

CREDIT RIVER SUBDIVISION REGULATIONS

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CREDIT RIVER SUBDIVISION REGULATIONS

SECTION 910 – TITLE, PURPOSE, AND INTENT

910.010 – TITLE.

This Chapter shall be known as the “Credit River Subdivision Ordinance” except as referred to herein, where it shall be referred to as “this Chapter”.

910.020 – PURPOSE AND INTENT.

The intent of this Chapter is to protect and provide for the public health, safety, morals, and general welfare of Credit River and its people, and specifically to achieve the following purposes:

- A. To implement the Comprehensive Plan;
- B. To ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws and regulations;
- C. To establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- D. To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
- E. To encourage the wise use and management of land and natural resources throughout Credit River in order to preserve the integrity, stability, and natural beauty of the community;
- F. To ensure that adequate public infrastructure, facilities, and services are available concurrent with development;
- G. 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;
- H. To encourage a beneficial relationship between the uses of land and circulation of traffic throughout Credit River, and to provide for the proper location and design of streets;
- I. To prevent problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, or scattered subdivision;
- J. To assure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community.

910.030 - RELATIONSHIP TO COMPREHENSIVE PLAN.

It is the policy of Credit River Township that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the 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 purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the Township will not approve any changes in these regulations that are not consistent with the Comprehensive Plan.

910.040 - MORE RESTRICTIVE PROVISION TO APPLY.

Where the regulations imposed by any provisions 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 town, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

910.050 - CONFORMITY WITH THIS CHAPTER IS REQUIRED.

No land shall be divided, subdivided, or re-subdivided in a manner that does not comply with the provisions of this Chapter.

910.060 – SEPARABILITY.

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

- Subd. 1.** If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

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

910.070 – AUTHORITY.

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

SECTION 915 – RULES AND DEFINITIONS

915.010 - RULES OF WORD CONSTRUCTION.

The terms and words used in this Chapter shall be interpreted as follows:

- Subd. 1.** The present tense includes the future tense.
- Subd. 2.** The words “shall” and “must” are mandatory; the word “may” and “should” are permissive.
- Subd. 3.** The singular includes the plural, and the plural includes the singular.
- Subd. 4.** All measured distances expressed in feet shall be to the nearest one-tenth of a foot.
- Subd. 5.** For terminology not defined in this Chapter, elsewhere in the Township Code, or in the Minnesota State Building Code, Merriam-Webster’s Collegiate Dictionary Tenth Edition shall be used to define such terms.
- Subd. 6.** If a conflict arises between the graphic illustrations presented in this Chapter and the text of this Chapter, the text shall prevail.

915.020 – DEFINITIONS.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

Block: An area of land within a subdivision that is entirely bounded by streets, or by a combination of streets, public lands, railroad rights-of-way, water bodies, or the exterior boundary lines of the subdivision.

Boulevard: The portion of the street right-of-way between the curb line (or in the absence of a curb, the improved roadway) and a lot line.

Cul-de-sac: A local street with only one vehicular outlet, having an appropriate turn around area at its terminus for the safe and convenient reversal of traffic.

Density, Net (Post-Development): The number of housing units divided by the net residential acreage (gross land area minus land to be dedicated as public park, lakes, streams, wetlands, required wetland or shoreland buffer strips, areas below the 100-year ordinary high-water elevation, stormwater management ponds that are covered by easement and right-of-way or easements for existing and proposed collector streets).

Drive, private: Land not dedicated as a public street, over which a public access easement for street purposes has been granted, which intersects or connects with a public street and where an

access easement and maintenance agreement has been recorded at Scott County. The easement shall allow for access by police, emergency vehicles, trash collection, and other service vehicles.

Driveway: A paved or unpaved access strip of land providing a vehicular connector between the public right-of-way of the street or private drive and the parking space or garage of a property.

Easement: A grant of one or more property rights by a property owner for use by the public, a corporation, or another person or entity.

Engineering Design Standards: Standards adopted and amended from time to time by resolution of the Town Board which provide information and establish standards, specifications and details for the construction of public and private improvements, as on file with Credit River Township.

Individual Sewage Treatment System (ISTS): A wastewater treatment system serving a dwelling or business using a septic tank or tanks and optional pretreatment unit followed by a soil treatment and dispersal unit that discharges below grade or other approved sewage treatment and disposal device.

