

ARTICLE 6. SUBDIVISION REGULATION

Sec. 6-1 General Provisions

6-1-1 Authority

This Subdivision Regulation is authorized by N.D.C.C. Ch. 11-33.2. In the event of any conflict between this Regulation and the North Dakota Century Code, the provisions of the Century Code shall prevail.

6-1-2 Jurisdiction

This Subdivision Regulation shall govern the division of all land in areas of McKenzie County that are subject to the County's zoning jurisdiction. It shall in no way affect subdivisions within tribal land, within the corporate limits of any city, or within any city's area of extraterritorial zoning jurisdiction adopted pursuant to N.D.C.C. Ch. 40- 47-01.1.

6-1-3 Purpose

(A) This Subdivision Regulation is adopted for the following purposes:

- (1) To ensure the orderly development of areas subject to McKenzie County's zoning and subdivision authority.
- (2) To provide for the proper arrangement of streets in relation to other existing and planned streets.
- (3) To provide adequate ingress and egress for traffic, firefighting, and emergency service vehicles.
- (4) To provide access to adequate utilities, infrastructure, schools, and services.
- (5) To provide adequate and convenient open spaces for recreation, light, and air.
- (6) To establish reasonable standards of design and procedures for platting, in order to further the orderly development of land and ensure proper recording and monumenting of subdivided land.
- (7) To avoid development or mitigate the impacts of development in areas with soil, slope, drainage, or other physical limitations.

(B) This Subdivision Regulation shall not prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming (see N.D.C.C. Ch. 11-33.2-03).

6-1-4 Platting Required

No subdivision shall take effect, nor shall any improvements be constructed except in accordance with a plat that is approved and signed by the Board of County Commissioners and recorded with the Office of the County Recorder, pursuant to N.D.C.C. Section 11-33.2-12. This requirement includes irregular tracts of land described by metes and bounds. The McKenzie County Auditor is also authorized to require platting or re-platting of irregular tracts to clarify the description of property for assessment and taxation purposes, pursuant to N.D.C.C. Section 57-02-39.

6-1-5 Plat Validity

No plat 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 article.

6-1-6 Building Permits and Sale of Land

No lot shall be eligible for the issuance of a building permit or transfer of title until the subdivision has been recorded with the Office of the County Recorder. The sale of lots or construction of buildings prior to final plat recording is a Class B misdemeanor as established by N.D.C.C. Ch. 11-33.2-15.

Sec. 6-2 Exemptions

The following land division processes shall qualify as exempt divisions of land and shall not be considered subdivisions as defined by N.D.C.C. Section 11-33.2-01 and this article.

- (A) **Lot Line Adjustments and Lot Mergers.** Any division of land qualifies as exempt if it meets the criteria for a lot line adjustment or lot merger (see *Section 6-6*). All lot splits must be approved through the minor subdivision process (see *Section 6-5*).
- (B) **Court-Ordered Division.** Any division of land qualifies as exempt if the division is ordered by a court of record in North Dakota. Before a court orders any division of land, the court shall notify the McKenzie County Planning and Zoning Director and allow the County to provide written comments on the pending division.
- (C) **Mineral Interest.** Any division of land qualifies as exempt if it creates an interest in oil, gas, minerals, or water that will be severed from the surface ownership of real property.

- (D) **Correction of Error.** Any division of land qualifies as exempt if made to correct surveying errors in prior plats pursuant.

Sec. 6-3 Adequate Public Facilities

6-3-1 Intent

Development increases demand on critical services and facilities, which are necessary to maintain a high quality of life for McKenzie County residents. Therefore, developers are obligated to assist in improving or expanding public facilities to adequately address the anticipated impacts of development. This section is intended to ensure that adequate facilities and services are provided and maintained as development occurs.

6-3-2 Policy

The County shall discourage the subdividing of lands that are far in advance of development needs; that by their location cannot be efficiently served by public utilities, fire protection, or other County services; that are located in areas subject to flooding or that are topographically unsuitable for development; or that for any other reason are unwisely or prematurely divided.

