

# **GRAND FORKS COUNTY LAND SUBDIVISION RESOLUTION**

**September 19, 2006**

A RESOLUTION AUTHORIZING THE ADOPTION OF PROCEDURES FOR  
SUBDIVISION AND PLATTING OF LAND, PROVIDING FOR THE ORDERLY,  
ECONOMIC AND SAFE DEVELOPMENT OF LAND, AND PROVIDING FACILITIES TO  
PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE  
UNINCORPORATED AREA OF GRAND FORKS COUNTY

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## **CHAPTER 1: GENERAL PROVISIONS**

### **1-1 TITLE**

This Resolution shall be known as the Grand Forks County Land Subdivision Resolution, and will be referred to herein as the Resolution.

### **1-2 PURPOSE**

This Resolution is adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the County.
2. To preserve land in tracts large enough for viable agricultural operations.
3. To protect and conserve the value of land throughout the County, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
4. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County.
5. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
6. To prevent the pollution of air, streams, and wetlands; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the County.
7. Promote cooperation between the County and Townships in the administration of this Resolution.
8. Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

### **1-3 JURISDICTION**

The provisions of this Resolution shall apply to all lands within the un-incorporated areas of Grand Forks County with the exception of municipal extraterritorial jurisdictions.

### **1-4 PLATTING AUTHORITY**

The County Commission shall serve as the platting authority for the County's area of jurisdiction in accordance with North Dakota State Century Code Chapters 11-33 and 11-33.2, as may be amended. No plat or replat shall be filed or accepted for filing by the Office of the County Recorder unless adopted by the affirmative vote of the majority of the members of the County Commission approving such plat or replat.

### **1-5 POLICY**

1. It is hereby declared to be the policy of the County to consider the subdivision of land and the subsequent development of the plat as subject to the control of the County pursuant to the Grand Forks County Land Use Plan for the orderly, planned, efficient and economical development of the County.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health from fire, flood, or other menace. Land shall not be subdivided unless proper provisions have been made for drainage, stormwater management, wetland protection, potable water, domestic waste water, streets, and capital improvements such as schools, parks, recreation facilities, transportation facilities, stormwater improvements, and any other necessary improvements.
3. Each lot created under the provisions of this Resolution must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the County.
4. The existing and proposed public improvements shall conform to and be properly related to the County Land Use Plan. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, the Zoning Resolution, and the Land Use Plan.

## **1-6 APPLICATION OF RULES**

The language contained in this Resolution shall be interpreted in accordance with the following rules of construction as applicable:

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tense includes the present tense.
3. The masculine gender includes the feminine and neuter genders.
4. Whenever a word or term defined hereinafter appears in this Resolution, its meaning shall be construed as set forth in such definition.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

## **1-7 DEFINITIONS**

For the purpose of this Resolution the following definitions have the meaning given them solely for the purposes of implementation of this Resolution:

Applicant – The owner, owners agent or person having legal control, ownership and/or interest in land for which the provisions of this Resolution are being considered or reviewed.

Block - An area of land within a subdivision which is entirely bounded by streets or by a combination of streets, railroad right-of-way, or public parks, the exterior boundary or boundaries of the subdivision, or the shoreline of the above with a lake, stream, or river.

Buffer Yard – A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Land – Land having a size and configuration capable of supporting principal and accessory buildings, with an approved domestic waste water treatment system and potable water system.

Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind.

Building Line - A line parallel to the street right-of-way line at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line.

Certificate of Survey – A land survey prepared by a land surveyor registered in the State of North Dakota with a certification that the information on the land survey is accurate.

Common Open Space - Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.

Conveyance System – Any path, including but not limited to, ditches, streams, overland flow channels, and storm sewer systems, traveled by water as it passes through the watershed.

County Engineer - The County Engineer or an engineer employed by the County.

County Commission - The Grand Forks County Board of Commissioners.

Cul-de-sac - (See Street).

Developer - A person who submits an application for the purpose of land subdivision as defined herein. The developer may be the owner or authorized agent of the owner of the land to be subdivided.

Easement - The right to use the land of another owner for a specified use. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, individual sewage treatment systems, utilities, drainage, driveway, or other uses.

Filter Strip – A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintain as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from the stormwater.

Financial Guarantee – A financial security consistent with Chapter 9 of this Resolution, posted with the County with the approval of a plat, guaranteeing compliance with the approved plat, construction plans, and conditions of approval set forth by the Township and/or County.

Floodplain Related:

1. Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
2. 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.
3. Regional Flood - A flood which is representative of large floods known to have occurred generally in North Dakota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
4. Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Farmstead, Active - An established and habitable rural residence which was constructed prior to the adoption date of this resolution.

Frontage - That boundary of a lot which abuts a publicly maintained road.

Improved Lot - Any building, structure, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements may require financial guarantees under the provisions of this Resolution.