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as an individual unit for the purpose, either immediate or future, of transfer of ownership, or possession, or for building development. In all cases, a road shall be considered a property line.

Lot of Record: Any lot which is one unit of a plat duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the Land Records Department for Scott County, Minnesota, prior to the effective date of this Ordinance.

Lot, Base: A lot meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling, townhouse, or manor home subdivision.

Lot Consolidation: The removal of lot lines between contiguous parcels.

Lot Division: Dividing a lot of record by placing new lot lines within its boundary, resulting in the creation of additional lots.

Lot Line Adjustment: Adjusting the lot lines between two or more lots of record, resulting in the same number of lots.

Lot, Through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

Lot, Unit: A lot created from the subdivision of a base lot for two-family dwelling, townhouse,

or manor-home dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Official Map: A map duly adopted by the Town Board pursuant to the provisions of Minnesota Statutes, Section 462.351 to 462.36.

Outlot: A parcel of land subject to future platting prior to development, or a parcel of land which is designated for public or private open space, right-of-way, utilities, or other similar purpose.

Parcel: An individual lot or tract of land.

Planning Commission: The Planning Commission of Credit River Township except when otherwise designated.

Plat: The drawing or map of a subdivision prepared pursuant to Minnesota Statute Chapter 505 and containing all elements or requirements of this Chapter.

Plat, Final: A plat to be presented to the Town Board for approval and which, if found to be consistent with the approved preliminary plat, may be duly filed with the county registrar of deeds.

Plat, Preliminary: A plat submitted to the Town for preliminary consideration and approval.

Public Improvement: Any sewer pipe, water pipe, stormwater pond, drainage ditch, roadway, parkway, sidewalk, trail, tree, lawn, off-street parking area, lot improvement or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Record Plans: A final set of engineering plans that provide accurate and complete information pertaining to the location, construction, and materials used in the construction of streets, utilities, and other improvements. The plans shall incorporate and include all changes and revisions to the final set of approved construction plans that are made during construction as well as other pertinent information.

Replat: The platting of an area that was previously platted.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

Street: A public right-of-way for vehicular traffic, whether designated as a highway,

thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

Street, Improved: A public roadway that has a paved surface.

Subdivider: Any person commencing an application proceeding under this Chapter to effect a division, consolidation, rearrangement, subdivision or re-subdivision of land. A subdivider is the owner of the land or an individual representing the landowner who has express written authority to act on behalf of the owner.

Subdivision: Any division or rearrangement of land, except for those separations:

- A. Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses or 5 acres or larger in size and 300 feet in width for commercial and industrial uses;
- B. Creating cemetery lots;
- C. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Subdivision Minor: A subdivision that results in the creation of 3 or fewer lots, not less than 2 acres in size, per Minnesota State Statutes §462.358.

Town Board: The governing body of Credit River Township, Scott County, Minnesota.

Township Engineer: Individual or firm so designated and authorized by the Credit River Town Board.

Township Planner: Individual or firm so designated and authorized by the Credit River Town Board.

Tract: A unit of land described by letter in a registered land survey.

Traffic Calming: Street design techniques which are put in place to reduce vehicle speeds, improve safety, or discourage through traffic on residential streets. Examples may include narrow street width, curvilinear streets, raised intersections and crosswalks, speed humps, traffic circles, neck-downs, medians and islands, pedestrian treatments or streetscaping.

Tree Inventory: An inventory of trees by location, species, condition and size. The tree inventory shall include all trees with a caliper of 8-inches or more when measured at a point 4 feet above the ground level. The boundaries of significant woodland areas shall also be identified and shall be defined as a clustering of at least three trees, of 2-1/2 inches of caliper or greater in size and trunks spaced at no greater than 10-foot intervals. Individual trees are not required to be inventoried if they are within a woodland area as described above and will not be removed during

development.

SECTION 920 – SUBDIVISION APPROVAL REQUIRED

920.010 - SUBDIVISION APPROVAL REQUIRED.

Subdivision approval in compliance with the provisions of this Chapter shall be required for the separation of an area, parcel, or tract of land under single ownership into 2 or more parcels, lots, tracts, or long-term leasehold interests. The Town will withhold building permits from properties created under state, federal or judicial preemption if such properties do not meet the minimum development standards of the Town.

