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OFFICE OF COUNTY RECORDER
WADENA COUNTY, MINNESOTA

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SOLEDAD HENRIKSEN, COUNTY RECORDER

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415 SOUTH JEFFERSON STREET
WADENA, MN 56482

State of Minnesota)
County of Wadena)

I, Judy Taves, Auditor/Treasurer, in and for the County of Wadena, State of Minnesota, hereby certify that the attached is a true and correct copy of Wadena County Subdivision Controls Ordinance #4, as amended to May 3, 2016.

Dated at Wadena, Minnesota this 19th day of May, 2016.

Judy Taves, Auditor/Treasurer
Wadena County, Minnesota

**SUBDIVISION CONTROLS ORDINANCE #4
WADENA COUNTY, MINNESOTA**

(Amended 5/3/2016)

**AN ORDINANCE RELATING TO THE SUBDIVIDING OF LAND IN WADENA COUNTY LYING OUTSIDE
THE INCORPORATED LIMITS OF ANY CITY.**

The Board of County Commissioners of Wadena County does ordain:

SECTION I: GENERAL PROVISIONS

A. Title

This Ordinance from the date of its passage shall be entitled:
SUBDIVISION CONTROLS ORDINANCE, WADENA COUNTY, MINNESOTA

B. Purpose

The purpose of this Ordinance is to regulate the subdividing of land in Wadena County lying outside the incorporated limits of any city, having the powers of city pursuant to law, so that new subdivisions will be integrated with the development objectives of Wadena County and contribute to an attractive, stable and wholesome environment, adequate public services and an integrated and safe street and highway system.

C. Legal Authority

This Ordinance is enacted pursuant to "An Act Authorizing County Planning and Zoning Activities, Establishing a Board of Adjustment and Authorizing the Enactment of Official Controls," Chapter 559, Session Laws of Minnesota 1959, MSA 394.21 - 394.37 as amended.

D. Land Suitability

Each lot through subdivision, including planned unit developments, 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 features 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.

E. Consistency with Other Controls

Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivision will not be approved unless domestic water supply is available and a sewage treatment system can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

F. Platting

All subdivisions that create five or more lots or parcels that are 2 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

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SECTION II: DEFINITIONS

For the purpose of this Ordinance the following terms shall have the meaning hereinafter indicated in this section unless specifically stated otherwise:

A. Alley

Any strip of land publicly or privately owned not less than twenty (20) feet in width between property lines, set aside for public vehicular access to abutting property.

B. Arterial Street or Highway (primary)

A street or highway of considerable continuity designed primarily to serve as an intercommunication link between sectors of the County and beyond (such as from within a City to outlying areas).

C. Collector Street (secondary)

A street designed to serve the internal traffic circulation of a recognized land use area, which distributes and collects traffic from local streets and connects with Arterial Street and/or Highways.

D. Cul-de-sac

A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

E. Development Objectives

Those goals determined from time to time in plan or policy form as part of the County's comprehensive planning program which indicate how the County wishes to develop itself in line with orderly and logical direction.

F. Easement

A grant by an owner of land for the specific use of said land by the public, generally, or to a person or persons.

G. Final Plat

The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which will be submitted to the County Register of Deeds.

H. Forty Acres

Forty - the term "forty" as used in this Ordinance shall mean a quarter of a quarter section as determined by the use of sixteenth corners, generally 1320 X 1320 feet square.

I. Local Street (tertiary)

A street designed for access to abutting property and not intended to facilitate through traffic.

J. Lot

A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

K. Marginal Access Street

A minor street which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

L. 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 this Ordinance.

M. Preliminary Plat

The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

N. Subdivider

Any person commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another.

O. Subdivision

Subdivision means land that is divided for the purpose of sale, rent, and lease, including planned unit developments.

P. Board of Adjustment

The Board of Adjustment shall consist of at least three but not more than seven members, including at least one member from the unincorporated area of the county, whose appointment, term of office, or removal from the board shall be as provided in the ordinance creating the Board of Adjustment; provided that no elected officer of the county nor any employee of the Board of Commissioners shall serve as a member of the Board of Adjustment and that one member of such Board of Adjustment shall also be a member of any Planning Commission appointed under the provisions of Section 394.21 to 394.37. In an ordinance creating a three member Board of Adjustment, provisions may be made for one alternate member. The alternate board member shall, when directed by the Chairman, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the Chairman. The Chairman shall authorize alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. In the ordinance establishing the Board of Adjustment provisions may be made for removal of any member for nonperformance of duty or misconduct in office and for the filling of vacancies for any unexpired term. The regular and alternate members of such Board of Adjustment may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.

