

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION

AGENDA

MEETING DATE: February 10, 2022

PLACE: Le Sueur County Environmental Services Building
515 South Maple Ave, Le Center, MN

TIME: 7:00 P.M.

***Planning Commission Members if you CANNOT be at the meeting contact Mindy at 357-8538.*

1. Call To Order
2. Agenda: Additions/Corrections/Approval
 - 2.I. February 10, 2022 Agenda
 - Documents:
[02-10-2022 AGENDA.PDF](#)
3. Meeting Minutes: Additions/Corrections/Approval
 - 3.I. DRAFT January 13, 2022 Minutes
 - Documents:
[01-13-2022 DRAFT MINUTES.PDF](#)
4. Applications

- 4.I. DAVID WENDELSCHAFFER ETAL, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit for a Final Plat of 6 lots to be known as Lakeview Estates in a Recreational Residential "RR" Shoreland District and a Special Protection "SP" Shoreland District, Lake Jefferson, a Recreational Development "RD" lake. Property is located in Government Lots 2 & 3, Section 3, Cleveland Township and Government Lot 1, Section 34 Cleveland Township.

Documents:

[CUP 2022007 - WENDELSCHAFFER - FINAL PLAT - STAFF REPORT.PDF](#)

- 4.II. LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS:
Amendments to affect Section 4 Definitions, Section 17 Subsurface Sewage Treatment Systems.

Documents:

[SEC. 17 SUBSURFACE SEWAGE TREATMENT SYSTEMS \(TRACK CHANGE - AS\).PDF](#)

- 4.III. LE SUEUR COUNTY SUBDIVISION ORDINANCE AMENDMENTS:
Amendments to affect the entire ordinance in relation to the process of platting and dividing land.

Documents:

[LE SUEUR COUNTY SUBDIVISION ORDINANCE \(TRACK CHANGE - AS\).PDF](#)

5. Discussion Items
6. Warrants/Claims
7. Adjourn

Planning & Zoning Commission Public Hearing Procedure: The Chairman calls the meeting to order, then calls the item to be heard and asks the Applicant or representative present to come to the podium to answer any questions or present any comments. The Chairman opens the meeting to the public. Each speaker comes to the podium and states their name for the record prior to making a statement or posing a question. **All questions or comments are to be directed to the board, NOT THE APPLICANT.** After the public comments the Planning Commission publicly discusses the information and reviews the findings before making a motion. All meetings are recorded.

LE SUEUR COUNTY PLANNING COMMISSION AGENDA

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1. Call to Order
2. Agenda: Additions/Corrections/Approval
3. Meeting Minutes: **January 13, 2022** Additions/Corrections/Approval
4. Applications

ITEM #1: DAVID WENDELSCHAFFER ETAL, CLEVELAND, MN, (APPLICANT/OWNER):
Request that the County grant a Conditional Use Permit for a Final Plat of 6 lots to be known as Lakeview Estates in a Recreational Residential "RR" Shoreland District and a Special Protection "SP" Shoreland District, Lake Jefferson, a Recreational Development "RD" lake. Property is located in Government Lots 2 & 3, Section 3, Cleveland Township and Government Lot 1, Section 34 Cleveland Township.

ITEM #2: LE SUEUR COUNTY ZONING ORDINANCE AMENDMENTS:
Amendments to affect Section 4 Definitions, Section 17 Subsurface Sewage Treatment Systems.

ITEM #3: LE SUEUR COUNTY SUBDIVISION ORDINANCE AMENDMENTS:
Amendments to affect the entire ordinance in relation to the process of platting and dividing land.

5. Discussion Items
6. Warrants/Claims
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LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
January 13, 2022

MEMBERS PRESENT: Don Reak, Pam Tietz, Doug Krenik, Al Gehrke, Jeanne Doheny, and Commissioner Wetzel

MEMBERS ABSENT: Shirley Katzenmeyer

OTHERS PRESENT: Aaron Stubbs, County Administrator – Joe Martin

1. **Call to Order:** The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.

2. **Agenda:** Additions/Corrections: None.
Motion to amend and approve the agenda with the correction was made by **DOUG KRENIK.**

Second by **DON REAK.**

MOTION APPROVED. MOTION CARRIED.

3. **Minutes:** **December 9, 2021** Meeting, Additions/Corrections: NONE.
Motion to approve the minutes was made by **AL GEHRKE.**

Second by **DOUG KRENIK.**

MOTION APPROVED. MOTION CARRIED.

4. **Applications:**

ITEM #1: JEFF & JILL STEFFEN, CLEVELAND, MN, AND CURTIS CHALLBERG, NEW PRAGUE, MN, (APPLICANTS): Request an amendment to the Le Sueur County Zoning Ordinance Section 8 Agriculture District to add Short Term Private Lodging Rental as a Conditional Use, add definition to Section 4, and add performance standards to Section 19.

Aaron Stubbs presented the PowerPoint presentation.

Curtis Challberg and Jill Steffen were present for the applicants.

ADDITIONAL COMMENTS FROM APPLICANT:

Challberg – Started down this path because he wanted to rent an existing room in his detached garage. Mr. Challberg stated that he met with local businesses and they were in favor of allowing additional short-term rental options. He also stated that he understands the stated concerns but does not believe allowing short-term rental would open the door for larger developments in the Ag. district. He also stated that he lives on the property and would not allow any negative impacts on his property. Would be open to owner-operated STR or stand-alone units.

Steffen – Short-term rentals are rated by their users which acts as a form of self-policing. Does not believe short-term rentals increase traffic to a location versus having someone live there full-time.

Operators of short-term rentals have more of an opportunity to screen their potential renters versus when offering long-term rental options. Ms. Steffen stated that she believes the Ag. district provides peace and quiet that some renters are looking for. Also stated that the current trend in the U.S. is leaning towards the use of short-term rentals over hotels. Locally there are few hotel options and travelers into the area struggle to find places to stay when visiting for weddings, funerals, graduations, etc. Ms. Steffen knows of about 30-40 STR's operating in Le Sueur County and does not believe the fact that the County has had zero applications since the adoption of the STR regulations is an accurate depiction of what is happening in the area.

TOWNSHIP: Notified. Response: None.

PUBLIC CORRESPONDENCE: An email from Jesse Knish, in support of the request, was read into the Record.

PUBLIC COMMENTS:

Mike Macho – How can the application include comments from people who stayed in the illegal STR's of the applicant? Mr. Macho suggested that this issue be tabled for 60-days so each Township has an opportunity to meet and discuss the suggested changes.

Andy Oak – Not opposed to the request but is concerned that travelers seeking quiet would complain about late-night farming activities. Believes that everyone's definition of "quiet" is different. Also concerned with how this might impact the ability to build new feedlots in the County. Mr. Oak questioned whether there were laws on the books that protected the rights of farmers against developers. Mr. Oak also asked if the adoption of the proposal would turn the area into an extension of the metro area. He also believes the County has enough businesses and violations for County staff to follow-up on without adding more to the area.

Sue Macho – Stated that not all mortgages allow the owner to use the property for renters.

Comments from the Planning Commission were as follows:

Reak – Do not believe the request is compatible with the Land Use Plan; Issue with the overall character of development; believes this request would increase the value of property in the area which may price out local residents; also believes farming is hard enough without adding more regulations in the Ag. district.

Krenik – Stated that he and his family use STR's when they travel but they're typically in urban areas; Believes that STR's are inspected more frequently than LTR's and also believes the standards are higher for STR's; STR's help ensure properties remain in good condition.

Doheny – The Planning Commission has not seen any applications for an STR since the rules were adopted in 2019.

Tietz – The condition of the STR is not the point. The point is this request is to allow it in the Ag. district; Agrees there is a need and does not think the use would lead to less tillable acreage in the Ag. district; Supports preservation of Ag. land but also supports flexibility and change.

Reak – This use would require the issuance of a Conditional Use Permit. There is no guarantee that a future owner would run their operation as well as a current owner might.

Krenik – Challberg's request is different because he lives on site. Protection for farmers would remain the same related to the Right to Farm laws.

Doheny – County should not allow more infringement in the Ag. District.

Krenik – Each individual location would require review under the CUP guidelines. Complaints would lead to permit revocation. Each request allows the neighbors an opportunity to speak at the Planning Commission.

Tietz – May have to amend the goals of the Land Use Plan.

FINDINGS BY MAJORITY VOTE:

1. *The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan.*

- (4-1 in opposition)*
- *The use is not stated in the Comp. Plan; #1 goal is to preserve Ag. land; Proposal is inconsistent with Objective #1.*
 - *Commission member Krenik is dissent – The proposed use would not decrease the amount of tillable acreage.*
2. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. (4-1 in opposition)*
- *Nothing similar to this in the Ag. district; Intent is to promote development; Ag. district is for farming.*
 - *Commission member Krenik in dissent – I'd be interested to see the number of renters living in the Ag, district currently.*
3. *The proposal will not have an adverse effect on the value of adjacent properties. (3-2 in opposition)*
- *Increased property value could price out local residents; Will impact the price of Ag. land; would change Ag. and farming practices.*
 - *Commission member Tietz in dissent – We do not have enough data to support the theory of pricing out local residents.*
4. *The proposal would be not injurious to the use and enjoyment of other property in the immediate vicinity for the use already permitted. (4-1 in opposition)*
- *Potential to negatively impact farming operations.*
 - *Commission member Krenik in dissent – I do not believe renters impact the enjoyment of a neighboring property.*
5. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. (5-0 in support)*
6. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural lands, woodlands, and aggregate resource deposits. (3-2 is support)*
- *Commission member Reak in dissent – Could have an impact on Ag. land.*
7. *The proposal will not negatively affect the protection of the public health, safety, and general welfare. (4-1 in opposition)*

Motion was made by DON REAK to recommend denial the application.

Second by AL GEHRKE.

MOTION APPROVED (4-1 w/ Commission member Krenik in dissent). MOTION CARRIED.

5. Discussion Items:

- Two items on the February Planning Commission Agenda.
 - Final Plat and Ordinance Amendments (Subdivision and Septic)

6. Warrants/Claim-signatures:

7. Adjournment:

Motion to adjourn meeting by **AL GEHRKE.**

Second by **PAM TIETZ.**

MOTION APPROVED. MOTION CARRIED.

Respectfully submitted,

Aaron Stubbs

**Recording of the meeting is on file in the
Le Sueur County Environmental Services Office**

STAFF REPORT

GENERAL INFORMATION

APPLICANT / OWNER:	David Wendelschafer, et al
911 ADDRESS:	TBD Lake View Estates Court, Cleveland, 56017
PROJECT DESCRIPTION:	Requests approval of the Final Plat for Lakeview Estates, a residential subdivision in the Recreational Residential District and within the Shoreland Districts of Lake Henry and Lake Jefferson. The proposed subdivision would include six residential Lots and three Outlots, located in parts of the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 3, Cleveland Township.
PARCEL NUMBER:	01.103.2600
CUP NUMBER:	2021400

SITE INFORMATION

LOCATION:	Government Lots 2 & 3, Section 3, Cleveland Township
ZONING DISTRICT:	Recreational Residential District (Rezoned, July 2021)
ZONING DISTRICT PURPOSE:	The intent of the Recreational Residential (RR) District is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

GENERAL SITE DESCRIPTION: Undeveloped, Tillable Acreage

ACCESS: Future access off a County Road (CSAH 15)

EXISTING LAND USE WITHIN ¼ MILE:

North: Three Residential Lake Lots and Lake Henry
(Natural Environment)

South: Lake Jefferson (Recreational Development)
and Multiple Platted Residential Lake Lots

West: Tillable Acreage, and Areas of Wetlands

East: Tillable Acreage

BACKGROUND INFORMATION

This project was originally reviewed during the March 11, 2021 Planning Commission meeting. At the conclusion of that meeting, the Planning Commission recommended denial of the re-zoning request; however, the applicant withdrew the request prior to it being heard by the County Board of Commissioners. The applicant then revised the request and reduced the proposed area of re-zoning from 38.87 acres to 13.87 acres. They also reduced the number of proposed residential lots from 17 to 6. The revised re-zoning request was approved by the County Board in July of 2021. The subject parcel is currently tillable acreage. The area is within the Shoreland Overlay District of both Lake Jefferson, a Recreational Development Lake and Lake Henry, a Natural Environment Lake. The determination to re-zone under the RR regulations was made based on the proposed lots proximity to Lake Jefferson versus Lake Henry. Lot size varies in the RR district on RD lake vs NE lake. Minimum lot size on an RD lake is 40,000 sq. ft., on an NE lake is 80,000 sq. ft. The proposed Final Plat of Lakeview Estates displays six residential Lots, their buildable areas, a primary and alternate septic location for each Lot, three Outlots, and the proposed access road. Each of the six proposed Lots appear to meet the County's requirements for minimum acreage, buildable area, width, and depth.

TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. David Voss from Cleveland Township was contacted on January 7, 2021.

NATURAL RESOURCES INFORMATION

SHORELAND: The subject parcel is located within the Recreational Residential Shoreland Districts of Lake Henry and Lake Jefferson. The Minnesota Department of Natural Resources has classified Lake Jefferson as a Recreational Development Lake, and Lake Henry as a Natural Environment Lake.

Recreational Development Lake - Lakes that usually have between sixty (60) and two hundred twenty-five (225) acres of water per mile of shoreline, between three (3) and twenty-five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

Natural Environment Lake - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

WETLANDS: According to the National Wetlands Inventory Map, there are no identified wetlands on the subject parcel.

ATTACHMENTS

Application, Description of Request, Site Plan, Final Plat, and Findings of Fact Sheet

ORDINANCE REVIEW

ZONING ORDINANCE SECTIONS: Section 12 – Subdivision and Platting Provisions & Section 13 – Shoreland District

GOALS & POLICIES: The current Land Use Plan as adopted in 2007 makes reference to the restoration of natural resources.

GOAL #2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources...

Objective 2: Utilize shorelands on Recreational Development Lakes for housing, but with a focus on development design the protects the resource.

Action 1: Continue utilizing the minimum state shoreland regulations to determine housing densities and development design.

RULES and DEFINITIONS - SECTION 4

PLAT, FINAL – The final map, drawing, or chart on which the subdivision is presented to the Le Sueur County Board of Commissioners for approval and which, if approved, will be submitted to the County Recorder.

PLATTED SUBDIVISION - The creation of two (2) or more lots under the provisions of the County Subdivision Ordinance.

