinary high water mark of public waters are subtracted for the purposes of placing structures; and
2. the area meeting or exceeding the site requirements of Minnesota Pollution Control Agency individual sewage treatment system rules, Chapter 7080, for the purpose of soil treatment or drainfield areas and future additional sites.

Resubdivision - A change in an approved or recorded subdivision plat if the change affects any street layout, area reserved for public use, or any lot line on the plat; or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right of Way – A strip of land occupied or intended to be occupied by a road, street, railroad, pedestrian/bicycle trails and utilities as authorized by the County Board or State law. Right of way intended for streets, water main, sanitary sewers, storm drains, pedestrian/bicycle trails or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which the right of way is established.

Riparian Lot - Any lot which is bounded on one or more sides by public waters frontage.

Road – An improved corridor and associated drainageways affording primary access to abutting properties for vehicles and pedestrians, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road, Collector – State and County roads that provide connections between cities and minor business concentrations within the County. Mobility and land access are equally important.

Road, Local – County, township, public, and private roads that serve the shortest trips and providing access to adjacent property.

Road Right of Way Width - The horizontal distance between the outside edges of a road right of way.

Shall - Means mandatory.

Sketch Plan – A drawing that shows the conceptual subdivision of property.

Subdivider – An owner, agent or person, individual firm, association, syndicate, copartnership, corporation, 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.

Subdivision – The division of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new public road is involved, any division of a parcel of land.

Surveyor - A person licensed by the State of Minnesota to practice land surveying.

Subdivision C. Abbreviations.

R = Radius of curve.

L = Length of curve.

T = Tangent of curve.

C = Chord of curve.

C. Brg. = Chord bearing.

= Central angle.

ADDITION

ADD.

POINT OF COMPOUND CURVATURE

P.C.C.

AUDITOR

AUD.

POINT OF REVERSE CURVATURE

P.R.C.

AVENUE

AVE.

POINT OF TANGENCY

P.T.

BLOCK

BLK.

RANGE

R.

BOOK

BK.

REGISTERED LAND SURVEY

R.L.S.

BOULEVARD

BLVD.

RIGHT-OF-WAY

R.O.W.

CENTER LINE

C.

ROAD

RD.

CIRCLE

CIR.

RAILROAD

R.R.

COUNTY	CO.	RAILWAY	RY.
COURT	CT.	SECTION	SEC.
CURVE	CUR.	STREET	ST.
DOCUMENT	DOC.	SUBDIVISION	SUBD.
DRIVE	DR.	TERRACE	TERR.
GOVERNMENT	GOVT.	TOWNSHIP	TWP.
HIGHWAY	HWY.	TRAIL	TR.
IRON PIPE	I.P.	VACATED	VAC.
JUDICIAL LANDMARK	J.L.M.		
LANE	LA.		
MONUMENT	MON.		
NUMBER	NO.		
OUTLOT	O.L.		
PAGE	PG.		
PARKWAY	PKWY.		
PLACE	PL.		
POINT OF CURVATURE	P.C.		
HUBBARD COUNTY STATE AID HIGHWAY			C.S.A.H.
PRINCIPAL MERIDIAN			P.M.
BENCH MARK			B.M.
UNITED STATES COAST AND GEODETIC SURVEY			U.S.G.S.
MEAN SEA LEVEL DATUM			M.S.L.D.
DEPARTMENT OF NATURAL RESOURCES			D.N.R.
CAST IRON MONUMENT			C.I.M

Section 4 Administrative Subdivisions.

Subdivision A. General Requirements.

