ORDINANCE 167

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE CONCERNING SUBDIVISIONS

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:

SECTION 1. Stillwater Township's Zoning Ordinance, Chapter Three Subdivisions is hereby repealed in its entirety.

SECTION 2. Stillwater Township's Zoning Ordinance shall be amended to include a new Chapter 3 (Subdivision Regulations) as hereinafter stated:

CHAPTER THREE
SUBDIVISION REGULATIONS

Table of Contents

SECTION 1 TITLE AND APPLICATION
1.1 Purpose and Intent 1
1.2 Relationship to Comprehensive Plan 1
1.3 Conformity with this Chapter 1
1.4 Applicability 1

SECTION 2 ENFORCEMENT AND PENALTIES
2.1 Enforcement 2
2.2 Penalties 2

SECTION 3 ADMINISTRATION
3.1 Designation of Zoning Administrator 3
3.2 Duties of Zoning Administrator 3
3.3 Coordination with Other Chapters of the Development Code 3
3.4 Coordination with Requirements for Environmental Review 3

SECTION 4 RULES AND DEFINITIONS
4.1 Rules of Word Construction 4
4.2 Definitions 4

SECTION 5 PREMATURE SUBDIVISION
5.1 Premature Subdivision Prohibited 7
5.2 Premature Subdivision Defined 7

SECTION 6 MINOR SUBDIVISIONS
6.1 Purpose and Intent 8
6.2 Criteria for Minor Subdivision 8
6.3 Procedures 9
6.4 Information Requirements 10
6.5 Expiration and Recording of Documents 11
6.6 Financial Guarantees 11
6.7 Certification of Taxes Paid 12

SECTION 7 LOT CONSOLIDATION/LOT LINE ADJUSTMENTS
7.1 Purpose and Intent 12
7.2 Criteria for Lot Consolidation/ Lot Line Adjustments 12
7.3 Procedures 12
7.4 Information Requirements 13
7.5 Expiration and Recording of Documents 13
7.6 Certification of Taxes Paid 14

SECTION 8 MAJOR SUBDIVISION – CONCEPT REVIEW
8.1 Purpose and Intent 15
8.2 Procedures for Concept Review....15
8.3 Information Requirement....15

SECTION 9 MAJOR SUBDIVISION – PRELIMINARY PLAT
9.1 Filing and Review of Preliminary Plat Application....16
9.2 Planning Commission Consideration....17
9.3 Town Board Consideration....18
9.4 Shoreland Districts and the St. Croix River District....18
9.5 Effect of Approval....18
9.6 Effect of Denial....18
9.7 Expiration of Preliminary Plat Approval....18
9.8 Application Requirements....19

SECTION 10 MAJOR SUBDIVISION – FINAL PLAT
10.1 Filing and Review of Final Plat Application....22
10.2 Plats in Shoreland and St. Croix River District....23
10.3 Recording of Final Plat....23
10.4 Effect of Approval....23
10.5 Expiration of Final Plat Approval....23
10.6 Application Requirements....23

SECTION 11 DEVELOPMENT AGREEMENT
11.1 Purpose and Intent....27
11.2 Required Basic Improvements....27
11.3 Other Improvements Required....27
11.4 Completion of Basic Improvements....27
11.5 Financial Guarantees....28
11.6 Construction Plans....28
11.7 Cost of Improvements....29
11.8 Administration of Development Contract....29
11.9 Release and Expiration of Financial Guarantees....29
11.10 Warranty....29
11.11 Miscellaneous Requirements....30

SECTION 12 PARK DEDICATION REQUIREMENTS
12.1 Purpose and Findings....30
12.2 Dedication Required....30
12.3 Land Dedication/Payment of Fees....31
12.4 Suitability of Land to be Dedicated....31
12.5 Private Open Space....31

SECTION 13 MINIMUM DESIGN STANDARDS
13.1 General Standards....32
13.2 Lot Requirements....32
13.3 Streets, General Requirements....34
13.4 Streets, Cul-de-Sacs....35
13.5 Street and Trail Design....36
13.6 Easements....37

13.7 Street Names and Signs 37

SECTION 14 ENGINEERING STANDARDS
14.1 Streets 38
14.2 Utilities....38
14.3 Storm Water Drainage 38

SECTION 15 REQUIRED IMPROVEMENTS
15.1 Approvals Required 39
15.2 Improvements Required....39

SECTION 16 FINANCIAL GUARANTEE
16.1 Financial Guarantees Required....41

SECTION 17 SEPARABILITY....41

SECTION 1.0 TITLE AND APPLICATION

1.1 Purpose and Intent. This Chapter of the Stillwater Township Zoning Ordinance is adopted for the following purposes:

(1) To implement the Stillwater Township 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 Township 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 Township, 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.