920.020 - CONVEYANCE BY METES AND BOUNDS.

All property conveyances must be made by plat, except property divisions by metes and bounds may be allowed for those separations where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses. These subdivisions are exempted by State Statute.

920.030 - REGISTERED LAND SURVEYS.

All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this Chapter shall apply to all registered land surveys. A registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts would not have the required frontage on a dedicated and improved public street.

SECTION 925 –PREMATURE SUBDIVISION PROHIBITED

925.010 -- PREMATURE SUBDIVISION PROHIBITED.

Any proposed subdivision deemed premature for development shall not be approved by the Town Board. 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.

- Subd. 1. Inconsistent with the Comprehensive Plan.** A proposed subdivision may be deemed premature if it is inconsistent with the purposes, objectives, development staging plan, or recommendations of the Comprehensive Plan, as may be amended from time to time. Application for reguiding and/or rezoning 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 reguiding and/or rezoning application is approved by the Town Board.
- Subd. 2. Inconsistent with the Capital Improvements Program.** A proposed subdivision may be deemed premature if it is inconsistent with the capital improvements program because public improvements, facilities, or services necessary to accommodate the proposed subdivision would not be completed within two years of the date of application.
- Subd. 3. Lack of Adequate Water Supply.** A proposed subdivision shall be deemed to lack adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible net density without causing an unreasonable depreciation of existing water supplies for surrounding areas. Within the urban service boundary, a proposed subdivision may be deemed premature if public water is not available to serve the proposed subdivision.
- Subd. 4. Lack of Adequate Waste Disposal Systems.** A proposed subdivision shall be deemed to lack adequate waste disposal if there is inadequate on-site sewer capacity to support the subdivision if developed to its maximum permissible net density.

Within the urban service boundary, a proposed subdivision may be deemed premature if:

- A. Sanitary sewer is neither available nor proposed; or

- B. Available or proposed sanitary sewer is inadequate to support the subdivision if developed to its maximum permissible net density after reasonable sewer capacity is reserved for schools, public facilities, and other developments planned within five years of the date of application.

Subd. 5. Lack of Adequate Streets to Serve the Subdivision. A proposed subdivision may be deemed premature if:

- A. Streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance or surface condition that the traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or would seriously aggravate an existing hazardous condition; or
- B. The traffic volume generated by the proposed subdivision would create congestion or unsafe conditions on existing or proposed streets.

Subd. 6. Lack of Adequate Drainage. A proposed subdivision may be deemed premature if:

- A. Surface or subsurface water retention and runoff is such that it constitutes a hazard to the stability of proposed or existing structures; or
- B. The proposed subdivision would cause pollution of water sources or would cause damage from erosion or siltation on downstream property; or
- C. Factors including, but not limited to, the presence of floodplain, poor soils or subsoils, or steep slopes exist in such a manner as to preclude adequate site drainage or treatment of runoff.

Subd. 7. Inconsistent with Environmental Requirements. A proposed subdivision may be deemed premature if it is inconsistent with the rules and policies of the Minnesota Environmental Quality Board, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy, in violation of State historical preservation laws, historic areas which are designated or officially recognized by the Town Board.

Subd. 8. Burden of Proof. The burden shall be on the applicant to show that the proposed subdivision or development has adequate public facilities and is not premature.

SECTION 926 – LOT LINE ADJUSTMENT AND LOT CONSOLIDATION

926.010 GENERAL REQUIREMENTS

Subd. 1. Criteria. Lot line adjustments exempted from platting by Minnesota Statute §462.352, Subd. 12, and lot consolidations shall not require a plat or replat and may be administratively approved, provided all of the following conditions are met:

- A. The lot line adjustment shall be in compliance with the Comprehensive Plan and the purpose and intent of this Chapter.
- B. The lot line adjustment does not create additional lots or outlots.
- C. The lot line adjustment shall not cause any structure on the property to be made non-conforming or to be in violation of the Zoning Chapter or any other provisions of the Town ordinances. The lot division shall be part of a previously recorded plat or Registered Land Survey.
- D. The lot line adjustment shall result in lots that meet the minimum dimensional requirements for the zoning district in which the property is located, or shall not further increase the non-conformity of any lot dimension.
- E. All parcels resulting from the lot line adjustment shall have frontage and access on an existing improved street.
- F. The resulting parcels shall generally conform with the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
- G. Any such lot line adjustment shall not require any public improvements.
- H. Any such lot line adjustment shall not result in legal descriptions that are unduly complex.
- I. Prior to issuance of building permits, property irons shall be installed pursuant to Minnesota Statutes.
- J. The applicant warrants that he or she has obtained all necessary consent from all owners and interested parties of the property subject to the application.

