

SEP 30 2005

DAKOTA COUNTY
CONTIGUOUS PLAT ORDINANCE
NO. 108

An ordinance relating to plats and surveys on real property contiguous with any existing or proposed County road in Dakota County requiring review of certain factors which are of countywide significance by the Dakota County Plat Commission and subject to final approval by the Dakota County Board of Commissioners prior to the issuance of building permits by the municipalities in which the property is located pursuant to Laws of Minnesota, 1973, Chapter 416, codified at Minnesota Statute 383D.65. The County Board of Dakota County, Minnesota, does ordain:

SECTION I

Definitions

A. For the purpose of this ordinance the following shall be defined as herein stated:

1. Plat Commission
The "Plat Commission" is a technical committee composed of County staff for the purpose of reviewing plats for consistency with Contiguous Plat Ordinance No. 108.
2. County Roads
"County Roads" include those roads, highways, and park roads which have been designated, established, constructed, or improved under the authority of the Dakota County Board of Commissioners.
3. Proposed County Roads
"Proposed County Roads" include all those roads and highways which hereafter may be designated as County roads or highways as established in the Dakota County Transportation Plan or other transportation study adopted by the Dakota County Board of Commissioners.
4. Initial Filing
"Initial Filing" refers to the submittal of a Preliminary Plat to the Plat Commission. It does not refer to the review of a Concept Plan or other informal review prior to the submittal of a Preliminary Plat.
5. Access Spacing Guidelines
"Access Spacing Guidelines" refers to the recommended standards for access spacing between public streets, private driveways, and other access locations along County Roads as adopted by the County Board of Commissioners in the County Transportation Plan.
6. Plat Needs Map
"Plat Needs Map" refers to the map used to apply the recommended right of way dedication requirements for existing and proposed County Roads. The "Plat Needs Map" is reviewed annually or as necessary by the Dakota County Board of Commissioners.
7. Municipality
"Municipality" refers to cities and townships in Dakota County.

SECTION II

County Plat Commission

- A. The Plat Commission shall consist of the County Surveyor, or his/her designee, and four (4) members of the Physical Development Division representing the disciplines of transportation planning, land use planning, traffic engineering, and land subdivision, and shall be appointed by the Physical Development Director. The County Surveyor, or his/her designee, shall serve as the secretary of the Plat Commission.
- B. The Plat Commission shall adopt a meeting schedule at the beginning of each year and make its meeting schedule available to municipalities.
- C. The Plat Commission shall make informational reports on plat review to the Physical Development Committee of the County Board of Commissioners.

SECTION III

Factors of Countywide Significance

- A. The review of a proposed plat by the Dakota County Plat Commission and final approval of that plat by the Dakota County Board of Commissioners is specifically limited to certain factors of countywide significance listed below:
 1. Ingress and egress to and from County roads.
 2. Approach grade intersection with County roads.
 3. Drainage.
 4. Safety standards.
 5. Right-of-way requirements of County roads.
 6. Local road system integration with County road system.
 7. Land use impact on development of County road system.
- B. Any additions to the above factors of countywide significance may be made to this ordinance after approval by the Dakota County Board of Commissioners after consultation with local municipalities.

SECTION IV

Access Spacing Guidelines and Right of Way Dedication Requirements

- A. All plats contiguous to existing or proposed County Roads shall be reviewed according to the County's Access Spacing Guidelines as referenced in the County Transportation Plan as adopted by the County Board of Commissioners. The County Plat Needs Map shall be used to determine the Right of Way Dedication Requirements on plats contiguous to any existing or proposed County Road. The Plat Needs Map shall be updated on an annual basis or as necessary. Transportation studies may be considered when determining the access spacing and right of way dedication along existing and proposed County Roads.

SECTION V

Plat Submission Requirements

The proposed plat shall contain the following information:

A. Identification and Description

1. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the County.
2. Location map of proposed subdivision, including legal description, and section, township, and range.
3. Names and addresses of the owner, sub-divider, surveyor and designer of the plat.
4. Graphic scale.
5. North point.
6. Date of preparation.