1.2 Relationship to Comprehensive Plan. It is the policy of the Township that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the Township's Comprehensive Plan, as may be amended from time to time. The Town Board 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.

1.3 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.

1.4 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. All parcels created in the Township shall conform to the dimensional standards of the Zoning Ordinance.

(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 Zoning Ordinance.

(3) After the effective date of this Chapter:

(1) 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 Township as having fulfilled the requirements of this Chapter and the other chapters of the Stillwater Township Zoning Ordinance.

(2) 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.

(3) No registered land survey shall be recorded with the Registrar of Titles until the registered land survey shall have been approved by the Township 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.

SECTION 2.0 ENFORCEMENT AND PENALTIES

2.1 Enforcement. If any subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Town board may, in addition to other remedies, institute any proper criminal action or proceedings in the name of Stillwater Township, 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 Town Board as the Zoning Administrator. Pursuant to Chapter One of the Development Code, the Town Board shall administer and enforce these regulations acting as the Zoning Administrator.

3.2 Duties of Zoning Administrator. The Zoning Administrator's duties shall include, but not be limited to, the following:

(1) 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.

(2) 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.

(3) Maintain permanent and current records of this Chapter.

(4) 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.

(5) 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 Zoning Ordinance. Administration and enforcement of this Chapter shall be coordinated with the procedures and regulations in all chapters of the Zoning Ordinance.

3.4 Coordination with Requirements for Environmental Review. Subdivision review shall be coordinated with the requirements and procedures for Environmental Review as contained in Zoning Ordinance. 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 Subdivision Ordinance, 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) Applicant: The owner of the land proposed to be subdivided or the owner's representative.

(2) Block: The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.

(3) Boulevard: The portion of the street right-of-way between the curb line and the property line.

(4) 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.

(5) Contour Interval: The vertical height between contour lines.

(6) Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

(7) County: Washington County, Minnesota

(8) 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.

(9) Developer: The owner of land proposed to be subdivided or the owner's representative (see also "Applicant.")

(10) Development: The act of subdividing land, building structures and installing site improvements.

(11) Double Frontage Lots: Lots that have a front line abutting on one street and a back or rear line abutting on another street.

(12) Easement: A grant by an owner of land for a specific use by persons other than the owner.

(13) 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.

(14) Grade: The slope of a road, street, or other public way specified in percentage (%) terms.

(15) Subsurface Sewage Disposal System or SSTS: 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. SSTS 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. SSTS does not include those components defined as plumbing under Minnesota Rules Chapter 4715.

(16) 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.

(17) 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.

(18) Preliminary Plat: The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the City for approval.

(19) Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.

(20) 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.

(21) Road, Dead-End: A road or a portion of a street with only 1 vehicular traffic outlet.

(22) Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.

(23) Subdivider: The owner, agent, or person having control of such land as the term is used in this chapter.

(24) 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.

(25) 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.

(26) 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.

(27) 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).

(28) Surveyor: A land surveyor licensed under Minnesota State Laws.

(29) Thoroughfare: A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.

(30) 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 Town Board.

5.2 Premature Subdivision Defined. A subdivision shall be deemed premature if the Town Board 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 Township'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 Town Board until and unless any necessary Comprehensive Plan amendment and/or rezoning application is approved by the Board.

(2) Inconsistent with the Capital Improvements and Public Facilities Provided. 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 sewage treatment cannot be achieved on-site.

(4) Lack of Adequate Streets or Drainage to Serve the Subdivision. A proposed subdivision may be deemed premature if:

(1) 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

(2) The traffic volume generated by the proposed subdivision would create congestion or unsafe conditions on existing or proposed streets.

(3) Surface or subsurface water retention and runoff is such that it constitutes a hazard to the stability of proposed or existing structures; or

(4) The proposed subdivision would cause pollution of water sources or would cause damage from erosion or siltation on downstream property; or

(5) 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.

(5) 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 Stillwater Township.

SECTION 6.0 MINOR SUBDIVISIONS

6.1 Purpose and Intent. The purpose of the minor subdivision process is to allow the Town 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 Town Board.

(7) All parcels resulting from the minor subdivision shall meet all applicable requirements of this Zoning Ordinance 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 Zoning Ordinance.

