

SECTION XVIII - SUBDIVISION REGULATIONS

This section of the Yellow Medicine County Land Use Ordinance shall be known as the Yellow Medicine County Subdivision Regulations and may be referred to in this section as "this section" or "this Ordinance" or "the subdivision ordinance."

Subdivision 1.0 Intent and Purpose

The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any township. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the township has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire township is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed, and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

1. Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
2. Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
3. Place the cost of improvements against those benefiting from their construction.
4. Secure the rights of the public with respect to public lands and waters.
5. Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.

There are two methods of subdividing land. One method is through the minor subdivision process; the other method is by platting the property. Subdivision 5.0 outlines the minor subdivision process. Subdivision 6.0 outlines the platting process.

Subdivision 2.0 Scope and Applicability

The regulations contained in this section shall apply in the unincorporated area of Yellow Medicine County and shall apply to any division of land into two or more parcels with the following exceptions:

1. Agricultural use lands or tracts of undeveloped land that meet the Ordinance definition of "agricultural use" and are not intended for development. All tracts of land that are determined to have the potential for or are clearly intended for development shall no longer be considered agricultural use lands for purposes of administering this Ordinance.
2. Nonbuildable tracts or lands entered into permanent easement including programs such as

Conservation Reserve Enhancement Program (CREP), designated wetlands, and land tracts located in the floodway.

3. Developed U.S. government lots or government survey tracts of 40 acres or greater.

These regulations shall apply for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance, sales, contract for sale, or other means by which a beneficial interest in land is transferred.

After the effective date of this Ordinance:

1. No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this Section and approved by the County as having fulfilled the requirements of this Section, the other sections of the Yellow Medicine County Land Use Ordinance, and Minnesota Statutes Chapter 505.
2. Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re-separated without approval in the manner prescribed in this section.
3. No registered land survey shall be recorded with the Registrar of Titles until the registered land survey has been approved by the County as having fulfilled the requirements of this Ordinance and the Yellow Medicine County Land Use and Related Resource Management Ordinance.

Subdivision 3.0 Definitions

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be occupied."

Alley - A public right-of-way less than 30 feet in width that normally affords a secondary means of vehicular access to abutting property.

Applicant - A person, corporation, or other legal entity recognized by law who applies for a variance, zoning permit, conditional use permit, or other land use permit.

Attorney - The County Attorney.

Block - A tract of land bounded by streets or a combination of streets and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or city corporate limits.

Board of County Commissioners - The Yellow Medicine County Board of County Commissioners.

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

line.

Buildable Area - The space remaining on a lot for building purposes after the setback and open space requirements of this section have been met.

Buildable Land - Land with a slope less than 25 percent and outside of any required setbacks and above any floodway, drainageway, or drainage easement.

Comprehensive Plan - The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for planned execution documented in tests, ordinance, and maps which constitute the guide for the future development of the unincorporated area of the County.

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 County and/or city officials at the pre-application meeting.

Contour Interval - The vertical height between contour lines.

Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

Copy - A print or reproduction.

County - Yellow Medicine County, Minnesota.

Developer - The owner of land proposed to be subdivided or their representative.

Development - The act of building structures and installing site improvements.

Development Agreement - An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, and the fact that the use, development, and further conveyance of the parcels are subject to the regulations contained in the Land Use Ordinance.

Development Plan - A plan guiding the development of the property to the ultimate land use. Such plan shall include, but is not limited to: site analysis information, staging plan, grading plan, drainage plan, and end use plan.

Drainage Course - A watercourse or indenture for the drainage of surface water.

Drainageway - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Easement -A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, and utilities including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, cable television, storm sewer or storm drainageways, and gas lines.

Engineer -The County Engineer.

Final Plat - The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the County Commissioners for approval and which, if approved, will be submitted to the County Recorder.

Grade - The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.

Individual Sewage Treatment System (ISTS) - A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies.

Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site that shall be occupied by no more than one principal structure equipped with sanitary facilities.

Lot, Corner - A lot bordered on at least two adjacent sides by intersecting streets.

Metes and Bounds - A method of property description in which successive sides are described by means of direction and distance from an easily identifiable point.

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

Natural Drainageway - A depression in the earth's surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

Non-Residential Subdivision - A subdivision whose intended use is other than residential, such as commercial or industrial.