Subd.2. Filing. A lot line adjustment or lot consolidation application shall be filed with the Town Planner on an official application form. The application shall be accompanied

by the fee as set forth in the Town's fee ordinance. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Town Planner that describes the lot line adjustment. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this Section.

Subd. 3. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Town Planner shall refer copies of the minor subdivision to the Town staff and other applicable public agencies as needed in order to receive written comments. The Town Planner shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) review the application for compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter and 3) prepare written approvals or denials.

Subd. 4. Town Planner Review. The Town Planner shall consider a lot line adjustment as follows:

- A. The Town Planner shall either approve, defer or deny the application.
- B. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter may be attached to the permit.
- C. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Town Planner is able to determine compliance.
- D. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 980 of this Chapter.
- E. If dedication of right-of-way on existing streets is required, the lot line adjustment shall be reviewed and acted on by the Town Board.
- F. If an easement vacation is required, the lot line adjustment shall be reviewed and acted on by the Town Board at the same meeting that the easement vacation is considered pursuant to Section 975 of the Subdivision Ordinance.

Subd. 5. Easement dedication. Prior to certification by the Town of the approval of the lot line adjustment, the applicant shall supply required drainage and utility easements in

recordable form to the Town. Required easements shall be recorded in Scott County. The costs of recording shall be paid by the applicant.

Subd. 6. Recording of lot line adjustment. If the lot line adjustment is approved, the applicant shall record the lot line adjustment with the County Recorder or the Registrar of Titles, and pay all associated costs. No changes, erasures, modifications or revisions shall be made in any lot line adjustment after approval has been given by the Town Planner or the Town Board.

Subd. 7. Effect of Approval. For 2 years following lot line adjustment or lot consolidation approval, unless the applicant and Town 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.

Subd. 8. Expiration of Lot Line Adjustment Approval. Unless the Town Planner specifically approves a different time period, the approval of a lot line adjustment shall expire 2 years from the date it was approved, unless the applicant has recorded the lot line adjustment with Scott County and provided proof of the same to the Town; or, unless before expiration of the 2-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 minor subdivision has not been filed, 2) what, if any, good faith efforts have been made to complete the process, and 3) the anticipated completion date. The Town Planner may approve one such extension for a term not to exceed one additional year.

926.020 APPLICATION REQUIREMENTS

The materials, information and drawings required for submission of a lot line adjustment or lot consolidation application are listed in this section. In order for the application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

Subd. 1. Application Form. The applicant shall submit an official application form, as provided by the Town, including the following information:

A. Location, address (if assigned), legal description and Scott County property identification number (P.I.N.) of all parcels included within the proposed subdivision.

B. Name, address, telephone number and signature of the applicant and all persons currently having an ownership interest in the parcels comprising the proposed subdivision.

C. Written description of request. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. Other Written Materials. The application form shall be accompanied by, or address, the following written materials:

- A. Completed application form and any necessary consent by interested parties signed by all owners in fee title, all lienholders, and all parties of interest in the property to be subdivided.
- B. Proof of ownership by either a copy of a deed, abstract of title or attorney's opinion. The Town reserves the right to require additional ownership information or verification. If requested, such additional information shall be provided by the applicant, at the applicant's expense.
- C. Property descriptions, existing and proposed.
- D. Drainage and utility easement forms, with legal descriptions for all wetland and floodplain areas and adjacent lot lines.

Subd. 3. Fees and Deposits. The fees shall accompany the application form as set forth in the Credit River fee ordinance. The applicant shall also deposit with the Town the estimated cost of any consultant review of the lot line adjustment or consolidation that may be necessary to determine compliance with this Chapter, the Zoning Ordinance, other regulations or with the Comprehensive Plan, including but not limited to planning, engineering, or traffic studies.

Subd. 4. Drawings, General Requirements.

A. Drawings must meet all following specifications:

- 1. Be at a scale of one inch equals fifty 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 applicant, 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 number or other professional certification number or title.