(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 Township.

(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 (Stillwater Township, Washington County, or Minnesota Department of Transportation), 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 Township Clerk 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 Township'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 1,320 of the subject property in a format prescribed by the Township. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

(2) Requests for minor subdivisions that are located within Shoreland Districts and the St. Croix Riverway District, as identified on the Township Zoning Map, shall also be filed with Washington County and reviewed by Washington County under procedures identified in the County's Zoning Ordinance.

(3) The Township 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 from those agencies or until the minimum 30-day review period has elapsed.

(4) The Township shall forward a copy of the application for a minor subdivision to the applicable Watershed District(s).

(5) The Township 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).

(6) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Township 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 Town Board.

(7) Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the local 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 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.

(8) The Town Board 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 Town Board.

(9) The Planning Commission and Township 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.

(10) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.

(11) 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.

(12) The Town Board shall not approve a minor subdivision until it has received a report and recommendation from the Planning Commission and the Township staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.

(13) Approval of a minor subdivision shall require passage of a resolution by a majority vote of a quorum of the Town Board.

(14) Prior to certification by the Township of the approval of the minor subdivision, the applicant shall submit the final plat for signature, supply the deed(s) granting the Township any easements required and pay any required fees.

(15) Whenever an application for a minor subdivision has been considered and denied by the Town Board, a similar application for a minor subdivision affecting substantially the same property shall not be considered again by the Planning Commission or Town Board 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 Board.

(16) After the Town Board review and decision to approve or deny the minor subdivision request, the Washington County Plat Commission shall review and approve or deny the preliminary plat if the proposed subdivision is located within a Shoreland Overlay District or the St. Croix Riverway District designated on the Zoning Map.

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 1 reduced scale (11" x 17") copy of all drawings. The 11"x 17" drawings shall be suitable for electronic transfer:

(1) A preliminary plat prepared by a registered land surveyor which includes:

(1) Graphical scale not more than 1 inch equals 100 feet.

(2) North direction indication

(3) Original and proposed lot boundaries

(4) Topographic data at 2 foot contours

(5) Existing and resulting parcel legal descriptions

(6) Buildable area on each lot and proposed building pad

(7) The location of existing structures on the site

(8) Existing and proposed driveway locations

(9) Existing and proposed easement locations

(10) Existing parks, streets and utility easements

(11) Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable

(12) 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, the applicant shall provide copies of the approved 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 Town Board 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 Town board, 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 Township'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 Town Board. 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 Town Board for a decision.

(2) The applicant shall, immediately upon receipt of recorded document(s) from the County Recorder, furnish the Township 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 Township the completion of any improvements as shown on the approved plans and as required as a condition of minor subdivision approval.

6.7 Certification of Taxes Paid. Prior to approval of an application for a minor subdivision, the applicant shall provide certification to the Township that there are no delinquent property taxes, special assessments, interest, or 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 Township 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 Zoning Ordinance 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 Town Board 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 Township Clerk 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 Township'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 Town Board or designated staff shall review the application and required information to determine conformance with the Comprehensive Plan and the Zoning Ordinance, and may request reports from other staff or consultants as necessary to review the application. The Town Board or designated staff may give final approval if all requirements are met, with any conditions as deemed necessary to ensure compliance with the Zoning Ordinance. Unless a request for additional review time is requested by the Township, 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 Town Board or its designated staff, the applicant may appeal to the Town Board as the Board of Adjustment and Appeals as provided in Chapter 1, of the Zoning Ordinance.

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 1 reduced scale (11" x 17") copies of all graphics The 11"x17" graphics shall be provided in a format suitable for electronic transfer.

(1) A certificate of survey prepared by a registered land surveyor which includes:

(1) Graphical scale not more than 1 inch equals 100 feet

(2) North point indication

(3) Original and proposed lot boundaries

(4) Existing and resulting parcel legal descriptions

(5) The location of existing structures on the site(s)

(6) Existing and proposed driveway locations

(7) Existing and proposed easement locations

(8) Delineated wetlands and water bodies including ordinary high water elevations and floodplain boundaries as applicable

(9) 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 Township. The Township my 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 Township 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 Township that there are no delinquent property taxes, special assessments, interest, or 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 Township regulations prior to the development of a preliminary plat, the subdivider shall present a concept plan to the Township for review and comment. 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 Township Clerk 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 Township's adopted fee schedule, and 2) written and graphic materials fully explaining the proposed subdivision.