B. Existing Conditions

1. Boundary line of proposed subdivision clearly indicated.
2. Total approximate acreage of the proposed subdivision.
3. Location, widths and names of all existing or previously platted streets or the public ways showing type, width and type of improvements, if any, utility right of way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred (100) feet beyond the tract.
4. Boundary lines of adjoining un-subdivided or subdivided land within one hundred (100) feet identified by name and ownership.
5. Existing lakes, wetlands, streams, and other water features.

C. Subdivision Design Features

1. Layout of proposed public and private streets and access drives showing right of way width and proposed names of streets, including the location of any proposed parking lots.
2. Layout of any proposed pedestrian and/or bike paths.
4. Location of utility easements.
5. Layout, numbers and typical dimensions of lots.
6. Location of any proposed public parkland and open space.
7. Identification of the proposed use of lots, including number of proposed residential dwelling units, type of commercial or industrial use, square footage of buildings, and other property use information that would assist the Plat Commission in determining the impact of the proposed subdivision on the factors of county-wide significance.
8. Grading plan and stormwater drainage plan including location of stormwater ponds, wetlands, and water features.
9. Distance between access drives and public streets along County Roads.
10. Internal traffic circulation patterns.
11. Traffic projections and analysis for any residential plat exceeding 250 housing units, or having commercial/industrial buildings which combined exceed 100,000 square feet, or any high traffic volume uses such as fast food restaurants, banks, or convenience stores, or as requested by the Plat Commission to address engineering and public safety concerns.

SECTION VI

Concept Plan

- A. A Concept Plan is an informal site layout or drawing prepared for purposes of discussing the subdivision of property contiguous to any existing or proposed County Road. A Concept Plan is not required but is recommended prior to the preparation and submission of a Preliminary Plat. The Concept Plan provides an opportunity for the sub-divider to receive informal comments from the Plat Commission early in the platting process and become aware of County requirements and guidelines as they may impact the layout of the proposed subdivision. The primary benefit of preparing a Concept Plan is to streamline the application process and reduce the time and effort required to prepare and review a Preliminary Plat. The Plat Commission shall not review a Concept Plan until the municipality determines that a Concept Plan is ready for Plat Commission review. In order to be most useful, the Concept Plan, as forwarded to the Plat Commission, shall contain the following information: tract boundaries, north point, streets with numbers and/or names on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout, proposed lot dimensions, and proposed use of the property. The submission of a Concept Plan does not constitute an initial filing with the Plat Commission.
- B. The Concept Plan shall be submitted to the Plat Commission at least five (5) working days before the next scheduled Plat Commission meeting. At its meeting, the Plat Commission shall provide informal review of the proposed concept with respect to the items of County-wide significance, and relevant County guidelines and requirements.

SECTION VII

Preliminary Plat

- A. Immediately upon submission and review of the Preliminary Plat by the municipality, the municipality shall forward a copy of the Preliminary Plat of any person, firm or corporation desiring to subdivide land contiguous with any existing or proposed County road by a subdivision plat or registered land survey plat to the Dakota County Plat Commission as the initial filing. The Plat Commission shall not review an initial filing until the municipality determines that the initial filing is ready for Plat Commission review. If the municipality knows that a variance to the County's Access Spacing Guidelines or Right of Way Dedication Requirements is necessary, the municipality shall send a written statement describing the need for the variance and the unique hardship faced by the property. If the municipality does not know whether a variance to the County's Access Spacing Guidelines and Right of Way Dedication Requirements is necessary, the Plat Commission shall inform the municipality if a variance is necessary and the Preliminary Plat shall need to be re-submitted.
- B. The Preliminary Plat forwarded to the County Plat Commission under this section shall be clearly and legibly drawn. The size of the plat map shall not be less than twelve (12) inches by eighteen (18) inches. All subdivision maps shall be drawn at a minimum scale of one (1) inch equals one hundred (100) feet unless otherwise required. The Preliminary Plat shall contain the information as provided in Section V of this ordinance under "Plat Submission Requirements". Submissions that do not have all of the required information shall be returned to the municipality and shall not be reviewed by the County Plat Commission until they are complete.
- C. The Preliminary Plat shall be submitted to the Plat Commission at least five (5) working days before the next scheduled Plat Commission meeting. Following its meeting, the Plat Commission shall prepare and distribute formal written comments to the municipality stating the extent to which the Preliminary Plat meets County approval in those areas subject to review by the County and any modifications necessary to secure approval. The Plat Commission shall have five (5) working days after the scheduled meeting date to prepare these formal written comments. The municipality shall formally advise the sub-divider as promptly as possible of the County comments.
- D. If no written comments are prepared by the Plat Commission within five (5) working days of the scheduled meeting as described above, the Plat Commission shall be deemed to have no objection to the Preliminary Plat as reviewed, subject to final approval by the Dakota County Board of Commissioners. The municipality shall promptly advise the sub-divider of the approval.
- E. Preliminary Plat approval is effective for one year. If a Final Plat is not submitted within the one-year period, the plat must be re-submitted as a Preliminary Plat.