Improvement, Public - Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Township or County responsibility is established.

Land Disturbance – Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Land Use Plan - The Grand Forks County Land Use Plan, as amended.

Lot, Corner – A lot situated at the junction of, and abutting on two (2) or more intersecting streets. On a corner lot, both streets shall be deemed front lines for the application of this Resolution.



Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line - A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot, Through - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both streets shall be deemed front lines for the application of this Resolution.

Lot Width - The horizontal distance between the side lot lines of a lot measured at the building setback line, location of the principal building and, if applicable, ordinary high water level. For corner lots, lot width shall be determined by measuring the horizontal distance between a side lot line and the applicable opposite front lot line.

Metes and Bounds - A method of property description by means of their direction and distance from an identifiable point of beginning.

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

Outlot - A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the County and the developer; or for a public purpose and for which no building permit shall be issued.

Owner - Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Plat - The final map or drawing on which the developer's plan or subdivision is presented to the County Board for approval and which, if approved, will be submitted to the Office of the County Recorder for filing.

Protective Covenant - A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the County Recorder. The County will not be responsible to enforce private protective covenants.

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

Registered Land Surveyor - A land surveyor licensed and registered in the State of North Dakota.

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

Right-of-Way - A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

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

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, road, highway, property line, or other facility.

Street - A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets.

Principal Arterial - Streets which include all interstate freeways and other roadways which provides for the longest trips. The emphasis is on mobility rather than land access.

Minor Arterial - A street system which serves medium to short trips and provides access to the principal arterial. They interconnect concentrations of commercial or industrial land uses and connect cities and towns of the region to each other and to similar places outside the region. The emphasis is still on mobility rather than land access.

Collector - A street which provides connection between neighborhoods and from neighborhoods to minor business concentrations. Mobility and land access are equally important.

Local - Those that remain, serving the shortest trips and providing access to adjacent property.

Cul-De-Sac - A local street having one end open to traffic and the other end permanently terminated by a vehicular turn-around.

Service or Frontage - A local street which is parallel and adjacent to a highway or an arterial street and which provides access to abutting properties and protection from through traffic.

Street Width - The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivision - the division of a lot, tract, or parcel of land, creating one or more lots, tracts, or parcels for the purpose, whether immediate or future, of sale or of building development.

Subdivision, Standard - The creation of one or more lots under the provisions of this Resolution that does not meet the definition of a simple subdivision.

Subdivision, Simple - The creation of one lot which is fifteen (15) acres or less, where the remaining parcel is fifteen (15) acres or more and not adjacent to a lot that is fifteen (15) acres or less.

Zoning Resolution - The Grand Forks County Zoning Resolution, as may be amended.

## **1-8 RESTRICTIONS ON RECORDING AND BUILDING PERMITS**

No subdivision shall be entitled to be recorded in the Office of the County Recorder, nor shall it have any validity unless approved under the provisions of this Resolution. The County shall not issue building permits for any structure on any lot in a subdivision that has not received final approval pursuant to this Resolution.

## **1-9 COMPLIANCE WITH LAND USE PLAN, ZONING RESOLUTION, AND OFFICIAL MAP**

No subdivision of land shall conflict with the provisions of the Land Use Plan, Zoning Resolution, or Official Maps.

## **1-10 FEES**

The fees for all applications and for all permits shall be established by the County Commission by resolution. The acceptance of all applications, issuance of permits, or recording of any plat shall not occur until a complete application has been filed and the appropriate fees have been paid.

## **CHAPTER 2: GENERAL PROVISIONS FOR THE SUBDIVISION OF LAND**

### **2-1 PLATTING REQUIRED**

1. All subdivisions of land resulting in lots less than fifteen (15) acres shall be regulated by this Resolution and shall be platted in accordance with the procedures of Chapters 3 and 4 of this Resolution, with the exception of those subdivisions of land specifically provided for in Chapter 5 and Chapter 2-1(3.).
2. Whenever any subdivision of land is proposed, regardless of whether the land has been previously subdivided; before any contract is made for the sale of any part thereof; and before any permit for the erection of a structure on such proposed subdivision shall be granted; the subdividing owner or his authorized agent shall receive final approval and meet the requirements of this Resolution.
3. Subdivision requests which have an existing active farmstead on the proposed lot smaller than fifteen (15) acres, shall be provided a one time exemption from the requirements of this resolution. The administrative procedures for a single lot subdivision shall still apply.

### **2-2 BOARD OF ADJUSTMENT/VARIANCES**

The County Commission shall serve as the County Board of Adjustment. Century Code does not specifically address the Board of Adjustment as it pertains to County Government. Therefore the structure and duties are spelled out in the Administration section of the County Zoning Resolution.