1. The provisions of this Section shall only apply to those subdivisions classified as Administrative Subdivisions as described as follows.
 - a. The following shall be considered an Administrative Subdivision:
 - 1.) The exchange of abutting land between owners, the addition of land to an existing lot or the relocation of the boundary line between two abutting, existing parcels of property, provided that:
 - a.) the exchange, addition or relocation does not create an additional lot, and
 - b.) any conforming lot prior to the exchange, addition of land, or boundary line relocation remains conforming after the exchange and complies with all provisions of this Ordinance or the Hubbard County Shoreland Management Ordinance, as applicable, and any nonconforming lot prior to the exchange, addition of land, or boundary line relocation becomes more conforming with one or more of the provisions of this Ordinance or the Hubbard County Shoreland Management Ordinance, as applicable, after the exchange, addition of land, or boundary line relocation.
 - 2.) The subdivision of a lot located outside the Hubbard County Shoreland Management Ordinance jurisdictional area into lots each equal to or greater than five (5) acres in size (which may include public and private road right-of-way) provided that:
 - a.) each lot shall have legal access to an existing public road right-of-way via a minimum 33-foot wide ingress and egress easement.
 - 3.) In the Hubbard County Shoreland Management Ordinance jurisdictional area, the following subdivisions may be allowed:
 - a.) A lot may be subdivided into two lots each less than five acres in size, or into five lots each five acres or more in size. No more than five such lots in combination may be created without platting.
 - b.) All lots created within the Shoreland Management Ordinance jurisdictional area shall comply with the Shoreland Management Ordinance minimum lot size requirements.
 - c.) Each lot shall have legal access to an existing public road right-of-way via a minimum 33-foot wide ingress and egress easement.
2. Any subdivision regulated by this Ordinance that is not an Administrative Subdivision as specifically described in subpart 1 above shall be considered a Platted Subdivision.
3. Lots within a Administrative Subdivision shall be described by Government Subdivision, recorded plat, or metes and bounds. No metes and bounds conveyances shall be allowed without an accompanying certificate of survey from a licensed professional surveyor.

Subdivision B. Administrative Subdivision Procedure

1. The applicant shall submit an application for approval of an Administrative Subdivision to the Environmental Services Officer that includes the following:
 - a. A completed application on a form provided by the Environmental Services Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for an Administrative Subdivision.
 - b. Two (2) copies of a map or sketch, prepared by a registered land surveyor when describing a metes and bounds description by certificate of survey, containing the following information:
 - 1.) The original property description and the proposed legal descriptions of the proposed lots.
 - 2.) Proposed new property lines with the dimensions noted.
 - 3.) Proposed legal descriptions for providing a recorded minimum 33-foot wide ingress and egress easement from an existing public road right-of-way to each lot created by the subdivision that does not already have such legal access to an existing public road right-of-way.
 - c. Name and address, including telephone number, of the property owner, the subdivider, and surveyor (when appropriate).
 - d. Any other information as required by Hubbard County.
2. The Environmental Services Officer shall approve the Administrative Subdivision when the applicant complies with the Ordinance and is consistent with the *Hubbard County Land Use Plan* and any other official controls of the County.
3. The Environmental Services Officer shall act on the Administrative Subdivision within twenty (20) days of submittal of a complete application, unless a delay is agreed to by the subdivider in writing.
4. If the Environmental Services Officer is satisfied that such proposed division as described in Subdivision B, Item 1 is not contrary to applicable platting and subdividing regulations, the Environmental Services Officer shall have the authority to approve said divisions.
 - a. In the case of disapproval, the Environmental Services Officer shall contact the applicant and state the reasons for such disapproval in writing.
 - b. In the case of approval, the Environmental Services Officer shall indicate that such proposed division complies with this Ordinance.

Section 5 Platting Procedure.

No land platted under the jurisdiction of this Ordinance may be recorded or sold until the subdivision process described in this Section is completed. This process consists of: a preapplication meeting between the applicant and the Planning Commission or its authorized representative; the submission and review of preliminary and final plats by the Planning Commission and Hubbard County Board of Commissioners; and the approval of the final plat by the Hubbard County Board of Commissioners. No plat may be created which contains any public roads or public easements contained in any other plat, unless and until such roads or easements have been vacated from such existing plat.

Subdivision A. Sketch Plan Review.