Open Space Design Development - A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

Ordinary High Water Level or Ordinary High Water Mark - The boundary of a public waters and wetlands as defined by Minnesota Statutes Section 103G, an elevation

delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Outlot - A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. An outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and, therefore, not usable as a building site.

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.

Pedestrian Way - A public or private right-of-way across or within a block to be used by pedestrians.

Person - Includes an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

Planning Commission - The Yellow Medicine County Planning Commission.

Preliminary Approval - Official action taken by a municipality or a county on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes Section 462.358 and the applicable subdivision regulation. In accordance with Section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing, without limitation, the number, layout, and location of lots, tracts, 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 Planning Commission and County Board for their consideration.

Private Street - A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

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

Seasonal High Water Table - The highest elevation in the soil where all voids are filled with water as evidenced by presence of water or soil mottling or other information.

Slope - The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Steep Slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Street - A public right-of-way that affords primary means of access to abutting property and shall also include avenue, highway, or roadway.

Street, Collector - A street that serves or is designed to serve as a traffic way for a neighborhood or to move traffic from local roads to secondary roads.

Street, Cul-de-sac - A street turn-around with only one outlet.

Street, Intermediate or Minor Arterial - A street that 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.

Street, Local - A street intended to serve primarily as an access to abutting properties.

Street, Major or Arterial - A street that serves, or is designed to serve, heavy flows of traffic between communities and/or other heavy traffic generating areas.

Street Pavement - The wearing or exposed surface of the roadway used by vehicular traffic.

Street, Rural Design - A street without curb and gutter having either paved or gravel shoulders.

Street, Service - Marginal access street or otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Street, Urban Design - A street that incorporates either concrete or bituminous curb and gutter.

Street Width - The shortest distance between the lines delineating the roadway including shoulders or parking lanes of a street. On urban designed streets, it is face to face of curbs.

Subdivider - Any person commencing proceedings under the Ordinance to effect a

subdivision of land hereunder for himself or for another.

Subdivision - The division or re-division of a lot, tract, or parcel of land into two or more lots for the purpose of transfer of ownership, building development, or tax assessment purposes either by plat, replat, registered land survey, conveyance, sale, contract for deed or other means or by metes and bounds description.

1. Minor Subdivision. Any subdivision three or less lots fronting on an existing street, not involving any new streets or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Land Use Ordinance, or these regulations.
2. Major Subdivision. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots or any size subdivision requiring any new street or extension of an existing street.

Subdivision Ordinance - A separate set of regulations covering subdivisions.

Survey, Land - The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.

Surveyor - A land surveyor licensed under Minnesota state laws.

Toe of the Bluff - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with the average slope exceeding 18 percent.

Unincorporated Area - The area outside a city.

Vicinity Map - A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

Zoning Administrator - The duly appointed person charged with enforcement of this Ordinance.

Zoning Ordinance - A zoning ordinance or resolution controlling the use of land as adopted by Yellow Medicine County.

Subdivision 4.0 Administration

1. Pursuant to Section XIII of the Yellow Medicine County Land Use Ordinance, the Yellow Medicine County Zoning Administrator shall be the Administrator of these regulations, and shall have the powers and duties set forth in Section XIII, and all other

powers that are reasonable and necessary for the administration, interpretation, processing, processing of applications, and enforcement of this Ordinance.

2. Whenever there is a difference between the minimum standards or dimensions required in this Section and any other standards or dimensions in other sections of the Yellow Medicine County Land Use and Related Resource Management Ordinance, the most restrictive standards or dimensions shall apply.
3. Subdivision review shall be coordinated with the requirements and procedures for Environmental Assessment and Impact Statements as contained in Section XII of the Yellow Medicine County Land Use and Related Resource Management Ordinance. Any mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality Board Regulations shall be submitted as part of the application for preliminary plat approval.
4. Subdivision review shall be coordinated with the local township. The affected township shall be informed of all phases of plat approval. The County Board shall not approve any plat of land lying in a township that has appointed a planning and zoning commission unless the township board approves the plat and the laying of streets and other public ways shown on it. The approval shall be endorsed on the plat and signed by the chair of the township board.
5. In the case of a request to divide a lot that is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot to be in violation with this Section or the Land Use and Related Resource Management Ordinance, the division may be approved by the Zoning Administrator after submission of a survey and legal description of each by a licensed land surveyor showing the original lot and the proposed new lot lines. The newly acquired land must be combined on the same deed on any future conveyance.
6. No structure shall be built or placed on a lot in a new plat until final plat approval has occurred and until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the County Engineer.
7. Any lot or parcel of land designated as an outlot shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of the lot or parcel.
8. Consent for subdivision of property shall be required from the owner of the property.
9. Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Section and the Yellow Medicine County Land Use and Related Resource Management Ordinance.
10. Variances to the dimensional standards contained in this Section shall be heard by the Yellow Medicine County Board of Adjustment and governed by the regulations contained in Section XIII of the Yellow Medicine County Land Use and Related Resource Management Ordinance.
11. Any bonds or other financial security required under the provisions of this section shall be approved by the County Board.
12. The County Board shall approve no plat as long as the subdivider is in default on a previously adopted plat.
13. Fees for plat reviews and other services rendered under this section shall be established