6-3-3 Roads

- (A) All roads shall be built to the [design standards for new construction or reconstruction of roads](#) approved by the Board of County Commissioners.
- (B) Prior to installation of any required road improvements, the developer shall enter a written agreement with the County requiring the developer to construct said improvements. The development agreement may include issuance of a subdivision bond to guarantee completion of all necessary improvements. The development agreement may specify a phasing plan for the construction of improvements. Refer to **Section 6-3-7** for more information pertaining to the development agreement.
- (C) Road construction shall begin before building permits are issued. A certificate of occupancy for structures within the subdivision shall not be issued until roads are constructed and approved by the County Engineer.
- (D) New residential, commercial, and industrial subdivisions that are within five hundred (500) feet of an existing paved road shall extend the pavement to the entrance of the subdivision, at a minimum.

6-3-4 Water

- (A) All residential subdivisions, except for those within the R-5A District, and which are located within one-half (1/2) mile of existing public water service, shall extend water lines to the subdivision and tie into said service.
- (B) All unsafe or abandoned wells within the subdivision shall be closed and capped.
- (C) All water systems shall conform to the provisions of this Ordinance, the State Department of Health, and the Upper Missouri District Health Unit.

6-3-5 Sewer

- (A) Residential subdivisions with one hundred (100) or more proposed lots or on lot sizes less one (1) acre shall connect to a public sewer system or provide for a package treatment plant. Individual septic systems shall not be allowed.
- (B) All sewage systems shall be designed, constructed, and maintained in accordance with standards of the State Department of Health, and the Upper Missouri District Health Unit.

6-3-6 Parks and Open Space

- (A) Where deemed essential by the Planning Commission upon consideration of the type of development proposed in a subdivision, but especially in large-scale neighborhood subdivisions, the Planning Commission may request the dedication, reservation, or enhancement of parks or open space.
- (B) Dedicated public grounds, open space, and parks shall be of suitable size and location for their designated use. The Planning Commission may require the reservation of up to ten (10) percent of the gross acreage of a subdivision tract for a park or open space.
- (C) Dedicated parks shall require landscaping and amenities appropriate for the intended users of the space, such as benches, picnic tables, barbeque grills, or playground equipment.
- (D) Land which is subject to extraordinary hazards, including flooding and subsidence, either shall be made safe for the purpose for which such land is proposed to be used, or shall be set aside for uses which shall not endanger life or property or increase the risk of hazard. Any property

located within a Special Flood Hazard Area shall be subject to the requirements of Floodplain Overlay District (see [Section 3-16](#)).

6-3-7 Development Agreement.

- (A) Prior to installation of any required public improvements, the developer shall enter a written agreement with the County requiring the developer to construct said improvements and pay for any other development costs associated with the plat. The agreement shall provide for the development of any restrictions, covenants, easements, signage, open space, or other conditions of the approved plat and provide for the proper execution, recording, or other action as required. Approval of the developer's agreement shall be part of final plat approval by the Board of County Commissioners.
- (B) The development agreement shall include provisions for the supervision of the details of construction by the County Engineer or their agent.
- (C) The developer shall provide a financial guarantee acceptable to the County to ensure completion of all improvements as provided in this Subdivision Regulation. A construction bond shall be required for improvements that are not constructed prior to the recording of a final plat.
- (D) The time for completion of all work phases shall be agreed upon by the County Engineer 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.
- (E) One (1) signed copy of the development agreement shall be submitted to and reviewed by the Planning Department and Engineering Department. The agreement must be fully executed and recoded prior to, or at the same time as when the plat is recorded.
- (F) Financial Guarantee
 - (1) The Board of County Commissioners may require the developer to execute a surety bond or other security to ensure that improvements are completed within a timeframe prescribed by the Board.
 - (2) The agreement shall include written provision to release the surety bond upon completion of the public improvements, to be approved by all parties.

- (3) If the developer fails to install public improvements as required by this Ordinance or any development agreement, the Board of County Commissioners may enforce any surety bond by appropriate legal and equitable remedies.
- (4) If the proceeds of the bond are insufficient to pay the full cost of installing or repairing all improvements covered by the security, the Board of County Commissioners may elect to install a portion 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 improvements. All proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, shall be used solely for the installation of the improvements covered by such security.