(2) The Township Clerk or Town Board may refer the application to the appropriate staff and consultants for review and preparation of informal comments on the concept plan.

(3) The Town Board may refer the concept plan to the Parks 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 Town Board or its designated staff shall review the concept plan with the subdivider and provide comments on the concept plan. The staff shall have the prerogative and authority to refer the concept plan to the Planning Commission or Town Board for discussion, review, and informal comment. The Planning Commission and/or Town Board 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.

(5) Requests for concept plan review for major subdivisions located with Shoreland Districts and the St. Croix Riverway District shall be submitted to Washington County for review and comments at the same time that the request is submitted to the Township Clerk.

8.3 Information Requirement.

(1) The applicant shall prepare and submit the required number of copies of a concept plan containing the following information:

(1) A scale drawing of the proposed site with reference to existing development within 500 feet of the proposed site

(2) A statement showing the proposed density with the method of calculating said density also shown.

(3) 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.

(4) Concept street and lot layout with lot sizes of individual parcels designated

(5) General location of proposed public and private open space areas, recreational areas, sidewalks, trails, etc.

(6) Current zoning of the property

(7) An explanation of the proposed subdivision and its purpose

(8) Any additional information that may be required to explain the concept plan.

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. 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 Minnesota Statutes or a time waiver is granted by the subdivider.

(1) Requests for preliminary plat approval shall be filed with the Township Clerk 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 Township'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 Township. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

(2) The Township 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 Township shall forward a copy of the application for a preliminary plat to the applicable Watershed District(s).

(4) The Township 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).

(5) The applicant shall file a request for preliminary plat approval in Shoreland Districts and the St. Croix River District to Washington County for review and approval consistent with the requirements of the Washington County Zoning Ordinance.

(6) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Township 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 Town Board.

(7) 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.

(8) The Town Board 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 Town Board.

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 to the Township's Comprehensive Plan and Zoning Ordinance. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:

(1) That the proposed subdivision is in conflict with the Township's Comprehensive Plan, Development Code, Capital Improvements Program, or other policy or regulation.

(2) 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.

(3) That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.

(4) That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.

(5) 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.

(6) That the subdivision is premature as determined by the standards of this Chapter.

9.3 Town Board Consideration. The Town Board shall consider a preliminary plat application, as follows:

(1) Upon receiving the reports and recommendations of the Planning Commission and staff, the Town Board shall consider the application. The Town Board shall have the option of receiving additional testimony on the matter if it chooses.

(2) The Town Board shall either approve or deny the application.

(3) Approval of a preliminary plat shall require passage by a majority vote of the entire Town Board. 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 Town Board 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 Town Board, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.

9.4 Preliminary Plats in Shoreland Districts and the St. Croix River District. Washington County shall consider and approve or deny applications for preliminary plats in Shoreland Districts and the St. Croix River District, identified on the Zoning Map.

9.5 Effect of Approval. For one year following preliminary plat approval, unless the subdivider and Township 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.

9.6 Effect of Denial. If a preliminary plat application is denied by the Town Board, a similar application for a preliminary plat affecting substantially the same property shall not be considered again by the Planning Commission or Town Board for at least six months from the date of its denial.

9.7 Expiration of Preliminary Plat Approval. Unless the Town Board 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 Township may approve up to two such extensions of not more than one additional year per extension.

9.8 Application Requirements. The following information shall be submitted for preliminary plat application.

(1) Application form, as provided by the Township, completed by the applicant and signed by the property owner

(2) Application fee, as set by the Township'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.

(1) 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

(2) The subdivider shall provide one (1) complete full-sized (24 inches by 36 inches) assembled sets of the drawings in the number specified by the Township Clerk. An additional full-sized set of the drawings may be required 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.

(3) Reductions. The subdivider shall provide one (1) 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.

(4) Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

(1) 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 Township shall have final authority to designate the name of the subdivision.

(2) 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.

(3) Existing zoning classifications for land in and abutting the subdivision, including floodplain, shoreland, and river district boundaries.

(4) 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.

(5) 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.

(6) Location and size of existing septic systems, 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.

(7) Location and size of private overhead and underground utilities, including electric, gas, telephone and cable.

(8) 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.

(9) 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.

(10) 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.

(11) 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

(12) 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.

(13) 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:

(1) 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

(2) Locations and widths of proposed alleys, pedestrian ways and utility easements

(3) Lot and block numbers, dimensions of each lot, and area of each lot, calculated to one-tenth of an acre

(4) Buildable area of each lot, calculated to one-tenth of an acre

(5) Proposed building pad location, building style, building pad elevations at the lowest floor, and garage slab

(6) Required and proposed front, side and rear building setbacks as well as setbacks from water bodies and bluff lines

(7) 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.