- by the Yellow Medicine County Board of County Commissioners.
14. The rules of interpretation set forth in the Yellow Medicine County Land Use and Related Resource Management Ordinance apply equally to these Subdivision regulations.

Subdivision 5.0 Minor Subdivision

1. In the case of a subdivision resulting in three or less parcels and situated in a locality where conditions are well-defined and no new roads or other public infrastructure is needed, the County may waive a portion of the platting requirements.
2. At a minimum, the following information must be submitted:
 - A. A survey showing the proposed lot.
 - B.. Topographic data at 10-foot contour intervals for undeveloped lots. Data at two-foot contours and flood plain information may be required if deemed necessary by the zoning administrator.
 - C. Buildable area on undeveloped lots.
 - D. Driveway access points.
 - E. Drainage, grading, and erosion control plans for undeveloped lots.
 - F. Wetland delineation report and map, where applicable.
3. A certificate of survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.
4. All wetland areas shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.
5. A maximum of three lots in a 40-acre government survey system tract is permitted utilizing the minor subdivision procedure.
6. The zoning administrator shall review all minor subdivisions for compliance with the Yellow Medicine County Land Use and Related Resource Management Ordinance.
7. In addition to other requirements, all requirements of Sections 8.0, 9.0, and 10.0 of this Section must be met where applicable. Further, the following must be completed:
 - A. Driveway permits or letter of intent must be approved by the Yellow Medicine County Highway Department or MnDOT if access to a county or state road is required.
 - B. Drainage easements must be dedicated as necessary.
 - C. Road right-of-way must be dedicated as necessary.

Subdivision 6.0 Platting Procedure

1. Concept review.
 - A. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this section and the requirements or limitations imposed by other County regulations prior to the development of a preliminary plat, the subdivider shall meet with the zoning administrator.
 - B. The subdivider shall prepare and submit a copy of a concept plan containing the following information:

- i. Tract boundaries and approximate dimensions.
 - ii. Significant topographic and physical features on the property to be platted and within 200 feet of all property lines.
 - iii. Proposed general street and lot layout with lot sizes of individual parcels designated.
 - iv. General location of proposed public and private open space areas.
 - v. General drainage plan.
 - vi. Current zoning of the property.
 - vii. The name of the property owner and developer.
 - viii. Location of all existing utilities.
 - ix. Plan for sewage treatment and water supply.
- C. The zoning administrator shall review the sketch plan with the subdivider and provide comments on the concept plan. The zoning administrator can take no formal or informal action at this stage of review, and discussion that occurs at the meeting cannot be construed as approval or denial of the proposed plat.

2. Preliminary Plat.

- A. After receiving comments from the zoning administrator during concept review, the applicant shall prepare and submit 11 copies of the preliminary plat to the zoning administrator. The preliminary plat submission shall contain the information as described in Section 7 (Preliminary and Final Plat Requirements).
- B. Prior to preliminary plat approval for property located in a shoreland district, the proposed subdivision must have the approval of the Minnesota Department of Natural Resources (DNR). The zoning administrator shall be responsible for forwarding copies of the proposed plat to the DNR.
- C. The Watershed Management Organization in the area of the proposed platted property shall be informed of the preliminary plat.
- D. If the property proposed to be subdivided abuts the right-of-way of a state highway, a copy of the preliminary plat shall be sent to the Minnesota Department of Transportation for its review and consideration.
- E. The township in which the proposed preliminary plat is located shall be provided a copy of the preliminary plat for review and consideration.