1. The Board of Adjustment shall elect a Chairman and Vice-Chairman from among its members and shall appoint a secretary who need not be a member of the board. It shall adopt rules for the transaction, findings, and determinations.
2. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the board in its rules of procedure may specify.

SECTION III: PROCEDURE

The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and preliminary plat has been reviewed by the Planning Commission, and until the final plat has been approved by the County Board as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses, or any combination or uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the County Board.

A. Pre-Application Meeting

1. Prior to the submission of any plat for consideration to the Planning Commission under the provisions of this Ordinance, the subdivider shall meet with the Zoning Administrator to introduce himself as a potential subdivider and learn what shall be expected of him in such capacity.

B. Petition for Rezoning

Prior to the submission of any plat the subdivider shall file a petition for rezoning accompanied by a map or sketch of the proposed plat if the area under consideration for platting is any Zoning District other than the R-1 Suburban Residence District. The Zoning Administrator shall then give proper notice and schedule a Public Hearing in accordance with the provisions of Section 21 of the Wadena County Zoning Ordinance No. 1.

C. Preliminary Plat

1. The subdivider shall submit to the Zoning Administrator sixteen (16) copies of a preliminary plat of his proposed subdivision, the requirements of which are set forth in this Ordinance. Said preliminary plat shall be submitted two (2) weeks prior to the next regularly scheduled Planning Commission meeting and shall be accompanied by a fee of Two Hundred Fifty and no/100ths Dollars (\$250.00) plus One Hundred and no/100ths Dollars (\$100.00) for each lot. This fee will cover normal costs to the County in administering this Ordinance. (Amended 9/1/03)
2. Within three (3) days of the receipt of the preliminary plat from the subdivider, the Zoning Administrator shall submit one (1) copy of the preliminary plat to the governing bodies of any city, the incorporated limits of which lie within two (2) miles of the proposed subdivision and to the Town Board of the township wherein the subdivision is proposed. In addition one (1) copy shall be retained by the Zoning Administrator and one (1) copy submitted to each of the following: County Attorney, Surveyor, Engineer, Assessor, Soil Conservation Service, the State Highway Department if required by law and to the Department of Natural Resources if required by law. Reactions to said plat shall be presented to the Planning Commission at the next regularly scheduled meeting.
3. The Planning Commission shall review the preliminary plat considering the reaction gained in 2. above and from the standpoint of public health and welfare, agriculture and residence and county planning. The Commission shall notify the owner or subdivider as to the time and place of the Planning Commission meeting at which he will be afforded an opportunity to appear.
4. If approved, the Planning Commission shall express its approval or conditional approval and state the conditions of such approval, if any; or if disapproved shall express its disapproval and its reasons therefore. Such approval or disapproval shall be transmitted to the County Board.
5. Approval shall mean the acceptance of the design and compliance with this Ordinance as a basis for preparation of the final plat, and its submittal to the County Board for approval.
6. Subsequent approval will be required by the County Board of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electric service, road gradients and widths and the construction of streets prior to the approval of the final plat by the Board. The Board may, after notifying the subdivider, employ qualified persons to check and verify such proposals, as provided by law, the cost of such services to be borne by the subdivider.

D. Final Plat

1. The owner or subdivider shall file with the County Zoning Administrator at least two (2) weeks before the next regularly scheduled County Board meeting seven (7) copies of the final plat which shall conform substantially to the preliminary plat as approved.

- a. Copies of final plats provided the Zoning Administrator shall be distributed as follows:

One (1) each to the County Auditor, Engineer, and Attorney; Two (2) to the County Surveyor, and one (1) copy of the mathematical closure of the plat, and one (1) shall be retained by the Zoning Administrator.