(G) **Completion of Improvements.**

- (1) **Governmental Units.** Governmental units affected by the provisions of this section may file, in lieu of said agreement or financial guarantee, a certified resolution from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.
- (2) **Improvement Installation without Financial Guarantee.** For a subdivision for which no financial guarantee has been posted, the improvements must be completed prior to approval of the final plat. Note that improvements can only be installed after construction/improvement plans have been reviewed and approved by the County Engineer, following Preliminary Plat approval.
- (3) **Failure to Complete Improvements.** 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.
- (4) **Release of Financial Guarantee.** The County shall not release a financial guarantee for those improvements required until the County Engineer has agreed that all required improvements have been satisfactorily completed.

(H) **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 for any reason, the developer shall post a financial guarantee ensuring completion of said improvement upon demand of the County.

Sec. 6-4 Major Subdivisions

Major subdivisions require a public hearing for both the preliminary plat and the final plat. A major subdivision is any subdivision that does not meet the criteria of a minor subdivision (see [Section 6-5](#)) or exemption from platting requirements (see [Section 6-2](#)) shall be classified as a major subdivision.

6-4-1 Application Process

Refer to Section 5-10 regarding the application process for both steps of the major subdivision process, preliminary plat and final plat.

6-4-2 Preliminary Plat Requirements

The preliminary plat shall be prepared by a registered land surveyor and shall meet all technical specifications listed below.

- (A) Proposed name of subdivision, date of plat preparation, and indication of north point.
- (B) Scale of subdivision plat, which shall not be smaller than one (1) inch equals one hundred (100) feet. The Planning Commission may waive this requirement for large-tract subdivisions.
- (C) Location of subdivision by section, township, and range to the nearest quarter section or by other legal description.
- (D) Name(s) and address(es) of all property owner(s) within the plat.
- (E) Name and address of licensed land surveyor who prepared the plat.
- (F) Date of field survey and date of plat preparation (if different).
- (G) Boundary lines of proposed subdivision indicated by a solid heavy line.

- (H) Total acreage within the subdivision and within each individual lot.
- (I) Name, location, and dimensions of all existing or previously platted roadways within or adjacent to the subdivision.
- (J) Name, location, and dimensions of any railroad right-of-way within or adjacent to the subdivision.
- (K) Name, location, and dimensions of any existing utility easements within or adjacent to the subdivision.
- (L) Name and location of adjacent subdivisions or property owners, to be displayed in a print of lighter intensity than the print used to identify lots the subdivision.
- (M) Location of any corporate boundaries within or adjacent to the subdivision.
- (N) Location of section lines within or adjacent to the subdivision.
- (O) Section corners shall have surveyed coordinates recorded on the plat.
- (P) Layout, numbers, and dimensions of all lots and blocks.
- (Q) Location and width of all proposed streets, alleys, and easements.
- (R) Purpose of any proposed easement shown on the plat.
- (S) 100-year floodplain and floodway elevations, as determined by FEMA, if any portion of the subdivision is within the floodplain, with indication of datum used. Reference North Dakota Century Code for additional detail regarding subdivision within the floodplain or floodway.
- (T) Location and elevation of lakes, rivers, or streams shall be indicated with a contour line denoting the present shoreline, and water elevation, and the date of the survey of water elevation.
- (U) Existing and proposed topographic contours with a minimum contour interval of two (2) feet, with indication of datum used.
- (V) Identification of any parcels of land intended to be dedicated or reserved for public use or set aside for use of property owners within the subdivision.
- (W) Proposed names for new streets and public areas.
- (X) A copy of the plat with current aerial imagery to indicate the location of existing buildings, wetlands, water courses, and vegetation.

- (Y) Any plans for intended development within the proposed subdivision, such as preliminary public road plans, preliminary stormwater management plan, site plans, landscaping plans, and/or building plans.

6-4-3 Final Plat

The final plat shall be prepared by a registered land surveyor and shall meet all technical specifications listed below.

- (A) Lot lines, with accurate bearings and distances and lot areas for all lots. Curve segments shall be comprised of central angle, radii, and arc distances and also include arc, chord, bearing and distance for non-tangent curves. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
- (B) Complete description of the right-of-way lines for all new streets. This description shall include distances and bearings with curve segments comprised of central angle, radii, and arc distances and also include arc, chord, bearing and distance for non-tangent curves.
- (C) Easements and the purpose of each must be clearly stated. Easement dimensions must be sufficient to accurately describe their extent and boundaries.
- (D) Lot numbers and block designations.
- (E) Final street names.
- (F) Identification of any lands to be dedicated, reserved, donated, or granted for public use or for donation to any individual, religious society, corporation, or limited liability company.
- (G) Any plat which includes lands abutting upon any lake, river, creek, or stream must show a contour line denoting the present shoreline, water elevation, and the date of survey. If any part of a plat lies within the one hundred year floodplain of a lake, river, or stream as designated by the department of water resources or a federal agency, the mean sea level elevation of that one hundred year flood must be denoted on the plat by numerals.
- (H) Topographic contours at a two-foot contour interval referenced to mean sea level must be shown for the portion of the plat lying within the floodplain. All elevations must be referenced to a durable benchmark