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended use. But, where the Board of Adjustment finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be serviced to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from these subdivision regulations, provided that such variances shall not have the effect of nullifying the intent and

purpose of this Resolution, the Zoning Resolution, or the Land Use Plan, and further provided the Board of Adjustment shall not approve or disapprove variances unless it shall make findings based upon the evidence presented in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.
2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Resolution is carried out.

### **2-2-1 Procedure**

1. **Pre-Application Meeting.** Prior to submittal of a variance application, the property owner may submit a sketch plan and meet with the Planning Department to discuss the variance application. Through the pre-application, the Planning Department will summarize the information requirements and issues related to the specific variance request.
2. The property owner applying for a variance shall submit to the Planning Department a completed variance application stating the hardship present, and provide all other information required by the Planning Department. The application shall be completed when the applicant has complied with the following requirements:
  - a. A written and/or graphic description of the variance request including an explanation of the reason the variance is required, the hardship involved, why it is unique to this property, potential impact on development and surrounding property and compliance with the Land Use Plan and the Zoning Resolution.
  - b. Supporting information described by the Planning Department during the pre-application meeting and required by other sections of this Resolution including, but not limited to, covenants, deed restrictions, or other legal provisions necessary to guarantee the full achievement of the plan.
  - c. Applications must be accompanied by a fee established by the County Commission.

3. Upon receipt of a complete application, the Planning Department shall prepare a report and refer the application to the County Planning Commission and the appropriate Township Board for consideration.
4. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the County Planning Commission for their consideration of the application.
5. The County Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning a variance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
6. The applicant or his representative shall appear before the County Planning Commission in order to answer questions concerning the proposed variance. The Planning Commission shall make a recommendation of action on the request to the County Commission.
7. A public hearing on the application shall be held by the County Commission. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the proposed variance application. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed variance to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
8. The applicant or his representative shall appear before the County Commission in order to answer questions concerning the proposed variance.
9. The County Commission acting as the Board of Adjustment must take action on a completed application within a reasonable timeframe.
10. A certified copy of any order issued by the County Commission acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Recorder. The order issued by the County Commission shall include the legal description of the property involved. The Planning Department shall be responsible for the document recording requirements of this Section and shall maintain records of the variance request.

11. A certified copy of any order issued by the County Commission acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the Office of the County Planning and Zoning Department. The order issued by the County Commission shall include the legal description of the property involved. The Planning Department shall maintain records of the variance request.
12. A variance shall expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of one (1) year from the date of an order of denial.
13. If necessary, an extension of a variance shall be requested in writing and filed with the Planning Department at least thirty (30) days before the expiration date of the original variance. The request for extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, Planning Department shall review the request and make a decision to grant or deny the extension based on the information submitted. At staff's discretion, the request may be referred to the Board of Adjustment. No extension shall be for more than one (1) year, after which if the variance is not utilized the variance would become void. In no case shall more than one variance extension be approved for an individual variance request.

## **2-3 PREMATURE SUBDIVISIONS**

Any plat and/or development deemed premature pursuant to the criteria listed below shall be denied by the County Commission.

### **2-3-1 Condition Establishing Premature Subdivisions**

A subdivision may be deemed premature should any of the provisions which follow exist:

1. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
  - a. Surface or subsurface water retention and runoff is such that it constitutes a hazard resulting in flooding, loss of life, property damage, or other losses.
  - b. The proposed subdivision will cause pollution of water bodies or damage to other natural resources.

- c. The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.
  - d. The proposed subdivision fails to comply with the storm water management requirements of Chapter 6 of the Grand Forks County Zoning Resolution, as may be amended.
  - e. Factors to be considered in making these determinations may include: average rainfall for the area; area drainage patterns; the relationship of the land to floodplains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; and the slope and stability of the land.
2. Lack of Adequate Potable Water Supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
3. Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
- a. County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when said roads are inadequate for the intended use.
  - b. The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on highways existing at the time of the application.
4. Lack of Adequate Waste Disposal Systems. A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Grand Forks County Land Use Plan.
5. Inconsistency with Land Use Plan. A proposed subdivision shall be deemed inconsistent with the Grand Forks County Land Use Plan when the subdivision is inconsistent with the purposes, objectives and/or recommendations of the adopted Land Use Plan of Grand Forks County, as may be amended.



6. Public Service Capacity. The County, Township or School District lacks necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot reasonably be provided for within the next two (2) years.

### **2-3-2 Burden of Evidence**

The burden shall be upon the applicant to show evidence that the proposed subdivision or development is not premature.

## **CHAPTER 3: SKETCH PLAN**

Developers may prepare, at the discretion of the Planning Department, a sketch plan depicting a subdivision proposal. The sketch plan, and accompanying information, shall serve as the basis for discussions between the developer and the Planning Department. It is intended to provide the developer with an advisory review of the subdivision without incurring major costs.

