

# Washington County, Minnesota Ordinances

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## **Ordinance No. 68 Official Map Ordinance An Ordinance Setting Up a Process to Allow the Board of Commissioners of Washington County to Officially Designate Areas Needed for Future Public Use as Authorized by Minnesota Statute 394.21 to 394.37.**

Date Approved: 08/23/1988  
Date Published: 09/01/1988

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The Board of Commissioners of Washington County ordains:

### **Section 1: Purpose.**

Land that is needed for future street and highway purposes and as sites for other necessary public facilities including public facilities such as parks, playgrounds, schools and other public buildings, civic centers, and travel service facilities is frequently diverted to non-public which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive costs or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses, permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this ordinance to establish a uniform procedure for the proper use of official maps as authorized by Minnesota Statutes §394.21 to §394.37.

**Section 2: Official Map Defined.**

"Official Map" as used in this ordinance means a map adopted in accordance with this ordinance showing existing county roads and county state aid highways, proposed future county roads and highways, the area needed for widening of existing county roads and highways, and existing future state trunk highway right-of-ways. An official map may also show the location of existing public lands and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools and other public buildings, civic centers and travel service facilities.

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**Section 3: Initiation of Proceedings.**

Proceedings for adoption, amendment or repeal of an official map or any part thereof may be initiated by (1) a recommendation of the Planning Commission or (2) action by the County Board on its own initiative, recommendations of an advisory commission or the request of an outside governmental body.

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**Section 4: Sketch Maps and Reports.**

Every proposal or request for an official map or its amendment or repeal however initiated, shall be accompanied by a sketch map or plat showing the lands proposed to be included and the public purpose to be served. The County Board may request a report of the Planning Commission as to the feasibility of any construction involved.

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**Section 5: Reference to Planning Commission.**

Except when proceedings have been initiated by recommendations of Planning Commission, every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendations thereon and such recommendations shall be submitted to the County Board within 60 days after reference to the Planning Commission along with the report of the commission on the effect of the proposal on the comprehensive plan of the County. If no recommendation is received by the County Board from the Planning Commission within 60 days after reference of the proposal to the Commission by the County Board, the County Board may take such action as it may deem proper upon the proposal without further action by the Planning Commission.

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**Section 6:**

**Subdivision 1 - Notice**

Upon receiving the recommendations of the Planning Commission or after 60 days from the submission of the proposal to the Planning Commission without a recommendation from the Planning Commission, the County Board may call a public hearing on the proposal. A notice of time, place and purpose of the hearing and a description of the property to be included in the official map shall be published in the official newspaper once,

at least 10 days prior to the date of the hearing. At least 10 days prior to the hearing, a copy of the notice shall be mailed to each landowner situated within or abutting the area shown on the official map. In addition, at least 10 days prior to the hearing, a copy of the notice shall be sent to the governing bodies of all towns and municipalities located within the county and the owners of record within one-half (1/2) mile of the affected property. For purposes of this notice, the owner shall be determined by the records of the County Auditor and the notice shall be addressed to the last known address as shown by the Auditor's record. Failure to serve any such notice shall not invalidate the proceedings.

**Subdivision 2 -**

At the time and place specified in the notice, the County Board shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time not to exceed 60 days without further notice. A final vote on the proposal shall be taken by the County Board within such 60 day period.

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**Section 7: Preparation and Filing of Maps.**

The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas, a centerline survey shall be made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition line shown on the official map shall be attested to by a registered land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Auditor who shall file a certified copy thereof with the County Recorder for record. In addition, one copy of the official map or section to which the ordinance relates, together with an attached copy of the ordinance shall be furnished to the town clerk of each affected town.

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**Section 8: Effect.**

After an official map has been adopted and filed, the issuance of building permits shall be subject to the provisions of this ordinance. The building official shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map. Whenever any street or highway is widened or improved or any new street is opened or any interest in land for other public purposes is acquired by the county, the county is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of area identified on the official map for public purposes. The adoption of an official map does not give the county and right, title or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the county to acquire such interest without paying compensation for buildings or structures erected in such area without a permit or in violations of the conditions of a permit.

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**Section 9: Appeals.**

Whenever a building permit is denied pursuant to this ordinance, the owner may appeal to the Washington County Board of Adjustment & Appeals pursuant to Section 503.01 (3) of the Washington County Zoning Ordinance.

**Section 10:**

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$700 or a term not to exceed 90 days or both, plus in either case, the costs of prosecution. Each day that a violation is permitted to exist constitutes a separate offense.

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**Section 11: Effective Date.**

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

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Passed by the Board of Commissioners of Washington County, Minnesota this 23rd day of August , 1988.

Sally Evert, Chairman  
Board of County Commissioners

Attest:  
Charles Swanson  
County Administrator

Approved as to form and legality:  
H. R. Turrentine  
Assistant County Attorney

Ordinance prepared by the Washington County Planning Department.

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