1. Prior to the submission of a preliminary plat to the Hubbard County Planning Commission under the provisions of this Ordinance, the subdivider shall meet with the appropriate township board and the Environmental Services Officer to introduce himself/herself as a potential subdivider, and learn what shall be expected of him/her in such a capacity. (S)he shall also present a sketch of the proposed subdivision containing: his/her proposed lots and roads; and the physical features of the property. The sketch plan shall be signed and dated by the applicant.
2. The sketch plan and accompanying information shall serve as the basis for informal discussion between the subdivider and the staff. Submission of a sketch plan shall not constitute formal filing of a subdivision plat with the County. The Environmental Services Officer will informally advise the subdivider of the extent to which the proposed subdivision conforms to the standards of County Ordinances and will discuss possible plan modifications as necessary to ensure conformance with this Ordinance.
3. The Environmental Services Officer shall review the sketch plan to determine if environmental review documents must be completed in accordance with Minnesota Rules 4410.0200 – 4410.7800. If environmental review is required, the Environmental Services Officer shall notify the subdivider of this requirement.

Subdivision B. Preliminary Plat.

1. Application Requirements: Following Sketch Plan Review, the subdivider shall submit the following to the Environmental Services Officer:
 - a. A completed application on a form provided by the Environmental Services Office, and documents demonstrating the subdivider has sufficient interest in the property to apply for a subdivision.
 - b. Twenty-one (21) copies no smaller than 22 inches x 34 inches and eleven (11) 11 x 17 inch copies of a preliminary plat and supporting documentation of the proposed subdivision containing information required in Subdivision C of this Section, together with declarations, protective covenants, or restrictions, if any. The Subdivider shall be required to furnish additional copies if requested.
 - c. A subdivision fee established by resolution of the County Board.
 - d. Completed environmental review documents as required by law.
 - e. The Environmental Services Officer shall notify the subdivider if the application is found incomplete and shall identify the items required to complete the submittal.

2. The Environmental Services Officer shall distribute copies of the complete application and preliminary plat to the following agencies for review and comment at least thirty (30) days prior to consideration by the Planning Commission and County Board:
 - a. Mn/DOT, if abutting a state or federal highway, or access is requested from a state or federal highway.
 - b. County Engineer, County Surveyor, County Auditor, County Board, and County Recorder.
 - c. The affected Board of Township Supervisors, and
 - d. Any other agency, such as the Soil and Water Conservation District and watershed districts, deemed appropriate by the Environmental Services Officer.
3. Each of these agencies will examine the preliminary plat, and return its comments and criticisms to the Environmental Services Office within thirty (30) days. If no reply is received within thirty (30) days, the plat will be presumed to have preliminary approval of the agency not replying. The written general comments by the Town Board of the township involved should be received before the Planning Commission gives its approval of the preliminary plat. In the absence of such written comments by the Town Board, the Planning Commission may act at their own discretion.
4. Public Hearing Required.
 - a. The Environmental Services Officer shall set a date for a public hearing on the plat and submit the complete application, preliminary plat and comments from any agency listed above to the Planning Commission.
 - b. Notice of the public hearing stating the date, time, and location of the hearing before the Planning Commission; a description of the request to be heard; and the address or location of the property to be subdivided shall be:
 - 1.) published in the official newspaper of the County, a minimum of ten (10) days prior to the hearing.
 - 2.) written notice of the public hearing shall be mailed to property owners within ½ mile of the property to be subdivided, a minimum of ten (10) days prior to the hearing.
5. Planning Commission Hearing and Action.
 - a. The subdivider shall appear before the Planning Commission to answer questions pertaining to the application and preliminary plat.
 - b. The Planning Commission may request the subdivider to submit additional information to properly consider the plan before or after the hearing.
 - c. The Planning Commission shall determine whether the preliminary plat conforms to the standards established within this Ordinance and the *Hubbard County Land Use Plan*.
 - d. The Planning Commission shall recommend that the County Board approve, approve with modifications or deny the preliminary plat. If approval is not recommended to the County Board, the subdivider shall be notified of the reason for denial. The recommendation shall be forwarded to the County Board for consideration.

