

# Washington County Development Code

## CHAPTER TEN OFFICIAL MAP REGULATION AND DESIGNATION

ORDINANCE 212  
EFFECTIVE UPON PASSAGE  
BY THE COUNTY BOARD  
ON JUNE 5, 2018 AND  
PUBLISHED ON  
JULY 27, 2018



# REVISED WASHINGTON COUNTY DEVELOPMENT CODE

## CHAPTER TEN

### OFFICIAL MAP REGULATIONS

**ORDINANCE NO. 212**

**REVISED WASHINGTON COUNTY****DEVELOPMENT CODE**

Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

- |      |               |  |
|------|---------------|--|
| (1)  | Chapter One   | Administration   |
| (2)  | Chapter Two   | Zoning Regulations   |
| (3)  | Chapter Three | Subdivision Regulations  |
| (4)  | Chapter Four  | Subsurface Sewage Treatment System Regulations                       |
| (5)  | Chapter Five  | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6)  | Chapter Six   | Shoreland Management Regulations                                     |
| (7)  | Chapter Seven | Mining Regulations   |
| (8)  | Chapter Eight | Buffer Regulations   |
| (9)  | Chapter Nine  | Floodplain Management Regulations                                    |
| (10) | Chapter Ten   | Official Map Regulation and Designation                              |

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER TEN  
OFFICIAL MAP REGULATIONS

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*Summaries in this column are for commentary and/or interpretive purposes only.*

*The purpose of this Ordinance is establish a uniform procedure for the proper use of Official Maps.*

*An Official Map shows land needed for current and/or future public purposes.*

## REVISED WASHINGTON COUNTY DEVELOPMENT CODE

### CHAPTER TEN

#### OFFICIAL MAP REGULATIONS

This Chapter of the Washington County Development Code shall be known as the Washington County Official Map Regulations and may be referred to within this Chapter as "this Chapter" or "this Ordinance". This Official Map regulation applies in the unincorporated areas of the County and is adopted by Washington County Ordinance No. 212 to set 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.

#### 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 used for non-public purposes which could have been located on other lands without hardship or inconvenience to the owners. When this happens, future public use of that 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 allows 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 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.

**SECTION 3. INITIATION OF PROCEEDINGS**

*Proceedings for adoption, amendment and repeal of an Official Map.*

Proceedings for adoption, amendment or repeal of an Official Map or any part thereof may be initiated by (1) a recommendation by the Planning Advisory Commission, (2) action by the County Board on its own initiative, (3) recommendations by an advisory commission or (4) a request by an outside governmental body.

**SECTION 4: MAPS AND REPORTS**

*Proposals and requests must include a map or plat and the PAC may request a feasibility report.*

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

**SECTION 5. REFERRAL TO PLANNING ADVISORY COMMISSION**

*Proceedings shall be initiated by or referred to the PAC and PAC shall provide recommendations to the County Board within 60 days.*

Except when proceedings have been initiated by recommendations of the Planning Advisory Commission, every proposed Official Map or proposed change to an Official Map shall be referred to the Planning Advisory Commission for recommendations thereon. Such recommendations shall be submitted to the County Board within sixty (60) days after referral to the Planning Advisory Commission together with a report by the Commission on the effect of the proposal on the County's comprehensive plan. If the County Board does not receive a recommendation from the Planning Advisory Commission within sixty (60) days, the County Board may take action on the proposal without further action by the Planning Advisory Commission.

**SECTION 6. PUBLIC HEARING**

**6.1 Notice.**

*The County Board may conduct a public hearing on the proposal and shall provide proper notice of any hearing.*

The County Board may conduct a public hearing on the proposal upon receiving the recommendations of the Planning Advisory Commission or after sixty (60) days following the submission of the proposal to the Planning Advisory Commission without a recommendation from the Planning Advisory Commission. A notice of time, location 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 ten (10) days prior to the date of the hearing. A copy of the notice shall be mailed to each landowner situated within or abutting the area shown on the Official Map at least ten (10) days prior to the hearing. In addition, 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, at least ten (10) days prior to the hearing. 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 in the Auditor's record. Failure to serve any such notice shall not invalidate the proceedings.

