

**CITY OF SCANDIA**

**ORDINANCE NO. 128**

**AN ORDINANCE ADOPTING A NEW CHAPTER 3  
(SUBDIVISION REGULATIONS) OF THE  
DEVELOPMENT CODE OF THE CITY OF SCANDIA**

The City Council of the City of Scandia hereby ordains as follows:

**Section 1. Repeal.** Chapter 3 of the New Scandia Development Code, as adopted by Ordinance No. 74 on January 8, 2002 and as subsequently amended is hereby repealed in its entirety.

**Section 2. Amendment.** A new Chapter 3 (Subdivision Regulations) is hereby adopted and added to the Development Code of the City of Scandia as hereinafter stated:

## CHAPTER THREE SUBDIVISION REGULATIONS

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## SECTION 1.0 TITLE AND APPLICATION

- 1.1 Title. This Chapter shall be known, cited and referred to as Chapter 3 of the Scandia Development Code except as referred to herein, shall be known as “this Chapter.”
- 1.2 Purpose and Intent. This Chapter of the Scandia Development Code is adopted for the following purposes:
- (1) To implement the Scandia Comprehensive Plan;
  - (2) To ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws and regulations;
  - (3) To establish standard requirements, conditions, and procedures for the design and review of subdivisions;
  - (4) To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
  - (5) To encourage the wise use and management of land and natural resources throughout the City in order to preserve the integrity, stability, and natural beauty of the community;
  - (6) To ensure that adequate public infrastructure, facilities and services are available concurrent with development;
  - (7) To require subdividers to furnish land, install infrastructure, pay fees, and establish mitigative measures to ensure that development provides its fair share of capital facilities;
  - (8) To encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;
  - (9) To prevent problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, or scattered subdivision;
  - (10) To assure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community.
- 1.3 Relationship to Comprehensive Plan. It is the policy of the City that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the City’s Comprehensive Plan, as may be amended from time to time. The City Council recognizes the Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purposes herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any changes in these regulations that are not consistent with the City’s Comprehensive Plan.
- 1.4 Conformity With This Chapter. No land shall be divided, subdivided, or re-subdivided in a manner that does not comply with the provisions of this Chapter.

1.5 Applicability.

- (1) The regulations contained in this Chapter shall apply to any division of land into two or more parcels or lot line adjustment for the purpose of transfer of ownership, building development or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred. The regulations contained in this Chapter shall not apply to cases where all parcels resulting from the land division exceed 20 acres in size and have 500 feet of frontage on a public road and subdivision approval is not required.
- (2) Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the Development Code.
- (3) After the effective date of this Chapter:
  - (A) No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this Chapter and approved by the City as having fulfilled the requirements of this Chapter and the other chapters of the City of Scandia Development Code.
  - (B) Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re-separated without approval in the manner prescribed in this Chapter.
  - (C) No registered land survey shall be recorded with the Registrar of Titles until the registered land survey shall have been approved by the City as having fulfilled the requirements of this Chapter.
- (4) More Restrictive Provision to Apply. Where the regulations imposed by any provision of this Chapter are either more or less restrictive than comparable regulations imposed by this Chapter, or any other law, ordinance, rule, or regulation of the city, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

1.6 Authority. This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Chapter 462.351 to 462.365.

1.7 Separability. It is hereby declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

## **SECTION 2.0 ENFORCEMENT AND PENALTIES**

- 2.1 Enforcement. If any subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Scandia, and hereby shall have the powers of a police officer to prevent such unlawful subdivision, construction, reconstruction, or use, to restrain or correct such violations, to prevent the occupancy of said property, or to prevent any illegal act, conduct, business or use in or about said premises.
- 2.2 Penalties. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

## **SECTION 3.0 ADMINISTRATION**

- 3.1 Designation of Zoning Administrator. Pursuant to Chapter One of the Development Code, the Zoning Administrator shall administer and enforce these regulations.
- 3.2 Duties of Zoning Administrator. The Zoning Administrator's duties shall include, but not be limited to, the following:
- (1) Periodically inspect property to determine compliance with the terms of this Chapter.
  - (2) Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.
  - (3) Order discontinuance of illegal work being done or take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.
  - (4) Maintain permanent and current records of this Chapter.
  - (5) Maintain current files of all subdivision approvals and copies of notices of violations thereto and, upon request, provide complaint and violation information to any person having a proprietary or tenancy interest in any specific property.
  - (6) Provide technical assistance to the Planning Commission and City Council.
  - (7) Receive, file and forward as applicable to the Planning Commission and City Council all applications for subdivision as required herein.
- 3.3 Coordination with Other Chapters of the Development Code. Administration and enforcement of this Chapter shall be coordinated with the procedures and regulations in all chapters of the Development Code.
- 3.4 Coordination with Requirements for Environmental Review. Subdivision review shall be coordinated with the requirements and procedures for Environmental Review as contained in Chapter One of the Development Code. Any mandatory or discretionary Environmental Assessment Worksheet or Environmental Impact Statement shall be submitted as part of the application for preliminary plat approval.

## **SECTION 4.0 RULES AND DEFINITIONS**

4.1 Rules of Word Construction. For the purposes of interpretation of the Development Code, certain terms or words herein shall be interpreted as follows:

- (1) The word “person” includes an owner or representative of the owner, firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The words “shall” and “must” are mandatory; the word “may” is permissive.
- (3) Unless the context clearly requires otherwise, the singular includes the plural, the plural includes the singular, and the use of past, present and future tense shall include the other tenses.
- (4) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (5) When calculating parking stall requirements, any fraction of a number shall constitute an additional parking space.
- (6) For terminology not defined in this Chapter, elsewhere in the Development Code, in another City ordinance, or in the Minnesota State Building Code, Merriam-Webster’s Collegiate Dictionary Tenth Edition shall be used to define such terms.
- (7) If a conflict arises between any graphic illustrations presented in this code and the text of this code, the text shall prevail.

4.2 Definitions. The following words and terms, wherever they occur in the Development Code, shall be interpreted as herein defined:

- (1) Alley: Any dedicated public right-of-way providing a secondary means of access to abutting property.
- (2) Applicant: The owner of the land proposed to be subdivided or the owner’s representative (see also “Developer.”)
- (3) Block: The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.
- (4) Boulevard: The portion of the street right-of-way between the curb line and the property line.
- (5) Concept Plan: A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the City as to the form of the development and the objectives of these regulations.
- (6) Contour Interval: The vertical height between contour lines.
- (7) Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations.
- (8) County: Washington County, Minnesota

- (9) Cul-De-Sac: A street with only one outlet measured from the point where there is no secondary access, having an appropriate turn around area at its terminus.
- (10) Developer: The owner of land proposed to be subdivided or the owner's representative (see also "Applicant.")
- (11) Development: The act of subdividing land, building structures and installing site improvements.
- (12) Double Frontage Lots: Lots that have a front line abutting on one street and a back or rear line abutting on another street.
- (13) Easement: A grant by an owner of land for a specific use by persons other than the owner.
- (14) Final Plat: A drawing or map of an approved subdivision, meeting all requirements of this Chapter and in such form as required by the community for purposes of recording.
- (15) Grade: The slope of a road, street, or other public way specified in percentage (%) terms.
- (16) Individual Subsurface Sewage Disposal System or ISTS: an individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS also includes all holding tanks that are designed to receive a design flow of 10,000 gallons per day or less; sewage collection systems and associated tanks that discharge into ISTS treatment and dispersal components; and privies. ISTS does not include those components defined as plumbing under Minnesota Rules Chapter 4715.
- (17) Metes and Bounds: A property description in which successive sides are described by direction and distance as one would walk around the area being described.
- (18) Outlot: A lot remnant or any parcel of land included in a plat that is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.
- (19) Preliminary Plat: The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the City for approval.
- (20) Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.
- (21) Right-of-Way: The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
- (22) Road, Dead-End: A road or a portion of a street with only 1 vehicular traffic outlet.
- (23) Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.
- (24) Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.

- (25) Subdivider: The owner, agent, or person having control of such land as the term is used in this chapter.
- (26) Subdivision: The process of dividing land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (27) Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (28) Subdivision, Minor: Any subdivision containing 3 or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.
- (29) Survey, Land: The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey. The term cadastral survey is sometimes used to designate a land survey, but in this country its use should be restricted to the surveys of public lands of the United States (USPLS).
- (30) Surveyor: A land surveyor licensed under Minnesota State Laws.
- (31) Thoroughfare: A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (32) Vicinity Map: A map drawn to comparatively small scale which shows the area proposed to be platted in relation to known geographical features.