SUBDIVISION AND PLATTING PROVISIONS - SECTION 12

SUBDIVISION 1. PURPOSE

Subdivision is the process of dividing land into separate parcels for uses including residential, industrial, and commercial sites in accordance with the standards that will protect the general health, safety and welfare of the public. The County is authorized by Minn. Stat. Chs. 394 and 505 to regulate the subdivision and platting of lands.

A. LAND SUITABILITY

1. Each lot created through subdivision, including planned unit developments (PUD's) authorized in this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration.
2. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply, or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision of the community.

B. CONSISTENCY WITH OTHER CONTROLS

1. Subdivisions must conform to all other official controls of the County.
2. 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.
3. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this Ordinance can be provided for every lot.
4. Each lot shall meet the minimum lot size and dimensional requirements of this Ordinance including buildable area
5. Lots that would require use of holding tanks shall not be approved.

C. INFORMATION REQUIREMENTS

1. Sufficient information must be submitted by the applicant for the County Planning Commission to make a determination of land suitability. The information shall include at least the following:
 - a. Topographic contours at two (2) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.
 - b. The surface water features required in Minnesota Statutes, Chapter 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.
 - c. Adequate soils information to determine suitability for 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.
 - d. 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.
 - e. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data.
 - f. A line or contour representing the ordinary high water level, the toe and the top of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. DEDICATIONS

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. PLATTING

All subdivisions that create two (2) or more lots or parcels that are less than five (5) acres in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after enactment of official shoreland controls unless the lot was created in compliance with official county subdivision

controls.

SHORELAND MANAGEMENT – SECTION 13

SECTION 13.2 RECREATIONAL RESIDENTIAL (RR) DISTRICT

SUBDIVISION 5. DIMENSIONAL REGULATIONS

I. LOT AREA, WIDTH & DEPTH

1. Lot standards for all single-family dwelling lots in sewerred and unsewerred, riparian and non-riparian lots.
2. On Natural Environment (NE) and Recreational Development (RD) Lakes, the minimum lot area (in square feet) and minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way and depth standards (in feet) for single, duplex, triplex and quad residential lots shall be as follows:

a. RD Lakes	<u>Riparian Lots</u>			<u>Non-riparian Lots</u>		
<u>Dwelling</u>	<u>Area</u>	<u>Width</u>	<u>Depth</u>	<u>Area</u>	<u>Width</u>	<u>Depth</u>
Single	40,000	150	260	40,000	150	260

- b. **NE Lakes.** Riparian and non-riparian lots shall have a minimum lot area of eighty thousand (80,000) square feet, minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way of two hundred (200) feet and minimum lot depth of three hundred twenty (320) feet.

3. Impervious surface of lots must not exceed twenty-five (25) percent of the lot area.

PLANNING AND ZONING COMMISSION CONSIDERATIONS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Subdivision Ordinance, the following information shall be considered prior to making a recommendation for this request:

1. Whether the proposed subdivision is in conflict with adopted applicable general and specific land use plans of the City, County, and Township;
2. Whether the physical characteristics of the site including, but not limited to, topography, vegetation, susceptibility to flooding, water storage, drainage and retention, and accessibility are such that the site is physically suitable for the proposed density of development;
3. Whether the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage;
4. Whether the design of the subdivision or the type of improvements is not likely to cause serious public health problems;
5. Whether the design of the subdivision or the type of improvements will not conflict with easements of record or with easements established by judgment of a court.

ADDITIONAL REVIEW COMMENTS

1. On November 23, 2021, this request was reviewed by the Le Sueur County Environmental Resource Specialist, Holly Kalbus. Ms. Kalbus stated that the applicant has taken into account the physical features of the parcel such as wetlands, bluffs, and shoreland, in order to develop the proposed 6-lot final plat. The additional stormwater that will be created from the proposed 6 lots is being addressed with a stormwater basin.
2. On November 23, 2021, staff sent this request to DNR Area Hydrologist Garry Bennett for comment. At the time this report was written, no comments had been received. More information may be available at the Planning Commission meeting.

PROPOSED CONDITIONS

1. *If approved*, the subdivider shall record such final plat with the County Recorder, within one hundred eighty (180) days after the approval. Otherwise, the approval of the final plat shall be considered void.
2. *If approved and prior to recording the Final Plat*, a long term operation and maintenance plan for the stormwater pond shall be recorded with the County Recorder.
 - a. The operation and maintenance plan, shall clearly define the responsible party for operation and maintenance efforts, the responsible party for expenses related to the operation and maintenance efforts, a timeline on when operation and maintenance efforts would take place, and what type of activities would occur for operation and maintenance.
 - b. Every year, the owners shall submit an annual report to County Zoning staff, prior to November 1st, stating the maintenance events that occurred over the previous year and outlining the type of maintenance planned for the upcoming year.
3. *If approved*, no future zoning permits shall be issued until the applicant has demonstrated that all proposed improvements have been completed as shown on the construction plans (submitted: January 11, 2022).

SECTION 17. SUBSURFACE SEWAGE TREATMENT SYSTEMS

SUBDIVISION 1. PURPOSE AND AUTHORITY

- A. This Section authorizes and provides for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:
1. Minimum standards for and regulation of individual subsurface sewage treatment systems (ISTS) and mid-sized subsurface sewage treatment systems (MSTS) (collectively referred to as subsurface sewage treatment systems or SSTS) in unsewered incorporated and unincorporated areas of Le Sueur County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency (Agency).
 2. Requirements for issuing permits for installation, alteration, repair, or expansion of an SSTS.
 3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan.
 4. Standards for upgrade, repair, replacement, or abandonment of an SSTS.
 5. Penalties for failure to comply with these provisions.
 6. Provisions for enforcement of these requirements, and
 7. Standards which promote the health, safety, and welfare of the public as reflected in Minnesota Statutes, Sections 115.55; 145A.05; 375.51; 394.21 through 394.37; and 471.82 and the Le Sueur County Land Use Plan and Zoning Ordinance.

B. PURPOSE

The purpose of this Section is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage and standards for septage removal, transport, treatment, and disposal within the applicable jurisdiction of the County to protect public health and safety, surface and groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

C. INTENT

It is intended by the County that this Section will promote the following:

1. The protection of lakes, rivers and streams, wetlands, and groundwater in Le Sueur County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
2. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface and groundwater quality.
3. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination, and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
4. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
5. The provision of technical assistance and education, plan review, inspections, SSTS surveys, and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

D. AUTHORITY

This Section is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes; and Minnesota Rules, Chapters 7080 through 7083; or successor rules.

E. EFFECTIVE DATE

The provisions set forth in this Section shall become effective ~~January 1, 2016~~ [April 1, 2022](#).

SUBDIVISION 2. GENERAL PROVISIONS

A. SCOPE

This Section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to, individual SSTS, cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Section or by a system that has been permitted by the Agency.

B. JURISDICTION

The jurisdiction of this Section shall include all lands of the County except for incorporated areas that administer an SSTS program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Section and has been approved by the County, [and the Minnesota Pollution Control Agency](#). The Department shall keep a current list of local jurisdictions within the County administering an SSTS program.

C. ADMINISTRATION

1. County

The Department shall administer the SSTS program and all provisions of this Section. The County shall review, revise, and update this Section as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

2. State of Minnesota

a. [The owner or owners of an SSTS must obtain an SDS permit from the agency according to chapter 7001 when:](#)

1. [A single proposed or existing soil dispersal area receives a flow greater than 10,000 gallons per day, or;](#)

~~2. [When all proposed and existing SSTS soil dispersal areas that are under common ownership and within one-half mile of each other have a combined flow greater than 10,000 gallons per day. Flow from an SSTS with low impact to potable water is not counted in this sub item](#) ~~Where a single SSTS or group of SSTS under single ownership within one-half mile of each other has a design flow greater than 10,000 gallons per day, the SSTS owner or owner's agent shall make application for and obtain a State Disposal System permit from the Agency. A State Disposal System permit is required for any SSTS with a measured daily flow that equals or exceeds 10,000 gallons per day for a consecutive seven day time period.~~~~

b. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Section.

3. Cities and Townships

Any jurisdiction within the County that regulates SSTS shall comply with the standards and requirements of this Section. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Section.

D. VALIDITY

The validity of this Section shall not be affected by any invalid part or parts of this Ordinance.

E. LIABILITY

Any liability or responsibility shall not be imposed upon the Department or Agency or any of its officials, employees, or other contract agent, its employees, agents, or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SUBDIVISION 3. GENERAL REQUIREMENTS

A. RETROACTIVITY

1. **All SSTS**

All provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

2. **SSTS on Lots Created After January 23, 1996**

All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.

B. UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

1. **SSTS Capacity Expansions**

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Section at the time of the expansion.

2. **Failure to Protect Groundwater**

An SSTS that is determined not to be protective of groundwater, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within one (1) year of receipt of a Notice of Noncompliance (NONC).

3. **Imminent Threat to Public Health or Safety**

An SSTS that is determined to be an imminent threat to public health or safety, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4A, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within ten (10) months of receipt of a NONC.

4. **Abandonment**

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned by a licensed installation business and in accordance with Minnesota Rules, Chapter 7080.2500.

C. SSTS IN FLOODPLAINS

An SSTS shall not be located in a floodway, and wherever possible, location within any part of a floodplain, shall be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

D. CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, parts 144 and 146, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40, part 144. Further, SSTS owners are required to identify all Class V injection wells in property transfer disclosures.

E. SSTS PRACTITIONER LICENSING

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of an SSTS without an appropriate and valid license issued by the Agency in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.
 - a. Minnesota Rules, Chapter 7083.0700.B: The County will allow homeowners to install their own systems provided they are non-pressurized systems.
 - b. The system shall be inspected by the Department (Pictures, and/or record drawings in lieu of Department inspection shall be prohibited).

F. PROHIBITIONS

1. **Occupancy or Use of a Structure without a Compliant SSTS**

It is unlawful for any person to maintain, occupy, or use any structure intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Section.

2. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Section that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System (NPDES) program by the Agency.

3. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Section.

4. Discharge of Hazardous Materials

It is unlawful for any person to discharge into any sewage treatment system regulated under this Section any hazardous material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

SUBDIVISION 4. SSTS STANDARDS

A. STANDARDS ADOPTED BY REFERENCE

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and as amended from time to time. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute, Section 115.55.

B. AMENDMENTS TO THE ADOPTED STANDARDS

1. List of ~~Adopted Standards~~ Differences

- a. Type V Systems will not be allowed.
- b. Three (3) feet of vertical separation shall be required for all SSTS.
- c. Systems deemed as failing to protect groundwater shall be updated within one (1) year of receiving a NONC.
- d. Septic designs must be submitted to the Department within ~~twenty (20)~~ thirty (30) calendar days after receipt of NONC.
- e. Request to the Department for a septic inspection or soil verification must be received one (1) calendar day prior to the inspection or, soil verification.

- f. ~~Record~~-As-built drawings must be submitted to the Department within ~~five (5)~~ten (10) calendar days.
- g. Property transfers with a NONC-Failure to Protect Groundwater shall be updated within one (1) year of the NONC or within one (1) year of the transfer, whichever occurs first.
- h. Property transfers with a NONC-Imminent Threat to Public Health and Safety shall be updated within ten (10) months of the NONC or within ten (10) months of the transfer, whichever comes first.
- i. If compliance inspections cannot be performed between November 1 and April 30 due to soil conditions and/or weather conditions for property transfers and/or permit requirements, the compliance inspection is required to be submitted to the Department by the following June 1.
 - 1. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 - 2. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
 - 3. Permits and/or variances may be issued by the County during this period in the County's sole discretion.
- j. The Compliance Inspection shall be the responsibility of the landowner.
- k. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant and shall be replaced within 10-months of the date listed on the waiver.
- ~~l. In all non-shoreland Zoning Districts, any zoning permits requested for the principal structure shall require a compliance inspection.~~
- m. In all ~~shoreland~~-Zoning Districts, any zoning permits requested shall require a compliance inspection.
- n. A fifty (50) foot setback is required from the top of the drainage ditch or waters of the state, unless otherwise designated.
- o. A seventy-five (75) foot setback from Type 3 through 8 wetlands.
- p. A ten (10) foot setback from a septic tank to a pool.
- q. A twenty (20) foot setback from the absorption area to a pool.

- r. No SSTS shall be constructed within thirty (30) feet from the top or the toe of a bluff. For an existing dwelling, SSTS upgrade, upgraded tanks, and/or replacement tank(s), shall be exempt from bluff setback and may be located within the bluff impact zone. Tank(s) shall not be located within the bluff.
- s. Continued use of an existing treatment tank shall be exempt from the required setbacks, provided the following are met:
 - 1. The tank meets tank integrity requirements.
 - 2. Tank integrity documentation shall be submitted by an appropriately certified and/or licensed practitioner.
 - 3. The tank shall not be located under or within a structure or other impermeable surface.
 - 4. The tank shall not be located in a shore impact zone or bluff.
- t. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.
- u. A report of abandonment certified by the licensed installation business shall be submitted to the Department within fifteen (15) calendar days of completed system abandonment.
- v. In order for a compliance inspection to be complete all components shall be inspected for individual, shared, or cluster SSTS that are located on private, common ownership, or public properties.
- w. The SSTS servicing the sewage generating structure shall be sized appropriately or upgraded when increasing the permitted design flow.
- ~~u.~~x. Written approval from the association or all connected landowners of an SSTS shall be submitted to the Department when increasing the permitted design flow.

2. **Determination of Hydraulic Loading Rate and SSTS Sizing**

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled “Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Section.

3. Compliance Criteria for Existing SSTS

- a. An SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or an SSTS providing sewage treatment for food, beverage, or lodging establishments, must have at least two (2) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock.
- b. An SSTS built after March 31, 1996 or an SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have three (3) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock. An existing system may be considered compliant under this Section if there is less than a fifteen (15) percent reduction in vertical separation (a separation distance of no less 30.6 inches) to account for the settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer characteristics.
- c. The vertical separation measurement described above shall be measured outside the area of system influence but in an area of similar soil as required in Minnesota Rules, Chapter 7080.1500, Subp.4.
- d. [The SSTS must be operated, meet performance standards, and be managed according to its operating permit, if applicable.](#)
- e. [For a compliance inspection to be deemed complete, all components shall be inspected for individual, shared, or cluster SSTS that are located on private, common ownership, or public properties.](#)

4. Holding Tanks

- a. Holding tanks shall be installed in accordance with Minnesota Rules. Chapter 7080.2290.
- b. Holding tanks may be allowed for areas only where it can be shown conclusively that a Type 1 SSTS, permitted under this Section, cannot be feasibly installed without a variance.
- c. Holding tanks shall not be allowed for any other wastewater applications except for the following:
 1. Other Establishments [including Recreational Vehicles.](#)
 2. Conforming Accessory Structures.