described on the plat with its location and elevation to the nearest hundredth of a foot, which must be given in mean sea level datum.

- (I) The names and adjacent boundary lines of any adjoining platted lands must be dotted on the plat. The designations and adjacent boundary lines of any unplatted parcels must be dotted on the plat.
- (J) Section corners should have surveyed coordinates recorded on the plat.
- (K) The location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- (L) Certificate, signature, and seal of the surveyor, to the effect that the survey is correct and certificate, signature and seal of the surveyor that prepared the plat indicating that all other information shown on the plat is accurate.
- (M) A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision shown on the plat is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plat and that they desire the same to be recorded as such. This statement must be dated following the last change or revision to said plat.
- (N) Street names shall not be recorded on the plat.
- (O) 911 addresses shall not be recorded on the plat.

6-4-4 Improvement Plans

Prior to the installation of any improvements associated with the subdivision, improvement plans must be submitted to the Planning and Zoning Director and the County Engineer. Review of the improvements plans must follow the process provided in the **Section 5-10 regarding improvement plans**.

Sec. 6-5 Minor Subdivisions

6-5-1 Purpose

The purpose of the minor subdivision procedure is to simplify the requirements and review process for qualifying minor subdivisions. Minor subdivisions are exempt from the preliminary plat process but require one (1) public hearing with the Planning Commission to review the final plat.

6-5-2 Application Process

Refer to Section 5-10 regarding the application process for the minor subdivisions.

6-5-3 Application Submittal Requirements

Refer to Section 5-11 regarding the application process and associated requirements.

Sec. 6-6 Lot Line Adjustments, Lot Splits, and Lot Mergers

(A) **Purpose.** The purpose of this section is to provide for the administrative approval of common lot modifications.

(B) **Application Process**

Refer to Section 5-12 for application process information.

(C) **Lot Line Adjustments.**

(1) Lot line adjustment means the adjustment of an existing platted lot line between two adjoining lots by relocation of a common boundary.

(2) Lot line adjustments shall meet the following criteria:

(a) Shall not involve lots within more than one zoning district.

(b) Shall not be one lot line adjustment in a series of lot line adjustments proposed for contiguous lots as a way to circumvent the platting process.

(c) All resulting parcels conform to the minimum lot dimensional standards for the zoning district in which the property is located (see Section 3-5).

(d) All resulting parcels can be legally described with no more than two (2) directional descriptors (i.e., the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). The Planning and Zoning Director may waive this requirement for lot line adjustments between irregularly-shaped parcels or to transfer an irregularly-shaped portion of a lot to an adjacent land owner, provided the resulting parcels can be legally described as the original lot number combined with a letter (i.e. Lot 1 would become Lots 1A, 1B, and 1C).

(D) **Lot Mergers.**

- (1) Lot merger means the merger of two (2) or more contiguous, platted lots into a single lot, the boundaries of which coincide with the lot lines shown on the recorded plat of the subdivision.
- (2) Lot mergers shall meet the following criteria:
 - (a) Shall not involve lots within more than one zoning district.
 - (b) Shall not involve the vacation or modification of any existing easement or right-of-way.

(E) **Lot Splits.**

- (1) Lot split means the division of a previously platted lot into no more than two (2) new lots.
- (2) Lot splits shall meet the following criteria:
 - (a) The lot split does not involve the creation of new utility easements.
 - (b) The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
 - (c) All parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located.
 - (d) The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g., the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped lot, The Zoning Administrator may waive this requirement for irregularly shaped lots, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g., Lot 1 would become Lots 1A, 1B and 1C), and provided that any line dividing the parcel along a common wall is a straight line from the front property line to the back property line along the common wall.
 - (e) The property has not previously been divided through the lot split provisions of this Code.