- b. The County Auditor, Attorney, Engineer, and Surveyor shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved by the Planning Commission and that it meets all ordinances and regulations of the County and State statutes.
 - 1. The County Officials shall return their plat copies to the owner or subdivider with any recommended changes or corrections by letter. A copy of all such letters shall be sent to the County Board of Commissioners. The owner or subdivider can then order the record copies printed in final form.
 - 2. The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion must conform to all requirements of this Ordinance.
 - 3. Following final approval or disapproval by the County Board, the Zoning Administrator shall notify the owner or subdivider of the Board's action.

SECTION IV: PRESENTATION REQUIREMENTS

A. Preliminary Plat

- 1. Scale: 1 inch equals 200 or larger when more detail is required.
- 2. Identification and Descriptions:
 - a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat here-to-fore recorded in the County.
 - b. Location by section, town, range or by other legal description.
 - c. Names and addresses of the owner, subdivider, surveyor and designer of the plan.
 - d. Graphic scale.
 - e. North-Point.
 - f. Date of preparation.
- 3. Existing conditions in tract and in surrounding area to a distance of 300 feet:
 - a. Boundary line of proposed subdivision clearly indicated.
 - b. Total approximate acreage.
 - c. Platted streets, railroad rights-of-way and utility easements.
 - d. Boundary lines and ownership of adjoining unsubdivided land.
 - e. Sewers, water mains, culverts or other underground facilities.
 - f. Permanent buildings or structures.
 - g. Topography, showing lakes, watercourses, marsh areas, and contours at vertical intervals of not more than two feet and such other information as soil types, if requested by the Planning Commission, to aid in

their review. All elevation data shall be mean sea level or some other assumed, workable datum, and all visible low and wet areas shall be shown by approximate location.

4. Subdivision Design Features:

- a. Layout and width of proposed streets and utility easements showing street names, lot and block numbers, lot dimensions, parks and other public areas. The name of any street heretofore used in the County shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider.
- b. Preliminary street grades and drainage plan shall be shown on a copy of the contour map if such is required and found to be necessary by the Planning Commission to aid in their review.
- c. Statement of proposed protective covenants, if any.
- d. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- e. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
- f. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
- g. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

B. Final Plat

1. Plans for the provision of safe and palatable water, sewage disposal, drainage and flood control.
2. Such information as found necessary for review and if requested by the Planning Commission.
3. Data required as set forth in Chapter 505, Minnesota Statutes, and also the following requirements:
 - a. All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lengths for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set or found.
4. An identification system for all lots and blocks.
5. The size (in square feet) and dimensions of all lots.
6. Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
7. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
8. Complete legal description.

9. Form for approval by the County Board: Approved by the Board of County Commissioners, Wadena County, Minnesota, this 7th day of March, 1975.
10. Surveying requirements of the final plat shall be under the regulation of the County Surveyor.
11. Title Opinion by a duly licensed attorney at law based upon an examination of an abstract or the records of the Register of Deeds or the Registrar of Titles for the lands included within the plat, and showing the title to be in the owner or subdivider. The date of continuation of the abstract examined, or the date of the examination of the records, shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the Register of Deeds or Registrar of Titles.
12. Form for approval by the County Attorney: I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution. Attorney for Wadena County
13. Approval by the County Surveyor shall be in the form of a letter to Wadena County stating that the plat map has been reviewed for mathematical closure and content to comply with Subdivision Controls Ordinance of Wadena County and Chapter 505 Minnesota Statutes. No field check of plat monumentation is required. (Amended 5/4/93)
14. Form for approval by the township:
This plat is hereby approved by the Town Board of the
Township of _____, MN. This _____ day of _____, 19 ____.

Chairman Clerk _____

SECTION V: DESIGN STANDARDS

Generally, design standards assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and that it be in conformity with the development objectives of the County.

A. Streets

1. General Street Design
The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters, and to the proposed uses of the areas to be served.
2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.
3. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provisions for the proper projections of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new street shall be carried to the boundaries of such undivided land.
4. Street Width and Grades
The following standards of street design shall be observed by the subdivider: Highway and Arterials (primary), Minimum Width (lot line to lot line) 100 to 300 feet, Maximum Grade 6%, Minimum Grade 0.5%; Collectors (secondary) Minimum Width (lot line to lot line) 80 feet, Maximum Grade 8%, Minimum Grade 0.5%; Locals (tertiary), Minimum Width (lot line to lot line) 66 feet, Maximum Grade 10%, Minimum Grade 0.5%.
5. Reverse Curves
Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

6. Local Streets

Local streets shall be so aligned that their use by through traffic will be discouraged.