C. VARIANCES

1. **Variance Requests**

A landowner may request a variance from the standards as specified in this Ordinance pursuant to county policies and procedures. The standards for the granting of a variance shall be those in this Ordinance, and any additional standards set forth in pertinent statutes and rules of the Agency.

2. **Affected Agency**

The County may only allow variances to the horizontal setbacks set forth below. Variances that pertain to the standards and requirements of the state of Minnesota must be approved by the affected state agency pursuant to the requirements of the state agency. Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

D. SETBACKS

- 1. SSTS to structure
 - a. Absorption area 20'
 - b. Tank 10'
- 2. SSTS to property line 10'
- 3. SSTS to road Right-Of-Way (ROW) 20' 10'
- ~~4. SSTS to road ROW for a nonconforming Lot of Record 10'~~
- 5. SSTS to Ordinary High Water Level (OHWL)
 - a. **Natural Environment (NE) Lake**
 - 1. Special Protection (SP) District 200'
 - 2. Recreational Residential (RR) District 200'
 - 3. Recreational Commercial (RC) District 75'
 - b. **Recreational Development (RD) Lake**
 - 1. Special Protection (SP) District 100'
 - 2. Recreational Residential (RR) District 75'
 - 3. Recreational Commercial (RC) District 75'
- 6. SSTS to Rivers and Streams 100'
- 7. SSTS to drainage ditch or waters of the state 50'
- 8. SSTS to Type 3 through 8 wetland 75'

- 9. SSTS to bluff 30'
 - a. For an existing dwelling, SSTS upgrade, [upgraded tanks](#), and/or replacement tank(s):
 - 1. Shall be exempt from bluff setback.
 - 2. May be located within the bluff impact zone.
 - 3. Shall not be located within the bluff.

- 10. SSTS to pool
 - a. Absorption area 20'
 - b. Tank 10'

- 11. SSTS to buried water lines and water supply wells as defined in Minnesota Rules Chapters 4715 & 4725.

SUBDIVISION 5. SSTS PERMITTING

A. PERMIT REQUIRED

It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any zoning permit, variance, or conditional use [permit](#) under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

B. PERMIT

- 1. The SSTS owner or owner’s agent shall obtain a zoning permit from the Department prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed activity is sited, designed, and constructed in accordance with the provisions of this Section by appropriately certified and/or licensed practitioner(s).

2. Activities Requiring a Permit

A zoning permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function.

3. Activities Not Requiring a Permit

A zoning permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function.

4. Permit Required

An SSTS design must be submitted and approved prior to the issuance of a zoning permit for SSTS activity.

- a. [Approved septic system designs shall expire one \(1\) year from the date of approval.](#)

5. Conformance to Prevailing Requirements

- a. Any activity involving an existing system that requires a zoning permit shall require that the entire system be brought into compliance with Chapters 7080.1500 Subp. 6 and 7081.0080 Subp. 7 as amended from time to time.
- b. Continued use of an existing treatment tank shall be exempt from the required setbacks provided the following are met:
 1. The tank meets tank integrity requirements.
 2. Tank integrity documentation shall be submitted by an appropriately certified and/or licensed practitioner.
 3. The tank shall not be located under or within a structure or other impermeable surface.
 4. The tank shall not be located in a bluff, bluff impact zone, or shore impact zone.

6. Monitoring and Disposal Contract

- a. Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.
 1. This requirement is waived if the SSTS owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 2, paragraph (b), clause (3).

7. Permit Requirements for ISTS

- a. Owner name, mailing address, ~~and~~ telephone number, [and email address](#).
- b. Property Identification Number and address or other description of property location.
- c. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.
- d. Design Report as described in Minnesota Rules, Chapter 7080.2430.

e. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

f. The SSTS servicing the sewage generating structure shall be sized appropriately or upgraded when increasing the permitted design flow.

g. Written approval from the association or all connected landowners of an SSTS shall be submitted to the Department when increasing the permitted design flow.

~~f.h.~~ Additional information as deemed necessary by the Department.

8. Permit Requirements for MSTs

a. Owner name, mailing address, ~~and~~ telephone number, and email address.

b. Property Identification Number and address or other description of property location.

c. Soil and Site Report as described in Minnesota Rules, Chapter 7081.0200.

d. Groundwater Investigation as described in Minnesota Rules, Chapter 7081.0210.

e. Design Report as described in Minnesota Rules, Chapter 7081.0270, Subp. 11.

f. Operation and Maintenance Plan as described in Minnesota Rules, Chapter 7080.2450 and Chapter 7081.0290.

g. Management Plan as described in Minnesota Rules, Chapter 7082.0600.

h. The SSTS servicing the sewage generating structure shall be sized appropriately or upgraded when increasing the permitted design flow.

~~h.i.~~ Written approval from the association or all connected landowners of an SSTS shall be submitted to the Department when increasing the permitted design flow.

~~i.j.~~ Additional information as deemed necessary by the Department.

9. Application Review and Response

a. The Department shall review the permit application and supporting documents.

b. Upon satisfaction that the proposed work will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a zoning permit authorizing construction of the SSTS as designed.

- c. In the event the designer makes a significant change to the approved design documentation, the designer must file an amended documentation detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial.

~~1. The Department shall the review of the amended design.~~

- 2. Upon satisfaction that the amended design will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a new zoning permit authorizing construction of the SSTS as designed.
- d. If the design, is incomplete or does not meet the requirements of this Section, the Department shall deny the design. A notice of denial shall be provided to the designer, which must state the reason for the denial.

10. Appeal

The SSTS owner or designer may appeal the Department's decision to deny the permit in accordance with the County's established policies and appeal procedures.

C. OPERATING PERMIT

1. SSTS Requiring an Operating Permit

- a. An operating permit shall be required of all owners of new MSTs, Type IV, or any other system deemed by the Department to require operational oversight.
- b. An operating permit shall be required of all owners of existing MSTs, Type IV, or any other system deemed by the Department to require operational oversight upon the following:
 - 1. Transfer of ownership.
 - 2. Any replacement, modification or expansion requiring a zoning permit.
 - 3. Following any SSTS enforcement action.
- c. The SSTS owner shall be responsible for the operating permit.

2. Operating Permit Application Requirements

- a. Application for an operating permit shall be made as provided by the Department including:
 - 1. SSTS owner name, mailing address, and telephone number.

2. Property Identification Number.
3. Permit reference number and date of issuance.
4. Record drawings.

3. Department Response

If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

4. Operating Permit Terms and Conditions

The operating permit shall comply with Minnesota Rules, Chapter 7082.0600, Subp.2.

5. Operating Permit Expiration and Renewal

- a. Operating permits shall be valid for three (3) years from date of Certificate of Compliance. ~~The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration.~~
- b. An operating permit must be renewed ~~thirty (30) days~~ prior to its expiration. ~~If not renewed, the Department will issue a Notice of Noncompliance~~[Failure to renew the operating permit prior to its expiration may result in the issuance of a Notice of Noncompliance.](#)
- c. Application shall be made as provided by the Department.

6. Amendments to Existing Operating Permits

The Department may not amend an existing operating permit to reflect changes in this Section until the operating permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

7. Transfers

The operating permit may be transferred to the new landowner.

8. Suspension or Revocation

- a. The Department may suspend or revoke any operating permit issued under this Section for any false statements or misrepresentations of facts on which the operating permit was issued.
- b. Notice of suspension or revocation and the reasons for revocation shall be conveyed in writing to the SSTS owner.

- c. If suspended or revoked, the Department will issue a Notice of Noncompliance.
- d. At the Department's discretion, the operating permit may be reissued upon the SSTS owner taking appropriate corrective actions.

9. Compliance Monitoring

- a. Performance monitoring of an SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- b. A monitoring report shall be prepared and certified by a licensed service provider. The report shall be submitted to the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - 1. SSTS owner name, mailing address, and telephone number.
 - 2. Property Identification Number.
 - 3. Operating permit number.
 - 4. Average daily flow since last compliance monitoring report.
 - 5. Description of type of maintenance and date performed.
 - 6. If required, analytical laboratory used and results of analyses.
 - 7. Problems noted with the system and actions proposed or taken to correct them.
 - 8. Name, signature, and certification and license number of the licensed professional who performed the work.

D. ABANDONMENT CERTIFICATION

1. Purpose

The purpose of the abandonment certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.

2. Abandonment Requirements

- a. Whenever the use of an SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning following connection to a municipal or private sanitary sewer or condemnation or demolition of a structure served by the system, further use of the system or any system component for any purpose under this Section, shall be prohibited.
- b. Continued use of a treatment tank, where the tank is to become an integral part of a replacement system or a sanitary sewer system, requires a written statement by an appropriately certified and/or licensed practitioner.
- c. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.
- d. A report of abandonment certified by the licensed installation business shall be submitted to the Department within fifteen (15) calendar days of completed system abandonment.

3. Certificate of Abandonment

The Department shall keep on file ~~a~~ [an electronic](#) copy of the Certificate of Abandonment as submitted by a licensed installation business.

SUBDIVISION 6. MANAGEMENT PLANS

A. PURPOSE

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the SSTS owner when the treatment system is designed.

B. MANAGEMENT PLAN REQUIREMENTS

1. SSTS Requiring Management Plans

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the permit for review and approval. The Department shall be notified of any system modifications made during construction, and the management plan revised and resubmitted at the time of final construction certification.

2. Required Contents of a Management Plan

- a. Management Plans shall contain all the information required by Minnesota Rules, Chapter 7082.0600, Subp.1.
- b. Other requirements as determined by the Department.

3. Requirements for Systems Not Operated under a Management Plan as described in Minnesota Rules, Chapter 7082.0100, Subp. 3.(L).

- a. SSTS that are not operated under a management plan or operating permit must have their treatment tanks inspected and provide for the removal of solids accumulation at least once every three (3) years as described in Minnesota Rules, Chapter 7080.2450.

SUBDIVISION 7. COMPLIANCE INSPECTION PROGRAM

A. COMPLIANCE INSPECTION

1. SSTS compliance inspections must be performed:

- a. To ensure compliance with applicable requirements.
- b. Prior to issuance of any zoning permit ~~within Shoreland Zoning Districts.~~
- ~~c. Prior to issuance of a zoning permit for single family dwellings or any change in the principle structure in all non-shoreland Zoning districts.~~
- d. For all new SSTS construction replacement.
- e. At any time as required by this Section or when the Department deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.

2. It shall constitute a compliance inspection when a party who is not the SSTS owner conducts an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement. This process shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by the Agency.

B. DEPARTMENT RESPONSIBILITY

1. It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections on new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the location of the system, or otherwise change the original system's design, layout, or function to assure that the requirements of this Section are met.

2. The Department shall be given access to enter a property at any reasonable time to inspect the SSTS system. As used in this paragraph, “property” does not include a residence or private structure.
3. No person shall hinder or otherwise interfere with the Department’s employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

C. NEW CONSTRUCTION OR REPLACEMENT

1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. All compliance inspections must be performed and signed by qualified employees. An SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department’s requirements.
2. It is the responsibility of the SSTS owner or the owner’s agent to notify the Department, one (1) calendar day prior to soil verification and/or inspection of the SSTS.
3. The Department will conduct up to three (3) inspections during construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.
 - a. If proper notice is received and the Department does not appear for an inspection within two (2) hours after time set, the permittee may complete the installation.
 - b. The permittee shall then file a signed record drawing including photographs of the system prior to covering with the Department within ten (10) calendar days that the work was installed in accordance with the submitted design, permit conditions, and that it was free from defects.
4. Soil Verifications-Periodically Saturated Soils Dispute Procedures between a certified licensed business and the Department shall:
 - a. Meet on-site with designer;
 - b. If not resolved, meet on-site with another qualified employee from the Department along with the designer;
 - c. If not resolved, hire a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector at the landowner’s expense to make the final judgment.
- ~~3. It is the responsibility of the SSTS owner or the owner’s agent to notify the Department, one (1) calendar day prior to soil verification and/or inspection of the SSTS.~~

~~4. The Department will conduct up to three (3) inspections during construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.~~

~~a. If proper notice is received and the Department does not appear for an inspection within two (2) hours after time set, the permittee may complete the installation.~~

~~b. The permittee shall then file a signed record drawing including photographs of the system prior to covering with the Department within five (5) calendar days that the work was installed in accordance with the submitted design, permit conditions, and that it was free from defects.~~

5. ~~Signed record drawings~~Completed as-built drawings shall be submitted to the Department within ~~five (5)~~ten (10) calendar days.

6. The SSTS servicing the sewage generating structure shall be sized appropriately or upgraded when increasing the permitted design flow.

~~6.~~7.The Department shall issue a Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years. The Department must have reasonable assurance that the system was built in accordance with the applicable requirements as specified in the design and permit. The Certificate of Compliance shall become invalid if the Department finds evidence of noncompliance.

~~7.~~8.The Certificate of Compliance must include a certified statement by a certified, licensed inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance shall be issued to the SSTS owner, which includes a statement specifying those Section provisions with which the SSTS does not comply.

~~8.~~9.The Department shall issue the Certificate of Compliance or Notice of Noncompliance to the SSTS owner or the owner's agent within fifteen (15) calendar days of receipt all necessary documentation from the septic installer.

D. EXISTING SYSTEMS

1. Compliance inspections shall be required when any of the following conditions occur:

a. Prior to issuance of any zoning permit ~~within Shoreland Zoning Districts.~~

~~b. Prior to issuance of a zoning permit requested for all single family dwellings or change in the principal structure for all non-shoreland Zoning districts.~~

c. Upon receipt of a variance and/or conditional use permit application.