Sec. 6-7 Blocks

- (A) Block lengths should not exceed thirteen hundred and twenty (1,320) feet nor be less than three hundred (300) feet, except where topography or other conditions justify departure from these standards.

- (B) Block widths shall generally be sufficient to allow two (2) tiers of lots.
- (C) The design of blocks longer than eight hundred (800) feet shall give special consideration to the requirements of fire protection, pedestrian access, and utility service. The Planning Commission may require easements as necessary for these purposes.

Sec. 6-8 Lots

- (A) All lots shall front on a public street, unless a private street is approved for access. Principal vehicular access to lots shall be provided from the frontage along the approved street.
- (B) The area, width, and depth of lots shall not be less than that required by this Code at the time the plat is approved.
- (C) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines. Exceptions may include cases where proposed lot lines follow existing lot lines, improvements, or natural features.
- (D) Double frontage lots, or lots with frontage on two (2) parallel streets, shall not be permitted except where residential lots back onto major collector or arterial highways. In such cases, reverse frontage lots may be utilized to maintain proper access spacing along the highway. A landscaped buffer shall be required to shield such lots from the highway, consistent with [Section 2-12](#) of this Ordinance.
- (E) For lots of irregular shape (e.g., triangular lots), the developer shall demonstrate to the County Engineer an ability to develop said lots under the requirements of this Ordinance.

Sec. 6-9 Street Design Standards

All major subdivisions shall meet the following standards for any streets included on the subdivision plat.

6-9-1 General Standards

- (A) The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing and planned streets, to topographical conditions, and to the proposed uses of lands to be served. All streets within and bordering a subdivision shall be coordinated with the County Engineer and shall meet County design standards.

- (B) The arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance of existing streets impractical.
- (C) Local streets shall be arranged to minimize through traffic and discourage excessive speeds.
- (D) Half streets are prohibited.

6-9-2 Right-of-Way and Section Design

Street right-of-way and section design shall meet the [Design Standards and Typical Section](#) as adopted by the County Commission except in cases where the County Engineer determines that special conditions exist to warrant adjustments from these standards.

6-9-3 Tangents and Curves

Roadway design tangents and curves shall follow North Dakota Department of Transportation and Association of State Highway and Transportation Officials (AASHTO) guidance.

6-9-4 Intersections and Sight Distance

- (A) Intersections involving the junction of more than two streets are prohibited.
- (B) Street intersection jogs with an offset of less than three hundred (300) feet shall be avoided.
- (C) Unless approved by the County Engineer, streets shall be arranged to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of an intersection shall be eighty (80) degrees.
- (D) Proper sight distance shall be provided at all new street and access drive intersections in accordance with the latest edition of the AASHTO *A Policy on Geometric Design of Highways and Streets*.
- (E) Site triangle requirements must be followed, refer to *Section 2-9-4*.

6-9-5 Maintenance of Public Streets

Dedication of streets for public use shall not constitute a requirement that the County accept and maintain the dedicated street.

6-9-6 Private Streets

- (A) Private streets may be permitted at the discretion of the Planning Commission.
- (B) Private streets must meet county road standards.
- (C) Private streets shall be constructed by the developer.
- (D) Responsibility to maintain private streets shall be stipulated in a development agreement between the subdivision lot owner(s) and the county and township (if applicable). The county shall not maintain private streets.

6-9-7 Dead-End Streets

- (A) All dead-end streets, whether temporary or permanent, shall require space for turnarounds.
- (B) Dead-end roads shall not exceed 600 feet in length and must connect to a through road. A through road is a:
 - (1) State highway,
 - (2) County road, or
 - (3) Other improved paved or gravel road that connects either directly or indirectly to a state highway or county road at each end. This does not include oil/gas lease access roads.
- (C) A dead-end street will not be permitted when a through street is feasible. The feasibility of a through street will be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other government agencies, and the ability of the design to meet all other requirements of this Subdivision Regulation.
- (D) The terminus of dead-end streets shall meet International Fire Code requirements for adequate space and design for vehicle turn-around.
- (E) A temporary cul-de-sac may be permitted if the street is terminated pending future extension in conjunction with a planned future

subdivision. Temporary cul-de-sacs shall be constructed completely within the right-of-way. Conversion of the cul-de-sac to a straight section of street shall be the responsibility of the developer making the future roadway connection.