(8) Source of water supply and proposed locations

(9) Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of streets pavement including, drainage conveyance and easements, and right-of-ways.

(10) 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.

(11) 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 Township and/or Watershed District.

(12) Erosion and sediment control plan.

(13) Storm water pollution prevention plan

(14) Landscape Plan, as applicable

(15) Woodland and tree locations as applicable

(6) Other Information

(1) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and potential traffic generation.

(2) A copy of all proposed private restrictions

(3) 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.

(4) Such other information as may be requested by the Township or its staff.

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. 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 Township Clerk 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 Township'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 Township Clerk 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 Town Board 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 Town Board.

(3) Town Board Consideration. The Town Board shall consider a final plat as follows:

(1) Approval of a final plat and any related development agreement shall require passage by a majority vote of the entire Town Board. The Board may require such revisions in the final plat as it deems necessary for the health, safety, general welfare and convenience of the City.

1. If a final plat is denied by the Town Board, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.

10.2 Final Plats in Shoreland and St. Croix River Districts. The applicant shall submit applications for Final Plats for subdivisions in Shoreland Districts and St. Croix River Districts to Washington County for review and approval by the County.

10.3 Recording of Final Plat. If the final plat is approved and signed by the Town Board, 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 Town Board and endorsed in writing on the plat.

10.4 Effect of Approval. For two years following final plat approval, unless the subdivider and Township 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.

10.5 Expiration of Final Plat Approval. Unless the Town Board 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 Town Board may approve one such extension for a term not to exceed one additional year. Additional extensions may be approved by the Town Board.

10.6 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 Township, and completed by the applicant.

(2) Application fee, as set by the Township'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:

(1) Three specification books for construction of public improvements

(2) Cost estimates for grading and all public improvements

(3) Lot sizes for all lots and outlots in tabular form

(4) A copy of any proposed homeowners association documents, private covenants or deed restrictions

(5) 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

(6) 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.

(1) 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.

(2) The subdivider shall provide complete full-sized (24 inches by 36 inches) assembled sets of the drawings in the number specified by the Township. An additional full-sized set of the drawings may be required 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.

(3) Reductions. The subdivider shall provide one (1) 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.

(4) If the plat is approved, the subdivider shall submit electronic files of the drawings in a manner specified by the Township.

(5) Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

(1) 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.

(2) Floodplain, shoreland, and river district boundaries within the proposed plat.

(3) 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.

(4) 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:

(1) 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 Town Board Chair and Township Clerk

9. Space for certificates of approval and review in the format prescribed by Washington County

(2) 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 water 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 oversize or non-typical easements

(3) 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. Street cross-section and design information based on the soil r-value

(4) Final erosion control plan

(5) Final stormwater pollution prevention plan

(6) 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.

(7) 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 Township, 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 Township and a development agreement has been signed outlining the work to be done and a financial guarantee has been posted with the Township 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) Street signs and traffic control signs

(4) Sidewalks/ trails

(5) Drainage facilities

(6) Grading and erosion control

(7) Wetland mitigation and buffers

(8) Finished grading and ground cover for all park, playground, trail and public open spaces if required

(9) 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 Township 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:

(1) Where weather precludes completion, the improvement(s) may be completed at the outset of the next construction/growing season.

(2) 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 Township Engineer shall be furnished to the Township by the subdivider. Such record plans shall be in mylar format and an electronic format approved by the Township 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 Township 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 Township. 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 Township.

(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 Township, 3) be in a form approved by the Township, 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 Township 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 Township present the credit with a sight draft and an affidavit signed by the Town Board Chair or designee attesting to the Township'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 Township 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 Township whenever the Town Board or its designee presents an affidavit to the agent attesting to the Township'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 Township's 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 Township's Engineer plus 2 prints shall be furnished to the Township 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 Township 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 Township 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 Township's staff, a portion or the entire financial guarantee may be released by the Township Engineer. No financial guarantee shall be released in full until the Township has received 1) certified, reproducible record plans of all required improvements installed by the subdivider and 2) a title insurance policy approved by the Township 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 Township 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 (2) years from the date of final written Township 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 two (2) year from the date of final written acceptance.

(3) The required warranty period for plant materials (sod, trees, and landscaping) is two (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 Township 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 Township 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. Minnesota Statutes, Section 462.358, Subdivision 2 (b) provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount of cash.