## SECTION 5.0 PREMATURE SUBDIVISION PROHIBITED

- 5.1 Premature Subdivision Prohibited. Any proposed subdivision deemed premature for development shall not be approved by the City Council.
- 5.2 Premature Subdivision Defined. A subdivision shall be deemed premature if the Council determines that any of the following conditions exist. The burden of proof shall be upon the subdivider to show that the proposed subdivision is not premature.
- (1) Inconsistent with the Comprehensive Plan. A proposed subdivision may be deemed premature if it is inconsistent with the goals, policies, or implementation strategies of the City's Comprehensive Plan, as may be amended. Application to amend the Comprehensive Plan and/or zoning map may be made simultaneously with an application for subdivision approval, however, a subdivision application will not be considered for approval by the City Council until and unless any necessary Comprehensive Plan amendment and/or rezoning application is approved by the Council.
  - (2) Inconsistent with the Capital Improvements Program. A proposed subdivision may be deemed premature if it is inconsistent with the capital improvements program because public improvements, facilities, or services necessary to accommodate the proposed subdivision would not be completed within two years of the date of application.
  - (3) Lack of Adequate Sewage Treatment Systems. A proposed subdivision may be deemed premature if sanitary sewer is neither available nor proposed; or if sewage treatment cannot be achieved onsite.
  - (4) Lack of Adequate Streets to Serve the Subdivision. A proposed subdivision may be deemed premature if:
    - (A) streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance or surface condition that the traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or would seriously aggravate an existing hazardous condition; or
    - (B) the traffic volume generated by the proposed subdivision would create congestion or unsafe conditions on existing or proposed streets.
  - (5) Lack of Adequate Drainage. A proposed subdivision may be deemed premature if:
    - (A) surface or subsurface water retention and runoff is such that it constitutes a hazard to the stability of proposed or existing structures; or
    - (B) the proposed subdivision would cause pollution of water sources or would cause damage from erosion or siltation on downstream property; or
    - (C) factors including, but not limited to, the presence of floodplain, poor soils or subsoils, or steep slopes exist in such a manner as to preclude adequate site drainage or treatment of runoff.

- (6) Inconsistent with Environmental Requirements. A proposed subdivision may be deemed premature if it is inconsistent with the rules and policies of the Minnesota Environmental Quality Board, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy, in violation of State historical preservation laws, historic areas which are designated or officially recognized by the City Council.

## **SECTION 6.0 MINOR SUBDIVISIONS**

- 6.1 Purpose and Intent. The purpose of the minor subdivision process is to allow the city to waive certain procedures and requirements of a major subdivision. The purpose is to reduce the time and cost to the property owner for dividing land in locations and situations that are well defined and where no new public infrastructure is required. The minor subdivision process allows concurrent review and approval of a Preliminary and Final Plat.
- 6.2 Criteria for Minor Subdivision. Minor subdivisions are limited to situations meeting all of the following criteria:
- (1) The parcel of land has not been part of a minor subdivision within the last 5 years.
  - (2) The minor subdivision shall result in 3 or fewer parcels.
  - (3) All contiguous parcels in common ownership shall be included in the Minor Subdivision application.
  - (4) The subdivision shall not be premature based on the criteria in Section 5.0 of this Chapter.
  - (5) All parcels resulting from the minor subdivision shall not conflict with any provision of the Comprehensive Plan.
  - (6) The applicant shall enter into a development agreement specifying the number of density units allocated among the parcels, if required by the City Council.
  - (7) All parcels resulting from the minor subdivision shall meet all applicable requirements of this Development Code including but not limited to density, lot size, lot width, minimum frontage on a public road unless a variance has been approved according to procedures set forth in Chapter 1 of the Development Code.
  - (8) No new public rights-of-way or streets shall be necessary for or created by the subdivision.
  - (9) Streets, utility easements, drainage easements or public park land or cash in lieu of land shall be dedicated or paid as required by the city.
  - (10) All wetland areas and DNR protected waters shall be protected with a conservation easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive, and any other requirements of the DNR.
  - (11) The minor subdivision shall comply with all applicable requirements of the road authority, including access spacing and location criteria for sight distances if located adjacent to a state or county highway, and/or of the watershed district(s) in which it is located.
- 6.3 Procedures. Before any contract is made for the sale of any part thereof, and before any permit for the erection of any structure on such proposed subdivision shall be granted, the owner or developer shall file an application and secure approval of a minor subdivision, which will be reviewed by the following procedure.
- (1) Requests for minor subdivision shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form.

Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by the City's adopted fee schedule, 2) detailed written and graphic materials fully explaining the proposed minor subdivision and 3) a list of property owners located within 500 feet of the subject property in a format prescribed by the Zoning Administrator. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

- (2) The Zoning Administrator shall forward a copy of the application for a minor subdivision abutting any existing or proposed trunk highway, county road or highway or county state-aid highway to the Minnesota Department of Transportation and/or Washington County Highway Department for review and comment. Final action on a minor subdivision shall not be taken until comments and recommendations have been received or until the minimum 30-day review period has elapsed.
- (3) The Zoning Administrator shall forward a copy of the application for a minor subdivision within a Shoreland Overlay District and/or Floodplain Management District to the Department of Natural Resources (DNR) and to the applicable Watershed District(s).
- (4) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.
- (5) Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 500 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
- (6) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.
- (7) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to obtain expert testimony with the consent and at the expense of the applicant, if such additional information is necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
- (8) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- (9) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.

- (10) The City Council shall not approve a minor subdivision until it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.
- (11) Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the City Council.
- (12) Prior to certification by the city of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the deed(s) granting the city any easements required by the city and pay any required fees.
- (13) Whenever an application for a minor subdivision has been considered and denied by the City Council, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider such matter is made by a majority vote of the entire City Council.

6.4 Information Requirement. Applications for minor subdivision shall be accompanied by the following information. The applicant shall submit a minimum of 3 large scale copies and 12 reduced scale (11" x 17") copies of all graphics:

- (1) A preliminary plat prepared by a registered land surveyor which includes:
  - (A) Graphical scale not more than 1 inch equals 100 feet.
  - (B) North point indication.
  - (C) Original and proposed lot boundaries.
  - (D) Topographic data at 2 foot contours.
  - (E) Existing and resulting parcel legal descriptions.
  - (F) Buildable area on each lot and proposed building pad.
  - (G) The location of existing structures on the site.
  - (H) Existing and proposed driveway locations.
  - (I) Existing easement locations.
  - (J) Existing parks, streets and utility easements.
  - (K) Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
  - (L) Individual sewage treatment systems and/or well locations.
- (2) Drainage, grading and erosion control plans.
- (3) Existing and proposed lowest floor elevations for each lot.

- (4) Wetland delineation report and map.
- (5) Soil testing for the installation of individual subsurface sewage treatment system.
- (6) If driveways to a state or county highway are required, driveway permits or a letter of intent to approve said driveways from the applicable road authority.

6.5 Expiration and Recording of Documents.

- (1) Unless the City Council specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant completes all conditions of approval and records all required documents including a final plat within 1 year of the date the minor subdivision is approved; or, unless before the expiration of the 1 year period the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as set forth by the City's adopted fee schedule. The request for extension shall state facts showing a good faith attempt to complete the requirements. A request for an extension not exceeding 1 year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than 1 year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- (2) The applicant shall, immediately upon receipt of recorded document(s) from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in the minor subdivision until the city has received evidence of the document(s) being recorded and that all conditions of approval have been met.

6.6 Financial Guarantee. Following the approval of a minor subdivision as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval. Any such guarantee shall be as specified in Chapter 1, Section 11.10 of this Development Code.