- d. When a ~~construction~~-zoning permit is required to repair, modify, or upgrade an existing system.
 - e. Any time there is a change in use of the property and/or expansion of the structure being served by an existing SSTS, which may impact the performance of the system.
 - f. Prior to property sale or transfer, including the reallocation or platting of land with existing development.
 - g. At any time as required by this Section or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. All property conveyances subject to this Section occurring during the period between November 1 and April 30, or when an SSTS compliance cannot be determined due to frozen soil conditions, shall require a compliance inspection by the following June 1 by a licensed inspection business.
 - a. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 - b. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
 3. Compliance inspections of an existing SSTS shall be documented on the inspection report forms provided by the Agency. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700, Subp. 4(B).
 4. Periodically saturated soils dispute procedure between two (2) certified, licensed businesses as described in Minnesota Rules 7082.0700, Subp. 5.
 5. SSTS that are determined to have operational or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit.
 6. The SSTS servicing the sewage generating structure shall be sized appropriately or upgraded when increasing the permitted design flow.
 7. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant and shall be replaced within 10-months of the date listed on the waiver.
 78. The compliance inspection shall be submitted to the department and to the SSTS owner or the owner's agent, from the certified and licensed inspector, no later than 15 calendar days from the date the inspection was performed.

- a. If the SSTS is determined to be compliant, the Certificate of Compliance must include a certified statement by a qualified employee, or a certified and licensed inspection business or individual.
- b. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those section provisions with which the SSTS does not comply.
 1. A permit application shall be submitted to the department for any non-compliant system.

~~The Certificate of Compliance must include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those Section provisions with which the SSTS does not comply. A permit application must be submitted to the Department if required. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department and to the SSTS owner or the owner's agent from the licensed inspection business no later than fifteen (15) calendar days after the date the inspection was performed.~~

89. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

E. TRANSFER OF PROPERTIES

1. Whenever a conveyance of land occurs upon which a structure is located that has an existing SSTS, a Compliance Inspection shall be provided by the seller to the buyer at or before the closing date, unless there is a valid Certificate of Compliance on file with the Department.
2. The compliance inspection need not be completed if the sale or transfer involves the following circumstances:
 - a. The affected tract of land is without structures or contains no structures with plumbing fixtures.
 - b. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, Subdivision 1.
 - ~~c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to June 18, 1996. This subsection applies only to the original vendor and vendee on such a contract.~~

- d. Any structures that are connected exclusively to a municipal wastewater treatment system; any structures that are located within the jurisdiction of the County with an approved agreement requiring exclusive connection to a municipal wastewater treatment system; or, any structures that are connected exclusively to an approved wastewater treatment facility other than an individual sewage treatment system.
3. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant [and shall be replaced within 10-months of the date listed on the waiver.](#)
4. The responsibility of upgrading the non-complying SSTS shall be that of the landowner.

SUBDIVISION 8. ENFORCEMENT

A. VIOLATIONS

1. Cause to Issue a Notice of Violation

Any person, firm, agent, or corporation who violates any of the provisions of this Section, or who fails, neglects, or refuses to comply with the provisions of this Section, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

2. Notice of Violation

- a. The Department shall serve, in person or by mail, a Notice of Violation (NOV) to any person determined to be violating provisions of this Section. The NOV shall contain:
 1. A statement documenting the findings of fact determined through observations, inspections, or investigations.
 2. A list of specific violation(s) of this Section.
 3. Specific requirements for correction or removal of the specified violation(s).
 4. A mandatory time schedule for correction, removal and compliance with this Section.

3. Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this Section or any other Section of this Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any fees paid as deemed necessary by the Department, and the cease and desist order lifted.

B. PROSECUTION

In the event of a violation or threatened violation of any part of this Section, the County shall enforce the provisions of this Section as provided for and described in this Ordinance.

C. NOTIFICATION OF VIOLATION

The Department shall notify the Agency of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Section or Minnesota Rules, Chapters 7080 ~~or 7081~~ [through 7083](#).

D. RECORD KEEPING

The County shall maintain current ~~record~~ records as described in Minnesota Rules, Chapter 7082.0300, Subp.4.

E. FEES

From time to time, the County Board shall, by resolution, establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

F. INTERPRETATION

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

G. SEVERABILITY

If any subdivision, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

H. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, or impair any other existing County Ordinance, easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other Sections and/or Ordinances inconsistent with this Section, are hereby repealed to the extent of the inconsistency only.

LE SUEUR COUNTY ~~SUBDIVISION~~LAND DIVISION ORDINANCE

This Ordinance shall be known, cited, and referred to as the “Le Sueur County ~~Subdivision~~Land Division Ordinance”, when referred to herein it shall be known as “this Ordinance”.

SECTION 1.0 PURPOSE AND SCOPE

SUBDIVISION 1.1 PURPOSE

The process of dividing land into separate parcels for uses including residential, industrial, and commercial sites is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community is firmly established. It is, therefore, in the interest of the general public, the developer, and the future land owners that subdivisions be conceived, designed, and developed in accordance with standards that will protect the health, safety, and welfare of the general public.

All ~~subdivisions~~divisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- A. Encourage well-planned, efficient, and attractive ~~subdivisions~~land divisions by establishing adequate standards for design and construction.
- B. Provide for the health and safety of residents by requiring necessary services, such as properly designed streets and adequate area sewage and water facilities.
- C. Place the cost of improvements against those benefitting from their construction.
- D. Secure the rights of the public with respect to public lands and waters.
- E. Improve land records by establishing standards for surveys and plats.
- F. Protect environmentally sensitive areas.
- G. Encourage parks and open space development.

SUBDIVISION 1.2 SCOPE

The rules and regulations governing plats and ~~sub~~division of land contained herein shall apply within the unincorporated area of Le Sueur County as provided in [M.S. Minnesota Statutes](#) Chapter 394.

It is not the intent of this Ordinance to repeal, annul, or in any way impair or interfere with existing provisions of the other laws or ordinances, except those 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 law, Ordinance, contract, or deed, the provisions of this Ordinance shall control.

SUBDIVISION 1.3 AMENDMENTS

The provisions of this Ordinance may be amended by the Le Sueur County Board of Commissioners, based upon the recommendation of the Le Sueur County Planning and Zoning Commission or the Joint Planning Board.

SUBDIVISION 1.4 VALIDITY

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SUBDIVISION 1.5 CONSISTENCY WITH OTHER CONTROLS

~~Subdivisions~~ Land divisions ~~must~~ shall conform to all official controls of Le Sueur County. In areas not served by publicly owned sewer and water systems, a ~~subdivision~~ land division will not be approved unless an appropriate water supply is available and enough area for two (2) soil treatment and dispersal areas that can support a Type 1 sewage treatment systems can be provided on every lot. The provision for enough area for two (2) soil treatment and dispersal areas that can support a Type 1 sewage treatment systems may be waived if ~~community sewage treatment~~ municipal sewer connection is ~~provided~~ required. Lots that would require use of holding tanks shall not be approved. Each lot shall meet the minimum lot size and dimensional requirements as stated under specific SECTIONS of the Le Sueur County Zoning Ordinance.

SUBDIVISION 1.6 PUBLIC IMPROVEMENT

No public improvement shall be installed unless the Final Plat is approved and same has been duly recorded.

SECTION 2.0 RULES AND DEFINITIONS

SUBDIVISION 2.1 RULES

The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of constructiOon as applicable:

- A. The singular number includes the plural and the plural the singular.
- B. The present includes the past and future tenses, and the future tense includes the present tense.
- C. The word “shall” is mandatory, and the word “may” is permissive.
- D. In the event of conflicting provisions in the text of these regulations, the more restrictive shall apply.
- E. The provisions of this Ordinance shall be construed and interpreted to give full force and effect to its purposed and scope.

SUBDIVISION 2.2 DEFINITIONS

For purposes of these regulations, certain terms and words are hereby defined as follows:

Abutting- having a common border by a right-of-way, alley or easement.

Accessory Structure- a subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Administrative Land Split – [an approval of a change in property description of land that is approved by the zoning administrator and not subject to public hearings.](#)

Agent – [someone who is authorized to act for or in place of another; a representative.](#)

Agricultural land – [land devoted to the production of horticulture, row or close grown crops, pasture, and introduced hayland crops, and to the pasturing of livestock and dairy animals, to growing nursery stock, and to animal feedlots, or was set aside to receive price support or other government subsidy payments, six of the ten years prior to the date of adoption of this ordinance.](#)

Alley- a public or private way permanently reserved as a secondary means of access to abutting property.

Alteration- any change, addition, or modification in construction or occupancy of an existing structure.

Block- the enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.

Board of Commissioners – [the county board of commissioners.](#)

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

Buildable area – [a contiguous portion of a lot that is suitable for the location of the primary structure and that excludes all existing and proposed easements, setback areas for principal structures, wetlands, floodplains, steep slopes that are unbuildable under the Code, and other unbuildable areas.](#)

Buildable lot means [a parcel of record, or other lot, tract or parcel legally recorded with the county recorder that meets the requirements of the code, and where required, has frontage on an improved and maintained public road. An Outlot is not buildable.](#)

Building- Any structure, either temporary or permanent, having a roof, and used or built for shelter or enclosure of persons, animals, chattel, or property of any kind.

Calendar year – [The period of 365 days \(or 366 days in leap years\) starting from the first of January, used for reckoning time in ordinary affairs.](#)

City- See municipality.

Cluster development- a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Common development plan means a development project completed at once or in stages with each stage being capable of existing independently.

Common interest community means contiguous or noncontiguous real estate within the state that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership of occupancy, to pay for (i) real estate taxes levied against; (ii) insurance premiums payable with respect to; (iii) maintenance of; or (iv) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (hereafter referred to as a CIC).

1. Condominium. A CIC in which portions of the real estate are designated as units, the remainder of the real estate is designated for common ownership solely by the owners of the units, and undivided interests in the common elements are vested in the unit owners.
2. Cooperative. A CIC in which the real estate is owned by an association each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.
3. Flexible CIC. A CIC to which additional real estate may be added.
4. Leasehold CIC. A CIC in which all or a portion of the real estate is subject to a lease the expiration of which will terminate the CIC or reduce its size.
5. Planned community. A CIC that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

Community- a group of people living in the same locality under the same government.

Comprehensive land use plan- ~~The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in ordinances and maps which constitute the guide for the future development of the County or any portion of the County~~ ~~a compilation of goals, policy statement, standards, programs, and maps for guiding the physical, social, and economic development of the County and its environs, and includes any part of a participating Community's Comprehensive Plan that would be applicable.~~

Contour map- a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy- a print or reproduction made from tracing.

Concept plan or sketch plan- a generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the Zoning Administrator at the pre-application meeting.

Conveyance- to transfer ownership or title by deeds, contracts for deed, mortgages, and any other instrument which transfer or may result in transfer of title. Easements shall be excluded from this definition.

Corner lot means a Lot bordered on at least two sides by streets.

County- Le Sueur County, Minnesota.

County Board- Le Sueur County Board of Commissioners.

Covenants means contracts entered into between private parties which constitutes a restriction on the use of all private property within a Plat for the benefit of property owners to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Cul-de-sac- a local street, one end of which is closed and consists of a circular turn-around.

Density- The number of dwelling units permitted per net acre of land.

Developer- any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder, for himself or for another.

Development- the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Drainage way- a system of swales or concavities on the landscape that receive and direct overland surface water flow toward larger surface water bodies.

Easement- the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Engineer, county- the registered professional engineer employed by the county, unless otherwise stated.

Engineer, project- the registered professional engineer (engineer of record) employed by the subdivider to prepare plans and reports required by this chapter.

Final plat- the final map, drawing, or chart on which the subdivision is presented to the Le Sueur County Board of Commissioners for approval and which, if approved, will be submitted to the County Recorder.

Flag lot- a lot which is connected to a public street or highway by a narrow strip of land extending from the buildable lot area to the public street or highway

Floodplain- the beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

Floodway- [the channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.](#)

Governing body- the Le Sueur County Board of Commissioners.

Homeowners Association- A private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

Improvements- any facility which constitutes a physical betterment of the property, including public water, sewer, or storm sewer system, or any on-site sewage system, water system, drainage system, or other facility.

Joint Planning Board- a Board established by a home rule charter or statutory city council by resolution presented to the County Auditor. It shall be established to exercise planning and land use control authority in the unincorporated area within two miles of the corporate limits of the participating city, as authorized by [MSA-Minnesota Statutes](#) 462.3585.

~~Licensed Engineer- a person licensed as a professional engineer by the State of Minnesota.~~

Lot- a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

1. Lot area- the total horizontal area within the lot lines of a lot. [The lot area must shall conform to Lot area standards as stated in the zoning code. Contiguous Lot area must shall be free from rights-of-way, waterways, easements, ravines or other physical features which would preclude use of the required lot area](#)
2. Lot, corner- a lot located at the intersection of two streets, having two (2) adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred and thirty-five (135) degrees.
3. Lot, coverage- determined by dividing that area of a lot which is occupied or covered by the total horizontal projecte4d surface of all buildings, by the gross area of the lot.
4. Lot depth- the average horizontal distance between the front and rear lot line.
5. Lot line- a line dividing one lot from another lot or from a street or alley.

6. Lot line, front- the line separating the front of the lot from a public street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.
7. Lot line, rear- the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
8. Lot line, side- any lot line not a front or rear lot line.
9. Lot of record- all lots which are a part of a subdivision legally recorded with the County Recorder, and lot or lots described by metes and bounded, the deed to which has been recorded in the office of the County Recorder and which are in compliance with the official controls at the time of recording. Lots of record shall be considered legally developable providing all applicable standards and official controls of the Le Sueur County Zoning Ordinance and Subdivision Ordinance can be met at the time of development.
10. Lot width- the horizontal distance between side lot lines, measured at the required front setback line.

Map key- a map drawn to comparatively small scale which definitively shows the area proposed to be platted and the areas surrounding it to a given distance.

Metes and bounds description- a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by describing lines or portions thereof.

Minimum subdivision design standards- the guides, principles, and specifications for the preparation of the subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Municipality- a town, city, or other district having powers of local self-government.

Official map- the Le Sueur County Zoning Map adopted by the County Board.

Open space- land used for recreation, resource protection, amenity, and/or buffers. In no event shall any area of a lot constituting the minimum lot area, not any part of any existing or future road or right-of-way, be counted as constituting open space.

Outlot- land shown on a plat that may be deemed unbuildable because of topography or soils, or land that is a remnant either too small or odd shaped for development. Zoning Permits shall not be granted for development on designated outlots, [until the outlot has been granted development authority by the board of commissioners by other required processes or approvals. Within a plat, outlots shall be identified by alphabetical designation beginning with the letter "A."](#)

Owner- an 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.