5. Provide the date of preparation and any revisions thereto.

B. The applicant shall provide complete assembled sets of the drawings that are collated and stapled, the size and number of which shall be determined by the Town Planner as well as digital copies of all submission items.

C. The applicant shall submit electronic files of the drawings in a manner specified by the Town in the Engineering Design Standards.

Subd. 5. Drawings. The application form shall be accompanied by drawings and information indicating the following:

A. Vicinity map showing the relation of the property to be subdivided to adjacent properties and public roads.

B. A certificate of survey in a scale of one inch equals 100 feet, prepared in accordance with Minnesota Statutes §505, and including:

1. Topographic contours at two-foot intervals, if required, to determine compliance with floodplain, bluff, slope, or wetland protection requirements.
2. Wetland delineation in accordance with the Wetland Conservation Act.
3. Ordinary high-water elevations of all public waterbodies.
4. Ordinary high groundwater elevation.
5. Information on the stormwater conveyance system serving the parcel, including the minimum elevation that stormwater runoff can be drained from the parcel, the route it must take to connect to a public trunk drainage system, and elevation indicating the parcel has an adequate and positive outlet for stormwater runoff.
6. Location of all public and private easements.
7. Floodplain areas and elevation figures.
8. Location of significant stands of trees and individual trees of eight- inch diameter or greater.

9. Existing lot lines.
10. Proposed lot lines.
11. Proposed locations and types of septic systems.
12. Proposed building areas and dimensions.
13. Proposed driveway locations.
14. North-pointing arrow and scale.

SECTION 927 – MINOR SUBDIVISION PROCEDURE

927.010 - MINOR SUBDIVISION PROCEDURE

Subd. 1 Criteria.

- A. A subdivision resulting in the creation of three or fewer lots, tracts or parcels shall be considered a minor subdivision, shall be permitted in the Rural Residential Zoning district and may be exempt from platting provided that the following conditions are met:
 - a. The subdivision shall be in compliance with the Comprehensive Plan and the purpose and intent of this Chapter.
 - b. The lot division shall not cause any structure on the property to be made non-conforming or to be in violation of the Zoning Ordinance or any other provisions of the Town ordinances.
 - c. The lot division shall result in no more than 3 lots which are at least 2 ½ acres that meet the minimum dimensional requirements for the zoning district in which the property is located.
 - d. All parcels resulting from the lot division shall have frontage and access on an existing paved and improved street. All streets between the proposed lots and the nearest County road shall consist of paved improved streets. When right-of-way is required by the Town or County, the applicant shall plat, deed, or provide easements for such right-of-way.
 - e. The resulting parcels shall generally conform with the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
 - f. Any such lot division shall not require any public improvements.
 - g. Any such subdivision shall not result in legal descriptions that are unduly complex.
 - h. The applicant shall comply with the park dedication regulations, as required for a plat.

- i. Prior to issuance of building permits, property irons shall be installed pursuant to Minnesota Statutes.
 - j. The applicant warrants that he or she is the owner of the properties subject to the application and has obtained all necessary consent from all other owners and interested parties.
- B. The Town Planner shall require the subdivision to be processed as a plat in accordance with Sections 930 and 935 of this Chapter if the standards of Subd. 1 of this section are not met.

Subd. 2. Easement and right-of-way dedication. Prior to certification by the Town of the approval of the minor subdivision, the applicant shall supply the deed(s), in recordable form, granting to the Town the lot line easements required or other recordable easements found necessary and required by the Town. The applicant shall record these documents with the County Recorder or the Registrar of Titles, provide proof of the same to the Town and pay all associated costs.

Subd.3. Filing. A minor subdivision application shall be filed with the Town Planner on an official application form. The application shall be accompanied by the fee as set forth in the Town's fee ordinance. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Town Planner that describes the minor subdivision. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this Section.

Subd. 4. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Town Planner shall refer copies of the minor subdivision to the Town staff and other applicable public agencies as needed in order to receive written comments. The Town Planner shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports and coordinate preparation of the Development Agreement, and 3) assist in preparing a recommendation to the Town Board.

Subd. 5. Town Board Consideration. The Town Board shall consider a minor subdivision as follows:

- A. Upon receiving the reports and recommendations of the staff, the Town Planner shall schedule the application for Town Board consideration. The Town Board shall have the

option of receiving additional testimony on the matter if they so choose.