6.7 Certification of Taxes Paid. Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor subdivision application relates.

## SECTION 7.0 LOT CONSOLIDATION/LOT LINE ADJUSTMENT

- 7.1 Purpose and Intent. The lot consolidation/lot line adjustment process provides a simple administrative procedure for the consolidation of 2 or more lots into 1 parcel, or to adjust a common lot line affecting existing parcels. In areas that are well defined and land descriptions are simple, the city may permit the conveyance of land using metes and bounds descriptions or without the preparation and recording of a plat. In areas which are not well defined, or where lots are irregular in shape and/or are included in more than one plat, the city may require that lot consolidation/lot line adjustment occur through the major or minor subdivision platting requirements of this chapter.
- 7.2 Criteria for Lot Consolidation/ Lot Line Adjustment. This procedure is limited to situations meeting all of the following criteria:
- (1) Parcels resulting from these procedures must be consistent with all Development Code requirements and other applicable regulations and may not result in a new buildable parcel.
  - (2) Lot line adjustments shall be made for the purpose of adding a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots. Newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.
  - (3) Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.
  - (4) New easements shall be established as appropriate.
- 7.3 Procedures.
- (1) Requests for lot consolidation or lot line adjustment shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by the City's adopted fee schedule, and 2) detailed written and graphic materials fully explaining the request. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
  - (2) The Zoning Administrator shall review the application and required information to determine conformance with the Comprehensive Plan and the Development Code, and may request reports from other staff or consultants as necessary to review the application. The Zoning Administrator may give final approval if all requirements are met, with any conditions as deemed necessary to ensure compliance with the Development Code. Unless a request for additional review time is requested by the Zoning Administrator, action on the application shall be taken within 60 days after a complete application is submitted.

- (3) If an application for lot consolidation or lot line adjustment is denied by the Zoning Administrator, the applicant may appeal to the City Council as the Board of Adjustment and Appeals as provided in Chapter 1, Section 7.0 of the Development Code.

7.4 Information Requirement. The following information shall be submitted with the application for lot consolidation/ lot line adjustment. The applicant shall submit a minimum of 3 large scale copies and 2 reduced scale (11" x 17") copies of all graphics.

- (1) A certificate of survey prepared by a registered land surveyor which includes:
  - (A) Graphical scale not more than 1 inch equals 100 feet.
  - (B) North point indication.
  - (C) Original and proposed lot boundaries.
  - (D) Existing and resulting parcel legal descriptions.
  - (E) The location of existing structures on the site(s).
  - (F) Existing and proposed driveway locations.
  - (G) Existing and proposed easement locations.
  - (H) Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable.
  - (I) Individual sewage treatment systems and/or well locations.
- (2) A title search showing ownership of the property and any existing deed restrictions.
- (3) Any additional information if deemed necessary and required by the Zoning Administrator. The Zoning Administrator may waive for good cause certain information requirements not pertinent to the particular lot consolidation/ lot line adjustment request.

7.5 Expiration and Recording of Documents

- (1) Upon approval, the applicant shall record the appropriate documents in the office of the Washington County Recorder within 120 days of the date of approval. If not recorded within the 120-day period, the approval shall be considered void.
- (2) The applicant shall, immediately upon receipt of recorded document(s) from the County Recorder, furnish the City Clerk with a copy of the document(s) showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot affected by the lot consolidation or lot line adjustment until the city has received evidence of the document(s) being recorded and that all conditions of approval have been met.

7.6 Certification of Taxes Paid. Prior to approval of an application for a lot consolidation/lot line adjustment, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the consolidation/lot line adjustment application relates.

## SECTION 8.0 MAJOR SUBDIVISIONS- CONCEPT REVIEW

- 8.1 Purpose and Intent. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Chapter, and the requirements or limitations imposed by other City regulations prior to the development of a preliminary plat, the subdivider shall present a concept plan to the Zoning Administrator and optionally to the Planning Commission. Any opinions or comments provided on the concept plan shall be considered advisory only and cannot be construed as approval or denial of the proposed plat.
- 8.2 Procedure for Concept Review.
- (1) Requests for concept plan review shall be submitted to the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by the City's adopted fee schedule, 2) detailed written and graphic materials fully explaining the proposed subdivision and 3) a list of property owners within 1,320 feet of the subject property in a format prescribed by the Zoning Administrator, if review by the Planning Commission is requested and/or is recommended by the Zoning Administrator.
  - (2) The Zoning Administrator may refer the application to the appropriate staff and consultants for review and preparation of informal comments on the concept plan. If review by the Planning Commission has been requested by the applicant or by the Zoning Administrator, the Zoning Administrator shall provide notice of the meeting at which the Planning Commission will review the concept plan to all owners of land within 1,320 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any of the proceedings as set forth in this Chapter.
  - (3) The Zoning Administrator may refer the concept plan to the Park and Recreation Committee to secure its recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds, trails, open space or other public property.
  - (4) The Planning Commission shall review the concept plan with the subdivider and provide comments on the concept plan. The Planning Commission shall have the prerogative and authority to refer the concept plan to the City Council for discussion, review, and informal comment. The Planning Commission and/or City Council will take no formal or informal action at this stage of review and discussion that occurs at this stage cannot be construed as approval or denial of the proposed plat.
- 8.3 Information Requirement. The applicant shall prepare and submit the required number of copies of a concept plan containing the following information:
- (A) A scale drawing of the proposed site with reference to existing development within 500 feet of the proposed site.
  - (B) A statement showing the proposed density with the method of calculating said density also shown.

- (C) Resource Inventory that includes:
  - 1. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainageways.
  - 2. Topographic contours at 2 foot intervals.
  - 3. Context: general outlines of existing buildings, land use, and natural features such as wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch equals 200 feet.
- (D) Proposed general street and lot layout with lot sizes of individual parcels designated.
- (E) General location of proposed public and private open space areas, recreational areas, sidewalks, trails, etc.
- (F) Current zoning of the property.
- (G) An explanation of the proposed subdivision and its purpose, including description of the Land Development Design as described in Chapter 2, Section 5.0 of the Development Code.
- (H) Any additional information that may be required to explain the concept plan. Concept plans for Open Space Conservation Design Subdivisions shall meet all requirements of Chapter 2, Section 6 of the Development Code.

## SECTION 9.0 MAJOR SUBDIVISIONS – PRELIMINARY PLAT

- 9.1 Filing and Review of Preliminary Plat Application. After receiving comments during concept review, the applicant may apply for Preliminary Plat approval. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.
- (1) Requests for preliminary plat approval shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by the City's adopted fee schedule, 2) detailed written and graphic materials as provided by this Section and 3) a list of property owners located within 1,320 feet of the subject property in a format prescribed by the Zoning Administrator. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
  - (2) The Zoning Administrator shall forward a copy of the application for a preliminary plat abutting any existing or proposed trunk highway, county road or highway or county state-aid highway to the Minnesota Department of Transportation and/or Washington County Highway Department for review and comment. Final action on preliminary plat shall not be taken until comments and recommendations have been received or until the minimum 30-day review period has elapsed.
  - (3) The Zoning Administrator shall forward a copy of the application for a preliminary plat within a Shoreland Overlay District and/or Floodplain Management District to the Department of Natural Resources (DNR) and to the applicable Watershed District(s).
  - (4) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.
  - (5) Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 1,320 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
  - (6) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.

9.2 Planning Commission Consideration. The Planning Commission shall consider a preliminary plat application, as follows:

- (1) The Planning Commission shall review the preliminary plat and conduct the official public hearing.
- (2) The subdivider or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal.
- (3) The Planning Commission and staff shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal.
- (4) The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms with the City's Comprehensive Plan and Development Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:
  - (A) That the proposed subdivision is in conflict with the City's Comprehensive Plan, Development Code, Capital Improvements Program, or other policy or regulation.
  - (B) That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is not suitable for the type or intensity of development or use contemplated.
  - (C) That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.
  - (D) That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
  - (E) That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.
  - (F) That the subdivision is premature as determined by the standards of this Chapter.

9.3 City Council Consideration. The City Council shall consider a preliminary plat application, as follows:

- (1) Upon receiving the reports and recommendations of the Planning Commission and staff, the City Council shall consider the application. The Council shall have the option of receiving additional testimony on the matter if it chooses.
- (2) The Council shall either approve or deny the application.
- (3) Approval of a preliminary plat shall require passage by a majority vote of the entire City Council. Such approval shall constitute general acceptance of the layout, but shall not constitute final acceptance of the subdivision. Subsequent approval of a final plat will be required before recording of the plat. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the City.