Parcel- [a lot, outlot, government lot, plat, metes and bounds, registered land surveyed, auditor's plat, or other accepted means of description of real property which has been recorded in the county recorder's office.](#)

Park- any public or private land available for recreational, educational, cultural, or aesthetic use.

Performance Guarantee- a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

Planned unit development- [a defined area of land developed as a unit rather than as an individual development wherein two or more buildings or uses may be located in relationship to each other rather than to the lot lines or land use district boundaries.](#)

Planning department- [staff of the planning and zoning division of the county environmental services department.](#)

Planning Board- refers to either a designated Joint Planning Board or the Le Sueur County Planning ~~and Zoning~~ Commission.

Planning ~~and Zoning~~ Commission- a Board established by Le Sueur County to recommend action to the Le Sueur County Board of Commissioners concerning planning and land uses in the unincorporated areas of the County.

Plat- The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute, Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Minnesota Statute, Chapter 394.21 to 394.37 and Minnesota Statute, Chapter 505.

Preliminary approval- official action taken by the County on an application to create a subdivision which establishes the rights and obligations set forth in the applicable subdivision regulation. Unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of the preliminary plat or other map or drawing establishing without blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Preliminary plat- the preliminary map, drawing, or chart, indicating the proposed layout of the subdivision; to be submitted to the Joint Planning Board or Planning and Zoning Commission for their consideration.

Principal use- the primary use and chief purpose of a lot or structure.

~~Protective Covenants- documents filed in the office of the County Recorder which constitute a restriction on the property in the subdivision.~~

Public land- land owned and/or operated by a governmental unit.

Recreational land- [land intended for open space or recreational activities that do not require additional land development.](#)

Registered land survey- A survey map of registered land designed to simplify complicated metes and bounds descriptions, designating the same into a tract or tracts of registered land survey numbers as per M. S. Chapter 508.47.

Registered Land Surveyor- A surveyor duly registered and licensed by the State of Minnesota.

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

Right-of-way- The publicly owned land along a street or highway corridor, a portion of which is covered by the street or highway pavement.

Screening- The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berm, or other feature.

Simple land split means [the division of land requiring review as outlined in the simple land split process of this chapter.](#)

Site plan- A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Sketch plan- A sketch of a proposed subdivision showing the information specified in Section 3.1 of this Ordinance.

Streets, roads, and alleys:

1. [Alley- A minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.](#)
2. [Private street- A street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.](#)
- ~~2.3.~~ [Public Street- a public way for vehicular traffic, whether designed as street, highway, thoroughfare, arterial parkway, through way road, avenue, lane, place, or however otherwise designated.](#)
- ~~3.4.~~ [Collector street- a street which carries traffic from local streets to arterials.](#)
- ~~4.5.~~ [Cul-de-sac- a local street, one end of which is closed and consists of a circular turn-around.](#)
- ~~5.6.~~ [Local street- a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.](#)
- ~~6.7.~~ [Arterial street- a street or highway with access restrictions designed to carry large volumes of traffic between various sections of the appropriate city and beyond.](#)
- ~~7.8.~~ [Major or thoroughfare street- a street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.](#)
- ~~8.9.~~ [Service street- a marginal access street which is generally parallel and adjacent to a major street and which provides secondary access to abutting property.](#)

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

Subdivider- any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder for himself or for another.

Subdivision- the described tract of land which is to be or has been, divided into two or more lots or parcels for the purposes of transfer of ownership or a building development; or if a new street is involved, any division of a parcel of land. The term includes Resubdivision of a parcel of land.

[Subdivision, major- A division of land requiring review as outlined in the formal subdivision platting process of this chapter.](#)

Subdivision, minor- A division of land requiring review as outlined in the administrative land split process of this chapter.

Surveyor- A land surveyor licensed in the state.

Tracing- A plat or map drawn on transparent paper which can be reproduced by using regular reproduction procedures.

Utilities- All utility services, including, but not limited to water, sewer, phone, electrical services, whether such services are government-owned facilities or furnished by private utility companies, or privately installed and maintained.

Variance- A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the property, which, because of unusual or unique circumstances, is denied by the terms of the Zoning Ordinance.

Wetland- Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard- a required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by the Zoning Ordinance.

Zoning Ordinance- The Le Sueur County Zoning Ordinance controlling the use of land as adopted by the Le Sueur County Board of Commissioners.

SECTION 3.0 GENERAL PROCEDURES FOR THE **SUBDIVISION OF LAND**

The following procedures shall be followed in the administration of this Ordinance and the County's Zoning Ordinance.

SUBDIVISION 3.1 PLATTING

- A. No real property within the jurisdiction of this Ordinance shall be subdivided or a plat recorded with the County Recorder unless in compliance with this Ordinance.
- B. Any subdivision within a calendar year creating two (2) or more parcels, tracts, or lots less than five (5) acres in size after the adoption of these regulations shall be platted in accordance with this Ordinance.
- C. All registered land surveys, common interest communities (CIC), preliminary and final plats of any subdivision, as required by this Ordinance, shall be subject to review and approval by the appropriate Board.

- D. No lots, tracts, or parcels within any proposed subdivision may be sold prior to recording the plat with the County Recorder.
- E. The County shall not issue any permits for ~~building~~ development on any lot, parcel, or tract within a subdivision that has not received final approval pursuant to this Ordinance.
- F. All registered land surveys and common interest communities (CIC), as may be required from time to time, shall be filed with the zoning office and shall be subject to the same procedure as required for the filing of a plan for platting purposes. The standards and requirements in this Ordinance shall apply to registered land surveys and common interest communities (CIC).

SUBDIVISION 3.2 EXCEPTIONS TO PLATTING

- A. Parcels of land, may be divided without going through the formal platting process or conducting a survey, provided that the land division be done in not less than quarter-quarter-quarter section sized parcels along existing section, quarter section, quarter-quarter section, and quarter-quarter-quarter section lines. In addition, the platting or survey process may not be required if the parcel can be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, ravine, lake, road, or railroad. If a split creates a parcel smaller than a quarter-quarter-quarter section, the following conditions apply:
 - 1. When a quarter-quarter section of land is divided, one residential parcel meeting area requirements of Chapter 24, pertaining to zoning and as defined in this chapter may be created without going through the platting process. (See the simple land split section below.)
 - 2. Within the remaining quarter-quarter remnant, the creation of the second and subsequent residential building sites shall be done using the administrative land split provision in this chapter. A residential development right ~~must~~ shall first be secured by either the transfer of development rights or the bonus lot provisions as outlined in Chapter 24.
- B. When a parcel of land is divided which conveys less than a quarter-quarter-quarter section, it may be done without going through the platting process, if it includes written authorization from the Zoning Administrator. The written authorization shall accompany and be recorded with the metes and bounds description creating the new parcels. An 8½-inch × 11-inch survey drawing, signed by a licensed surveyor ~~must~~ shall be recorded with the metes and bounds description.
 - 1. When a new parcel is intended for residential purposes, and to ensure eligibility for issuance of building permits, a statement signed by the zoning administrator may be recorded confirming that the land division complies with all requirements of this chapter; Chapter 8, pertaining to floods; Chapter 14, pertaining to shoreland zoning; Chapter 24, pertaining to zoning; and the Minnesota Wetlands Conservation Act.
 - 2. Such a land division ~~must~~ shall not interfere with the purpose of this chapter.

C. In the case of a request to subdivide a lot, or combine lots which are a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot, the newly created property lines will not cause any resulting lot to be in violation of this regulation or the Zoning Ordinance, the division may be approved by the Zoning Administrator. The owner or owners of such properties to be so divided shall file with the Zoning Administrator a proposed survey plat compiled by a registered land surveyor of the lot or lots to be divided or consolidated. Such plat or survey shall show the dimensions of said lots as measured upon the recorded plat, and the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such survey. After review and approval by the Zoning Administrator such surveys and legal descriptions shall then be recorded.

The Zoning Administrator shall review such surveys for compliance with the following conditions:

1. The lots so created shall meet the minimum standards for lot width and area for the zoning district in which they are located.
2. The lot or lots to be divided are previously platted land or were a separate parcel of record prior to the adoption date of County Subdivision regulations.
3. The division of the lots shall not cause a remaining part of a lot to become a separately described tract which does not meet the minimum standards of the zoning district in which it is located or which does not have a road right-of-way frontage.

SUBDIVISION 3.21 SIMPLE LAND SPLITS

The conveyance of certain parcels of land may be split administratively if the requirements of this section are met. The zoning administrator shall have the authority to approve simple land splits.

- A. Agricultural land splits. Land that is being split for agricultural purposes may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a residential building site shall be recorded in the county taxpayer services department.
- B. Recreational land splits. Land that is being split for recreational purposes may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the county taxpayer services department.
- C. New residential land split. Land that is being split to create a parcel for the first residential structure in a quarter-quarter section, where a plat is not required, may be allowed if the quarter-quarter section has a residential development right. Any newly created residential parcel shall meet the requirements of Chapter 24.
- D. Existing residential land split. Existing rural developments may be split from a larger parcel through the simple land split process if located within an agricultural and/or conservation zoned district. All newly created residential parcels shall meet the requirements of Chapter 24.

E. Septic drainfield split. Land that is being split to create an area for the installation of a septic drainfield, meeting MPCA and County requirements, to service one or more neighboring properties may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the county taxpayer services department.

F. Public or public service purposes. Land that is being split to create an area for public or public service purposes, such as for state department of natural resources public water accesses, parks, public utility facilities such as pipeline or power line service buildings, radio or telephone communication towers, or other similar nonresidential purposes.

SUBDIVISION 3.22 SIMPLE LAND SPLIT PROCEDURES

The following documents shall be provided as a part of the simple land split procedure. Unless otherwise stated within this chapter, failure to provide the necessary documents will result in the inability to create a legal land division according to this chapter.

A. Simple land split application.

B. Simple land split review fee.

C. Unless exempt as stated in 20-101(a), one digital copy of a certificate of survey signed by a registered land surveyor for all affected tracts, parcels or lots with the following information, when applicable:

1. Name of the property owner and surveyor or engineer preparing the survey.
2. Date, scale, key map, north point.
3. Location of the land split by quarter-quarter section, section, township and range.
4. Total acreage of land to be split.
5. Length and bearings of the exterior boundaries of the land being split.
6. Parcel layout and dimensions of all parcels.
7. Written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatment drainfields for each parcel. The report shall include:
 - a. A site evaluation and preliminary ISTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, type I single-family home with an effluent flow of 600 gallons per day. The designated sites and ISTS designs shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - b. Additional information or site specific site development plans may be required.

8. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
9. Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by county staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.
10. Other information as requested by the zoning administrator to document a buildable area meeting the minimum requirements of the Code.

D. Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.

E. Written approval for road access for each parcel from the appropriate road authority. (township, county, state).

Upon submittal of all required documents, the zoning administrator shall have five business days to review the proposed land split for compliance with all applicable ordinances. If the simple land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the county taxpayer services department. If the simple land split is not compliant all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

SUBDIVISION 3.23 ADMINISTRATIVE LAND SPLITS

The conveyance of certain parcels of land may be split administratively in agricultural or conservation districts if the requirements of this section are met. The zoning administrator shall have the authority to approve administrative land splits. An administrative land split for the items below shall only be approved if the split does not require creation or altering of any public road right-of-way and any Parcel created by the land split is in compliance with the minimum standards and residential density of the district in which it is located. The land split shall not result in a Lot, Parcel, site, division or building which does not meet the minimum requirements of this chapter or Chapter 24 of the Code for setbacks, size requirements and/or access.

A. Minor subdivisions.

1. Land that is being split to create a parcel for the second new residential building site in a quarter-quarter section may be allowed if the applicants first secure the applicable residential development right through the transfer of development right process in Section 19 of the Zoning Ordinance.
2. Land that is being split to create parcels for two new residential building sites in a quarter-quarter section with or without any existing residential building site(s) may be allowed if the applicants first secure the applicable residential development right(s) through the transfer of development right process in Section 19 of the Zoning Ordinance.

3. The splitting of property for the creation of a third or fourth residential structure in a quarter-quarter section, where a plat is not required, may be allowed if the applicants first secure the applicable development right(s) through the transfer of development right process in Section 19 of the Zoning Ordinance.

SUBDIVISION 3.24 ADMINISTRATIVE LAND SPLIT PROCEDURES

The following documents shall be provided as a part of the administrative land split procedure. Failure to provide the necessary documents will result in the inability to create a legal land division according to this chapter.

- A. Administrative land split application.
- B. Administrative land split review fee.
- C. One digital copy of a certificate of survey signed by a registered land surveyor for all affected parcels or lots with the following information, when applicable:
 1. Name of the property owner and surveyor or engineer preparing survey.
 2. Date, scale, key map, north point.
 3. Location of the land split by quarter-quarter section, section, township and range.
 4. Total acreage of land to be split.
 5. Length and bearings of the exterior boundaries of the land being split.
 6. Radii of all curves and lengths of all tangents.
 7. Parcel layout and dimensions of all parcel.
 8. The location of all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated.
 9. The location of existing storm drainage, sewer, water and utility facilities, including poles and utilities stubbed into the property. Reasonable attempts shall be made to identify the location, size and capacity of agricultural tiles and abandoned wells.
 10. Written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatment drainfields for each parcel. The report shall include:
 - a. A site evaluation and preliminary ISTS design based on the proposed use of the lot. Minimum design shall be based on a four-bedroom, type I single-family home with an effluent flow of 600 gallons per day. The designated sites and ISTS designs shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - b. Additional information or site specific site development plans may be required.

11. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.

12. Topographic map of the area showing contours as follows: two-foot intervals where the slope is seven percent or less; five-foot intervals where the slope is from seven to 15 percent; 20-foot intervals where the slope is greater than 15 percent. All areas of the land division with a slope greater than 25 percent shall be clearly indicated.

13. Contours lines shall indicate the toe and top of any bluffs present.

14. Water elevations of adjoining lakes, rivers and streams at the date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Survey and/or United States Geodetic Survey Datum.

15. Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by County staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.

16. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater storage areas.

17. When the land split borders a lake, river or stream, a survey line shall be established at an elevation a minimum of four feet above the ordinary high water elevation of the lake, river or stream.

D. Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.