### **3-1 INFORMATION REQUIRED FOR SKETCH PLAN**

1. Sketch Plan Information. Prior to the formulation of a plat, applicants may present a sketch plan to the Planning Department prior to filing of a formal application. The sketch plan will include the following information:
  - a. Name and address of developer/owner.
  - b. Date of plan preparation.
  - c. Scale of plan.
  - d. North arrow indication.
  - e. Legal description.
  - f. Property location map illustrating the site location relative to adjoining properties and streets.
  - g. Scaled drawing (engineering scale only) illustrating property boundaries using Grand Forks County's GIS data base.

- h. Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural features of the site, and adjoining properties.
  - i. Densities.
    - (1) In all zoning districts, residential density shall be determined based upon the acreage calculation of the legal description of the property.
    - (2) The portion of the property which lies within the existing or proposed road right-of-way will be included when determining compliance with the minimum lot size requirements.
  - j. Natural Features. A generalized drawing of natural features showing wetlands, and drainage ways.
  - k. Any required zoning changes.
  - l. Proposed timing and staging of development.
  - m. Additional information as required by the Planning Department.
2. The Planning Department shall advise the developer as to the conformance of the subdivision with the Land Use Plan, the Subdivision Resolution, Zoning Resolution, and of other applicable official controls.
  3. If the developer decides to proceed with the subdivision as proposed or revised, he shall proceed with the preparation of the plat as provided in Chapter 4.

## **CHAPTER 4: PLATTING**

### **4-1 INFORMATION REQUIRED FOR PLATTING**

After the completion of the sketch plan process, if requested, the owner or developer shall file with the Planning Department an application for plat approval. The platting stage is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by County staff, the Township Board, the Planning Commission, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development. The plat is a plan of how property will be subdivided and developed.

Additional information or modifications may be required by County staff, Township Board, the Planning Commission and additional information may be requested during the review process. In certain cases some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

The detail of information required for a one lot plat shall be determined by the Planning Department.

#### **4-1-1 General Information**

1. Proposed subdivision shall not have a name which duplicates or too closely approximates the name of any plat or existing subdivision heretofore recorded in Grand Forks County.
2. Date of application, name, address, and phone number of the owner, developer, engineer, surveyor, or other principal involved in the development of the plat.
3. Proof of ownership or legal interest in the property in order to make application.
4. Existing zoning or any zoning changes needed, or reference to any zoning or similar land use actions that have already occurred that are pertinent to the proposed development.
5. Total acreage of the land to be subdivided.
6. Boundary line survey and legal description.
7. Three (3) paper copies of the plat and supporting documents, plus any additional copies deemed necessary by the Planning Department, plus one (1) reproducible copy reduced to 11" x 17" along with one (1) copy of plat and all related engineering plans in a digital format that is compatible with County requirements.
8. North arrow and scale of one to two hundred (1/200) to one to fifty (1/50) depending upon the size of the plat and the detail of the information to be shown.
9. Vicinity Map must be included on the plat.
10. Proposed street names.
11. Location by Section, Township, Range, County and State shall be stated on the plat.
12. Any additional information as requested by the Planning Department.

#### **4-1-2 Existing Features to Be Shown**

1. Existing property lines and property lines extending two hundred (200) feet from the exterior boundaries of the parcel to be subdivided, including the names of the adjacent property owners shall be indicated.
2. Existing roads, both public and private, showing width of road, type of construction, and any associated easements.
3. Any and all existing public and private easements including the purpose or type of the easement.
4. Location and size of all existing and abandoned drainage, stormwater, and agricultural tiles; individual sewage treatment systems, wells, and utilities, including poles located on the property and to a distance of two hundred (200) feet beyond the property.
5. Permanent buildings or other substantial land uses located on the property and to a distance of two hundred (200) feet beyond the property.
6. Waterways, watercourses, wetlands, and one hundred (100) year flood elevations, as designated by the State Water Commission or Flood Insurance Rate Maps (FIRM), shall be so designated on the plat and the mean sea level of the one hundred (100) year flood, if available, shall be denoted on the plat to datum as referenced on FIRM map.

#### **4-1-3 Proposed Features to Be Shown**

1. Proposed lot lines, dimensions, and the gross soil acreage of all lots.
2. Proposed uses, stormwater retention areas, and areas of common ownership.
3. Location, grade, and width of proposed streets and provision for extending streets to serve adjacent areas. Access and street classifications shall be consistent with the Grand Forks County Land Use Plan.
4. Proposed easements for drainage, flood protection, and protection of wetlands, including stormwater retention areas and easements for the installation of utilities.

#### **4-1-4 Additional Information Required**

1. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review.
2. Elevation contour information may be required by the Planning and Zoning Commission or the Zoning Administrator.
3. Proposed title declarations for residential lots adjoining potential future development open spaces notifying the prospective homeowner of the intent to have the open space develop in the future.
4. One (1) copy of the developer's agreement, including signature lines for the Developer and the County.
5. In replats, the lot and block arrangement of the plat of record along with its original name shall be indicated by dotted or dashed lines. Also any revision or vacated roadway of the original plat of record shall be so indicated.
6. Any additional information as requested by the Planning Department.