- (4) If a preliminary plat is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.
- 9.4 Effect of Approval. For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.
- 9.5 Effect of Denial. If a preliminary plat application is denied by the City Council, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six months from the date of its denial.
- 9.6 Expiration of Preliminary Plat Approval. Unless the City Council specifically approves a different time period, the approval of a preliminary plat shall expire one year from the date it was approved, unless the applicant has filed a complete application for approval of a final plat; or, unless before expiration of the one year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve up to two such extensions of not more than one additional year per extension.
- 9.7 Application Requirements. The following information shall be submitted for preliminary plat application.
- (1) Application form, as provided by the City, and completed by the applicant.
  - (2) Application fee, as set by the City's adopted fee schedule, and escrow in the amount estimated by the City that may be needed to cover the cost of any consultant review of the preliminary plat, including but not limited to planning and engineering.
  - (3) Drawings, General Requirements.
    - (A) Drawings must meet all following specifications:
      1. Be at a scale of 1 inch equals 50 feet (1" = 50') or less using an engineer's scale only.
      2. Be on paper not exceeding 24 inches by 36 inches.
      3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.
      4. Include a signature of the person who prepared the drawing, together with any registration, license number or other professional certification number or title.
      5. Provide the date of preparation and any revisions.
    - (B) The subdivider shall provide complete full-sized (24 inches by 36 inches) assembled sets of the drawings in the number specified by the Zoning Administrator. An additional full-sized set of the drawings shall be provided in each of the following cases: 1) when the plat contains or abuts a county road, 2) when the plat contains or

abuts a state highway, and 3) when the plat contains or abuts a wetland or shoreland district.

- (C) Reductions. The subdivider shall provide complete, assembled sets of the drawings reduced to half scale at 11 inches by 17 inches, and copies of the final plat reduced to 8.5 inches by 11 inches, the number of which shall be determined by the Zoning Administrator.
- (4) Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:
  - (A) Proposed name of the subdivision. The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the County. The City shall have final authority to designate the name of the subdivision.
  - (B) An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.
  - (C) Existing zoning classifications for land in and abutting the subdivision, including floodplain, shoreland, and river district boundaries.
  - (D) Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre. Gross acreage means the total site area, and net acreage means gross acreage minus all wetland areas and areas below the 100-year ordinary high water level.
  - (E) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, wooded areas, rock outcrops, power transmission poles and lines, significant physical features/natural resources, permanent buildings and structures, easements and section, corporate and school district lines within the plan and to a distance of 300 feet beyond.
  - (F) Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat area and to a distance of 100 feet beyond the boundaries of the plat. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
  - (G) Location and size of private overhead and underground utilities, including electric, gas, telephone and cable.
  - (H) Boundary lines of adjoining unsubdivided or subdivided land within 100 feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
  - (I) All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.

- (J) Topographic data, including contours at vertical intervals of not more than 2 feet, except in those areas where the slope is less than one percent (1%) a 1 foot vertical interval shall be shown. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
  - (K) Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application. A geotechnical review report and soil borings meeting Mn/DOT guidelines shall be submitted within the alignment of proposed public streets
  - (L) For lands proposed to be platted in the Lower Saint Croix River District the bluff line, and all slopes over 12% within a horizontal distance of 50 feet or greater, shall be delineated. In Shoreland Districts, all slopes over 18% within a horizontal distance of 50 feet or greater shall be delineated. Slopes in excess of 25% shall be delineated on all properties.
  - (M) On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted.
- (5) Subdivision Design Features. The application form shall be accompanied by drawings and information indicating the following:
- (A) Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County street naming system.
  - (B) Locations and widths of proposed alleys, pedestrian ways and utility easements.
  - (C) Lot and block numbers, dimensions of each lot, and area of each lot, calculated to one-tenth of an acre.
  - (D) Buildable area of each lot, calculated to one-tenth of an acre.
  - (E) Proposed building pad location, building style, building pad elevations at the lowest floor, and garage slab.
  - (F) Required and proposed front, side and rear building setbacks as well as setbacks from water bodies and bluff lines.
  - (G) Proposed on-site septic system location and back-up location. Soil borings shall be completed on each lot with results submitted to the Washington County Department of Health and Environment. If it appears that soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required at the discretion of the County.
  - (H) Source of water supply and proposed locations.
  - (I) Location and size of proposed sanitary sewer lines and water mains or proposed City sewer and water systems.

- (J) Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
  - (K) Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
  - (L) Grading and drainage plan. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, the City and/or Watershed District.
  - (M) Erosion and sediment control plan.
  - (N) Storm water pollution prevention plan.
  - (O) Landscape Plan, as applicable.
  - (P) Woodland and Tree Preservation Plan as applicable.
- (6) Other Information.
- (A) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
  - (B) A copy of all proposed private restrictions.
  - (C) Drainage calculations for storm water runoff for the 2-year, 10-year and 100-year occurrence storm runoff events. Additional information may be requested depending on unique or special circumstances such as land-locked basins or environmentally sensitive areas.
  - (D) Such other information as may be requested by the Zoning Administrator.

## SECTION 10.0 MAJOR SUBDIVISION – FINAL PLAT

- 10.1 Filing and Review of Final Plat Application. Application for final plat approval may be made following approval of a preliminary plat. The application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval. Pursuant to Minnesota Statutes, Chapter 462.358, an application for a final plat shall be approved or denied within 60 days of the date from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the subdivider.
- (1) **Filing.** Requests for final plat approval shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by the City's adopted fee schedule and 2) detailed written and graphic materials as provided by this Section. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
  - (2) **Staff Analysis.** Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the final plat to the City staff and other applicable public agencies as needed in order to receive written comments. The Zoning Administrator shall instruct the appropriate staff person to coordinate an analysis of the application, prepare technical reports and coordinate preparation of the development agreement, and assist in preparing a recommendation to the City Council.
  - (3) **City Council Consideration.** The City Council shall consider a final plat as follows:
    - (A) Approval of a final plat and any related development agreement shall require passage by a majority vote of the entire City Council. The Council may require such revisions in the final plat as it deems necessary for the health, safety, general welfare and convenience of the City.
    - (B) If a final plat is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.
- 10.2 Recording of Final Plat. If the final plat is approved and signed by the Mayor and City officials, the subdivider shall record the final plat with the County Recorder or the Registrar of Titles. No changes, erasures, modifications or revisions shall be made in any final plat after approval has been given by the City Council and endorsed in writing on the plat.
- 10.3 Effect of Approval. For two years following final plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.
- 10.4 Expiration of Final Plat Approval. Unless the City Council specifically approves a different time period, the approval of a final plat shall expire two years from the date it was approved, unless the applicant has recorded the final plat with Washington County; or, unless before expiration of the two year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been filed, 2)

what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve one such extension for a term not to exceed one additional year. Additional extensions may be approved by the City Council.

10.5 Application Requirements. The materials, information, and drawings required for submission of a final plat application are listed in this section. In order for a final plat application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

- (1) Application form, as provided by the City, and completed by the applicant.
- (2) Application fee, as set by the City's adopted fee schedule, and escrow in the amount estimated by the City that may be needed to cover the cost of any consultant review of the final plat, including but not limited to planning and engineering.
- (3) Other Written Materials. The application form shall be accompanied by, or address, the following written materials:
  - (A) Three specification books for construction of public improvements.
  - (B) Cost estimates for grading and all public improvements.
  - (C) Lot sizes for all lots and outlots in tabular form.
  - (D) A copy of any proposed homeowners association documents, private covenants or deed restrictions.
  - (E) Drainage calculations for storm water runoff for the 2-year, 10-year and 100-year occurrence storm runoff events. Additional information may be requested depending on unique or special circumstances such as land-locked basins or environmentally sensitive areas.
  - (F) An Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 days of submission of the final plat to the City Council for approval.
- (4) Drawings, General Requirements.
  - (A) Drawings must meet all following specifications:
    1. Be at a scale of one inch equals 50 feet (1" = 50') or less using an engineer's scale only.
    2. Be on paper not exceeding 24 inches by 36 inches.
    3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.
    4. Include a signature of the person who prepared the drawing, together with any registration/license number or other professional certification number or title.

5. Provide the date of preparation and any revisions.
  - (B) The subdivider shall provide complete full-sized (24 inches by 36 inches) assembled sets of the drawings in the number specified by the Zoning Administrator. An additional full-sized set of the drawings shall be provided in each of the following cases: 1) when the plat contains or abuts a county road, 2) when the plat contains or abuts a state highway, and 3) when the plat contains or abuts a wetland or shoreland district.
  - (C) Reductions. The subdivider shall provide complete, assembled sets of the drawings reduced to half size at 11 inches by 17 inches, and copies of the final plat reduced to 8.5 inches by 11 inches, the number of which shall be determined by the Zoning Administrator.
  - (D) If the plat is approved, the subdivider shall submit electronic files of the drawings in a manner specified by the City.
- (5) Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:
  - (A) An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.
  - (B) Floodplain, shoreland, and river district boundaries within the proposed plat.
  - (C) Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre. Gross acreage means the total site area, and net acreage means gross acreage minus all wetland areas and areas below the 100-year ordinary high water level.
  - (D) Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.
- (6) Final Plans. The application form shall be accompanied by drawings and information indicating the following:
  - (A) Final plat, including the following:
    1. Name of the proposed plat.
    2. Layout of all proposed lot lines with dimensions and lot and block numbers.
    3. Layout of all proposed streets, showing right-of-way widths and street names pursuant to the Washington County Uniform Street Naming and Numbering System.
    4. Location, dimensions, and purpose of all easements.