B. The Town Board shall either approve or deny the application.

C. Approval of a minor subdivision and any related Development Agreement by the Town Board shall require passage by a majority vote of all its members. The Town Board may require such revisions in the minor subdivision as it deems necessary for the health, safety, general welfare, and convenience of the Town.

D. If a minor subdivision is denied by the Town Board, the reasons for such action shall be recorded in the Town Board proceedings and transmitted to the applicant within 60 days.

Subd. 6. Recording of Minor subdivision. If the minor subdivision is approved and signed by the Town officials, the applicant shall record the minor subdivision with the County Recorder or the Registrar of Titles and pay all associated costs. No changes, erasures, modifications, or revisions shall be made in any minor subdivision after approval has been given by the Town Board.

Subd. 7. Effect of Approval. For 2 years following minor subdivision approval, unless the applicant and Town 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.

Subd. 8. Expiration of Minor Subdivision Approval. Unless the Town Board specifically approves a different time period, the approval of a minor subdivision shall expire 2 years from the date it was approved, unless the applicant has recorded the minor subdivision with Scott County and provided proof of the same to the Town; or, unless before expiration of the 2-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 minor subdivision has not been filed, 2) what, if any, good faith efforts have been made to complete the process, and 3) the anticipated completion date. The Town Planner may approve one such extension for a term not to exceed one additional year.

927.020 - APPLICATION REQUIREMENTS

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

Subd. 1. Application Form. The applicant shall submit an official application form, as

provided by the Town, including the following information:

- A. Location, address (if assigned), legal description and Scott County property identification number (P.I.N.) of all parcels included within the proposed subdivision.
- B. Name, address, telephone number and signature of the applicant and all persons currently having an ownership interest in the parcels comprising the proposed subdivision.
- C. Written description of request. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. Other Written Materials. The application form shall be accompanied by, or address, the following written materials:

- A. Completed application form and any necessary consent by interested parties signed by all owners in fee title, all lienholders, and all parties of interest in the property to be subdivided.
- B. Proof of ownership by either a copy of a deed, abstract of title or attorney's opinion.
- C. Property descriptions, existing and proposed.
- D. Drainage and utility easement forms, with legal descriptions, for all wetland and floodplain areas.

Subd. 3. Fees and Deposits. The fees shall accompany the application form as set forth in the Township's fee ordinance. The applicant shall also deposit with the Town the estimated cost of any consultant review of the minor subdivision that may be necessary to determine compliance with this Chapter, the Zoning Ordinance, other regulations or with the Comprehensive Plan, including but not limited to planning, engineering, or traffic studies.

Subd. 4. Drawings, General Requirements.

- A. Drawings must meet all following specifications:
 - 1. Be at a scale of one inch equals fifty 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 applicant, 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 number or other professional certification number or title.
5. Provide the date of preparation and any revisions thereto.

B. The applicant shall provide complete assembled sets of the drawings that are collated and stapled, the size and number of which shall be determined by the Town Planner.

C. The applicant shall submit electronic files of the drawings in a manner specified by the Town in the Engineering Design Standards.

Subd. 5. Drawings. The application form shall be accompanied by drawings and information indicating the following:

- A. Vicinity map showing the relation of the property to be subdivided to adjacent properties and public roads.
- B. A certificate of survey in a scale of one inch equals 100 feet, prepared in accordance with Minnesota Statutes §505, and including:
 1. Topographic contours at two-foot intervals, if required, to determine compliance with floodplain, bluff, slope, or wetland protection requirements.
 2. Wetland delineation in accordance with the Wetland Conservation Act.
 3. Ordinary high-water elevations of all public waterbodies.
 4. Ordinary high groundwater elevation.
 5. Information on the stormwater conveyance system serving the parcel, including the minimum elevation that stormwater runoff can be drained from the parcel, the route it must take to connect to a public trunk drainage system, and elevation indicating the parcel has an adequate and positive outlet for stormwater runoff.
 6. Location of all public and private easements.
 7. Floodplain areas and elevation figures.

8. Location of significant stands of trees and individual trees of eight- inch diameter or greater.
9. Existing lot lines.
10. Proposed lot lines.
11. Proposed locations and types of septic systems.
12. Proposed building areas and dimensions.
13. Proposed driveway locations.
14. North-pointing arrow and scale.