#### **4-2 FILING AND REVIEW OF APPLICATION**

The plat application shall be considered to be officially filed when the Planning Department has received and examined the application and has determined that the application is complete.

##### **4-2-1 Simple Subdivision Procedure.**

1. Pre-application Meeting/Sketch Plan. Prior to submittal of a plat application, the property owner may submit a sketch plan and meet with Planning Staff to discuss the subdivision application in accordance with Chapter 3 of this Resolution.
2. The person applying for plat approval shall submit to the Planning Department a complete application which may include a graphic and written description of the information requirements outlined in Section 4-1 of this Resolution.
4. A certificate of survey containing the information in section 4-1 of this resolution may be substituted for a plat drawing for recording purposes.
5. Planning staff shall review the application and give approval or denial to the request. All appeals shall follow the variance procedure stated in Chapter 2-2 of this resolution.

#### **4-2-2 Standard Subdivision Procedure.**

1. Pre-application Meeting/Sketch Plan. Prior to submittal of a plat application, the property owner may submit a sketch plan and meet with Planning Staff to discuss the subdivision application in accordance with Chapter 3 of this Resolution.
2. The person applying for plat approval shall submit to the Planning Department a complete application and all other information required no later than three (3) weeks prior to a regularly scheduled Planning Commission meeting. The application shall address the informational requirements and issues identified through the sketch plan review procedure.
3. A complete plat application shall include:
  - a. A graphic and written description of the information requirements outlined in Section 4-1 of this Resolution.
  - b. Supporting information described by the Planning Department during the sketch plan review and pre-application meeting. The Planning Department may request the applicant to provide documentation that describes the subdivision's potential effects or impacts on public facilities, utilities and services including, but not limited, to:
    - (1) Streets.
    - (2) Law enforcement.
    - (3) Ambulance/emergency services.
    - (4) Fire protection.
    - (5) County/Township administration.
    - (6) Schools.
    - (7) Utilities.
  - c. Applications must be accompanied by a fee and processing escrow established by the County Commission.
4. The Planning Department shall refer copies of the plat to the Township Board and other staff, committees, consultants, or agencies as appropriate.
5. The application shall be reviewed by Township Board. A written recommendation for application approval or denial from the Township Board may be forwarded to the Planning Department. The Township recommendations received by the Planning Department will be forwarded to the Planning Commission for their consideration of the application at a public hearing.

6. The Planning Department shall prepare a report and refer the application to the Grand Forks County Planning Commission for consideration.
7. A public hearing on the application shall be held by the Planning Commission. Notice of the time, place, and purpose of the hearing shall be published once each week for two consecutive weeks in the official newspaper of the county. In unincorporated areas, the property owners of record within one-half (1/2) mile of the subject property shall be notified in writing of the plat application. Where the subject site adjoins an incorporated area, the County shall mail written notification of the application to property owners within the incorporated area located within two hundred (200) feet of the subject site. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
8. The applicant, or his agent, shall appear before the Planning Commission in order to answer questions concerning the proposed plat.
9. The Planning Commission and Planning Department shall have the authority to request additional information from the applicant concerning a plat. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Resolution. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
10. The recommendations of the Planning Commission shall be forwarded to the County Commission for consideration.
11. The County Board shall take action on the application with a motion of approval or denial in a reasonable timeframe, but in no case prior to receipt of approval from the perspective Board of Township Supervisors or the passage of 60 days from the date of notification to the township, which ever occurs first, pursuant to North Dakota Century Code 11-33.2-12(2).
12. The applicant or his agent shall be notified by mail of the decision of the Board of County Commissioners.
13. After a plat suitable for recording, including any and all covenants, has been approved by the Board of County Commissioners, it shall be filed for recording with the Office of the Grand Forks County Recorder within ninety (90) days after approval. One (1) copy shall be filed with the Zoning Administrator.
14. No Building Permit shall be issued until the plat is recorded at the Recorder's Office.

### **4-3 FORM AND CONTENT**

The plat shall be of the form and content shall conform to the requirements of this Resolution as well as the provisions of Chapters 11-33.2 and 40-50.1 of the North Dakota Century Code.

### **4-4 RECORDING**

If the plat is approved by the County Commission, the developer shall record the plat within the Office of the County Recorder within ninety (90) days after the date of approval, otherwise the approval of the plat shall be considered void.

### **4-5 SECURITY/FEEES**

Prior to recording of any plat, all fees and charges shall be paid in full covering the costs of the County related to the approved plat.