5. Areas other than streets, sidewalks, trails, pedestrian ways, and utility easements intended to be dedicated or reserved for private or public use, including the size of such area(s).
6. Certification by a registered surveyor, as required by Minnesota Statutes, Section 505.03, as may be amended.
7. Space for signatures of all owners of any interest in the land and holders of a mortgage thereon, in the format prescribed by Washington County.
8. Space for certificates of approval to be filled in by the signatures of the Mayor and City Engineer, together with space for the attestation of such signatures by the City Administrator/Clerk.
9. Space for certificates of approval and review in the format prescribed by Washington County.

(B) Final grading and drainage plan for the proposed plat, including the following:

1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.
2. Topography in two-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat.
3. Location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
4. Location of all existing and proposed storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat. Pipe type and size, pipe grades, rim and invert elevations, and normal and high water elevations shall be included.
5. Flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain.
6. Spot elevations at drainage break points and directional arrows indicating site and swale drainage, and emergency overflow locations, elevations and routes.
7. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds and rain gardens, proposed to serve the plat.
8. Locations and elevations of all street high and low points.
9. Street grades.
10. Phasing of grading.
11. Benchmark descriptions and elevations.

12. Location and elevation of all retaining walls.
  13. Location of all easements including oversized or non-typical easements.
  14. Location, size, grades, and rim and invert elevations of existing and proposed storm sewer and other utilities, as applicable.
- (C) Final street plan for the proposed plat, including the following:
1. Plan view of proposed and existing streets including location, dimensions, and purpose of all rights of way and easements and location of existing or proposed utilities.
  2. Street profiles including existing and proposed elevations extended to show how they tie into the adjacent properties.
  3. Street cross-section and design information based on the soil r-value.
- (D) Final erosion control plan.
- (E) Final stormwater pollution prevention plan.
- (F) Final drainage calculations for storm water runoff for the 2-year, 10-year and 100-year occurrence storm runoff events. Additional information may be requested depending on unique or special circumstances such as land-locked basins or environmentally sensitive areas.
- (G) Final woodland and tree preservation plan.
- (H) Final landscaping plan.

## SECTION 11.0 DEVELOPMENT AGREEMENT

- 11.1 Purpose and Intent. It is the purpose of this section to ensure that a subdivider follows the conditions of approval and properly installs the improvements required in a plat. To that end, whenever a subdivision includes any public improvements or other conditions of approval, the subdivider shall enter into a development contract with the city, setting forth the conditions under which the subdivision is approved. No improvement within a subdivision shall take place until final plat approval has been granted by the City and a development agreement has been signed outlining the work to be done and a financial guarantee has been posted with the City in accordance with this Section.
- 11.2 Required Basic Improvements. Prior to the approval of a plat, the subdivider shall have agreed to install in conformity with the approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:
- (1) Monuments required by Minnesota Statutes.
  - (2) Streets.
  - (3) Curb and gutter.
  - (4) Street lighting.
  - (5) Street signs and traffic control signs.
  - (6) Sidewalks/ trails.
  - (7) Sanitary sewer.
  - (8) Water mains.
  - (9) Surface water facilities (pipe, ponds, rain gardens, etc.)
  - (10) Grading and erosion control.
  - (11) Landscaping, woodland replacement, screening and buffering as required by Chapter 2 of the Development Code.
  - (12) Wetland mitigation and buffers.
  - (13) Finished grading and ground cover for all park, playground, trail and public open spaces.
  - (14) Miscellaneous facilities as may be required by the approval of the subdivision.
- 11.3 Other Improvements Required. The subdivider shall arrange for the installation of telephone, CATV, electrical and natural gas service following the grading of boulevard or utility easements.
- 11.4 Completion of Basic Improvements. The development agreement shall provide a time line for completion of the basic improvements, to be determined by the City after consultation with the subdivider. The time shall be reasonable with relation to the work to be done and the seasons of the year.

- (1) The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except as follows:
  - (A) Where weather precludes completion, the improvement(s) may be completed at the outset of the next construction/growing season.
  - (B) The subdivider shall complete street lighting within 2 years following the initial commencement of work on the required basic improvements.
  - (C) The wearing course of streets shall be completed during the construction season of the year following installation of the base course of the streets.
- (2) On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the approval of the final plat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to approval of the final plat.
- (3) Reproducible record plans of all public improvements as required by the City Engineer shall be furnished to the City by the subdivider. Such record plans shall be in mylar format and an electronic format approved by the City Engineer and shall be certified to be true and accurate by the licensed engineer responsible for the installation of the improvements.

11.5 Financial Guarantees. Subsequent to execution of the development contract but prior to the release of a signed final plat mylar for recording, the subdivider shall provide the City with a financial guarantee in the form of a letter of credit from a bank, cash escrow, or a combination of a letter of credit and a cash escrow with the City. A letter of credit or cash escrow shall be in an amount equal to 125% of the estimated cost of completion of the specified basic improvements. The issuer of the letter of credit shall be acceptable to the City.

- (1) Letter of Credit. If the subdivider posts a letter of credit as a guarantee, the letter of credit shall 1) be irrevocable, 2) be from a bank approved by the City, 3) be in a form approved by the City, 4) be for a term sufficient to cover the completion, maintenance and warranty periods identified in this section and shall contain the following: "It is a condition of this financial guarantee that it shall be deemed automatically extended without change for six months from the present or any future expiration date(s) unless 60 days prior to the expiration date(s) we shall notify the City in writing by certified mail that we elect not to consider this financial guarantee renewed for an additional period." and 5) require only that the City present the credit with a sight draft and an affidavit signed by the City Administrator or the City Administrator's designee attesting to the City's right to draw funds under the credit.
- (2) Cash Escrow. If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the City shall provide that 1) the subdivider will have no right to a return of any of the funds except as provided by law, and 2) the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator or the City Administrator's designee presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right.
- (3) The developer may submit a separate financial guarantee for that portion of the required basic improvements consisting solely of landscaping improvements.

11.6 Construction Plans. Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain his certification. These plans, together with the quantities of construction items, shall be submitted to the City engineer for the engineer's approval and estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the development contract. The tracings of the plans approved by the City engineer plus 2 prints shall be furnished to the City to be filed as a public record.

11.7 Cost of Improvements.

- (1) Required improvements are to be furnished and installed at the sole expense of the subdivider.
- (2) If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

11.8 Administration of Development Contract. The subdivider shall pay to the City the costs of administering the Development Contract. Administrative costs include but are not limited to monitoring of construction observation, consultation with the subdivider and the subdivider's engineer on status or problems regarding the project, plan review, coordination for testing, final inspection and acceptance, project monitoring during the warranty period, and processing of requests for reduction in security, for all public improvements covered by the development contract.

11.9 Release and Expiration of Financial Guarantees.

- (1) The financial guarantee shall be held by the City until, upon written notice by the subdivider and certification from a professional engineer that part or all of the required improvements have been completed and upon verification of such by the City staff, a portion or all of the financial guarantee is released by the City Engineer. No financial guarantee shall be released in full until the City has received 1) certified, reproducible record plans of all required improvements installed by the subdivider and 2) a title insurance policy approved by the City Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.
- (2) It shall be the responsibility of the subdivider to insure that a submitted financial guarantee shall continue in full force and effect until the City has approved and accepted all of the required improvements, and thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided in Subd. (1) above.

11.10 Warranty.

- (1) The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be two years from the date of final written City acceptance of the work.

- (2) The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be 1 year from the date of final written acceptance.
- (3) The required warranty period for plant materials (sod, trees, and landscaping) is 2 growing seasons following installation.
- (4) The warranty period may be extended depending upon the nature of the required basic improvements and as necessitated to enforce any conditions of approval of the subdivision.

#### 11.11 Miscellaneous Requirements.

- (1) No subdivider shall be permitted to start work on any other subdivisions without special approval of the City if the developer has previously defaulted on work or commitments.
- (2) No building permit shall be issued for a new structure to be built or placed on a lot in a new plat until the road and drainage improvements allow adequate access to the lot and private utilities are available. With regard to road improvements, adequate access shall mean that the gravel base is in and has been approved by the City engineer. No such structure shall be occupied until the base course of pavement has been completed.
- (3) For any lot or parcel of land designated as an “outlot” the development agreement shall specify the usage and ownership of said lot or parcel.