SECTION VIII

Final Plat

- A. Final Plats may not be submitted until the Preliminary Plat has been approved by the Plat Commission at a previous meeting, unless agreed to by the Plat Commission. The Final Plat shall not be reviewed by the Plat Commission until the municipality determines that the Final Plat is ready for Plat Commission review. If a variance to the County's Access Spacing Guidelines or Right of Way Dedication Requirements is necessary, the municipality shall send a written statement describing the need for the variance and the unique hardship faced by the property.
- B. The Final Plat shall be submitted to the Plat Commission at least five (5) working days before the next scheduled Plat Commission meeting. The Plat Commission, after reviewing the Final Plat at its regularly scheduled meeting, shall attach written comments prepared within five (5) working days after the scheduled meeting stating the extent to which the Final Plat meets County approval in those areas subject to review by the County and any modifications necessary to secure approval. The municipality shall formally advise the sub-divider as promptly as possible of the County comments. The Final Plat shall be forwarded to the Board of County Commissioners who shall approve or disapprove the Final Plat in accordance with the provisions of this ordinance.

SECTION IX

Variance and Appeal Procedures

- A. Purpose: Dakota County believes that the factors of countywide significance listed in this ordinance are paramount to ensuring safety and preserving mobility on the County road system. The variance conditions listed below, are provided not as a means to circumvent the County's Access Spacing Guidelines and Right of Way Dedication Requirements, but rather to clarify the actions taken by the Plat Commission when reviewing a variance request. The Plat Commission encourages that development proposals be submitted for review at the earliest possible opportunity as Concept Plans to avoid misunderstandings that often lead to variance requests.
- B. Variance: In any case where, upon application to the Plat Commission, it appears by reason of exceptional circumstance that the enforcement of the County's Right of Way Dedication Requirements and Access Spacing Guidelines would cause unnecessary hardship, or that conformity with Plat Commission requirements would be unreasonable and impractical, or not feasible under the circumstances, or that a variance to the strict guidelines would benefit the operation of the County road system, the Plat Commission may recommend a variance be granted by the Dakota County Board of Commissioners upon such conditions as it may prescribe for management consistent with the general purposes and intent of the Dakota County Contiguous Plat Ordinance and all other applicable State and local regulations and law. A variance may constitute a deviation from the County's Access Spacing Guidelines or Right of Way Dedication Requirements or other considerations identified in the Dakota County Transportation Plan.
- C. Variance Conditions: A variance may be recommended provided that:
 - i. The conditions causing the hardship are unique to the property.
 - ii. Granting of the variance shall not be contrary to public interest or damage the rights of other properties in the same area or district.
 - iii. Granting of the variance shall not be contrary to the policy and intent of the Ordinance or detrimental to the public health, safety, and welfare.