### **4-6 RECORD PLANS**

The developer shall submit for review and approval all proposals to change the original plans regarding road construction, drainage, and stormwater management. The developer must obtain written approval by the Township Board and the County prior to changes to the plans. The developer shall submit one (1) set of record plans indicating all changes in the work, including accurate as-built locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the completed work.

## **CHAPTER 5: ADMINISTRATIVE SUBDIVISION**

### **5-1 APPLICATION OF PROVISIONS**

Notwithstanding the requirements of Chapter 2-0 of this Resolution, the provisions of this Chapter shall apply only to those subdivisions classified as administrative subdivisions.

### **5-2 ADMINISTRATIVE SUBDIVISIONS**

The following shall be considered administrative subdivisions:



1. The exchange of abutting land between owners, the addition of land to an existing lot or the relocation of the boundary line between two abutting, existing parcels of property, provided such exchange, addition or relocation shall not cause the creation of an additional parcel or parcels and the resulting parcel(s) comply with the requirements of the Zoning Resolution.
2. The platting of County road rights-of-way.

### **5-3 FILING AND REVIEW OF APPLICATION**

Whenever any subdivision of land as outlined in Section 5-2 is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent, shall file an application and secure approval of an administrative subdivision.

The administrative subdivision application shall be considered to be officially filed when the Planning Department has received the application and has determined that the application is complete.

#### **5-3-1 Information Required for Administrative Subdivision**

A map or sketch, drawn to scale or survey, if required at the discretion of the Planning Department, showing:

1. Name and address, including telephone number of legal owner and/or agent of property.
2. All contiguous property and all roads and their legal name.
3. Proposed new property lines with dimensions noted.
4. Proposed driveway location and location of existing driveways on the same side of the road.
5. Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.
6. Proposed legal description of the parcel(s) to be subdivided.
7. Location, purpose and dimensions of all existing buildings. Location shall note distance of those buildings closest to property lines from the existing and proposed property lines.

## **5-4 PROCEDURE**

The Planning Department shall review the documents and may approve the administrative subdivision when said application complies with the Comprehensive Plan, the Zoning Resolution, or any other official controls of the County.

The land exchanged, added to, or relocated and combined to a property as indicated in 5-2 (1), shall be combined under one (1) Tax Parcel Identification Number (P.I.D.) and one (1) deed.

Two (2) or more parcels required to be considered one parcel for zoning purposes by the Planning Department shall be consolidated or combined to form a single parcel. The combination or consolidation shall be accomplished through the filing of the appropriate deed or contract for deed transferring interest in all of the parcels to be merged, i.e., a deed by the property owner(s) [the grantor(s)] deeding to herself or himself [the grantee(s)] setting forth the legal descriptions of all said parcels required to be consolidated. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County Director of Tax Equalization. A written request by the property owners to combine the parcels under one (1) parcel identification number may be required by the County Director of Tax Equalization at the time the consolidating deed is to be recorded. A note shall be placed on the deed as follows: “this is one parcel for zoning purposes.”

## **CHAPTER 6: DESIGN STANDARDS**

### **6-1 CONFORMITY WITH THE LAND USE PLAN AND ZONING RESOLUTION**

A proposed subdivision shall conform to the Land Use Plan, to related policies adopted by the County, and to the Grand Forks County Zoning Resolution.

### **6-2 LAND REQUIREMENTS**

1. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.
2. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the Township and County as a whole may develop efficiently and harmoniously.

### 6-3 LOTS

1. Area. The minimum lot area, width and depth shall not be less than that established by the Grand Forks County Zoning Resolution in effect at the time of adoption of the plat.
2. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the Grand Forks County Zoning Resolution.
3. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
4. Width. Every lot must have the minimum width measured at the front yard setback extending to the location of the principal building.
5. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the Grand Forks County Zoning Resolution, as may be amended.
6. Lot Remnants. All remnants of lots below minimum lot size left over after subdividing of a larger tract must be added to adjacent lots.
7. Political Boundaries. No singular plat shall extend over a political boundary or school district line without document notification to the affected units of government.
8. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, County or State highways, or where topographic or other conditions render subdividing otherwise unreasonable.
9. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape (e.g., triangular), the developer shall demonstrate to the County an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.
10. Outlots. Outlots may be platted within a subdivision to delineate commonly owned open spaces. The outlot shall be sized in a manner to accommodate its intended use. No building permits shall be issued for an outlot.

## 6-4 STREETS

1. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
2. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than four hundred (400) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. Financial guarantee will be required for removal or restoration as determined by the County Engineer.
3. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
4. Street Intersections. Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be eighty (80) degrees. Street intersection jogs with an offset of less than three hundred (300) feet shall be avoided.
5. Subdivisions Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, or a County arterial or collector road, provisions may be made for a local street. The design shall include proper circulation, setbacks from an intersection on the major rights-of-way, minimum distance required for approach connections to future grade separations, and for lot depths.
6. Cul-de-Sacs/Dead-End Streets.
  - a. Dead-end streets (temporary or permanent) without cul-de-sac turn arounds shall be prohibited.