6. County Board Consideration and Action.
 - a. The County Board shall act on the preliminary plat within 120 days of submittal of a complete application, unless a delay is agreed to by the subdivider in writing.
 - b. The County Board shall approve, approve with modifications, or deny the preliminary plat and any subdivider requests for posting financial guarantees in lieu of constructing proposed public roads prior to final plat application.
 - c. If the County Board approves the preliminary plat, the subdivider shall proceed to complete a final plat in accordance with the requirements of this Ordinance.
 - d. Approval of a preliminary plat at by the County Board assures the general acceptability of the layout. Subsequent approval by the County Board will be required of a final plat as outlined in Subdivision D.
 - e. If the final plat has not been approved by the County Board within one year of preliminary plat approval, the preliminary plat shall be void, unless a request for a time extension is submitted by the subdivider and approved by the County Board.

Subdivision C. Preliminary Plat Requirements.

In addition to the requirements of Minnesota Statutes, Chapter 505, plats submitted for approval shall include, at a minimum, the following:

1. Identification and Description.
 - a. The proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any other plat recorded in the County.
 - b. Legal description of the property.
 - c. Names and addresses of the property owners, the subdivider, and surveyor, engineer or designer of the plat.
 - d. A copy of the deed for the property to be platted or a valid purchase agreement showing the subdivider has legal standing in the property.
 - e. A north arrow and a graphic scale that is not less than 1inch to 200 feet.
 - f. Vicinity map of area showing geographical points for orientation within a ½ mile radius of the property.
 - g. Date of preliminary plat preparation.
2. Existing Features and Conditions.
 - a. The outside boundary line survey and legal description of the property to be subdivided.
 - b. The total acreage of the property to be subdivided.
 - c. Location, right of way width and names of existing or platted streets or other public roadways; parks and other public lands; permanent buildings and structures including utility poles; public and private easements or other encumbrances and their purpose; section lines and township boundaries within the property to be subdivided and adjacent properties up to 100' beyond the outside boundary of the property to be subdivided.

- d. All contiguous land owned or controlled by the owner of the property to be subdivided.
 - e. Topographic data showing contour intervals of two (2) feet or ten (10) feet within the boundaries of the property to be subdivided as determined necessary by the County Board.
 - f. Water courses, drainageways, lakes, and wetlands delineated in accordance with the Wetland Conservation Act.
 - g. The ordinary high water mark shall be shown on plats that have riparian lots within the jurisdiction of the Hubbard County Shoreland Management Ordinance. When an ordinary high water level elevation has been established on a waterbody by the Minnesota Department of Natural Resources and/or Hubbard County, this elevation shall be shown on plats that have riparian lots within the jurisdiction of the Hubbard County Shoreland Management Ordinance.
 - h. Hubbard County Soil Survey soil types classified and shown on the preliminary plat.
 - i. Description of the vegetation on the property drawn, depicted, and labeled on the preliminary plat.
 - j. Other information as required by Hubbard County.
3. Proposed Features and Conditions.
- a. Proposed lot and block layout, lot lines and dimensions including acreage and residential lot suitable area shown in measurement units of feet to the nearest 1/100 foot and acreage to two decimal places respectively, and lot and block numbers of all new lots.
 - b. Proposed uses and densities of all lots within the subdivision including public areas, drainage areas, common open space, and outlots.
 - c. The location and general design of individual access from lots within the subdivision to public roads.
 - d. Location, right of way, and width of all proposed roads and pedestrian/bicycle trails. A description of planned short and long-term road maintenance responsibility.
 - e. Location, right of way and width of road easement extensions to adjacent properties.
 - f. Location and width of proposed easements.
 - g. Individual Septic Treatment System site evaluations submitted by a State of Minnesota licensed designer showing room on each proposed lot for a primary and alternate septic treatment system and these system areas be shown to scale on a copy of the preliminary plat.
 - h. If the entire property will not be developed, a sketch showing how the remaining property can be subdivided and how access will be provided.
 - i. The naming and numbering of streets shall be in accordance with the Hubbard County Enhanced 911 Ordinance.
 - j. Other information as required by Hubbard County.