7. Street Jogs

Street jogs with centerline offset of less than 150 feet shall be avoided.

8. Street Intersections

Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than ten (10) degrees. It must be evidenced that safe and efficient traffic flow is encouraged.

9. Cul-de-sacs

Maximum length of permanent cul-de-sac streets shall be 500 feet measured along the centerline from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 100 feet and a minimum street property line diameter of 120 feet.

10. Half Streets

Half streets shall be prohibited except where the County Board finds it to be practical to require the dedication of the other half when the adjoining property is subdivided.

11. Street Names

Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name for the proposed street duplicate existing street names, phonetically as well as literally.

12. Street Construction

Street construction shall conform to the existing local standards and shall be done by the developer subject to the approval of the County Engineer and the Township Board.

13. Private Streets

Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

14. Local Service Drives

Where a proposed plat is adjacent to a major thoroughfare the County Board may require the developer to provide a fifty (50) foot marginal access street along the right-of-way of such facilities or they may require that lots back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.

15. Hardship to Owners of Adjoining Property

The street arrangements shall not be such as to cause hardship to owners of adjoining property in plating their own land and providing convenient access to it.

B. Easements

1. Utility easements at least ten (10) feet wide shall be provided for utilities, where necessary. They shall be contiguous with line or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

2. Where subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for stormwater run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off.

C. Blocks

1. Length
Block lengths shall not exceed 1,200 feet and, if possible, shall not be less than 400 feet in length.
The use of accessways to schools, parks and other destinations may be required.
2. Arrangement
A block shall be so designed as to provide two tiers of lots of appropriate depth unless it adjoins a railroad or limited access highway, and unless the rear lot line abuts a different land use, or topographic conditions necessitate a single tier of lots.

D. Lots

1. Layout
Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
Each lot shall front on a public street or highway. Lots with frontage on two (2) parallel streets shall be permitted only under unusual circumstances.
2. Lot Size
Minimum lot sizes within the County shall in all cases conform to zoning regulations in force. Where setback provisions require, corner lots shall be platted at least fifteen (15) feet wider than the minimum lot width required.
3. Lot Remnants
Lot remnants, which are below the minimum lot size, must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable Outlot or parcel unless the owner can show plans for the future use of such remnants.
4. Controlled Access or Recreational Lots
Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within subdivision must meet or exceed the sizing criteria of the zoning ordinance.

E. Natural Features

In the subdividing of land, due regard shall be shown for all natural features which if preserved will add attractiveness and stability to the proposed development.

F. Street Trees

Street trees, if provided, shall be at not less than forty-foot intervals or more than sixty feet. They shall be of hardy, deciduous shade producing type. No trees shall be allowed in any easement area. No coniferous trees or bushy shrubs shall be planted as street trees.

SECTION VI: REQUIRED IMPROVEMENTS

Before the County Board approves a Final Plat, the subdivider shall give satisfactory assurance of the provision of the following requirements:

A. Monuments

Steel monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat in accordance with Minnesota Statutes, Chapter 505. All U.S., State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

B. Streets

All streets shall conform with paragraph V. A. 12.

C. Water Mains

Where connection with a community or public water system is reasonably feasible the public water shall be used, and in accordance with County established specification and/or other local policies and procedures.

D. Sanitary Sewer

In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewer mains and connect the same to such trunk line sewers in such a manner as prescribed by the County and/or other local bodies of jurisdiction.

E. Drainage Facilities

Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters.

F. Street Name Signs

These shall be placed at all street intersections within or abutting the subdivision and shall conform to the standard of design accepted for all street name signs by the Planning Commission.

G. Stop and/or Yield Signs

These shall be placed at all streets intersecting Highways, Arterial Streets, and Collector Streets, as determined by the County Board.

H. Specifications

All of the required improvements shall conform to engineering standards and specifications as required by the County.