- F. The County Attorney and County Recorder shall be provided a copy of the preliminary plat for review and consideration.
3. Public Hearing.
- A. Upon receipt of complete preliminary plat application, the Planning Commission shall schedule a public hearing on the proposed preliminary plat.
 - B. In the event the Planning Commission does not recommend approval the County Board shall conduct a public hearing and take action on the preliminary plat application
 - C. If the Planning Commission recommends approval of the preliminary plat, approval shall not constitute final acceptance of the layout.
 - D. The Planning Commission reserves the right to require changes to any subdivision plan when they feel an alternative plan would be more sensitive to environmental resources; or provide for a more efficient flow of traffic; or is not sensitive to topographical constraints of the property; or does not meet the standards contained in the Yellow Medicine County Land Use and Related Resource Management Ordinance or Comprehensive Plan.
 - E. If the Planning Commission recommends approval of the preliminary plat, the subdivider shall submit the final plat within 180 days after the approval or the approval of the preliminary plat shall be considered null and void. This 180-day time limit may be extended if requested by the applicant and approved by the Planning Commission. In the event the property is to be developed in phases, the preliminary plat approval for the undeveloped portion or phase shall be valid for two years from the date of preliminary plat approval.
 - F. Should the subdivider desire to amend the preliminary plat as approved, he may submit an amended plat that shall follow the same procedure as a new plat. A public hearing and submission of a plat review fee shall not be required for amended preliminary plats unless, in the opinion of the Planning Commission, the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be refiled with payment of appropriate review fees and shall require a public hearing.
4. Final Plat.
- A. After the preliminary plat has been reviewed and approved by the Planning Commission, 11 copies of the final plat shall be submitted to the zoning administrator.
 - B. The Planning Commission's recommendations on the final plat shall be recorded in the proceedings of the Planning Commission and transmitted to the

applicant.

- C. If the Planning Commission recommends approval of the final plat, the zoning administrator shall submit the final plat to the County Board for final approval.
- D. If the final plat is not approved by the Planning Commission, the applicant can appeal that decision to the County Board who shall conduct a public hearing and take action on the plat.
- E. If the final plat is approved by the County Board, the owner shall submit the final plat to the Yellow Medicine County Recorder/Registrar of Titles within 120 calendar days after approval. The final plat shall be signed and acknowledged by each person owning a legal or equitable interest in the lands platted including contract purchasers or those holding a security interest such as a mortgage or contract for deed but excluding judgment or mechanic's lien. In lieu of their signatures on the final plat, mortgage or contract for deed vendors may sign and acknowledge a separate consent to plat.
- F. If the final plat is not presented to the County Recorder/Registrar of Titles within 120 calendar days after approval by the County Board, approval of the final plat shall be considered null and void. An extension to this 120-calendar day time frame may be requested by the applicant and submitted in writing to the County Board. An extension must be approved by the County Board.

Subdivision 7.0 Preliminary and Final Plat Requirements

The following information shall be submitted for preliminary plat review. Graphic scale for any maps shall not be more than 100 feet to one inch.

- 1. Identification and Description.
 - A. Proposed name of the subdivision. This name shall not duplicate or be alike in pronunciation of the name of any existing plat recorded in the County.
 - B. Legal description of the property.
 - C. Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer, and designer of the plan.
 - D. North point and vicinity map of area showing well-known geographical points for orientation within a one-half mile radius.
 - E. Date of preparation.
- 2. Existing Conditions.

- A. Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing the plat.
- B. Existing zoning classification for land in and abutting the subdivision.
- C. Approximate total acreage.
- D. Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, significant physical features/natural resources, permanent buildings and structures, easements, and section, corporate, and school district lines within the plan and to a distance of 300 feet beyond.
- E. Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities and essential services within the preliminary plat area and to a distance of 100 feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- F. Boundary lines of adjoining unsubdivided or subdivided land within 100 feet identified by name and ownership and including all contiguous land owned or controlled by the subdivider.
- G. All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.
- H. Topographic data including contours at vertical intervals of not more than two feet, except in those areas where the slope is less than one percent a one-foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within one-half mile of site. Benchmarks shall be established on-site and shown on map. At the discretion of the zoning administrator, spot elevations may substitute for the one-foot contour intervals.
- I. A copy of all proposed private restrictions.
- J. In areas where public sewer is not available, two soil borings shall be completed on each lot with results being submitted to the Yellow Medicine County Zoning Administrator. If it appears that soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required at the discretion of the zoning administrator.