6-9-8 Street Grade and Intersection Standards

All street grades for local and collector roads shall meet standards established by the American Association of State Highway Transportation Officials (AASHTO).

6-9-9 Approaches and Access Points

- (A) Each lot shall have access to a public road.
- (B) The County Engineer may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of their property or other properties over which the applicant has control.

6-9-10 Street Names and Signs

Roads, in the context of subdivisions, provide access to multiple properties. When property is developed, the name of that access road is used in assigning a 911 address to a structure. Following state and national 911 addressing standards, the access leading to three (3) or more primary addressable sites should be named. The purpose is for emergency response.

- (A) Any details for street names and signs not stipulated herein shall follow the guidance of the County Engineer or designee.
- (B) All streets shall be marked with permanent street name signs, installed at the developer's expense, to be located at each end of the street and every intersection with another street and shall be in a 14-point, Arial font all capital letters.
- (C) New roads outside city limits should be numbered streets or avenues following the North Dakota state-wide Burkle addressing grid system. Examples include 40th ST NW, 122M AVE NW.
- (D) New roads within a city or community should be numbered streets or avenues following the local addressing grid system. Examples include 1st ST NE, 5th AVE SE.
- (E) In most cases, roads that are now or will eventually be a continuation of an existing road shall be called by the name of the existing street.

- (F) In most cases, where a street maintains the same general direction, the same name shall continue for the entire length of the street.
- (G) It is common addressing practice for subdivision road names to deviate from numbered street or avenue names. This may occur under certain circumstances such as when:

- (1) The road is not approximately along the section line in which case the name should follow the Burkle grid system naming being a numbered street or avenue.
- (2) The suggested name should not duplicate or be confused with the name of any existing road name within McKenzie County.
- (3) The suggested name should be easy to pronounce and spell correctly in emergency situations. Unconventional spelling of words should not be allowed.
- (4) The suggested name is not generally found to be offensive to others.
- (5) The suggested name should avoid family or individual names.
- (6) The suggested name shall not include dashes, apostrophes, or other special characters as these are not recognized in the US Postal Service or 911 databases.
- (7) The road designation type (examples include drive, lane, parkway, road, loop, trail, way, etc.) must follow the required standards of the US Postal Service as described in Publication 28 Appendix C.
- (8) The suggested name should not be a directional or road type. For example, South ST SE, Milky Way Ave.
- (9) The suggested name should have a post directional that follows the local or state-wide addressing grid.
- (10) Street names shall be limited to a maximum of 15 letters and spaces.
- (11) The full suggested name (road name plus road type and post directional) has the approval of the county or city Planning Commission based on jurisdiction and the McKenzie County Sheriff's Office 911 Coordinator.

Sec. 6-10 Easements

- (A) Easements shall be included with a subdivision where they are necessary to provide for adequate and orderly future infrastructure to serve the development or the general public, including but not limited to sanitary

sewer facilities, drainage facilities, water facilities, public or private utilities, and pedestrian access.

- (B) All easements dedicated with a subdivision shall be indicated on the plat with the proper designation.
- (C) Once approved, easements and right-of-way may only be changed by approval of the Board of County Commissioners upon the recommendation of the Planning Commission.
- (D) To the fullest extent possible, easements shall be adjacent to property lines.
- (E) Nothing shall be placed within an easement that would adversely affect the function of the easement or conflict with the easement agreement. However, easements of different types may overlap, provided their functions do not conflict. Utility companies are encouraged to use common easements when possible.
- (F) Utility easements shall be required along lot frontage and may be required along the back of lots. Public utility easements shall have a minimum width of twenty (20) feet and private utility easements shall have a minimum width of ten (10) feet.
- (G) The developer shall reserve easements where storm water or surface water drainage facilities exist or are proposed. Easements shall be required for all conveyance systems crossing private property. Storm water drainage easements shall have a minimum width of twenty (20') feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work.
- (H) All easements shall identify who has the right-of-access and responsibility for maintenance.

Sec. 6-11 Supremacy

6-11-1 Supremacy

This Subdivision Regulation 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 Subdivision Regulation are more restrictive than any such easement, restriction, or covenant or the provision of any private agreement, the provisions of this Subdivision Regulation shall prevail.