## SECTION 12.0 PARK DEDICATION REQUIREMENTS

### 12.1 Purpose and Findings.

- (1) Purpose. Pursuant to Minnesota Statutes, Section 462.358, Subdivision 2 (b), as amended and this Chapter, all owners or developers, as a prerequisite to approval of a plat, subdivision or development of any land, shall convey to the City or dedicate to the public use, a reasonable portion of any such land for public use as streets, roads, sewers, electric gas and water facilities, storm water drainage and holding areas or ponds, similar utilities and improvements or parks, playgrounds, trails or open space, said portions to be approved and acceptable to the City.
- (2) Findings. The preservation and development of parks, trails and open spaces in the City of Scandia are essential to maintaining our rural character, protect our natural beauty and recognize our history. New development creates the need for new parks, open spaces and trails which must be developed concurrently with development in order to implement the Comprehensive Parks, Trails, Open Space and Recreation Plan and maintain the current level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in rough proportion to the relative burden they will place upon the park system.

12.2 Dedication Required. In all developments, the owner of a subdivision shall, as prerequisite to approval of a plat or minor subdivision, convey to the City land for the public use as parks, playgrounds, trails or open space in an amount roughly proportional to the development's share of demands on the City's park and trail system as set forth in this section. If the City determines that land is not needed in the area of the proposed subdivision, the subdivider shall pay, in lieu thereof, a cash contribution to the City, or a combination of land and cash dedication at the City's discretion. The dedication requirements of this chapter are presumptively appropriate. A developer may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made as part of the application for final plat approval. A deviation may be considered if the development provides affordable housing to low and moderate income persons, as defined by the Metropolitan Council.

#### (1) Calculation of Land Dedication Requirement

- (A) Residential. In all new residential subdivisions, a minimum of 5% of the net area subdivided shall be dedicated for public use. The net area shall be the gross area of the subdivided property minus the area of wetlands, lakes and streams below the ordinary high water mark. Land areas so conveyed or dedicated for park, playground, trail and open space purposes shall be in addition to property dedicated for streets, easements, drainage, ponding or other public ways, and shall be in addition to open space requirements for open space conservation subdivisions pursuant to the Zoning Code, as amended.
- (B) Non-Residential. Park dedication for non-residential development will be negotiated between the city and the developer. The land area to be dedicated, or the fee in lieu, will be based on an evaluation of the potential need for parks, trails and open space generated by the subdivision and whether or not there is land within the development needed and/or planned for a park or trail in the Comprehensive Plan.

- (2) Cash in Lieu of Land Dedication. The amount of cash to be paid in lieu of land dedication shall be based on the fair market value of the land to be subdivided at the time of final plat approval, multiplied by the percentage of land required to be dedicated in Section 12.2 (1), above. Fair market value shall be determined as follows:
  - (A) The city and the developer may agree as to the fair market value; or
  - (B) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.
  - (C) If the city disputes such appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.
  - (D) The developer may pay a cash fee of \$3,000 for each residential unit created as the presumptive fair market value of the land for which cash is paid.
  - (E) Cash and Land Combination. The city, upon consideration of a particular development, may require that a lesser parcel of land should be dedicated due to particular features of the development. . In such cases, a cash contribution shall be required in addition to or in lieu of the land dedication in order to ensure that the development contributes to the park system in rough proportion to its impact.

### 12.3 Suitability of Land to be Dedicated.

- (1) Any land to be dedicated as a requirement of this Chapter shall be reasonably adaptable for its proposed use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, tree cover, access and location.
- (2) Land conveyed or dedicated pursuant to provisions of this Chapter shall be located outside of drainage ways, floodplains and ponding areas after the site has been developed.
- (3) Subdividers shall be responsible for making certain improvements to the land dedicated for park, playground, trail and public open space purposes including, but not limited to, finished grading and ground cover for all park, playground, trail and public open spaces within their developments. No credit toward the required dedication shall be given for this work.

### 12.4 Standards for Location.

- (1) The Park and Recreation Committee shall make a recommendation to the Planning Commission prior to preliminary plat approval, as to the location and type of park facility required for each development. The Park and Recreation Committee shall consider the City Parks, Trails and Open Space Plan, other resources, and factors of density and site development in making its recommendation.
- (2) Where a proposed park, playground, trail, open space or other recreational area that has been indicated on the official map and/or Comprehensive Plan is located in whole or in part within

a proposed subdivision, such proposed sites shall be designated as such and shall be dedicated to the City.

#### 12.5 Procedures.

- (1) When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings. Such lots or outlots shall be deeded to the city prior to issuance of any building permits within the plat.
- (2) When a cash fee is to be paid in lieu of land dedication, the fee shall be paid prior to the city's release of the signed final plat for recording.
- (3) For plats that include outlots for future development or are developed in phases, the subdivider may pay the city either, 1) the required park dedication for the entire subdivision, including the outlots or future phases, or 2) the required park dedication excluding such outlots or future phases. The park dedication requirement shall be satisfied when such outlots are replatted or final plats are approved for future phases, as provided in the development agreement.
- (4) Cash in lieu of land contributions shall be deposited in the City's Parks Capital Improvements Fund and shall be used only for acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

12.6 Private Open Space. Open space privately owned and maintained shall not be given credit for parkland dedication. Where private open space for park, playground, trail, open space or other recreation purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the standards for open space conservation subdivisions as provided in Chapter 2, Section 6.6 of the Development Code shall be met.

## SECTION 13.0 MINIMUM DESIGN STANDARDS

### 13.1 General Standards.

- (1) **Contiguous Land.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the City may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
- (2) **Future Resubdivision.** In any area where property is likely to develop at a density greater than proposed by the subdivider, a sketch plan may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use of the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.
- (3) **Subdivisions Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another city, the City shall request assurance from the affected city that access is legally established and that the access road is adequately improved or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. No lot shall extend over a political subdivision boundary.
- (4) **Engineering Standard and Detail Specifications.** Public and private improvements shall comply with standards set forth in the City's Engineering Standards and Detail Specifications, which are herein adopted by reference.

### 13.2 Lot Requirements.

- (1) No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located
- (2) All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or planned as outlots, rather than allowed to remain as unusable parcels. The development agreement shall restrict the use and ownership of outlots.
- (3) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- (4) Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- (5) In the case where the proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads.
- (6) Through or double frontage lots shall not be permitted except where such lots abut an arterial highway or as a means to overcome specific disadvantage of topography and orientation.

- (7) All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot and building orientation.
- (8) The following guidelines for the design of subdivisions and building sites shall be followed to promote the preservation of the City's rural character:
  - (A) Locate roads and building sites to maintain existing contours and vegetation and minimize grading and disruption of natural landforms.
  - (B) Avoid placing structures in open fields and on top of exposed ridgelines.
  - (C) Maintain vegetation along ridgelines.
  - (D) Locate homes on the edge of tree lines and woodlands.
  - (E) Preserve and incorporate stone rows, tree lines, existing agricultural structures in site plans, wherever possible.

### 13.3 Lots on Waterbodies or Watercourses.

- (1) Lots abutting upon a watercourse, drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- (2) All lots abutting a lake, river, pond, or wetland shall contain a building site 2 feet or more above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than 2 feet above the regulatory flood protection elevation. The lowest floor elevation shall be a minimum of 3 feet above the 100 year flood elevation or 3 feet above the ordinary high water mark, whichever is greater. For landlocked basins, the ordinary high water market shall be determined using a 10-day snow melt or back-to-back 100-year storm events, whichever is greater.
- (3) The platting of lots within a floodplain management and/or shoreland management overlay district shall comply with the Development Code requirements for those districts as applicable.

### 13.4 Monuments.

- (A) Official permanent monuments shall be placed as required by Minnesota Statutes, Chapter 505 (as may be amended).
- (B) All monument markers shall be correctly in place upon final grading and installation of utilities.
- (C) The City will not issue building permits for a lot within a plat until monuments have been placed for that lot.
- (D) All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

### 13.5 Streets, General Requirements.

- (1) Proposed streets shall conform to the state, county or local road plans or preliminary plans as have been prepared, adopted and/or filed.
- (2) Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.
- (3) The arrangement, character, extent, width, and location of all streets shall be considered in relation to existing and planned streets, shall provide for reasonable traffic circulation and traffic calming, shall provide for reasonable mobility of pedestrians and non-motorized transportation, and shall be appropriately located in relation to topography, run-off of storm water, convenience and safety, and proposed uses of the land to be served. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.
- (4) Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be paved to the subdivision boundary except when this requirement is modified or waived by the City Council for good cause shown.
- (5) Local streets shall be designed and aligned to discourage their use by non-local traffic, to permit efficient drainage, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (6) Neighborhoods shall be interconnected where possible to provide for emergency access, convenience, dispersal and circulation of traffic and to foster community cohesiveness. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
- (7) Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- (8) Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
- (9) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

### 13.6 Streets, Cul-de-Sacs.

- (1) For the purposes of this Chapter, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.