(2) Findings. The preservation and development of parks, trails and open spaces in Stillwater Township are essential to maintaining the community's rural character, protect natural beauty, and promote quality of life. 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 Plan and maintain the current level of service and the quality of the environment for all. Therefore, new development shall be required to contribute toward the Township's park system in rough proportion to the relative burden that it will place upon the park system.

12.2 Dedication Required. Park dedication is required for all newly created lots or parcels. In all developments, the owner of a subdivision shall, as prerequisite to approval of a plat, convey to the Town 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 Town's park and trail system as set forth in this section. If the Town 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 Town, or a combination of land and cash dedication at the Town's discretion.

(1) The cash fee payment in lieu of land dedication is set in the Town's adopted fee schedule.

(2) When the Town determines that land shall be dedicated, the dedicated land shall be an area at least equal in value to the adopted cash fee. The per acre value of the land shall

be determined by the land's most recent assessed value by the Washington County Assessor, at the time of Preliminary Plat approval.

12.3 Land Dedication/Payment of Fees

(1) Land Dedication. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. Such lots or outlots shall be deeded to the Town prior to the issuance of any building permits within the plat.

(2) Installation of Improvements. As part of their development contract or site plan approval responsibilities, owners and developers shall be responsible for making certain improvements to the developments 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.

(3) Cash fee. When a cash fee is to be paid in lieu of dedication, the payment of such fee shall be required as follows:

(1) For residential developments, the fee shall be paid prior to the Town's release of the signed final plat mylars for recording at Washington County.

(2) For institutional or commercial developments, the fee shall be paid prior to issuance of any building permits within the subdivision

(3) In plats that include outlots for future development, the subdivider may pay to the town 1) the development's proportional share for the entire subdivision, including the outlots, or 2) the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are replatted.

(4) Park Fund. Cash payments shall be placed by the Town in a special park fund and used only for the acquisition and development of land for parks, trails, playgrounds, and public open space; development of existing park and playground sites and public open space; and debt retirement in connection with land previously acquired for park purposes.

12.4 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) Generally, 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. The Town may consider accepting ownership of these lands without giving credit for park dedication.

12.5 Private Open Space. Open space privately owned and maintained shall not be given credit for parkland dedication.

SECTION 13.0 MINIMUM DESIGN STANDARDS

13.1 General Standards.

(1) Minimum requirements. The design standards set forth in this Ordinance are minimum requirements. The Township may impose additional or more stringent requirements concerning lot size, streets, and overall design as appropriate considering the property being subdivided in order to accomplish the purpose and intent of this ordinance.

(2) Land Suitability. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formations. Land subject to hazards to life, health, or property shall not be subdivided for residential purposes until all such hazards have been eliminate or unless adequate safeguards against such hazards are provided in the subdivision plan.

(3) Contiguous Land. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Township 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.

(4) Future Re-subdivision. 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 re-subdivision.

(5) Subdivisions Straddling Municipal Boundaries. Proposed subdivisions shall be coordinated with existing adjacent municipalities or neighborhoods so that the community as a whole may develop harmoniously. Whenever access to the subdivision is required across land in another municipality, the Town shall request assurance from the affected municipality 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.

(6) Engineering Standard and Detail Specifications. Public and private improvements shall comply with standards set forth in the Township's Engineering Standards and 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) No lot shall extend over a political subdivision boundary.

(3) 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.

(4) 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.

(5) Each lot shall have frontage on a public street. Access to the lot shall be from the frontage of the lot.

(6) Corner lots shall be platted at least twenty (20) feet wider than interior lots.

(7) 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. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted: as neighboring land is subdivided and more preferable access arrangements become possible, such temporary access permits shall become void. Driveway access on collector streets shall be a minimum of three hundred (300) feet apart and meet appropriate safety standards.

(8) Butt lots in any subdivision shall be discouraged. Where such lots must be used to fit a particular design, they shall be platted at least five (5) feet wider than the average width of interior lots in the block.

(9) Through or double frontage lots shall not be permitted except where such lots abut an arterial roadway or highway. Such lots shall have an additional depth of ten (10) feet for screen planting along the lot line abutting the arterial roadway or highway.

(10) Lots abutting upon a water course, drainageway, channel or stream shall have an additional depth or width, as required by the Township Engineer, to assure building sites that are not subject to flooding.

(11) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to the riparian right.

(12) 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.