SECTION 930 – PRELIMINARY PLAT PROCEDURE

930.010 - PRELIMINARY PLAT PROCEDURE.

An application for a preliminary plat shall be approved or denied pursuant to Minnesota Statutes, Chapter 462.358. A preliminary plat may be processed concurrently with the final plat at the discretion of the Town Planner.

Subd. 1. Filing. A preliminary plat application shall be filed with the Town Planner on an official application form. The application shall be accompanied by the fee as set forth in the Town ordinances. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Town Planner, fully describing the proposed plat. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements, as described in this Section. If the subdivision requires any variances from the provisions of this Chapter, an application pursuant to Section 970 of this Chapter shall also be submitted before the preliminary plat application shall be deemed complete.

Subd. 2. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Town Planner shall refer copies of the preliminary plat to the staff and other applicable public agencies as needed in order to receive written comments. Preliminary plats including land abutting an existing or proposed trunk highway and/or highway under county jurisdiction shall also be submitted to the Minnesota Commissioner of Transportation and/or Scott County as required by state law, at least thirty days prior to Town action on the preliminary plat. The Town Planner shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports, and 3) assist in preparing a recommendation to the Planning Commission and Town Board.

Subd. 3. Public Hearing Notice. Upon completion of staff's analysis of the application, the Town Planner, when required, shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the Town's Official Newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 350 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

Subd. 4. Planning Commission Consideration. The Planning Commission shall consider a preliminary plat application, as follows:

- A. The Planning Commission shall review the preliminary plat and conduct the official public hearing.
- B. The subdivider or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal.
- C. 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.
- D. The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms to the Comprehensive Plan, Zoning Ordinance, this Chapter, and all other Town ordinances. 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 Comprehensive Plan, Zoning Ordinance, or other policy or regulation, except as such regulations may be modified within a duly approved planned unit development (PUD).
 - 2. That the proposed subdivision is in conflict with the purpose and intent of this Chapter.
 - 3. That the physical characteristics of the site are such that the site is not suitable for the type of development or use contemplated. Such physical characteristics may include topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention and other similar characteristics.
 - 4. That the site is not physically suitable for the intensity or type of development or use contemplated.
 - 5. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.
 - 6. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
 - 7. 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.
 - 8. That the subdivision is premature as determined by the standards of Section 508 of this Chapter.

Subd. 5. Town Board Consideration. The Town Board shall consider a preliminary plat application, as follows:

- A. Upon receiving the reports and recommendations of the Planning Commission and staff, the Town Planner shall schedule the application for Town Board consideration. The Town Board shall have the option of receiving additional testimony on the matter if they so choose.
- B. The Town Board shall either approve or deny the application.
- C. Approval of a preliminary plat by the Town Board shall require passage by a majority vote of all its members. 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 Town.
- D. If a preliminary plat is denied by the Town Board, the reasons for such action shall be recorded in the Town Board proceedings and transmitted to the applicant within 60 days.

Subd. 6. Effect of Approval. For one year following preliminary plat approval, unless the subdivider and Town 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.

Subd. 7. Effect of Denial. If a preliminary plat application is denied by the Town Board, the Planning Commission or Town Board shall not consider a similar application for a preliminary plat affecting substantially the same property again for at least 6 months from the date of its denial.

Subd. 8. 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 Town Board may approve up to 2 such extensions of not more than one additional year per extension.

930.020 - APPLICATION REQUIREMENTS.

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

Subd. 1. Application Form. The subdivider shall submit an official application form, as provided by the Town, including the following information:

- A. Location, address (if assigned), legal description, and Scott County property identification number (P.I.N.) of all parcels included within the proposed plat.
- B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.
- C. Written description that provides information about the proposed plat including, but not limited to, number of lots, development type, and anticipated completion date. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. **Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:

- A. Lot sizes for all lots and outlots in tabular form.
- B. Written verification that all commonly owned contiguous land is included in the plat.
- C. A wetland report by a Certified Wetland Specialist.

Subd. 3. **Fees and Cash Deposits.** The fees shall accompany the application form as set forth in the Town fee ordinance. The applicant shall also deposit with the Town the estimated cost of any consultant review of the preliminary plat that may be necessary to determine compliance with this Chapter or with the Comprehensive Plan, including but not limited to planning, engineering, or traffic studies.