E. Written approval for road access for each parcel from the appropriate road authority. (township, county, state).

Upon submittal of all required documents, the zoning administrator shall have 15 business days to review the proposed land split for compliance with all applicable ordinances. If the administrative land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the county taxpayer services department. If the administrative land split is not compliant, all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

SUBDIVISION 3.3 PRE-APPLICATION MEETING REQUIRED- SKETCH PLAN

- A. Prior to the preparation of any preliminary plat for consideration by the appropriate Planning Board, the subdivider shall meet with the County Zoning ~~Administrator and other officials~~staff in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. ~~At this time, or at subsequent informal meetings, t~~The subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for water supply and waste disposal. The sketch plan may be presented in simple form but ~~should~~shall show ~~that~~ consideration has been given to the relationship ~~of~~between the proposed subdivision ~~to~~and existing community facilities. ~~that would serve it,~~Consideration shall also be given to neighboring ~~subdivisions and~~ development, ~~and to~~ the topography of the site, ~~to~~ the appropriate applicable Comprehensive Plan(s) ~~for the area~~, and ~~to~~ any other requirements as stipulated in this Ordinance. The sketch plan will be considered as the basis for discussion between the subdivider and the appropriate Planning Board. Submission of such sketch plan shall not constitute formal filing of a Preliminary Plat.
- B. The subdivider is ~~urged to avail himself of the~~encouraged to seek advice and assistance of the County staff ~~at this point~~ in order to save time and effort, and to facilitate the approval of the preliminary plat.

SUBDIVISION 3.4 PRELIMINARY PLAT

- A. After the pre-application meeting, the subdividers or owners shall ~~apply for a platting permit with the~~submit an application to County Zoning ~~Administrator~~staff and shall file ~~eight (8) copies a digital copy~~ of a preliminary plat which has been prepared in accordance with the regulations set forth in this Ordinance, and any supplementary materials required. At the time of submission of the Preliminary Plat, the required fees shall be paid by the subdivider.
1. The filing shall be at least thirty (30) days prior to the next regularly scheduled appropriate Planning Board meeting.
 2. ~~The Zoning Administrator~~County Zoning staff shall refer copies of the Preliminary Plat to the applicable City, Town Board, County Surveyor, County Engineer, County Recorder, and other agencies to provide the appropriate Planning Board with any opinion on the proposal.
- B. Within thirty (30) days after the plat has been filed and after reports and certifications have been received as requested, the appropriate Planning Board shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official county newspaper and the affected municipality's newspaper at least ten (10) days before the day of the hearing. Notices shall also be sent to all known property owners of record within ¼ mile of the exterior boundary of the proposed plat.
- C. The appropriate Planning Board shall study the ~~practicability of the~~ Preliminary Plat taking into consideration the requirements of the appropriate government bodies and the best use of the land being subdivided. ~~Particular~~ with attention ~~shall be being~~ given to the arrangement, following:

1. ~~The arrangement,~~ location, and width of streets_;_;
2. ~~road~~Road connections_; ~~and~~ their relation to the topography of the land_;_;
3. ~~water~~Water supply_;_;
4. ~~sewage~~Sewage disposal_;_;
5. Stormwater drainage_;_;
6. ~~lot~~Lot sizes_; and ~~arrangement~~configuration_;_;
7. ~~the~~Future development of adjoining lands ~~as yet not subdivided~~_;_;
8. ~~the~~Consideration of parks and open space development_;_;
9. ~~and the~~rRequirements of the Comprehensive Plan, the Official Map_; and the Zoning Ordinance.

D. At the public hearing, all persons interested in the proposal shall be heard, and the appropriate Planning Board shall, within thirty (30) days of the conclusion of the public hearing, forward to the County a favorable, conditional, or unfavorable report and said reports shall contain a statement of findings and recommendations.

~~C.~~E. The County Board shall act upon the Preliminary Plat within sixty (60) days following the delivery of an application completed in compliance with these regulations by the applicant. If the County Board fails to act within the review period, the application shall be deemed approved, and upon demand the County shall execute a certificate to that effect. If the County Board disapproves the Preliminary Plat, the grounds for any such disapproval shall be set forth in the minutes of the County Board meeting and reported to the owners and subdividers.

F. Approval of a Preliminary Plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed towards preparation of a Final Plat in accordance with the terms of approval provisions of this Ordinance.

~~D.~~G. Should the subdivider desire to amend the Preliminary Plat as approved, ~~he~~they shall resubmit the amended plat ~~following the original procedures set forth~~to County Planning staff. Additional public hearings shall be exempted unless the ~~appropriate Planning Board~~Zoning Administrator considers the scope of the revisions substantial enough to constitute a new plat which will then require a new application submittal, new public hearing_; and fees.

1. If a new public hearing is required, ~~The~~the applicant shall withdraw their original preliminary plat application and the Zoning Administrator shall refer ~~an appropriate number of a digital copies~~copy of the ~~final~~amended preliminary plat to the appropriate staff and agencies for their review and report. The report of these agencies and persons shall be submitted to the County Zoning staff ~~within sixty (60) days of the date of submission of the plat~~ and the County Board shall act on the ~~final~~preliminary plat within sixty (60) days of the submission of the ~~final~~amended preliminary plat.

~~E.H.~~ In the case of all ~~subdivisions~~ plats, the appropriate Planning Board and /or the County Board shall make the following findings:

1. That the proposed ~~subdivision~~ plat is not in conflict with adopted applicable general and specific land use plans of the City, County, and Township;
2. That the physical characteristics of the site including, but not limited to, topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, and accessibility are such that the site is physically suitable for the proposed density of development;
3. That the design of the ~~subdivision~~ plat or the proposed improvements are not likely to cause substantial environmental damage;
4. That the design of the ~~subdivision~~ plat or the type of improvements is not likely to cause serious public health problems;
5. That the design of the ~~subdivision~~ plat or the type of improvements will not conflict with easements established by judgement of a court.

SUBDIVISION 3.5 FINAL PLAT

A. The Final Plat shall be prepared by a land surveyor duly registered by the State of Minnesota, and said plat shall conform to all state requirements in Minnesota Statutes, Chapter 505 and this Ordinance.

~~B.~~ The owners or subdividers shall file ~~eight (8) copies~~ a digital copy of the final plat with ~~the County Zoning Administrator staff~~ prior to the appropriate Planning Board meeting at which it will be considered. If this is not done within twelve (12) months of the date the Preliminary Plat has been approved by the County Board, ~~the Preliminary Plat has been approved by the County Board,~~ the Preliminary Plat ~~will~~ shall be considered void unless, ~~for good cause,~~ an extension is ~~requested~~ granted by the appropriate Board.

1. A request for an extension of time shall be submitted in writing, by the owners or subdivider, to County Zoning staff.
2. ~~and granted by the appropriate Board~~ The request shall include a narrative justifying the extension and the description of the actions taken toward obtaining approval of the final plat.
- 1.3. Decisions of time extension requests shall be given based on whether the subdivider is actively pursuing the completion of the final plat.

~~B.C.~~ Upon approval of the final plat by the County Board, the subdivider shall record such final plat with the County Recorder, ~~as provided for by that office,~~ within one hundred eighty (180) days after the approval. Otherwise, the approval of the final plat shall be considered void. ~~The subdivider shall within thirty (30) days after recording, furnish the County Zoning Administrator with one copy of the recorded plat, and any other agencies that shall require a recorded plat.~~

SECTION 4.0 GENERAL REQUIREMENTS

SUBDIVISION 4.1 DOCUMENTS

A. PRE-PLAT MEETING REQUIRED:

Prior to the filing of an application for conditional approval of a preliminary plat, the subdivider shall consult with the planning department, the county engineer, the environmental services department, and with the town board of the township in which the plat is to be located to determine specific issues and/or concerns, and to receive input from staff regarding the proposed plat. A sketch plan shall be submitted to County Zoning staff for review prior to proceeding with a Preliminary Plat. The plan is for general purposes to coordinate the desires of the subdivider and the City, Township, and County goals and should generally show the following information:

1. The location of that portion which is to be subdivided in relation to the entire tract, and the existing road rights-of-way.
2. All existing structures, a soils map, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided. Topographic data may also be indicated at intervals of not more than ten (10) feet and be based on Mean Sea Level.
3. The name of the property owner.
4. All utilities available, and all streets which are either proposed, mapped, or built.
5. The proposed lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewage disposal, and water supply within the subdivided area.
6. All existing restrictions on the use of the land, including easements, covenants, or zoning lines.

~~A.~~**B. APPLICATION FOR CONSIDERATION:** The application for consideration of a subdivision plat shall be made to ~~the appropriate Planning Board Chair and Zoning Administrator~~County Zoning staff and ~~should contain the following information: date of application; name and signature of applicant; property location and owner; type, description and reasons for request; fee information; case number; date of consideration; and chronology of application~~on an official application form.

~~B. SKETCH PLAN:~~ A sketch plan shall be submitted to the appropriate Planning Board and Zoning Administrator for review prior to proceeding with a Preliminary Plat. The plan is for general purposes to coordinate the desires of the subdivider and the City, Township, and County goals and should generally show the following information:

- ~~1. The location of that portion which is to be subdivided in relation to the entire tract, and the existing street pattern.~~
- ~~2. All existing structures, Soil Conservation Service soils map, wooded areas, streams, wetlands, and other significant physical features, within the portion to be subdivided. Topographic data may also be indicated at intervals of not more than ten (10) feet and be based on Mean Sea Level.~~
- ~~3. The name of the property owner.~~
- ~~4. All utilities available, and all streets which are either proposed, mapped, or built.~~
- ~~5. The proposed pattern of lots, including lot width and depth, street layout, recreation areas, systems of drainage, sewage disposal, and water supply within the subdivided area.~~

~~6.7. All existing restrictions on the use of the land, including easements, covenants, or zoning lines.~~

C. **PRELIMINARY PLAT:** The following information shall be submitted for the consideration of a Preliminary Plat, and shall be either placed directly on the plat or be attached to the plat.

1. ~~All plats shall be of a standard size measuring 20 by 30 inches or 30 by 40 inches from outer edge to outer edge.~~The Preliminary Plat shall be drawn to a scale of not less than one inch equaling 100 feet. Where necessary, the Preliminary Plat may be on several sheets, provided they are numbered and a map key is presented with the sheets showing the entire subdivision.

Also required:

a. Name of the subdivider and surveyor or engineer preparing plat.

b. Proposed plat name and all intended street names.

c. Date, scale, key map, north point.

d. Location of the plat by government lot and/or quarter-quarter section, section, township and range.

e. Location and names of adjacent plats and the owners of adjoining parcels of unsubdivided land.

f. Zoning classification of lands to be divided and all adjacent lands.

g. Total acreage of land to be divided.

h. Exact length and bearings of the exterior boundaries of the land being divided, including the exact radii, central angle and arc length of all curves. On non-tangential curves a chord bearing and chord distance shall be shown. This means the perimeter description around the exterior boundary lines of the plat.

i. Lot layout and dimensions of all lots and outlots.

j. Location, widths and names of all existing platted or dedicated streets, easements, railroad and utility rights-of-way, parks, watercourses, drainage ditches, permanent buildings and structures, and such other data as may be required within the area being platted and within 300 feet of the exterior boundaries of the area being platted.

k. The location, layout and width of all new streets, rights-of way, and all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated. Maximum grade for proposed roads shall be indicated.

l. The location of existing storm drainage, sewer, water and utility facilities, including poles and utilities stubbed into the property. Reasonable attempts shall be made to identify the location, size and capacity of agricultural tiles and abandoned wells.

- m. Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development.
- n. Written report, prepared by an MPCA licensed subsurface sewage treatment systems designer, which shows the location of two sites suitable for a Type 1 subsurface sewage treatment system (SSTS) for each Lot. The report shall include:
 - 1. A site evaluation and preliminary SSTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, type I single-family home with an effluent flow of 600 gallons per day. The designated sites and SSTS designs shall be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - 2. Additional information or site specific site development plans may be required.
- o. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
- p. Topographic map of the area showing contours as follows: two-foot intervals where the slope is less than 12 percent; five-foot intervals where the slope is from 12 to 18 percent; ten-foot intervals where the slope is greater than 18 percent.
- q. Contours shall indicate the toe and top of any bluffs present.
- r. Indicate all bluff, bluff and/or shore impact zones.
- s. Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. The boundaries of wetlands shall be delineated.
- t. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater storage areas.
- u. When the plat borders a lake, river or stream, a survey line shall be established at an elevation a minimum of four feet above the ordinary high water elevation of the lake, river or stream.
 - ~~a. Date;~~
 - ~~b. North point;~~
 - ~~c. Map scale;~~
 - ~~d. Name and address of property owner(s), subdivider, surveyor, engineer and designer, including their license numbers and seals;~~
 - ~~e. Proposed name of the subdivision;~~
 - ~~f. Names of all subdivisions immediately adjacent;~~
 - ~~g.a. A vicinity sketch showing property relationships to surrounding properties.~~

~~2. DESCRIPTION:~~

- a. ~~An actual field survey of the boundary lines of the tract, made and certified by a licensed surveyor.~~
- b. ~~Zoning District, including exact boundary lines of the district, any proposed changes in the zoning district lines including dimensions and/or the zoning ordinance text applicable to the area to be subdivided;~~
- c. ~~Topographic data with a contour interval of not more than two (20 feet and supplementals of one (1) foot in extremely flat areas, Soil Conservation Service soils map, water courses, lakes, Department of Natural Resources classifications of wetlands or marshes, wooded areas, rock outcrops, power transportation poles and lines, gas lines, and other significant existing features for the proposed subdivision and adjacent property;~~
- d. ~~The location, right of ways, width, and names of existing or platted streets or other public ways, parks, and other public lands, permanent buildings and structures, easements, section and corporate lines within the subdivision and to a distance 100 feet beyond, elevations and locations of catch basins, inverts, manholes, hydrants and street pavement widths and type;~~
- e. ~~Number of residential lots, lot size in square feet, minimum front side and rear yard building setbacks;~~
- f. ~~Any additional information regarding proposed uses within the Subdivision such as additional splits, parks, etc.~~

~~3. DESIGN FEATURES:~~

- a. ~~Layout of proposed streets, alleys, pedestrian ways, and easements showing right of way widths, gradients and proposed street names;~~
- b. ~~Preliminary dimensions of all lots and blocks beginning with number one (1) within the subdivision;~~
- c. ~~Areas intended to be dedicated or reserved for public use, including their size in acres;~~
- d. ~~Minimum front, side and rear building setback lines.~~

~~4. PROPOSED DEVELOPMENT:~~

- a. ~~Plans, profiles, and cross-sections showing the proposed location, size, and type of improvements and all underground conduits;~~
- b. ~~When on-site sewage treatment systems are to be utilized, an on-site evaluation for sewage treatment shall be conducted on each proposed lot by a site evaluator as approved by the MPCA. Submitted site evaluations shall follow procedures per MPCA Minnesota Rules Chapter 7080 ~~7083~~ and be signed by the evaluator;~~
- c. ~~All parcels of land proposed to be dedicated to public use and the conditions of such dedication;~~
- d. ~~An approximate grading plan.~~
- e. ~~a. A developer shall provide adequate area within the proposed subdivision to comply with water supply regulations as specified in M.S. Minnesota Statutes Section 103.1 Chapter 4725 an any subsequent amendments and interpretations per the Le Sueur County Water Quality Ordinance 91-12.~~

~~5.2.~~ SUPPLEMENTAL INFORMATION:

- a. A notarized certification by the owner and by any mortgage holders of the property of the adoption of the plat and the dedications required by this Ordinance;
- b. A map of the entire tract if the application covers only a part of the subdivider's entire holding, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grade and drainage in the remaining portion of the tract shall be submitted;
- c. A vicinity sketch to show the relation of the plat to adjacent lands already developed and adjacent lands which could be developed consistent with development of the property being platted;
- d. A copy of all proposed private restrictions.
- e. Drainage report describing predevelopment flows, expected post-development flows, and measures to be taken to ensure that post-development flows do not exceed predevelopment flows. Such report shall describe erosion control measures to be taken to prevent erosion and sedimentation both during and after development.
- ~~d.f.~~ Grading plans showing cut and fill sections for proposed site grading if lot alteration is proposed.
- g. Any proposed covenants or private restrictions affecting the subdivision.