I. Financing

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

1. That accompanying any plat submitted for approval of the Wadena County Board of Commissioners, there shall be a certification by the Land Surveyor that a land corner monument of a type designated by Wadena County has been placed at all principal land corners shown on the plat and that a standard land corner certificate be filed on two (2) principal corners with the County Recorder of Wadena County. Said certificate shall include both latitude and longitude coordinates for the corners being certified. The principal corners shall be one-quarter section corners, section corners or meander corners. The land corner monument shall be furnished by Wadena County to the Land Surveyor at no charge. Any markings for identification purposes shall be the responsibility of the Land Surveyor. (Amended 5/6/03)
2. The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivision.
3. Guaranteed completion of the required improvements within a two- (2) year period. County Board may extend the 2-year time limitation upon good cause shown by the subdivider.
4. Payments by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney and County Surveyor, as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the preliminary plat.
5. In the event of default by the subdivider in completion of required improvements the County Board may install any of the required improvements under the terms of a cash escrow agreements, or enforce the undertaking or personal guarantee of the subdivider.

6. The performance bond or cash escrow agreement shall be equal to one and one-quarter (1 1/4) times the estimated cost of the required improvements.
7. If the required improvements are not completed within the two- (2) year period, or any extension thereof, all amounts held under the escrow agreements or performance bonds shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.
8. The County Board may in its discretion accept a written undertaking or personal guarantee by the subdivider in lieu of a performance bond or cash escrow agreement.

SECTION VII: PUBLIC LAND

Because subdivision activity creates a need for a full range of public facilities, the County Board may require the dedication of a part of the subdivision for public use, provided such dedicated land conforms to the development objectives of the County.

SECTION VIII: CONVEYANCE BY METES AND BOUNDS

- A. No conveyance of land to which these regulations are applicable shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this Ordinance. The foregoing provision shall not apply to a conveyance if the land described:
 1. Was a separate parcel of record on the date of adoption of this Ordinance.
 2. Was the subject of a written agreement to convey entered into prior to the date of adoption of this Ordinance.
 3. Is a single parcel of land of not less than two and one-half (2 1/2) acres and having a width and depth of not less than 300 feet. (Amended 5/4/93)
 4. Is a parcel of land to be conveyed for the purpose of ingress and egress or for establishment of a required public utility.
 5. Is a parcel of land to be added to an existent parcel under the same owner or owner's. In situations where an adjacent parcel cannot be combined, in a technical sense, to the parcel to which it is meant to be combined, including, but not limited to, adjacent land is located in an adjacent section, land is located outside of a platted area, or adjacent land is being purchased on a contract for deed, and cannot be split and considered as a separate parcel under the terms of the subdivision ordinance, the recorded document, conveying the parcel to the adjacent land owner, shall stipulate the parcel being added is not to be considered separate from the parcel to which it adjoins, that it is not to be sold separately from said parcel, and must identify the factor which does not allow the technical combination of the two parcels. (Amended May 3, 2016)
- B. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of these subdivision regulations, the Board of Adjustment shall have the authority to order the issuance of a variance, as provided by law.
- C. Notwithstanding the provisions of Subdivision A.3 above, only one division per ¼ ¼ Section or Government Lot will be allowed except when adding a parcel to an existent parcel under the same owner or owners. Any further division of the remaining land must be by plat duly approved and recorded in accordance with laws and regulations in such case made and provided. Any further conveyance of land by metes and bounds description may be handled as a variance by the Board of Adjustment. (Amended 5/3/2016)

SECTION IX: OTHER

A. Variances and Exceptions

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Ordinance, the Adjustment Board shall have the power to vary the requirements of this Ordinance in harmony with the general purpose and intent thereof.

B. Building Permits

No building permit shall be issued by any governing official for the construction of any building, structure or improvement of any land henceforth subdivided until all requirements of this Ordinance have been fully complied with.

C. Validity

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

D. Enforcement and Penalties

1. This Ordinance shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.
2. Any person who unlawfully violates any of the terms or provisions of this Ordinance shall be charged with a misdemeanor and upon conviction thereof, shall be punished as provided by Minnesota Law.
3. In the event of a violation or threatened violation of this Ordinance, the County Board, or any member thereof, in addition to other remedies, may institute appropriate 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.
4. Any taxpayer or taxpayers of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by the Ordinance.

E. Effective Date

This Ordinance shall take effect and be in force from and after the date of its passage and publication.
Adopted by the County Board this 7th day of March, 1975.