Subdivision D. Final Plat.

1. The final plat shall be in substantial compliance with the preliminary plat and shall incorporate all of the conditions of the County Board approval of the preliminary plat.
2. The subdivider shall file the final plat no later than one (1) year from the date of approval of the preliminary plat by the County Board or the preliminary plat shall become void unless a request for a time extension is submitted by the applicant and approved by the County Board.
3. Application Requirements: The subdivider shall submit the following to the Environmental Services Officer:
 - a. A complete application on a form obtained from the Environmental Services Office.

Two mylar copies of the final plat at a minimum scale of two hundred (200) feet to the inch, along with seventeen (17) 22 x 34 inch paper copies and twelve (12) 11 x 17 inch paper copies of the final plat that meets the requirements of subpart 4 of this Subdivision. These copies shall conform substantially to the preliminary plat, as approved by the County Board.
 - b. The Environmental Services Officer shall notify the subdivider if the submission is found incomplete and shall identify the items required to complete the submittal.
4. Final Plat Review
 - a. Planning Commission Review.
 - 1.) The Environmental Services Officer shall submit the application, final plat and requirements and comments of the County staff to the Planning Commission.
 - 2.) The Planning Commission shall review the final plat within sixty (60) days after receipt of the final plat and all supporting documentation for compliance with the preliminary plat approval by the County Board. In the event of problems identified with the plat, the subdivider will be notified of the time and place of the Planning Commission meeting at which (s)he, or a designee, will appear. Such hearing shall be conducted in accordance with MS 394.26 to consider the recommendation to the County Board concerning final plat approval.
 - 3.) Following the recommendation of approval or disapproval of the final plat by the Planning Commission, the Environmental Services Officer shall notify the subdivider of the recommendation made by the Planning Commission. If approval of the final plat is recommended, such plat shall be considered within thirty (30) days by the County Board of Commissioners. If disapproval is recommended, the subdivider may opt to withdraw the plat from consideration by the County Board and resubmit said plat to the Planning Commission after appropriate changes have been made.
 - 4.) A report of the Planning Commission recommendation shall be provided to the County Board.
 - b. County Board Action.
 - 1.) The County Board shall act on the Final Plat within thirty (30) days of the date the Planning Commission recommends final plat approval.

- 2.) The County Board shall consider conformance of the final plat to the preliminary plat approval, the design standards of this Ordinance, the comments and recommendations of the County staff, the Planning Commission recommendation, and Minnesota State Statutes. The County Board of Commissioners may either approve or disapprove the final plat based upon the recommendation of the Planning Commission and any other information that the Board deems appropriate.
5. Final Plat Recording
 - a. Plat approval shall be null and void if the plat is not filed with the County Recorder within thirty (30) days after the date of approval, unless an application for extension has been made to the County Board, and such extension is granted.
 6. Final Plat Data and Requirements.
 - a. The form and content of the final plat shall conform to the *Minnesota Land Surveyors Association Plat Manual* of Minnesota Guidelines and Chapter 505 of Minnesota State Statutes and meet all requirements and laws of the State of Minnesota.
 - b. Other data, certificates, affidavits, and endorsements that may be required by the County Board.
 - c. Any financial guarantees required in lieu of road construction prior to final plat application as approved by the County Board shall be submitted to the Environmental Services Office in a form satisfactory to the County Board. The time period required for the completion of the road construction shall be specified in the resolution approving the final plat and shall be incorporated into the financial guarantee.
 - d. Be approved in writing by a licensed land surveyor, other than the land surveyor who prepared said plat, as to the mathematical correctness and its conformity to Minnesota platting regulation.
 - e. Be approved in writing by the County Engineer if the property access enters upon a county highway or by a state highway engineer if the property access enters upon a state highway.
 - f. A signed written letter shall be submitted by the subdivider certifying that the constructed public road(s) meet all the requirements of this Ordinance. Written approval of the constructed public road(s) from the Environmental Services Office is also required.
 - g. Stormwater Discharge Permit: If the proposed plat development requires a State of Minnesota Pollution Control Agency Stormwater Discharge Permit, the subdivider shall furnish a copy of the issued permit and accompanying stormwater pollution prevention plan.
 - h. Be approved in writing by a Minnesota attorney that proper title rests in the names of the developers.
 - i. For proposed plats located within those townships that have a Township Planning Commission, a copy of its signed approval must be submitted by the developer.