~~6.~~ SUPPLEMENTAL DOCUMENTS REQUIRED:

- ~~a.~~ An attorney's opinion of title showing title or control of the property to be subdivided;
- ~~b.a.~~ Copies of private restrictions affecting the subdivision.

D. FINAL PLAT: The Final Plat shall comply with the requirements of M.S. 505 where necessary.

1. The Final Plat may be on several sheets provided they are numbered and a map key is presented on the sheets showing the entire subdivision;
2. The Final Plat will have incorporated all changes and modifications required in all other respects conform to the approved Preliminary Plat.
3. The Final Plat may constitute only that portion which the subdivider proposed to record and develop, provided that such portion conforms with all the requirements of this Ordinance.
4. The Final Plat shall have the official form required for the granting of approval.
5. The information to be included on the final plat is as follows:
 - a. Name of the owner of record.
 - b. Date, scale, north point.
 - c. Plat name and all street names.
 - d. Durable benchmark with complete description, location and elevation when the Plat is located within the shoreland district.
 - e. Location of the plat by quarter-quarter section, section, town and range.
 - f. Exact length and bearings of the exterior boundaries of the land being divided, including the exact radii, central angle and arc length of all curves. On non-tangential curves a chord bearing and chord distance shall be shown. This means the perimeter description around the exterior boundary lines of the plat.
 - g. Underlying plats shall be shown as dashed lines.

- h. Exact location, widths and names of all streets being platted, their bearings, angle of intersection, length of arcs, radii, points of curvature and tangent bearings.
- i. Exact bearings, dimensions and area of all Lots.
- j. Location and dimensions of all parks within the boundaries of the land to be divided.
- k. The exact location and width of railroad and utility rights-of-way, watercourses, drainage ditches, the exact location and width of all public easements, and a statement of easement rights.
- l. Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public," or labeled as Outlots, with proper dedication in the instrument of dedication.
- m. Water elevations of adjoining lakes, rivers and streams at the date of the survey and their approximate high and low water elevations. If high water elevation is available, it shall be shown on the plat.
- n. When a plat borders a lake, river or stream, the exact distance and bearings of a survey line shall be established at an elevation a minimum of four feet above the recorded high water elevation of the lake, river or stream.
- o. Notarized certificate of the licensed land surveyor certifying that the Plat fully complies with the requirements of this chapter and the platting laws of the state relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by them and that all monumentation complies with Minn. Stats. Ch. 505 that no wetlands exist on the property or that wetlands are shown on the plat, as defined by Minn. Stats. § 505.02, subd. 1. Financial assurances shall cover costs of installing required monumentation when delayed staking provisions of Minn. Stats. Ch. 505 are utilized.
- p. Notarized owners certificates or instruments of dedication signed by the owners dedicating to the public for full public use all streets, street rights-of-way and other lands designated as "dedicated for the public's use" and granting of utility easements as shown on the plat.
- q. Title opinion from state licensed attorney, as specified in section 20-273.
- r. Certificates of approval to be signed by:
 - 1. The chairperson of the planning commission;
 - 2. The secretary of the planning commission;
 - 3. The county surveyor;
 - 4. The county engineer;
 - 5. The county sanitarian;
 - 6. The board of commissioners chairperson;
 - 7. The county administrator.
- s. A certificate to be signed by the county auditor-treasurer office stating that there are no unpaid taxes or special assessments on any of the lands included in the plat.
- a-t. A certificate to be signed by the county recorder or registrar of titles.

SUBDIVISION 4.2 CONFORMITY TO OFFICIAL ZONING MAP AND ZONING ORDINANCE

All subdivisions shall conform ~~to the adopted official map~~ and be in harmony with the Le Sueur County Zoning Ordinance, ~~and~~ Official Zoning Map₂ and Comprehensive Plan.

SUBDIVISION 4.3 DELAYED APPROVAL OF SUBDIVISION

Where a proposed park, playground, school site, or other public site as shown on the Official Zoning Map and/or Official Map is embraced in part, or in whole, by the boundaries of a proposed subdivision, such land shall be reserved and no action shall be taken towards approval of the Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

SUBDIVISION 4.4 LAND SUITABILITY

Each lot created ~~through~~ in a proposed subdivision ~~must~~ shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, utility easements, 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 of the community.

SUBDIVISION 4.5 ESTABLISHED MONUMENTS

All international, federal, state, county, and other official monuments, landmarks, triangulation points, and stations shall be preserved in their precise locations, and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during any construction and development. All section, quarter section, and sixteenth section corner monuments shall be completely and adequately described and tied.

SUBDIVISION 4.6 PRESERVATION OF NATURAL FEATURES

~~The~~ In all proposed subdivisions, the appropriate Planning Board may ~~establish~~ require the preservation of the natural features which add value to ~~all developments in~~ the County, such as trees or groves, water courses, beaches, historic spots, vistas, and other similar irreplaceable assets ~~which are to be preserved within each development~~.

SUBDIVISION 4.7 EROSION PREVENTION, GRADING AND FILLING STANDARDS:

A. Grading and filling in any type of wetland ~~must~~ shall be evaluated to determine how extensively the proposed activity would affect the ~~following~~ functional qualities of the wetlands.* This evaluation shall also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies. The determination shall be based on the following:

1. Sediment and pollutant trapping and retention;
2. Storage of surface runoff to prevent or reduce flood damage;
3. Fish and wildlife habitat;
4. Recreational use;
5. Shoreline or bank stabilization; and
6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

~~*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies. The applicant will be so advised.~~

- B. Alterations ~~must~~ shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- C. Mulches or similar materials ~~must~~ shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover ~~must~~ shall be established as soon as possible.
- D. Methods to minimize soil erosion and to trap sediments within the area of the proposed plat and before they reach any surface water feature ~~must~~ shall be used for any development of one (1) acre or larger. Guidelines for sediment control contained within the Board of Water and Soil Resources “Minnesota Construction Site Erosion and Sediment Control Planning Handbook” should be utilized.
- E. Altered areas ~~must~~ shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation district and the United States Soil Conservation Service~~;~~.
- F. Fill or excavated material ~~must~~ shall not be placed in a manner that creates an unstable slope~~;~~.
- G. Plans to place fill or excavated material on steep slopes ~~must~~ shall be reviewed by qualified professionals, as approved by the Zoning Administrator, for continued slope stability and ~~must~~ shall not create finished slopes of 30 percent or greater~~;~~.
- H. Alterations of topography ~~must~~ shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

SUBDIVISION 4.8 BLOCKS, LOTS, AND STREET DESIGNS

Design standards shall assure that the layout of the subdivision is in harmony with existing adopted plans and roadways affecting the development of its surroundings and shall be in harmony with existing development unless the proposed development is part of a larger redevelopment plan.

The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, U-shaped street, and cul-de-sacs may be encouraged where such use will result in more desirable and efficient use of the land. However, in those areas either abutting or within one-half mile of a municipality, streets should be designed in such a manner as to align with existing streets inside the municipality if deemed necessary to accommodate a municipality’s street plan.

A. BLOCKS:

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways, or lakeshores.
 - a. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, block lengths shall normally not exceed thirteen hundred twenty (1320) feet, not be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterial and collector streets shall not be less than one thousand (1000) feet in length.
 - b. In long blocks the appropriate Planning Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the appropriate Planning Board through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to playgrounds, transportation, shorelands, or other community facilities.
 - a-c. Blocks designed for industrial uses shall be of such length and width as may be determined suitable for the prospective use.

B. LOTS:

1. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Le Sueur County Zoning Ordinance.
2. When possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
3. Double frontage lots shall be avoided except where lots back on a highway or other arterial road, or where the topography or other conditions render other designs unreasonable. ~~Such double frontage lots shall have an additional depth of at least ten (10) feet in order to allow space for screen planting along the rear lot line.~~
4. Every lot ~~must~~ shall have sufficient frontage on a public dedicated road or street other than an alley, provided, that where private roads are permitted as set forth in ~~Subdivision 4.8~~ [this ordinance](#), such frontage may be on an approved private street.
5. Lot remnants which are below the minimum lot size ~~must~~ shall be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel.
6. [Lots intended as controlled accesses to public waters or as recreation areas for use by owners of lots within subdivisions are permissible. The lot shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.](#)

C. STREET DESIGN:

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, and to the proposed uses of the area to be served.
2. Where new streets extend to 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 provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land, it shall be designed to meet the traffic needs of the area to be served by the road upon its full development.
4. Half streets shall be prohibited except where the County Board finds it to be practical upon recommendation of the appropriate Planning Board to require the dedication of the other half when adjoining property is subdivided. In such event, access to the half street shall be prohibited until such adjoining property is subdivided.
5. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing street. In no case shall the name of the proposed street duplicate names, including phonetical similarities, elsewhere in the County.
6. Where a subdivision is to be located adjacent to a collector road, the County Board may require that lots back onto those thoroughfares and be landscaped to provide a buffer zone. Access to the interior lots shall either be a cul-de-sac or designed as a U-shaped or loop street.

D. HARDSHIP TO OWNER OF ADJOINING PROPERTY:

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

E. 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.

F. DEAD-END STREETS:

Dead-end streets shall be prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs outside Shoreland Districts shall not normally be longer than 500 feet. Turn-arounds shall have a minimum outside roadway radius of 60 feet and a right-of-way radius of not less than 70 feet.

G. LOCAL STREETS:

Local streets are intended for access to abutting property and shall be so aligned that their use by through traffic shall be discouraged.

H. INTERSECTIONS:

Insofar as practical, streets shall intersect at right angles. It ~~must~~ shall be evident that safe and efficient traffic flow is encouraged. No intersection shall contain more than four “corners”. Street jogs with centerline offsets of less than 125 feet shall be avoided.

I. RIGHT-OF-WAYS:

For all public right-of-ways hereafter dedicated and accepted the following minimum right-of-way width and grade shall be met:

Minnesota Department of Transportation Standards for horizontal and vertical alignment, grades, etc. shall also be complied with to meet County Standards.

Street Classification	Min. width R.O.W.	Min. Driving Width	Max. Grade	Min. Drainage Grade
Major Arterial	100 ft.	60 ft.	5%	0.5%
Minor Arterial/ Collector	80 ft.	44 ft.	5%	0.5%
Local Streets and Roads	66 ft.	24 ft.	8%	0.5%
Service Access Roads	50 ft.	24 ft.	8%	0.5%
Alleys	20 ft.	16 ft.	8%	0.5%
Pedestrian Way	10 ft.	-	-	-

J. PRIVATE STREETS OR ROADS:

Private streets or roads may be permitted, provided these streets or roads meet the approval of the appropriate Planning Board and standards set forth in this Ordinance. No person shall sell any parcel of land in a subdivision if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the township or county.

K. TOWNSHIP SPECIFICATIONS:

Upon recommendation by the affected township, the developer may be required to provide a driving surface per that township’s specifications.

SUBDIVISION 4.9 EASEMENTS

- A. An easement for utilities at least 10 feet wide shall be provided along the side line of lots and/or the rear line of lots, where necessary, to form a continuous right-of-way at least 20 feet in width. If necessary for the extension or construction of main water or sewage lines or similar utilities, easements of greater width may be required along lot lines or across lots. Easement obstructions may be removed for utility repair or installation.
- B. Utility easements shall be aligned and connected with easements established in adjoining properties.
- C. Additional easements for pole guides may be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guides will fail alongside lot lines.
- D. Where a subdivision contains, or is traversed by, a water course, drainage way, channel, lake or stream, ~~;~~ a storm water easement, drainage right-of-way or park dedication, ~~whichever the appropriate Planning Board may deem the most adequate, conforming substantially with the lines of such water course,~~ shall be provided, ~~;~~. The storm water easement, drainage right-of-way, or park dedication shall be large enough to provide together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The width of such easements shall ~~may~~ be ~~determined~~ reviewed by the County Engineer.
- ~~E. These easements, when approved, shall not thereafter be changed without the approval of the County Board, by Ordinance, or upon the recommendation of the appropriate Planning Board.~~

SUBDIVISION 4.10 NATURE OF STORM WATER FACILITIES

- A. GENERAL STANDARDS:
 - 1. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - 2. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, and when any developments shall provide runoff retention structures or other acceptable measures to maintain predevelopment runoff rates (assuming adequately protected land). Various types of constructed facilities ~~such as~~ including but not limited to diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. SPECIFIC STANDARDS:

1. Impervious surface coverage of lots shall ~~not exceed 25 percent of the lot area~~ meet the standards of the applicable zoning district as listed in the Zoning Ordinance.