(13) The following guidelines for the design of subdivisions and building sites shall be followed to promote the preservation of the Township's rural character and natural features:

(1) Locate roads and building sites to maintain existing contours and vegetation and minimize grading and disruption of natural landforms.

(2) Avoid placing structures in open fields and on top of exposed ridgelines.

(3) Maintain vegetation along ridgelines.

(4) Locate homes on the edge of tree lines and woodlands.

(5) Preserve and incorporate stone rows, tree lines, existing agricultural structures in site plans, wherever possible.

(14) Large Lot Planning. In any area where lots are platted in excess of 24,000 square feet or 160 feet in width at the building setback line, a preliminary resubdivision plan may be required to show a potential and feasible way in which the lot or lots may be resubdivided in future years for more intensive use of the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.

13.3 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 as prescribed by law.

(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 except in cluster developments or planned unit developments if approved by the Township.

(3) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

(4) Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent un-subdivided parcels, unless the topography clearly indicates that such connection is not feasible. Reserved strips and landlocked areas shall not be created.

(5) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets in adjoining areas.

(6) 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 rough-graded or documented that grading can be accomplished within the right-of-way.

(7) Minor streets shall be laid out to discourage their use by non-local traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for servicing lots, or other means.

(8) 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 this ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

(9) Wherever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted.

(10) 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.

(11) Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, a street approximately parallel to and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(12) 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.

13.4 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 660 feet, unless the following requirements are met:

(1) There is no other street access alternative;

(2) The cul-de-sac is extended the minimum length necessary to provide for reasonable use of the land; and

(3) 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 Town Board 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.

13.5 Street and Trail Design.

(1) Street design shall meet the standards in the Township's adopted Specifications for Street and Trail Construction.

(2) Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

Type of Street	Right-of-way Width	Roadway Width Including Shoulders
Minor Arterial	120 feet minimum	As determined by traffic needs
Collector	80 feet minimum	As determined by traffic needs
Local Street	60 feet minimum	32 feet

(3) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.

(4) 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.

(5) The minimum radius for the right-of-way of cul-de-sacs shall be sixty (60) feet. The minimum radius for the surface of the cul-de-sac shall be forty-five (45) feet.

(6) Access of streets within the subdivision to other local streets shall meet all requirements of the Township.

(7) Access of streets within the subdivision to County roadways shall meet all requirements of the access spacing guidelines of Washington County or the Minnesota Department of Transportation.

(8) Access to Minnesota Trunk Highways, U.S. Highways, or Interstate Highways shall be subject to all regulations and permitting procedures of the Minnesota Department of Transportation.

(9) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.

(10) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a centerline radius of not less than two hundred (200) feet.

(11) Centerline gradients shall be at least 0.50 percent and grades shall not exceed 8%. The centerline gradient at intersecting streets shall not exceed a gradient of 3.0%. The 3.0% gradient shall extend a minimum of fifty (50) feet from the street intersection.

(12) Horizontal and vertical curves shall be designed in accordance with Minnesota Department of Transportation's Road Design Manual guidelines. The sight distance shall, as a minimum, be designed to comply with the minimum Stopping Sight Distance requirements. The minimum design speed shall be thirty (30) miles per hour.

(13) The angle formed by any intersecting of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.

(14) Intersections of more than four (4) corners shall be prohibited.

(15) Street intersections shall be rounded by a radius of not less than thirty (30) feet. Alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of the turnaround portions of the cul-de-sac shall be rounded by a radius of not less than fifteen (15) feet.

13.6 Easements.

(1) Easements of at least twenty (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 10' wide front or side yard easement may be required. These easements shall be dedicated on the final plat.

(2) Drainage easements shall be provided along each side of the center line of any water course or drainage channel, to a sufficient width to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers, and streams up to the 100-year elevation or delineated boundary, whichever is greater.

(3) Utility and drainage easements shall be dedicated for the required use.

13.7 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 so in alignment. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.

(2) All street signs shall be provided and installed by the Township at the expense of the subdivider.

SECTION 14.0 ENGINEERING STANDARDS

14.1 Streets

(1) Gravel surfaces are prohibited.

(2) Streets shall be graded in accordance with a plan approved by the Township Engineer.

(3) 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.

(4) For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:4 (rise over run). The ditch bottom shall be a minimum four (4) feet wide unless suitable erosion control can be provided and approved by the Township Engineer.

(5) The design of all pavements shall be in accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. The designed thickness of the pavement shall be in accordance with the standards shown below, but in no case shall there be less than seven (7) inches of Class 5 or higher and three and one-half (3.5) inches of bituminous. More stringent design may be required by the Township's Engineer.