- K. Soil types and location of limits of each soil type as shown in the Soil Survey of Yellow Medicine County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Yellow Medicine Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitations shall be submitted as part of the application.
 - L. For lands proposed to be platted in the Minnesota Scenic River District, the bluff line and all slopes over 12 percent with a horizontal distance of 50 feet or greater shall be delineated. In shoreland districts, all slopes over 18 percent with a horizontal distance of 50 feet or greater shall be delineated. Slopes in excess of 25 percent shall be delineated on all properties.
 - M. On all lakes, ponds, and wetlands, all water surface elevations, ordinary high water elevation, and 100-year flood elevations shall be denoted unless deemed unnecessary by the zoning administrator.
 - N. The applicant shall document the path of each drainageway from the proposed development to the first DNR Protected Water within one mile of the project.
3. Subdivision Design Features.
- A. Layout of proposed streets showing right-of-way widths.
 - B. Locations and widths of proposed pedestrian ways and utility easements.
 - C. Lot and block numbers, preliminary dimensions of lots and blocks, and area of each lot. The buildable area of each lot excluding slopes over 25 percent, required setbacks, and drainage easements shall be noted.
 - D. Proposed front, side, and rear building setbacks as well as setbacks from water bodies.
 - E. Location and size of proposed sanitary sewer lines and water mains if a publicly owned system is to be installed.
 - F. Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-section of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-way, manholes, and catch basins.
 - G. Areas (other than streets, alleys, pedestrian ways, and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
 - H. Grading and drainage plan for entire subdivision. If any fill or excavation is

proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, Local Governmental Unit, and/or Watershed Management Organization.

- I. Erosion and sediment control plan.
4. Other Information.
 - A. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry so as to reveal the effect of the development of traffic, fire hazards, and congestion of population.
 - B. Source of water supply.
 - C. Provisions for sewage disposal, surface water drainage, and flood control.
 - D. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
 - E. Provide 911 address for each lot.
 - F. Such other information as may be requested by the zoning administrator, the County Engineer, or the Planning Commission.

The following information shall be submitted for final plat review.

1. The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota Statutes and these regulations.
2. The subdivider shall submit with the final plat an Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 calendar days of submission of the final plat to the County Board for approval.
3. On the final plat, the lowest floor elevation of a building shall be shown for all lots abutting a water body. The elevation shall be at least three feet above the 100-year flood elevation for rivers and streams and at least three feet above the ordinary high water level for lakes. A durable benchmark shall be established and shown on the map.
4. The final plat shall incorporate all changes or modifications required to conform to the approved preliminary plat.

Subdivision 8.0 General Development Standards

1. No land may be subdivided if it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of residents of the township or future residents of the subdivision.
2. The County reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots, and similar township assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
3. All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot, and building orientation.
4. The subdivider shall consult with the township at the time a sketch plan is under consideration to secure its recommendation as to the location of any property that should be dedicated to the public such as parks, playgrounds, or other public property.
5. The proposed subdivision shall conform to the Comprehensive Plan and Policies as adopted by the County.
6. Where a subdivision abuts or impacts an existing County road or County state aid highway, additional right-of-way may be required to be dedicated so long as the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety, and welfare of the township.
7. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the township as a whole may develop harmoniously.
8. No land may be subdivided unless the resulting lots and layout fully comply with the Yellow Medicine County Land Use and Related Resource Management Ordinance, unless and until a variance has been obtained as set forth in subdivision 4 of this Ordinance.

Subdivision 9.0 Minimum Design Standards

1. Street Plan.
 - A. Proposed streets shall conform to the state, County, or local road plans or preliminary plans as have been prepared, adopted, and/or filed as prescribed by law.
 - B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
 - C. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.

- D. The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
 - E. Where adjoining areas are not subdivided but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
 - F. Local streets shall be laid out to discourage their use by through traffic.
 - G. Half or partial streets will not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
 - H. Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
 - I. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
 - J. Private streets or roads may be permitted provided these streets or roads meet the approval of the County 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. 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.
2. Cul-de-sac Streets.
- A. For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.
 - B. Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.
 - C. Temporary cul-de-sacs are those in which it can be clearly shown that the road

could reasonable continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.