Section 6 Design Standards

Subdivision A. Land Requirements.

1. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis 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 County.
2. Proposed subdivisions shall be designed to take into account the surrounding properties, natural features, environmental conditions and public access to allow for coordinated, attractive and efficient development within the County.
3. Proposed development shall conform to the *Hubbard County Land Use Plan*.

Subdivision B. Lots.

1. Each new lot created under the platting process located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area shall meet a minimum lot requirement of 150-feet in average width and have an area of no less than 2.25 acres (98,010 square feet). This area shall not include the public road right-of-way square footage. Each lot must also have a minimum residential lot suitable area of 49,000 square feet with 50 percent of the residential lot suitable area being contiguous.
2. For lots created in sewered areas located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area, each lot must contain a minimum lot size of 30,000 square feet with an average of 100-feet of width. This area shall not include the public road right-of-way square footage. Each lot must also have a minimum residential lot suitable area of 20,000 square feet with 50 percent of the residential lot suitable area being contiguous. Sewered lot area dimensions can only be used if publicly and/or commonly owned sewer system service is available on the property.
3. As the Hubbard County Subdivision Ordinance is currently silent on commercial lots located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area, if a township has enacted a land use ordinance that specifies the size of lots within a commercial district located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area to be less restrictive than the Hubbard County Subdivision Control Ordinance minimum lot size requirements, Hubbard County shall accept the township's commercial lot size requirements for commercial lots located outside of the Hubbard County Shoreland Management Ordinance jurisdictional area.
4. Each new lot created under the platting process located within the Hubbard County Shoreland Management Ordinance jurisdictional area shall meet the Hubbard County Shoreland Management Ordinance minimum lot size requirements.
5. Side lot lines shall be approximately at right angles to street lines or radial to curved streets unless environmental or topographic conditions require different dimensions.

6. Every lot must have at least 75 feet of frontage on a public road or approved private road and have adequate legal access to a public road.
7. Every lot must have a minimum of four lot lines consisting of the following: one front lot line, one rear lot line, and two side lot lines.
8. All remnants of lots below the minimum lot size shown within the property to be subdivided shall be added to adjacent lots, unless a plan for the use of the remnant is approved by the County Board.
9. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open space. No zoning permits shall be issued for outlots unless approval has been obtained by the County Board. Outlots must have a stated purpose.
10. No lot within a subdivision shall extend over a political boundary or school district line.

Subdivision C. Blocks.

1. Block Length - In general, intersecting street and roads, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets and roads. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed thirteen hundred twenty (1,320) feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks for commercial use should normally not exceed six hundred (600) feet in length.
2. Block Width - The width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for commercial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subdivision D. Roads

1. The arrangement of roads shall include consideration to the reasonable circulation of traffic within the subdivision and adjacent existing and future supporting road networks, topographic and environmental conditions, storm water drainage, to public convenience and safety, and the proposed uses of the area to be served.
2. Where new streets extend adjoining streets, their projects shall be at the same or greater width, but in no case less than the minimum width required herein. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions or shall be a reasonable projection of roads in the nearest subdivided tracts.