Roadway Classification	**Pavement Design: Axel Load**
Arterial or Collector Street	As determined by traffic conditions
Local Street	Seven (7) ton minimum

(6) To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.

14.2 Utilities

(1) All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.

(2) Septic Systems

(1) The applicant shall make provision for sanitary sewer facilities, such as an individual subsurface septic treatment system (SSTS) to serve each lot or a community treatment system. All systems shall meet the requirements of the County's Subsurface Septic Treatment System ordinance and obtain required permits.

14.3 Storm Water Drainage

(1) A drainage system is required. The drainage system shall meet the requirements of the Township's Stormwater Management and Erosion Control Ordinance.

(2) The Township may require the dedication of drainage way easements or land dedication when such easements or land are needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.

SECTION 15.0 REQUIRED IMPROVEMENTS

15.1 Approvals required. No improvement within a subdivision shall take place until preliminary plat approval has been granted by the Township; a development agreement (major subdivision) has been signed outlining what work can be done; and a financial guarantee has been posted in accordance with this chapter.

15.2 Improvements required. Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinance, the following improvements on the site:

(1) All subdivision boundary corners, block and lots corners, road intersection corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county, and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half (1/2) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.

(2) The full width of the right-of-way of each street dedicated in the plat shall be graded in accordance with the approved plans.

(3) All streets shall be improved with a bituminous or concrete surface except as approved by the action of the Town Board.

(4) Drainage facilities and easements shall be installed to adequately provide for the drainage of surface waters in accordance with the approved plan.

(5) Tree planting, street name signs, traffic control signs, pedestrian ways and other improvements may be required.

(6) Construction Plans and Inspection

(1) Construction plans for the required improvements conforming in all respects with the standards and ordinances of the Township shall be prepared at the developer's expense by a professional engineer who is registered in the State of Minnesota, and said plans shall contain his certification. Such plans together with the quantities of construction items shall be submitted to the Township Engineer for his approval and for his estimate of the total costs of the required improvement. Upon approval, such plans shall become a part of the required contract. Two (2) prints shall be furnished to the Township to be filed as a public record.

(2) All required improvements shall be furnished and installed at the sole expense of the subdivider.

(3) If any improvement 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.

(4) Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the Townshp requiring the subdivider to furnish and construct said iprovements at his sole cost and in accordance with plans, specificaitons, and usual contract conditions. Included in such contract will be:

1. Provisions for supervision of details of construction by the Township granting the Township authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the Township in the vicinity.

2. A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in this Section. On request of the subdivider, the contract may provide for completion of part of all of the improvements prior to the acceptance of the lat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so comleted prior to the acceptance of the plat.

3. The time for connection of the work and several parts thereof. Suc time shall be determined by the Township after consultation with the subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year, and propert correlation with construction activities in the plat and subdivision.

(5) All required improvements on the site that are to be installed under the provisions of this Ordinance shall be inspected during the course of construction by the Township Engineer at the developer's expense, and acceptance by the Township shall be subject to the engineer's certificate of compliance with the contract.

(7) No subdivider shall be permitted to start work on any other subdivisions without special approval of the Township if he has previously defaulted on work or commitments.

SECTION 16.0 FINANCIAL GUARANTEE

16.1 Financial guarantees required. The financial guarantee required as part of the subdivision agreement shall be one of the following:

(1) A Cash Escrow Deposit may be made with the Township Treasurer in a sum equal to one hundred twenty-five percent (125%) of the total costs, as estimated by the Township

Engineer, of all of the improvements to be furnished and installed by the subdivider pursuant to the development agreement (major subdivision). The total costs shall include costs of inspection. The Township shall be entitled to reimburse itself out of such deposit of any cost or expense incurred by the Township for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.

(2) The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the Township. Such letter of credit shall certify the following:

(1) That the creditor does guarantee funds in an amount equal to one hundred twenty-five percent (125%) of the total cost, as estimated by the Township Engineer, for completing all required improvements.

(2) That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the Township immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

(3) That this letter of credit may not be withdrawn or reduced in amount until released by the Township.

SECTION 17.0 SEPARABILITY

17.1 It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

(1) If any court of competent jurisdiction shall adjudge any provision of this regulation to e invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

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

Adopted this __th day of _____, 2016.

_____
David Johnson, Town Board Chair

Attest:

_____
Kathy Schmoeckel, Township Clerk