No variance shall be granted simply because there are no objections or solely for economic reasons

- D. Variance Request: Unless otherwise provided, the Plat Commission shall review variance requests at its regularly scheduled meetings. The Plat Commission shall act on variances only when a written statement is received from the municipality requesting consideration of a variance. The written statement from the municipality shall describe the need for the variance and the unique hardship faced by the property. The applicant, designated representative, or a representative from the municipality shall attend the Plat Commission meeting and present the facts or conditions upon which the application for variance is based. The Plat Commission shall prepare a written decision, stating its reasons for the decision, and send it to the municipality within five (5) working days of

its regularly scheduled meeting as described above. Recommended variances shall be incorporated into the Final Plat approval process. All variances are subject to final approval by the County Board.

- E. Request for County Board of Commissioners Review: In the event that the Plat Commission imposes conditions for plat approval or recommends denial of the variance, the requesting local unit of government and/or sub-divider can appeal the recommended action to the Dakota County Physical Development Committee of the Whole. The Plat Commission shall prepare the agenda item for the Physical Development Committee of the Whole. The Physical Development Committee of the Whole shall review the proposed conditions or variance request and make a recommendation to the Board of Commissioners for final action.

SECTION X

Building Permits

- A. No person, firm or corporation shall obtain a building permit from a municipality for construction in conformance with any subdivision plat or registered land survey plat which is contiguous with any existing or proposed County road until the plat has been approved as to those factors which are of countywide significance by the Dakota County Board of Commissioners.

SECTION XI

Enforcement

- A. This ordinance shall be administered by the Dakota County Plat Commission.
- B. In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate violations or threatened violations and it shall be the duty of the County Attorney to carry out such action.
- C. Any person, firm or corporation who shall violate or fail to comply with any of the provisions hereof, or who shall make any false statements or representation in any document required to be submitted under this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) or by imprisonment not to exceed ninety (90) days or both.

SECTION XII

Municipalities

- A. The powers herein conferred upon the Dakota County Board of Commissioners by Laws of Minnesota, 1973, Chapter 416, codified as MN Statute 383D.65, shall be supplemental to and shall not set aside the jurisdiction over plats of subdivision now exercised by the governing bodies of the municipalities. In the event that the governing body of a municipality and the Board of County Commissioners fail to concurrently approve and adopt a subdivision or a registered land survey plat because of disagreement as to those factors which are of countywide significance, representatives of each respective authority shall meet to resolve these differences. However, if within fifteen (15) days of the time of presentation of these differences to the representatives of each respective authority such representatives are unable to resolve these differences, the decision of the Board of County Commissioners shall be final as to those factors which are of countywide significance. The Board of County Commissioners may extend the time for concurrent approval with respect to individual subdivision plats and registered land survey plats.

SECTION XIII

Provisions are Cumulative

- A. The provisions in this ordinance are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter covering any subject matter in this ordinance.

SECTION XIV

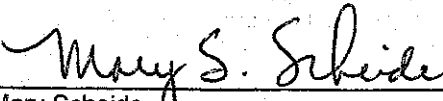
Effective Date

- A. This ordinance shall be in full force and effect from and after its passage and publication according to law. If any section, subsection, sentence, clause or phrase is for any reason held to be invalid, such decision shall not offset the validity of the remaining portions of the ordinance

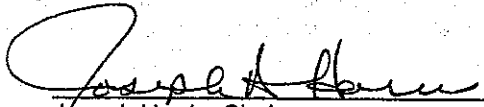
Passed by the Board of County Commissioners of Dakota County this 8th day of October, 1974.

Amended by the Board of County Commissioners this 2nd day of August, 2005

ATTEST:
COUNTY OF DAKOTA, STATE OF MINNESOTA

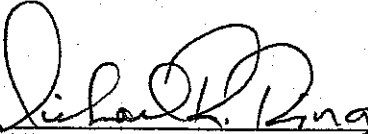


Mary Scheide
Clerk to the Board
DATE: 8/16/05




Joseph Harris, Chairman
Dakota County Board of Commissioners
DATE: 8/16/05

Approved as to Form



Michael Ring
Assistant County Attorney
DATE: August 10, 2005

Approved as to Execution



Michael Ring
Assistant County Attorney
DATE: 8/18/2005