3. Cul-de-sacs are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board. Cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with an outside curb or shoulder radius of at least fifty (50) feet and a right-of-way radius of not less than sixty-six (66) feet.
4. Where the subdivision includes only part of the property owned or intended for development by the subdivider or owner, a build out plan illustrating the proposed future road system for the unsubdivided portion may be prepared and submitted by the subdivider or owner.
5. When a lot within a subdivision is large enough to be further subdivided, the lot may be so arranged as to permit the logical location and openings of future roads and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
6. Roads shall be designed to intersect at approximately right angles, except where topography, environmental or other conditions justify variations.
 - a. The minimum angle of intersection of roads shall be sixty (60) degrees.
 - b. Road intersection jogs with an offset of less than 125 feet shall be avoided.
7. The minimum right of way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right of way widths as determined by Mn/DOT and/or the County Engineer and as allowed by law:

Major Collector Road	100 feet
Minor Collector Road	100 feet
Local Road	66 feet
Cul-de-sac turn-around	132 feet
8. No public street connection shall be located within a turn lane to another public street or a private driveway.
9. All plats proposing to access any county road right-of-way shall be reviewed and approved by the Hubbard County Engineer.
10. Platted roads shall be either private or public per the following requirements:
 - a. Private roads
 - 1.) Shall be conveyed as outlots on the final plat with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without official acceptance by the proper road authority shall be recorded on the plat in the dedications and in the covenants and restrictions.
 - 2.) Shall have a minimum 66 foot wide right of way.

b. Public roads

- 1.) Shall be dedicated to the public on the final plat.
- 2.) Shall have a minimum 66 foot wide right of way.
- 3.) Shall comply with all provisions of Appendix A.
- 4.) Shall be constructed by the subdivider and subsequently approved by the County prior to final plat application except when a subdivider:
 - a.) Requests and receives approval from the County Board during preliminary plat consideration to post a financial guarantee per Section 7, Subdivision A, Item 3 prior to final plat application in lieu of the requirement to construct and receive approval on proposed public roads within the plat prior to final plat application.

11. Road names shall be approved by the E911 Coordinator and shall not be similar to any other roadway within the County.

12. All platted subdivisions in which the plat does not abut and have legal access to an existing public roadway shall have a minimum 33 foot wide legal, recorded ingress and egress easement legally connecting the plat to the existing public roadway.

Subdivision E. Lot Access (Driveways)

1. Every lot must have adequate legal vehicular access to a public road or approved private road. Reserve strips and land-locked areas shall not be created.
2. All lots within the subdivision and adjacent properties shall be provided access from the subdivision roadway unless no road has been designed within the subdivision or the County Board finds that topography, environmental conditions or existing development prohibits access from the subdivision roadway.
3. No private access connection shall be located within a turn lane to a public road or another private driveway.
4. Turn lanes shall be provided as required by the County Engineer or Mn/DOT to improve safety.

Subdivision F. Easements.

1. Utility easements shall be provided in accordance with the following:
 - a. Utility easements at least twenty (20) feet wide shall be provided abutting or partially or wholly through each lot line, unless a greater width is required by the County Board.
 - b. Utility easements shall connect with easements established in adjoining properties, to the extent possible.
 - c. These easements, when approved, shall not thereafter be changed without the approval of the County Board, by ordinance, upon the recommendation of the Planning Commission.

2. On State and County roads, additional right of way shall be dedicated as required by Mn/DOT and/or the County Engineer.
3. Easements shall be shown or accompany the final plat and dedicated for the intended use.
4. Approved private road access must be legally described in all property subdivisions and recorded with the County Recorder.

Section 7 Installation and Maintenance of Basic Improvements.

Subdivision A. General.

1. All improvements required by this Ordinance shall be designed by the subdivider and installed at the expense of the subdivider.
2. All subdivision boundary corners, blocks and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the requirements of State law. All federal, state, County and other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in their precise position unless a relocation is approved by the responsible agency.
3. If the subdivider requested and was granted approval from the County Board for the option of posting a financial guarantee in lieu of constructing public roadway(s) within the subdivider's proposed plat prior to final plat application, the subdivider shall make a financial guarantee per the following requirements:
 - a. The financial guarantee shall be submitted prior to final plat application for an amount that is 200 percent of the estimated cost of the road(s) construction per a signed estimate submitted by a licensed and bonded contractor.
 - b. Said financial guarantee will be secured for an indefinite time period.
 - c. The subdivider will have 365 calendar days from the date of final plat approval by the County Board to construct the public roads in the plat, unless the County Board approves a different timeline in its motion to approve the financial guarantee.
 - d. If the roads are constructed by the subdivider and thence approved by the County within the County Board approved timeline, the County will release the financial guarantee to the subdivider.
 - e. If the roads are not constructed by the subdivider and thence approved by the County within the County Board approved timeline, the County will utilize the financial guarantee to properly construct the public roads in the plat.
4. Completed Improvements
 - a. Improvements within a subdivision that are completed after preliminary plat approval by the County Board may be accepted as the required improvements, subject to the review and approval by Hubbard County.