- (2) The maximum length of a permanent cul-de-sac shall be 500 feet for an Urban Design street and 750 feet for a Rural Design street, unless the following requirements are met:
  - (A) there is no other street access alternative;
  - (B) the cul-de-sac is extended the minimum length necessary to provide for reasonable use of the land; and
  - (C) the street design incorporates features such as curves, signage and/or additional turnarounds sufficient to minimize traffic backtracking, limit speeding and provide turning for emergency and service vehicles.
- (3) Lots with frontage at the end of the cul-de-sac shall have a minimum of 60 feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.
- (4) Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. At the time of platting, the City Council will determine whether the road should be extended to the property line or if an escrow to cover the future costs of extending the road to the property line will be required.
- (5) Unless future extension of a temporary cul-de-sac is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

### 13.7 Streets, Access Spacing Guidelines.

- (1) Access of streets within the subdivision to other local streets shall meet all requirements of the City.
- (2) Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the City, Washington County Department of Public Works or the Minnesota Department of Transportation. At the discretion of the City Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions and for residential subdivisions containing 50 or more dwelling units.

## ACCESS SPACING GUIDELINES

Type of Access	Functional Classification of Highway				
	Principal Arterial	Minor Arterial		Collector	Local
		> 7,500 ADT	< 7,500 ADT		
A. Private Residential Driveways	No Direct Access	No Direct Access	(2)	(2)	(2)
B. Commercial Driveways or Non-continuous Commercial Streets	No Direct Access	No Direct Access	1/8 Mile	1/8 Mile	(2)
C. Non-continuous Residential Streets	No Direct Access	1/8 Mile with No Median Opening	1/8 Mile	1/8 Mile	(2)
D. Continuous Local Streets and Collector Streets	½ Mile	¼ Mile	¼ Mile	1/8 Mile	1/8 Mile
E. Minor Arterials	½ Mile	½ Mile	½ Mile	½ Mile	½ Mile

1. Traffic volumes refer to 20 year forecasts.  
 2. Determination based on other criteria (sight distance, speed, traffic volume, etc.).  
 3. Distances shown are minimums.  
 4. "Non-continuous" streets refer to cul-de-sacs or short length streets (less than ½ mile) which do not cross the county highway in question.  
 5. The type of traffic control, turn lanes and bypass lanes required will be determined based upon the projected traffic volumes on the type of access requested.  
 6. City reserves the right to increase the minimums based on other criteria (sight distance, speed, traffic volume, etc.).

13.8 Street Design. All streets shall conform to the Engineering Standards and Detail Specifications as adopted by the City Council as may be amended, and the following standards:

- (1) Streets shall be graded in accordance with a plan approved by the City engineer.
- (2) All streets shall be paved with a bituminous surface meeting the Engineering Guidelines/ Standard Detail Specifications. New streets with gravel surfaces are prohibited.
- (3) New streets within the Village Neighborhood (VN) or Village Mixed Use (VMU) zoning districts shall comply with the standards for Urban Design streets unless otherwise approved by the City. All other streets shall comply with the standards for Rural Design streets. Minimum right-of-way widths and pavement widths for each type of public street or road shall be as follows:

### URBAN DESIGN

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width (to face of curb)
Minor Arterial	120 feet	44 feet
Collector	100 feet	44 feet
Local	66 feet	32 feet
Cul-de-Sac	120 feet (60 feet radius)	90 feet (45 feet radius)

### RURAL DESIGN

Type of Street	Minimum Right-of Way Width	Minimum Roadway Width (edge of pavement)	Shoulder Width (each side)
Minor Arterial	120 feet	24 feet	8 feet
Collector or Commercial - Industrial Street	100 feet	24 feet	8 feet
Local	60 feet	24 feet	4 feet
Cul-de-Sac	120 feet (60 feet radius)	90 feet (45 feet radius)	4 feet

- (4) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- (5) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- (6) An obstacle clear free zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
- (7) Concrete curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road centerline grade exceeds 4%.
- (8) For rural design roadways, the in-slopes of the ditches shall be at 1:4 (rise over run) and back slopes of the ditch shall be at 1:3 (rise over run). The ditch bottom shall be 4 feet wide unless suitable erosion control can be provided. Ditch approaches such as at intersections or driveways shall be 1:6 (rise over run).
- (9) For urban design roadways, all boulevards shall have topsoil (black dirt) at least 4 inches in thickness placed on them and then seeded or sodded.

#### 13.9 Street Alignment and Grades.

- (1) Street jogs with centerline offsets of less than 150 feet shall not be allowed.

- (2) When connecting street lines deflect from each other at any one point by more than 10 degrees, they shall be connected by a curve with a radius of not less than 200 feet.
- (3) The angle formed by any intersection of streets shall not be less than seventy (70) degrees, with 90 degree intersections preferred.
- (4) Intersections having more than 4 streets converging at a single intersecting point shall be prohibited.
- (5) Roadways of street intersections shall be rounded by a radius of not less than 20 feet. Roadways of alley-street intersections shall be rounded by a radius of not less than 10 feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than 30 feet.
- (6) Centerline gradients shall be at least 0.25 % and grades shall not exceed 6%. If the street includes concrete curb and gutter the centerline gradient shall at least be at least 0.50 %.
- (7) Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be in accordance with current "Stopping Sight Distance" criteria as established by American Association of State Highway and Transportation Officials (ASHTO) and as adopted by the Minnesota Department of Transportation (Mn/DOT).

#### 13.10 Street Names and Signs.

- (1) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the Washington County Uniform Street Naming and Numbering System.
- (2) All street signs shall meet AASHTO standards as adopted by Mn/DOT and shall be furnished and installed by the subdivider. Signs installed prior to 2018 shall meet AASHTO pending requirements for retro-reflectivity and size.

13.11 Turn Lanes and Traffic Lights. Turn lanes and traffic lights shall be installed at the expense of the subdivider when required as a result of the proposed subdivision.

13.12 Street Lights. Within the Village Neighborhood (VN) or Village Mixed Use (VMU) zoning districts, unless otherwise approved by the City, street lights shall be installed at all intersections and at other locations as required by the City Engineer. All street lights within new subdivisions shall be on ornamental poles with underground electrical service and shall conform with City lighting standards.

#### 13.13 Trails and Sidewalks.

- (1) A sidewalk or trail shall be installed along urban design roadways consistent with the City's Comprehensive Plan. A sidewalk shall be required unless specifically waived by the City.
- (2) Sidewalks and trails per the approved final plat shall be installed at the time a street is constructed.

- (3) Sidewalks along local streets shall be a minimum of 5 feet wide. Trails shall be a minimum of 8 feet wide, unless located directly behind a curb, in which case they shall be a minimum of 10 feet wide.
- (4) Grades shall be as approved by the City engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the City engineer and the City Council.
- (5) Trails and sidewalks shall comply with ADA (Americans with Disabilities Act) guidelines.

#### 13.14 Utilities.

##### (1) General Requirements.

- (A) All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.
- (B) Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed.

##### (2) Waste Water Treatment

- (A) Extensions of the public sanitary sewer system, if available, shall be designed to provide public sewer service to each lot.
- (B) Where lots cannot be connected with a public sewer system, provision must be made for sanitary sewer facilities consisting of an individual disposal device for each lot. Such provision shall be in accordance with Chapter Four of the Washington County Development Code, Subsurface Sewage Treatment Systems Regulations. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
- (C) Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be made at the expense of the subdivider and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
- (D) The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated number of unsewered years.
- (E) As an alternative to connection to a public sewer system or individual sewage treatment for each lot, a community sewage treatment system may be provided for all lots within the subdivision, provided the following requirements are met:
  - 1. Such systems shall meet all applicable requirements of the Minnesota Pollution Control Agency (MPCA) and the Washington County Health Department.