*Evidence and arguments will be heard at the Public Hearing and the hearing may be continued for up to 60 days.*

*The Official Map must be accurate and must be certified by a licensed land surveyor. A certified copy of the map and ordinance shall be filed with the County and furnished to affected townships.*

*Building Permit applications within an Official Map shall be denied.*

*The County is not required to pay compensation for structures built without a permit or in violation of a permit.*

*Building Permit denials may be appealed to the BAA.*

## 6.2 Hearing and Final Vote.

The County Board shall hear evidence and arguments concerning the proposal at the time and location specified in the Public Hearing notice. The hearing may be continued but shall not exceed sixty (60) days without further notice. A final vote on the proposal shall be taken by the County Board within such sixty (60) day period.

## SECTION 7. PREPARATION AND FILING OF MAPS

The Official Map or Maps shall be prepared in sufficient detail to permit the accurate establishment of future acquisition lines on the ground. The accuracy of the future acquisition lines shown on the Official Map shall be attested to by a licensed 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. 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 township.

## SECTION 8. EFFECT

After an Official Map has been adopted and filed, the issuance of building permits is subject to the provisions of this Ordinance. The building official shall deny every application for a permit to construct a new structure or expand an existing structure within any area designated as part of 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 to pay compensation for any structure placed without a permit or in violation of conditions of a permit within any area that is part of an Official Map. Adoption of an Official Map does not grant to the County any right, title or interest in areas identified for public purposes thereon, but does authorize the County to acquire such interest without paying compensation for structures erected in such area without a permit or in violation of the conditions of a permit.

## SECTION 9. APPEALS

Whenever a building permit is denied pursuant to this Ordinance, the landowner may appeal to the Washington County Board of Adjustment and Appeals pursuant to Chapter One, Section 6.5 of the Washington County Development Code.

Violations of this Ordinance are a misdemeanor.

**SECTION 10. VIOLATIONS**

Violation of any provision of this Ordinance is a misdemeanor and upon conviction thereof the violator is subject to a fine, imprisonment or both, plus the cost of prosecution. Each day that a violation occurs or continues constitutes a separate offense.

**SECTION 11. EFFECTIVE DATE**

The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

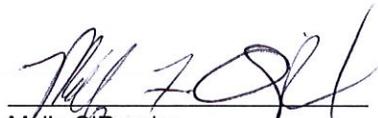
Passed by the Board of County Commissioners of Washington County, Minnesota, this 5<sup>th</sup> day of June, 2018.



Gary Kriesel, Chair  
Board of County Commissioners

Attest:

Approved as to form:



Molly O'Rourke  
Washington County Administrator



George Kuprian  
Assistant Washington County Attorney

Ordinance prepared by:

Washington County  
Public Works Department  
11660 Myeron Road North  
Stillwater, MN 55082

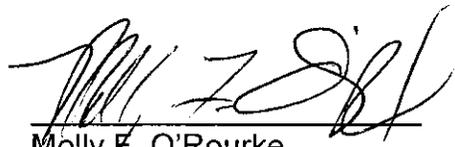
|

STATE OF MINNESOTA        )  
  )  
COUNTY OF WASHINGTON    )

I, Molly F. O'Rourke, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2018-054 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 5th day of June, 2018, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 27th day of June, 2018.



