ORDINANCE NO. 186

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE STILLWATER TOWNSHIP ZONING ORDINANCE, CHAPTER 3 SUBDIVISION REGULATIONS, SECTION 6 MINOR SUBDIVISIONS

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS

SECTION 1. Stillwater Township Zoning Ordinance, Chapter 3, Section 6 Minor Subdivisions shall hereby be amended to allow review of minor subdivisions to go to the Planning Commission and then to the Town Board, or to bypass the Planning Commission review and go directly to the Town Board, as follows:

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 this chapter.

(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, unless the Town Board requests that the Minor Subdivision application go directly to the Town Board for public hearing and decision.

(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/or Town Board.

(9) The Planning Commission or Town Board 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 or Town Board in order to present information and answer questions concerning the proposed request.

(11) The Planning Commission or Town Board 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 or the Township staff.

(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

(13) Drainage, grading and erosion control plans

(14) Existing and proposed lowest floor elevations for each lot

(15) Wetland delineation report and map

(16) Soil testing for the installation of individual subsurface sewage treatment system

(17) 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/or 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 3. Effective Date. This ordinance shall be effective immediately upon its passage and publication.

Adopted by the Board of Supervisors of Stillwater Township this 9th day of January, 2020.

STILLWATER TOWNSHIP

BY: _____

Sheila-Marie Untiedt, Town Board Chair

ATTEST:

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Kathy Schmoeckel, Township Clerk