2. The subdivider shall demonstrate that the Homeowner's Association or other entity formed to provide for the operation and maintenance of any such system will be capable of operating and maintaining it so that it will not become a burden on the lot owners or the City.
3. The Development Agreement shall provide for the permitting, construction and perpetual maintenance of the system, including financial guarantees.

(3) Water Supply

- (A) Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.
- (B) Wells shall be constructed in accordance with all rules and regulations of the Minnesota Department of Health.

13.15 Easements.

- (1) Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a minimum 10 foot wide front or side yard easement may be required. All easements shall be of a sufficient width as determined by the City Engineer. These easements shall be dedicated on the final plat.
- (2) Drainage easements shall be provided along each side of the centerline of any watercourse or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Conservation easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.
- (3) Utility and drainage easements shall be dedicated for the required use.

## SECTION 14.0 STORM WATER MANAGEMENT AND EROSION CONTROL

### 14.1 Storm Water Drainage.

- (1) The City will not approve any subdivision that does not make adequate provision for managing the quantity and quality of storm water runoff. Subdivisions shall meet the adopted water management rules, standards and plan requirements of local watershed districts for volume control, rate control and water quality.
- (2) The design of ponds and other stormwater Best Management Practices (BMPs) shall conform to the requirements of the City's Engineering Standards and to the standards and design recommendations in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual (2006 and subsequent revisions) and Minnesota Stormwater Best Management Practices Manual.
- (3) Where a watercourse, drainage way, channel or stream traverses a subdivision, the subdivider shall provide a storm water easement or drainage right-of-way, whichever the City may deem more appropriate. This easement, right-of-way or dedication shall conform substantially with the lines of such water courses, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The City Engineer shall determine the width of such easements or rights-of-way.
  - (A) Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, the subdivider shall provide perpetual, unobstructed easements at least 20 feet in width for drainage facilities across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
  - (B) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights shall be secured and indicated on the plat.
  - (C) The subdivider shall dedicate by drainage easement, land on each side of the centerline of any wetland, body of water, watercourse or drainage channel, whether or not shown on the City's Comprehensive Plan, to a sufficient width to 1) provide proper protection for water quality, 2) provide retention of storm water runoff, and 3) provide for the installation and maintenance of storm sewers, swales or other such conveyance method.
- (4) Where directed by the City and based on site suitability, the subdivider shall consider reducing the need for stormwater controls and BMPs by minimizing impervious surfaces and incorporating the use of natural topography. The following design options should be considered, consistent with City and local watershed management organization requirements:
  - (A) Preserving natural vegetation.
  - (B) Preserving and utilizing existing natural upland swales, depressions and storage areas in the post- development condition to the degree that they can convey, store, filter and retain stormwater runoff before discharge without becoming a public nuisance or

hazard. Preservation requires that no manual alteration, grading or other construction activity occurs in those areas.

- (C) Installing semi-permeable, permeable or porous paving.
- (D) Using landscaping and soils to treat and infiltrate stormwater runoff.
- (E) Identifying vegetated areas that can filter sheet flow, remove sediment and other pollutants and increase the time of concentration.
- (F) Installing green roofs.
- (G) Using irrigation systems, cisterns, rain barrels and related BMP's to reuse stormwater runoff.

#### 14.2 Erosion Control During Construction.

- (1) Prior to commencing any earth disturbing activity in the subdivision, the subdivider shall submit an erosion control plan for approval by the City Engineer. The plans shall be suited to the topography and soils so as to create the least erosion potential. Acceptable temporary and permanent erosion control plans shall include, but not be limited to, the following elements:
  - (A) A site map with existing and final grades. These grades shall include dividing lines and direction of flow for all pre- and post-construction storm water runoff drainage areas located within the project limits. The site map must also include impervious surfaces and soil types.
  - (B) Locations of all critical areas, and areas delineated for non-disturbance.
  - (C) Locations of areas where construction will be phased for non-disturbance.
  - (D) Locations and types of all temporary and permanent erosion and sediment control Best Management Practices (BMPs). Standard plates and/or specifications for the BMPs used on the project must be included in the final plans and specifications for the project.
  - (E) Locations and types of sediment control measures for all stockpiles located on the project.
  - (F) Plans and specifications for temporary seeding and mulching any exposed soils during construction.
  - (G) Plans and specifications for final vegetation establishment, including long-term vegetation management plan for controlling noxious weeds where appropriate.
  - (H) All plans shall include maintenance requirements and who will be responsible for the maintenance requirements.
  - (I) Land clearing and erosion control shall comply with all rules and regulations of Federal, State, County and local agencies.

- (2) Erosion control measures shall comply with the Minnesota Pollution Control Agency's Best Management Practices, all applicable NPDES Phase II construction site permit requirements, and the Minnesota Stormwater Manual (2006 and subsequent revisions), or other practices as approved by the City Engineer.
- (3) The subdivider must provide the City Engineer with separate temporary and permanent erosion control plans which shall be suited to the topography and soils so as to create the least erosion potential. Acceptable temporary and permanent erosion control plans shall include, but not be limited to, the following elements:
  - (A) The land shall be developed in increments of workable size on which adequate controls of erosion and siltation can be provided and maintained during the construction period. Grading operations and other land disturbing operations shall be staged so that the area being developed is not exposed for long periods of time without stabilization.
  - (B) Natural vegetation shall be protected whenever practical. All areas of natural vegetation that are to be protected shall be identified prior to any construction activity commencing. Trees shall be protected to meet the requirements of Chapter 2 Section 3.11 Woodland and Tree Preservation.
  - (C) Temporary vegetation and/or mulching shall be used to protect the areas exposed during the development. No area shall be left denuded for a period longer than 7 days after initial site grading and other land disturbing operations on slopes of 3:1 or steeper; 14 days after initial site grading and other land disturbing operations on slopes between 3:1 and 10:1; and 21 days after initial site grading and other land disturbing operations on all other slopes. These areas shall be seeded, mulched and stabilized with erosion control netting or blanket acceptable to the City Engineer.
  - (D) Permanent vegetation and structures shall be installed within 30 days after completion of initial grading. If grading is not completed until after the planting season has expired, temporary erosion control measures, including dormant seeding and mulching, shall be implemented.
  - (E) Sediment basins (debris basins, de-silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from the land undergoing development. Storm sewer inlets shall be provided with debris guards and micro-silt basins to trap sediment and avoid possible damage from blockage. The silt shall be removed when necessary. If sediment/siltation measures taken are not adequate and result in downstream sediment, the subdivider shall be responsible for cleaning out or dredging downstream storm sewers and ponds and restoration of disturbed areas as necessary.
  - (F) Temporary rock construction access drives shall be constructed and maintained in working condition throughout construction.
  - (G) Before grading is commenced, all control measures as shown on the approved plan shall be installed.

- (H) The subdivider shall be responsible for cleaning and maintenance of the storm sewer system (including ponds, pipes, catch basins, culverts, and swales) within the subdivision and adjacent off-site storm sewer system that receives storm water from the subdivision. The subdivider shall follow all instructions it receives from the City concerning the cleaning and maintenance of the storm sewer system. The subdivider's obligations under this paragraph shall end after the erosion control is complete and financial guarantees have been released.
  - (I) The subdivider shall be responsible for cleaning all streets in the subdivision and adjacent to the subdivision from silt and dirt from the subdivision. At a minimum, scraping and sweeping shall take place on a weekly basis. If the City finds that the street cleaning is not adequate, the City may order cleaning of the streets and the subdivider shall pay the cost. If the subdivider fails to do so, the City may draw on the subdivider's financial guarantee with the City and use it to provide payment for the cleaning.
- (4) No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot covered with top soil with an average depth of at least four inches over the entire area of the lot, except that portion covered by buildings or streets, or where the grade has not been changed or natural vegetation seriously damaged. The soil shall be stabilized by planting or seeding. The soil shall contain no particles more than one inch in diameter. Top soil shall not be removed from the subdivision or used as spoil.
- (5) Debris and Waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the Development Agreement or dedication of public improvements, whichever occurs sooner.
- (6) Enforcement
- (A) The City may issue a stop work order halting all development work and building construction for noncompliance with the erosion control plan.
  - (B) The City will conduct site inspections for compliance with appropriate erosion control measures, and any related issues regarding non-compliance will be addressed as appropriate.

**Section 3: Effective Date.** This ordinance shall be in full force and effect following its adoption and publication according to law.

Adopted this 20<sup>th</sup> day of September, 2011.

Attest:

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Randall Simonson, Mayor

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Anne Hurlburt, Administrator/Clerk