- D. Cul-de-sac streets, permanently designed as such, shall not exceed 1,320 feet in length.
- E. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the County Engineer to show construction can stay within the right-of-way.

3. Street Design.

- A. Minimum right-of-way width and roadway widths for each type of public street or road shall be as follows:

Type of Street	Minimum R/W Width	Minimum Driving Width	Maximum Grade	Minimum Drainage Grade
Major Arterial	120 ft	40 ft	5 percent	0.5 percent
Minor Arterial/Collector	100 ft	36 ft	5 percent	0.5 percent
Local Streets and Roads	66 ft	24 ft	8 percent	0.5 percent
Service Access Roads	50 ft	24 ft	8 percent	0.5 percent
Alleys	20 ft	16 ft	8 percent	0.5 percent
Pedestrian Way	10 ft	-	-	-

- B. Where subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- C. The minimum radius for a cul-de-sac shall be 45 feet.
- D. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- E. Access to streets shall be regulated as follows:

- i. Access of streets within the subdivision to other local streets shall meet all requirements of the road authority.
 - ii. Access to Minnesota Trunk Highway, U.S. routes, or Interstate Highways shall be subject to all regulations and permitting procedures of the Minnesota Department of Transportation.
 - F. Intersections having more than four streets converging at a single intersecting point shall be prohibited.
 - G. All streets shall be designed to minimum Yellow Medicine County standards and shall be reviewed and approved by the County Engineer prior to construction.
- 4. Public Utilities.
 - A. Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.
 - B. Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.
- 5. Easements.
 - A. Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10-foot wide front or side yard easement may be required. These easements shall be dedicated on the final plat.
 - B. Drainage easements shall be provided along each side of the centerline of any watercourse or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands up to the 100-year flood elevation or delineated boundary, whichever is greater.
 - C. Utility and drainage easements shall be dedicated for the required use and shall not be changed without the approval of the County Board which shall be by ordinance.
- 6. Street Signs.
 - A. All street signs shall be provided and installed by the County at the expense of the subdivider.
- 7. Lot Requirements.
 - A. Side lot lines shall be substantially at right angles to straight street lines of radial to curved street lines or radial to lake or stream shores unless topographic

conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.

- B. Each lot shall have frontage on a private or public street or road. Access to the lot shall be from the frontage of the lot.
- C. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.
- D. Lots designed for commercial or industrial purposes shall provide adequate off-street service, loading, and parking facilities.
- E. Corner lots shall be platted with sufficient width to permit appropriate building setbacks from both roads.
- F. Through or double frontage lots shall not be permitted except where such lots abut a state or County state aid highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall require a minimum of a 10-foot wide screen planting along the rear lot line.
- G. Lots abutting upon a watercourse, drainageway, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- H. Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- I. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use rather than allowed to remain as unusable parcels. A development agreement (major subdivision) shall be recorded restricting the use and ownership of the parcel.
- J. In the case where the proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. Residential driveway access on collector or local streets must be a minimum of 300 feet apart and meet appropriate safety standards.
- K. No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- L. In any area where property is likely to become urbanized, a preliminary plan may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.

- M. All lots abutting a lake, river, pond, or wetland shall contain a building site three feet or above the regulatory flood elevation, and access to both the subdivision and to the individual building sites shall be no lower than two feet above the regulatory flood protection elevation. The lowest floor elevation shall be shown on the face of the final plat, as recorded, and shall be a minimum of two feet above the 100-year flood elevation.

Subdivision 10.0 Engineering Standards

- 1. Streets.
 - A. Street surfacing shall be determined by the County Engineer.
 - B. Streets shall be graded in accordance with a plan approved by the County Engineer.
 - C. An obstacle free clear zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
 - D. For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:3 (rise over run). The ditch bottom shall be four feet wide unless suitable erosion control can be provided.
 - E. The design of all pavement shall be accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. The designed thickness of the pavement shall be determined by the County Engineer.

Classification	Pavement Design; Axle Load
Arterial, Collector Street	Nine ton
Local Street	Seven ton minimum

- F. To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the County Engineer with the pavement plans. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding 300 feet.
- G. Concrete or bituminous curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent. The construction shall be in accordance with Standard Specification for Highway Construction, MnDOT No. 2531 or 2535.