2. When constructed facilities are used for stormwater management, the following shall apply:

a. ~~documentation~~ Documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the County Soil and Water Conservation District.

b. Areas intended to be used as a stormwater facility to manage runoff within subdivisions are required to be located on a separate outlot. The outlot shall be jointly owned by all landowners in the subdivision.

~~b.c.~~ The owners of the stormwater facility shall be responsible for its annual maintenance. Every year, the owners shall submit an annual report to the County Zoning staff, prior to November 1st, stating the maintenance events that occurred over the previous year and outlining the type of maintenance activities planned for the upcoming year.

~~2.3.~~ Newly constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

~~3. Location: The applicant may be required, by the appropriate Planning Board, to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of subdivision. Such drainage facilities shall be located in the road right of way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications consistent with the field office technical guide of the County Soil and Water Conservation District.~~

4. Accessibility to Public Storm Sewers:

Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, ~~or, if~~ If no outlets are within a reasonable distance, adequate provisions shall be made for the disposal of storm waters, subject to the specifications reviewed by the County Engineer.

~~a. If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer and the appropriate Planning Board, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.~~

6. Accommodations of Upstream Drainage Areas:
A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall review specifications to determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

7. Effect on Downstream Drainage Areas:
The County Engineer ~~and/or the appropriate Planning Board shall also study~~may review the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies, together with such other studies as shall be appropriate shall serve as a guide to determine the runoff incident that the development of the subdivision will have on any existing downstream drainage facilities. ~~The appropriate Planning Board shall determine.~~No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage way or facility.

8. Floodplain Areas:
~~The appropriate Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any stream or drainage way. These f~~Floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, or waste material,~~except at the discretion of the appropriate Planning Board.~~

SUBDIVISION 4.11 SHORELAND REGULATIONS

Subdivisions within shoreland areas, as designated by the County Zoning Ordinance and Official Zoning Map, shall comply with all State and County Standards applicable to shoreland areas. ~~to harmonize the d~~Development with shoreland areas ~~and consider the following Planned Unit Developments~~ may be allowed as provided in the Le Sueur County ~~Shoreland~~Zoning Ordinance.

SUBDIVISION 4.12 PLANNED UNIT DEVELOPMENTS (PUD)

Development may be allowed as a PUD, as provided in the Le Sueur County Zoning Ordinance.

SUBDIVISION 4.13 PUBLIC SITES AND OPEN SPACE

A. Where a proposed park, playground, or open space shown on the County Comprehensive Plan is located in whole or in part in a subdivision, the appropriate Planning Board shall require that such area or areas be shown on plats in accordance with the requirements specified in this Section. Such area or areas shall be dedicated to the Township, County, or to a homeowner's association responsible for maintenance, by the subdivider if the governing body approves such dedication.

1. In the event that a proposed park, playground, open space

- B. The appropriate Planning Board shall require that plats show sites of character, extent and location suitable for the development of a park, playground, or other recreation purposes. The appropriate Planning Board may require that the developer satisfactorily grade any such recreation areas shown on the plat.

- C. In all new subdivisions, the County may require 10 percent of the gross area of the subdivision to be dedicated for public recreation space, with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivisions is suitable for such use, the subdivider may be required by the County to pay a fee up to 10 percent of the land value prior to subdivision. The land value shall be determined by utilization of assessment records and formulas that apply thereto. Cash payments received shall be used only for the acquisition and development or improvements of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan. Cash payments shall not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands or open space~~The fee shall be dedicated for park land-acquisition-only.~~

SECTION 5.0 REQUIRED IMPROVEMENTS

SUBDIVISION 5.1 DEVELOPERS AGREEMENT

Prior to approval of the final plat, the Subdivider ~~may~~shall execute and submit to the County Board an agreement, which shall be binding on the successor heirs, personal representatives and assigns, that will cause no private construction to be made on said plat, or file, or cause to be filed, any application for ~~building~~ permits for such construction until all improvements required under this Ordinance have been made or arranged for in the manner following with respect to highways, roads, or streets to which the lots sought to be constructed have access.

SUBDIVISION 5.2 PAYMENT FOR IMPROVEMENTS

The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the City, County, or Township, unless otherwise stated. In the case of an improvement, the County may pay a portion of the costs of improvements if the County determines that the cost of the improvement exceeds the benefit which will occur to the properties to be assessed for the improvements, or if the County determines that the improvements provide a general benefit which should be paid for out of the general tax revenues. Furthermore, if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, the County Board may, at a duly called public hearing, make provision for causing a portion of the cost of the improvement, representing the benefit of such lands, to be assessed against the same. In such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within ~~his~~the subdivision.

SUBDIVISION 5.3 CONSTRUCTION PLAN

Construction plans for the required improvements conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by an appropriate engineer. Such plans, together with the qualities of construction materials, may be submitted to the County Engineer at the direction of the County Board for his/her review and comment. Upon receipt, the plans shall be the basis of the cost portion of the contract required by Subdivision 5.2 of this Ordinance. ~~The~~ [An electronic copy of the](#) tracing of the land reviewed by County Engineer ~~plus two prints~~ shall be submitted and placed on file in the County Engineer's office.

SUBDIVISION 5.4 PLANS FOR INSTALLATION OF GAS AND ELECTRIC FACILITIES

The appropriate agencies shall approve the plans for installation etc. prior to the approval of the Final Plat. The plans shall be submitted to the County Engineer and Zoning Administrator upon their submission and approval by the appropriate agencies. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

SUBDIVISION 5.5 CONTRACT FOR INSTALLATION OF IMPROVEMENTS

Prior to the installation of any required improvements and prior to the approval of the Final Plat, the subdivider shall enter into a contract, in writing, with the appropriate City, Township, or County which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plan, specifications and normal contract conditions approved by the County Board. The contract shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

SECTION 6.0 FINANCIAL GUARANTEE

At their option, the County Board, may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.

SUBDIVISION 6.1 ESCROW DEPOSIT

An amount equal to 125 percent of the cost estimate prepared by a certified engineer for the developer and any costs for inspections of the improvements to be furnished and/or installed by the developer shall be filed with the County Auditor, and a copy of such note deposit shall be forwarded to the County Board., When authorized by the County Board, the County shall be entitled to reimbursement from said deposit for costs and expenses incurred by the County for the inspection of the construction and for the completion of work not approved by the County and for damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.

SUBDIVISION 6. 2 PERFORMANCE BOND

The subdivider may be required to furnish a letter of credit or a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the cost estimate determined by the County Engineer for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County Attorney prior to its acceptance. The expiration date of the performance bond be set by the County Board. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

SECTION 7.0 RELEASE OR REDUCTION OF PERFORMANCE BOND

SUBDIVISION 7.1 CERTIFICATE OF SATISFACTORY COMPLETION

The County Board will not accept dedication of required improvements, nor release, nor reduce a performance bond, letter of credit or cash escrow until all improvements have been satisfactorily completed. The County Board may require a statement from the County Engineer stating that the required improvements are satisfactorily completed. Upon receipt of such statement, the County Board may accept the improvements for dedication in accordance with the established procedure.

SUBDIVISION 7.2 REDUCTION OF PERFORMANCE BOND

A performance bond shall be reduced upon actual dedication of public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

SUBDIVISION 7.3 COMPLETED IMPROVEMENTS

Any improvements within a subdivision which have been completed prior to the application for approval of the Preliminary Plat may be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Board shall certify that they are satisfied that the existing improvements conform to the applicable standards.

SUBDIVISION 7.4 INSPECTION OF IMPROVEMENTS

At least ten (10) days prior to commencing construction of required improvements, the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he/she proposes to commence construction of such improvements so that the Zoning Administrator and County Engineer may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required. If the County Engineer and/or County Zoning Administrator finds, upon inspection, that any of the required improvements have not been constructed in accordance with the County construction standards and specifications, the subdivider shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.

SUBDIVISION 7.5 MODIFICATION OF THE DESIGN OF IMPROVEMENTS

If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the County Engineer that the unforeseen conditions make it necessary or preferable to modify the location or design of such improvements, the County Engineer may, upon approval by a previously delegated member of the County Board, authorize modifications, provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver of substantial alteration of the functions of any improvements required. The County Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the appropriate Planning Board and the County Board.

SUBDIVISION 7.6 PROPER INSTALLATION OF IMPROVEMENTS

If the County Engineer and/or County Zoning Administrator shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he/she shall so report to the County Board. The Zoning Administrator shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the County's rights under the bond. No plat shall be approved by the County Board as long as the subdivider is in default on a previously approved plat.

SUBDIVISION 7.7 PARK DEDICATION RECREATION AREAS

Where a park, playground, or other recreation area has been shown on a Final Plat, the appropriate Planning Board may also require the filing of a written agreement between the applicant, the County Board, or landowner covering the cost of grading, development equipment, and maintenance of any such recreation area.

SUBDIVISION 7.8 PUBLIC ACCEPTANCE OF STREETS

The approval by the appropriate Planning Board of the Final Plat shall not be deemed to constitute or be evidence of any acceptance by any Municipality, Township, County, or the State of any street, easement, or other right-of-way shown on such Final Plat. Such acceptance shall be made by the governing body of a Municipality, Township, County, or State.

SUBDIVISION 7.9 MAINTENANCE OF IMPROVEMENTS

A subdivider shall be required to maintain all improvements within the subdivision until written acceptance of said improvements by the County Board or affected township, or municipality.

SECTION 8.0 ADMINISTRATION

SUBDIVISION 8.1 ENFORCING OFFICER

This Ordinance shall be administrated and enforced by the Planning and Zoning Administrator appointed by the County Board.

A. DUTIES FO THE ENFORCING OFFICER

1. The Planning and Zoning Administrator is charged with the enforcement of this Ordinance and the regulation contained therein.
2. The Planning and Zoning Administrator shall receive and forward to the appropriate Planning Board all applications, materials, and information governed by the regulations contained in this Ordinance.

SUBDIVISION 8.2 VARIANCES

~~A.—Where the County Board and the appropriate Planning Board find that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may direct the subdivider to the appropriate Board of Adjustment.~~

~~B.—If, in the opinion of the appropriate Board of Adjustment the proposal conforms variance is not in conflict with the Comprehensive Plan, the Zoning Ordinance and any other ordinance which may be applicable, a variance may be granted where the subdivider can show by reason of exceptional topography or other physical conditions the strict compliance with this Ordinance would cause undue hardship on the enjoyment of a substantial property right.~~

~~C.—Application for a variance shall be made, in writing, by the subdivider when the Preliminary Plat is filed for consideration by the appropriate Planning Board. Such application shall state all facts relied upon by the applicant and be supplemented with maps, plans, and other additional data, which may aid the Board of Adjustment in the analysis of the proposed project. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the proposed plan.~~

SECTION 9.0 AMENDMENTS TO THE SUBDIVISION ORDINANCE

The procedure for amending this Ordinance is the same prescribed for its adoption.

SUBDIVISION 9.1 AMENDMENT

~~This Ordinance (recorded as document 234658) in Le Sueur County Recorder's Office after proper notice, publication, and public hearing was amended per Le Sueur County Planning and Zoning Commission recommendations on January 11, 1996 and Le Sueur County Board of Commissioners action taken on June 18, 1996.~~

~~Amendments approved on June 18, 1996 are described on Attachment A.~~

SECTION 10.0 FEES

Fees for subdividing shall be established by the County Board. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator, which shall be deposited with the County Treasurer, at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

SECTION 11.0 PENALTIES

SUBDIVISION 11.1 VIOLATIONS

- A. Any subdivider who violates, omits, neglects, or refuses to comply with the provisions or the enforcement of this Ordinance, or who sells, ~~offers for sale,~~ or leases any lot or block of land which is in violation of this Ordinance, shall be guilty of a misdemeanor ~~and subject to a fine not to exceed \$700.00 plus costs,~~ and/or sentenced to jail for a period not to exceed 90 days. Each lot in violation and each day of violation shall be deemed a separate offense.
1. Whenever the Zoning Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, the Zoning Administrator shall give notice of such alleged violation, as hereinafter provided. Such notice shall:
 - a) Be in writing;
 - b) Include a statement of the reasons for the issuance;
 - c) Allow 45 days time for the performance of any act it requires (if work cannot be completed in the 45-day period, extensions may be granted if reasons for the hardship do prevail and can be verified);
 - d) Be served upon the alleged violator or ~~his~~-their agent as the case may require~~;~~, provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to ~~his~~-their last known address, or when he/she has been served with such notice by any method authorized or required by the laws of this State.
 2. Any person affected by any notice has been issued in connection with the enforcement of any provision of this Ordinance, may request, and shall be granted, a hearing of the same before the Board of Adjustments ~~and Appeals.~~

SECTION 12.0 EFFECTUATION

SUBDIVISION 12.1 SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance and specifically included in said judgement.

- B. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, other structure, such judgement shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgement.

SECTION 13.0 RESERVED

SECTION 14.0 REPEAL AND ADOPTION

SUBDIVISION 14.1 REPEAL

The Le Sueur County Subdivision Ordinance adopted on ~~October 1, 1980~~ June 18, 1996 and its amendments, is hereby repealed in its entirety. That document was recorded as Document #~~215409~~ 253951 on ~~September 1, 1989~~ July 8, 1996.

SUBDIVISION 14.2 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The Le Sueur County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Subdivision Ordinance on the 11th day of ~~February~~ January 1993-1996 at the Le Sueur County Environmental Services Building. After hearing public testimony and with due deliberation, the Planning Commission recommends adoption of this Ordinance to the Le Sueur County Board of Commissioners.

SUBDIVISION 14.3 ADOPTION

The Le Sueur County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption and enactment of this Ordinance on the ~~16th-18th~~ day of ~~March~~ June, 1993-1996 at the Le Sueur County Courthouse. After hearing public testimony with due deliberation, the Le Sueur County Board of Commissioners voted 5 ayes and 0 nays to adopt this Ordinance.

SUBDIVISION 14.4 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Passed this ~~16th day of March, 1993~~ (Insert new date)

Chairman,
Le Sueur County Board of Commissioners

ATTEST: _____
~~Terry Overn~~ Aaron Stubbs, Le Sueur County ~~Auditor~~ Environmental, Planning & Zoning Administrator