  
\_\_\_\_\_  
Molly F. O'Rourke  
County Administrator

DATE June 5, 2018  
MOTION  
BY COMMISSIONER Miron

DEPARTMENT Public Works  
SECONDED BY  
COMMISSIONER Karwoski

**REPEAL OF CURRENT ZONING/LAND USE ORDINANCES AND ADOPTION OF NEW  
ZONING/LAND USE ORDINANCES.  
AND  
REPEAL OF EXISTING DEVELOPMENT CODE AND ADOPTION OF THE REVISED  
DEVELOPMENT CODE**

**ZONING/LAND USE ORDINANCE NUMBERS 203, 204, 205, 206, 207, 208, 209, 210, 211 & 212**

**WHEREAS**, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

**WHEREAS**, the Washington County Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124, amended on September 7, 2010 to the Washington County Comprehensive Plan 2030 as Washington County Ordinance No. 184, and amended on August 16, 2016 as Washington County Ordinance 198; and

**WHEREAS**, pursuant to Minn. Stat. 473.865 the Washington County Comprehensive Plan is the implement by which the County's regulation of land use is devolved through adoption of official controls under Chapter 394.

**WHEREAS**, the current official controls as reflected in the Washington County Development Code were adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

**WHEREAS**, all the townships in Washington County have assumed regulatory control of land use through adoption of the Comprehensive Land Use Plans under the 2030 Regional Development Framework pursuant to the authority contained in Minn. Stat. 473.861 and the County's relinquishment of such controls; and

**WHEREAS**, such transformation has been found by the Metropolitan Council to conform to the regional system plans for transportation, water, resources management and parks; and

**WHEREAS**, the Township's plans are consistent with the Washington County 2030 Comprehensive Plan and are compatible with the plans of adjacent and affected jurisdictions; and

**WHEREAS**, the recasting of the County's official controls necessitate revision of the Washington County Development Code; and

**WHEREAS**, the forty-three (43) current zoning/land use ordinances, attached as Exhibit A, are determined to be anachronistic and must be repealed; and

**WHEREAS**, ten (10) new zoning/land use ordinances, attached as Exhibit B, must be enacted; and

**WHEREAS**, the existing Washington County Development Code must be repealed and the ten (10) new zoning/land use ordinances must be codified as the Revised Washington County Development Code.

**WHEREAS**, on April 24, 2018 a public hearing was held before the Washington County Planning Advisory Commission (PAC) to consider an action to do the following: 1) repeal the existing forty-three (43) zoning/land use ordinances as set forth in Exhibit A; 2) the adoption of ten (10) new zoning/land use ordinances as set forth in Exhibit B; and 3) repeal the existing Washington County Development Code and adopt a revised Washington County Development Code attached as Exhibit C.

**WHEREAS**, on April 24, 2018 the PAC recommended the Washington County Board of Commissioners approve the following: 1) the repealing of the forty-three (43) existing zoning/land use ordinances as set forth in Exhibit A; 2) adoption of ten (10) new zoning/land use ordinances attached as Exhibit B; 3) repealing of the existing Washington County Development Code and adoption of the Revised Washington County Development Code as set forth in Exhibit C.

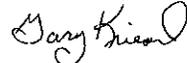
**WHEREAS**, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

**NOW, THEREFORE IT BE RESOLVED**, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

**BE IT FURTHER RESOLVED**, based upon the hearing record, the Washington County Board of Commissioners hereby repeals the existing forty-three (43) zoning/land use ordinances attached and incorporated herein as Exhibit A.

**BE IT FURTHER RESOLVED**, the Washington County Board of Commissioners hereby adopts the ten (10) new zoning/land use ordinances attached as Exhibit B, which is attached hereto and incorporated herein.

**BE IT FURTHER RESOLVED**, the Washington County Board of Commissioners hereby codifies the ten (10) new zoning/land use ordinances into the Revised Washington County Development Code as fully set forth in Exhibit C, which is attached hereto and incorporated herein.

ATTEST:   
COUNTY ADMINISTRATOR  
  
COUNTY BOARD CHAIR

|          | YES | NO  |
|----------|-----|-----|
| MIRON    | X   | ___ |
| KARWOSKI | X   | ___ |
| KRIESEL  | X   | ___ |
| LAVOLD   | X   | ___ |
| WEIK     | X   | ___ |