- b. Permanent cul-de-sacs shall only be allowed in cases where proper interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.
  - c. Minimum outside roadway diameter of any cul-de-sac or turn-around shall be sixty (60) feet with a right-of-way diameter of one hundred forty (140) feet.
7. All roads within the subdivision shall be centered on the roadway right-of-way and be a minimum of twenty (20) feet wide. Minimum top of roadway elevation shall be three (3) feet above original ground line with side slopes of 3:1 unless otherwise approved by the County Engineer. Roadbed shall be excavated to clay and road constructed from clay packed with a pneumatic roller and topped with a minimum of five (5) inches of Class 13 gravel. Ditch bottoms shall be three (3) feet in width and have positive drainage to an adequate outlet.
8. The plat shall show all accesses off public roads or highways including the size of culverts to be used. Where access is off a State Highway, written approval for the access, including culvert size, from the State Highway Department shall be submitted with the plat. Where access is off a County or Township Road, written approval from the County Water Resource Board or County Highway Department as to culvert size for all private drives as well as the public access shall be submitted with the plat. Access spacing from a County or Township road shall be consistent with the standards set forth in the Grand Forks County Zoning Resolution and Land Use Plan.

## **6-5 EASEMENTS**

- 1. Drainage and utility easements shall be required over any stormwater management facilities, natural drainageways, and wetlands. The size and location of the necessary easements shall be reviewed and approved by the Planning Department.
- 2. In all Zoning Districts, except Agricultural Districts, any subdivision shall provide easements for utilities and drainage at least ten (10) feet wide along lot lines. If necessary for the extension of utilities, easements of greater width may be required along lot lines or across lots.
- 3. Minimum right-of-way or easement width for a private roadway within the subdivision shall be sixty-six (66) feet.

4. Easements and right-of-way, when approved, shall not hereafter be changed without the approval of the Board of County Commissioners upon the recommendation of the Planning and Zoning Commission

## **6-6 STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL**

All subdivisions shall comply with storm water management standards of Chapter 6 of the Grand Forks County Zoning Resolution, as may be amended.

## **CHAPTER 7: IMPROVEMENTS**

### **7-1 RESPONSIBILITY**

All required improvements shall be installed and furnished by the developer, including all costs of inspection by the County, at the sole expense of the developer and at no expense to the County. If any improvement installed within the boundaries of the subdivision is determined to be of substantial benefit to lands beyond the boundaries of the subdivision, the County may make provisions for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and, in such case, the developer will be required to pay only for such portion of the whole cost of said improvements that represents the benefit to the property within the subdivision.

### **7-2 STANDARDS AND REQUIREMENTS**

Engineering requirements, standards for plans, the required improvements, and the standards for design and installation shall conform to such standards and specifications as adopted by the County and any additional or more restrictive standards adopted by the County in which the subdivision is located.

### **7-3 STREET IMPROVEMENTS**

1. Roads within the subdivision shall be constructed prior to development and inspected during construction and approved by the Zoning Administrator. Building Permits shall not be issued until such roads are approved.
2. All roads within the subdivision shall have either Yield or Stop signs that comply with the “Manual on Uniform Traffic Control Devices” at their intersection with a state, county or township road.

3. Culverts shall be installed under all roads within the subdivision. Culvert size shall match the larger of upstream or downstream culvert with a minimum diameter of twenty-four (24) inches. Culverts under driveways shall be a minimum diameter of twenty-four (24) inches. All culverts shall be constructed of new riveted coregated metal pipe with aprons.

#### **7-4 SANITARY SEWER AND WATER DISTRIBUTION IMPROVEMENTS**

1. All sewage and water systems shall conform to the provisions of this Zoning Ordinance and the State and County Health Departments. Soil analysis and percolation tests shall be performed to determine the type of septic system to be used. No building permit shall be issued until percolation tests have been performed.
2. All unsafe wells and/or abandoned wells within and in the immediate vicinity of the subdivision shall be closed and capped.

#### **7-5 DEVELOPER'S AGREEMENT**

Prior to installation of any required improvements and prior to the plat being recorded, the developer shall enter into an agreement in writing with the County requiring the developer to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park, or other conditions of the approved plat and provide for the proper execution, recording or other action required. Approval of the developer's agreement shall be part of plat approval by the County Commission.

1. The developer's agreement shall include provisions for the supervision of the details of construction by the Planning Department or his agent.
2. The developer's agreement shall require the developer to provide a financial guarantee to ensure completion of all improvements as provided in Chapters 8-5 and 9 of this resolution.
3. The time for completion of the work, and the several parts thereof, shall be determined by the County upon recommendation of the Planning Department after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

4. One (1) copy of the developer agreement which was signed by the applicant and the County shall be submitted to the Planning Department at the time the plat is recorded.