- b. Any financial guarantee for public improvements constructed per Section 6, Subdivision D, Item 9.d.4 shall not be released until:
 - 1.) The subdivider has certified to the Environmental Services Office that all public improvements are completed and comply with the Hubbard County Road Standards shown in Appendix A.
 - 2.) The public improvements are accepted by the County Board.

Subdivision B. Required Improvements.

- 1. Public Roadways. See Appendix A for an outline of minimum design standards and construction specifications.
 - a. All new public roads shall be constructed in compliance with all minimum design standards and constructions specifications in Appendix A.
 - b. Right turn lanes, left turn lanes, and/or bypass lanes shall be required on County or State roads providing access to a subdivision where Mn/DOT traffic counts, traffic speeds, turning movements and/or other considerations warrant such improvements to protect public safety.
- 2. Other Public Utilities.
 - a. All utility lines for telephone, cable and electric service shall be placed in lot easements.
 - b. Telephone, electric, cable and/or gas service lines shall be placed within easements so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

Section 8 Violations and Penalties

Subdivision A. Sale of Lots from Unrecorded Plats.

It shall be unlawful to sell, trade, or offer to sell, trade, or otherwise convey any lot or parcel of land within any subdivision unless the subdivision has been recorded in the County Recorder's Office.

Subdivision B. Receiving and Recording Unapproved Plats.

It shall be unlawful to receive or record in any public office any subdivision of land unless it has been approved by the Environmental Services Officer or the County Board.

Subdivision C. Misrepresentations Pertaining to Improvements.

It shall be unlawful for any person owning an addition or subdivision of land within the County to represent that any improvements within the addition or subdivision have been supervised, inspected, or constructed according to the approved plans when such actions have not occurred.

Subdivision D. Penalties.

This Ordinance shall be administered by the Environmental Services Officer.

Any person, firm, or corporation who violates any of the provisions of this Ordinance, fails to comply with any of the Ordinance provisions, or makes or submits any false statements in the required submittals, shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of an amount not to exceed that allowed by law and/or by imprisonment as allowed by law. Each day that a violation continues shall constitute a separate offense.

In the event of a violation or threatened violation of this Ordinance, the County Board, in addition to other remedies, may institute actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

Subdivision E. Validity.

If any section, subdivision or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.

Subdivision F. Amendments.

The County Board may introduce and consider amendments to this Ordinance as proposed by a Board member, by the Planning Commission, or by petition of a person residing or owning property within the County.

Subdivision G. Fees.

In order to defray the administrative costs associated with the processing of applications for amendments, subdivisions, and subdivision plat approval, a schedule of fees has been adopted by the Hubbard County Board of Commissioners. The schedule of fees shall be posted in the Office of Environmental Services, and may be altered or amended only by resolution of the County Board of Commissioners.

Subdivision H. Repeal of Existing Ordinance.

Hubbard County Subdivision Ordinance, Ordinance No. 35 as adopted July 5, 2006 is hereby amended and replaced by this ordinance.

Section 9 Effective Date

This Ordinance, as amended, shall be in full force and effect on March 26, 2009, after its passage and publication according to law.

Approved and adopted this 4th day of March, 2009.

Don Carlson, Board Vice Chair

ATTEST:

Jack Paul, County Coordinator

Published in the Northwoods Press, this 26th day of March, 2009.

Appendix A Public Road

TYPICAL GRADING SECTION