- H. All boulevards shall have four inches of top soil (black dirt) placed on them and then seeded or sodded.
 - I. All required walks shall be concrete four inches thick placed on a four-inch gravel base. Grades shall be as approved by the County Engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the County Engineer. All walks shall comply with federal ADA standards.
2. Utilities.
- A. All utilities shall be placed underground unless approved by the County Engineer.
 - B. Where a larger size water main, sanitary sewer, storm drain, or similar facility is required to serve area outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefiting properties, and the assessments are to be determined by the County Board.
 - C. Sewer ó Urban Areas
 - i. No public sanitary sewer facility shall be extended which is not in conformance with the adjacent city's and County's Comprehensive Plans.
 - ii. Where trunk line sanitary sewer facilities are available, the subdivider shall install sanitary sewers and connect such sanitary sewers to such trunk line sewers. Extensions of the public sewer system shall be designed to provide public sewer service to each lot.
 - iii. In the event that such facilities are not available but, in the opinion of the adjacent city, can be made available within a reasonable period of time, such sewers and all necessary laterals extending from the main sewer to the street curb may be installed and capped for future connection as service becomes available.
 - iv. Construction and inspection of the sanitary sewer must be in conformance with the city's specifications.
 - D. Water Supply ó Urban Areas.
 - i. Where mains from a public water system are available, the subdivider shall install water mains in the plat and connect such mains to such public water system.
 - ii. Extensions of the public water supply shall, when available, be designed to provide public water service to each lot.
 - iii. Construction and inspection of the water supply system must be in conformance with city specifications.

- iv. The subdivider shall address and provide adequate fire protection.
- E. Sewer - Rural Areas.
- i. Where lots cannot be connected with a public sewer system, provision must be made for sanitary sewer facilities consisting of an individual sewage treatment system for each lot in accordance with Section XII of the Yellow Medicine County Land Use Ordinance, (Sewage and Wastewater Treatment Regulations). This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
 - ii. Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be made at the expense of the subdivider, and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
 - iii. The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated number of unsewered years.
- F. Water Supply - Rural Areas.
- i. Wells shall be constructed in accordance with all rules and regulations of the Minnesota Department of Health.
3. Storm Water Drainage.
- A. A drainage system shall be required and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination system. Such facilities shall be installed and easements dedicated as will adequately provide for the drainage of surface waters.
 - B. Drainageway easements or land dedication may be required when such easements or land are needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.
 - C. In connection with preliminary plat review and recommendations, provisions for surface water disposal, drainage, and flood control within the boundaries of the proposed property division shall be submitted.

- D. The rate of surface runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate of runoff existing on the proposed subdivision prior to the proposed development. For the purposes of this regulation, surface water runoff is water flowing on or very near the surface. The volume of surface water runoff may be regulated if it appears the use and development of downstream properties or water resources may be unreasonably interfered with as a result of the subdivision.
- E. Provisions shall be made for controlling runoff by construction or enhancement of ponding facilities on-site and within the boundaries of the proposed property division. Such ponding facilities should provide for both permanent and temporary storage runoff.
- F. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, 10-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.
- G. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- H. The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order or preference. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
 - i. Natural infiltration of precipitation on-site. The purpose of this provision is to encourage the development of a storm water management plan that encourages natural infiltration. This includes providing as much natural or vegetated areas on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers, and ditches.
 - ii. Flow shall be weakened or reduced in force by use of open vegetated swales and natural depressions.
 - iii. Storm water retention facilities.
 - iv. Storm water detention facilities.

- I. Storm water detention facilities shall be designed according to the most current technology.
4. Erosion Control During Construction.
 - A. Erosion control shall be performed in accordance with the recommended practices of the Yellow Medicine Soil and Water Conservation District, the applicable Watershed Management Organization, and the Minnesota Pollution Control Agency.
 - B. The following criteria apply only to construction activities that result in runoff leaving the site:
 - i. Channelized runoff from adjacent area passing through the site shall be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - ii. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. The limits of grading must be shown on the erosion control plan.
 - iii. All disturbed ground shall be stabilized by seeding or sodding or by mulching, covering, or other equivalent control measure where necessary.
 - iv. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District and the Natural Resources Conservation Service.
 - v. Fill or excavated material must not be placed in a manner that creates a slope that is not firm or firmly fixed and must not create finished slopes of 2 to 1 or steeper unless approved by the County Engineer.