#### **7-6 COMPLETION OF IMPROVEMENTS**

1. Governmental Units. Governmental units to which these guarantee and agreement provisions apply may file, in lieu of said agreement or financial guarantee, a certified resolution or Resolution from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
2. Failure to Complete Improvement. For a subdivision for which no financial guarantee has been posted, if the improvements are not completed within the period specified by the County in the approval process, the approval shall be deemed to have expired. In those cases where a financial guarantee has been posted and required improvements have not been installed within the terms of such financial guarantee, the County may declare the financial guarantee to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the financial guarantee is declared to be in default.
3. Release of Financial Guarantee. Certification of Satisfactory Completion. The County shall not release a financial guarantee for those improvements required until the Planning Department has certified that all required improvements have been satisfactorily completed.

#### **7-7 MAINTENANCE OF IMPROVEMENTS**

The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets until a homeowner association is set up to maintain the improvements. The County is not liable for maintenance of improvements or snow removal. In addition, the County will not be responsible to enforce private protective covenants.

#### **7-8 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS**

1. The County may defer or waive at the time of plat approval, subject to appropriate conditions, the provision of any or all such improvements that, in its judgment, are not requisite to the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.



2. Whenever it is deemed necessary by the County to defer the construction of any required improvement because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the developer may post a financial guarantee ensuring completion of said improvements upon demand of the County.

## **CHAPTER 8: FINANCIAL GUARANTEE**

The developer's agreement provided in 8-5 requires the developer to provide a financial guarantee. The County shall determine the appropriate type of financial guarantee which shall take one of the following forms.

### **8-1 LETTER OF CREDIT**

The developer may furnish the County with a letter of credit from a financial institution providing authorization and guarantee that the County may draw on the developer's account, amounts not to exceed the required financial guarantee. The required financial guarantee shall be the sum equal to the total cost as estimated by the Planning Department, of all of the improvements to be furnished and installed by the developer pursuant to the agreement and which have not been completed prior to the approval of the plat. For road improvements the amount of \$50,000 per one half (1/2) mile of road shown on the plat shall be provided to insure the proper construction. The letter of credit shall be irrevocable, and shall provide for thirty (30) days notice to the County and approval of any change, amendment, or termination. The letter of credit shall be accepted as a financial guarantee only after review and approval by the States Attorney.

### **8-2 BOND**

When roads or other improvements within the subdivision are not constructed prior to the plat being recorded in the office of the County Recorder, surety bond, or other security, in the amount of \$50,000 per one half (1/2) mile of frontage road shown on the plat shall be provided to insure the proper construction of improvements. For other improvements the required financial guarantee shall be the sum equal to the total cost as estimated by the Planning Department. If all of the proceeds of the bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the security, the Board of County Commissioners may install part of such improvements in all or part of the subdivision and may institute appropriate legal or equitable action to recover the money necessary to complete the remainder of the improvement. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security and not for any

other purpose. All bonds or other security deposited with the County as required hereby shall continue in effect until the improvements have been made according to County specifications.

## **CHAPTER 9: ENFORCEMENT**

### **9-1 VIOLATIONS**

The violation of any provision of this Resolution or the violation of the conditions or provisions of any permit issued pursuant to this Resolution shall be a Class B Misdemeanor pursuant to Century Code Section 11-33-21, and upon conviction thereof, the violator shall be subject to a monetary fine or imprisonment or both, and the cost of prosecution.

### **9-2 PENALTIES**

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues shall constitute a separate offense.

### **9-3 APPLICATION TO COUNTY PERSONNEL**

The failure of any officer or employee of the County to perform any official duty imposed by this Resolution shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

### **9-4 INJUNCTION**

In the event of a violation or the threatened violation of any provision of this Resolution, or any provision or condition of a permit issued pursuant to this Resolution, the County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

## **CHAPTER 10: SEVERABILITY, SUPREMACY, AND EFFECTIVE DATE**

### **10-1 SEVERABILITY**

Every section, provision, or part of this Resolution or any permit issued pursuant to this Resolution is declared separable from every other section, provision, or part thereof to the extent

that if any section, provision, or part of this Resolution or any permit issued pursuant to this Resolution shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

If any court of competent jurisdiction shall judge invalid the application of any provision of this Resolution to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

## **10-2 SUPREMACY**

When any condition imposed by a provision of this Resolution on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other County Resolution or regulation, the more restrictive conditions shall prevail.

This Resolution is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the County by private declaration or agreement, but where the provisions of this Resolution are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Resolution shall prevail.

## **CHAPTER 11: EFFECTIVE DATE**

This Resolution shall be adopted after September 19<sup>th</sup>, 2006.

This Resolution shall be full enacted and enforceable after October 22, 2006.

SIGNED:

By: \_\_\_\_\_  
Chairman of County Board