Subdivision 11.0 Required Improvements

1. No improvement within a subdivision shall take place until final plat approval has been granted by the County, a development agreement (major subdivision) has been signed outlining what work can be done, and a financial guarantee has been posted with the township and the County in accordance with this section.
2. Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances the following improvements on the site:
 - A. All subdivision boundary corners, block and lot corners, and road intersection

corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All federal, state, County, or official benchmarks, monuments, or triangulation stations adjacent to the property shall be preserved in precise precision unless a relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half inch in diameter and 14 inches in length and shall be inscribed with the license number of the land surveyor making the survey.

- B. The full width of the right-of-way of each street dedicated in the plat shall be graded in accordance with approved plans.
 - C. The road authority may require curb and gutter along both sides of an urban designed street. Concrete curb and gutter is recommended; however, bituminous curbing may be permitted if approved by the road authority.
 - D. Sidewalks may be required along streets in residential or commercial/industrial districts.
 - E. In the case where mains from a public water system are available, the subdivider shall be required to install water mains in the plat and connect the same to such public water system.
 - F. In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers in the plat and connect the same to the trunk line sewers.
 - G. Drainage facilities and easements shall be installed and adequately provide for the drainage of surface waters in accordance with the approved plan.
 - H. Tree planting, street signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.
3. Construction plans, estimates, and proposals for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain an engineer's certificate. These plans, together with the quantities of construction items, shall be submitted to the County Engineer for approval. Upon approval, the plans shall become a part of the required contract described in 11.6 below. The tracings of the plans approved by the County Engineer plus two prints shall be furnished to the township to be filed as a public record.
4. Required improvements are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would, by general policy, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the township/County.

5. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
6. Prior to the installation of any required improvements, the subdivider may be required to enter into a contract, in writing, with the County requiring the subdivider to furnish and construct the improvements at the subdivider's expense in accordance with plans, specifications, and usual contract conditions. Included in the contract will be:
 - A. Provisions for supervision of details of construction by the township and County and granting the township and County authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any work being done or contracted by the township in the vicinity.
 - B. A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Subdivision 12.
7. No subdivider shall be permitted to start work on any other subdivision without special approval of the County if there is documented history of default on previous work or commitments.
8. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the County Engineer at the subdivider's expense. Acceptance by the County shall be subject to the County Engineer's certificate of compliance with the contract.

Subdivision 12.0 Financial Guarantee

The financial guarantee required as part of the subdivision agreement shall be one of the following:

1. A Cash Escrow Deposit may be made with the County Treasurer in a sum equal to 125 percent of the total cost, as approved by the County Engineer, of the improvements. Total cost shall include street construction, site drainage, public water and sewer construction, and minor essential services to be furnished and installed by the subdivider pursuant to the development agreement (major subdivision). The total cost shall also include costs of inspection. The County or township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the County for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.
2. The subdivider may furnish a performance bond and payment bond with corporate surety

in a penal sum equal to 125 percent of the total cost, as approved by the County Engineer, of the improvements. Total cost shall include street construction, site drainage, public water and sewer construction, and minor essential services to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total cost shall also include inspection by the County Engineer. The bond shall be approved as to form by both the township and County Attorney and filed with the township.

3. The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the County. Such letter of credit shall certify the following:
 - A. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost, as approved by the County Engineer, for completing all required improvements. Total cost shall include street construction, site drainage, public sewer and water construction, and minor essential services installed by the subdivider pursuant to the development agreement.
 - B. That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the township immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.
 - C. That this letter of credit may not be withdrawn or reduced in amount until released by the township.
4. In the event the County elects to become a party to the development agreement (major subdivision), any financial guarantee shall run to the benefit of the township and County.

Subdivision 13.0 Release or Reduction of Financial Guarantee

The County Board will not accept dedication of required improvements, nor release, nor reduce a performance bond, letter of credit, or cash escrow until an improvement has been satisfactorily completed. The County Board may require a statement from the County Engineer stating that a required improvement is satisfactorily completed. Upon receipt of a statement, the County Board may accept the improvement for dedication in accordance with the established procedure. A performance bond may be reduced upon actual dedication of a public improvement, but in no event shall a performance bond be reduced below 25 percent of the principal amount.

Subdivision 14.0 Separability

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

1. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

Subdivision 15.0 Effective Date

The regulations contained in this section shall be come effective from and after their publication according to law.