Subd. 4. **Drawings, General Requirements.**

- A. Drawings must meet all following specifications:
 - 1. Be at a scale of one inch equals fifty feet (1" = 50') or less using an engineer's scale only. All plan sheets shall be prepared using the same scale.

2. Be on paper not exceeding 24-inch by 36-inch.
 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 number or other professional certification number or title.
 5. Provide the date of preparation and any revisions thereto.
- B. The subdivider shall provide complete full-sized (24-inch by 36-inch) assembled sets of the drawings that are collated, stapled, and rolled, the number of which shall be determined by the Town Planner.
 - C. The subdivider shall provide complete assembled sets of the drawings reduced to 11-inch by 17-inch, the number of which shall be determined by the Town Planner.
 - D. The subdivider shall provide one copy of the preliminary plat at a scale of one inch equals two hundred feet (1" = 200').
 - E. The subdivider shall submit electronic files of the drawings in a manner specified by the Town in the Engineering Design Standards. The applicant may appeal directly to the Town Board for a waiver of this requirement for subdivisions resulting in three or fewer parcels. No waiver shall be granted under this subsection unless the Town Board finds that the applicant and his surveyor do not have ready, economical access to the technology required to comply with the electronic filing requirement.

Subd. 5. Drawings, Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

- A. An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.

- B. Floodplain and shoreland district boundaries within the proposed plat.
- C. Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre.
- D. Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.
- E. Location and size of all existing buildings, as well as all sewers, watermains, culverts and other underground facilities (public and private) within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat. Data such as grades, rim and invert elevations, locations of catch basins and manholes, and fire hydrants shall also be provided.
- F. Topography in 2-foot contour intervals within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.
- G. Water courses, wetlands, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.
- H. Boundary lines and ownership of all adjoining land within 100 feet.
- I. Existing guiding and zoning classifications for land within, and abutting, the proposed plat.
- J. Tree inventory identifying the trees to be removed or preserved.
- K. Soil borings and percolation tests, as may be required by the Building Official or Town Engineer.

Subd. 6. Drawings, Preliminary Plans. The application form shall be accompanied by

drawings and information indicating the following:

A. Preliminary plat, including the following:

1. Name of the proposed plat.
2. Layout of all proposed lot lines, together with the number, size, and preliminary dimensions, including the width of the lots at the front setback line.
3. Layout of all proposed streets, including those required in accordance with the Comprehensive Plan, showing right-of-way widths, pavement widths, center line gradients, typical cross sections, street drainage systems, and proposed street names pursuant to the Town's street naming system.
4. Location and width of all proposed sidewalks, trails, pedestrian ways, and fire lanes.
5. Location, dimensions, and purpose of all easements.
6. Minimum building setback lines.
7. 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).
8. Floodplain and shoreland district boundaries within the proposed plat.
9. Proposed guiding and zoning classifications if the plat application includes a reguiding and/or rezoning request.
10. A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision.

B. Preliminary grading and erosion control 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 2-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 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.
7. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds, proposed to serve the plat.
8. Locations and elevations of all street high and low points.
9. Street grades.
10. Phasing of grading.
11. Location of all easements, including oversize or non-typical easements.

12. An erosion control plan, pursuant to Section 950 of this Chapter.

C. Preliminary utility plan for the proposed plat, including the following:

1. Location, dimensions, and purpose of all easements.
2. Location, type, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.
3. Schematic storm sewer, sanitary sewer, and water layouts, illustrating invert and top rim elevations, proposed gradients, direction of flow, hydrant locations, and drainage areas.
4. Where applicable, a report prepared by a MPCA certified and licensed individual on the feasibility of individual on-site sewer and water systems on each lot and shall include soil boring analysis and percolation tests to verify conclusions, and other necessary information as regulated by State and Town regulations. The report and findings shall be subject to review and approval by the Town Building Official.

D. Tree preservation plan for the proposed plat. The plan shall identify the location and type of trees and all existing trees to be preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to be preserved.

E. Other drawings required for the proposed plat, as follows:

1. Source of water supply.
2. Provisions for sewage disposal, drainage, and flood control.
3. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.
4. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.

5. For plats containing one- or two-family dwellings, the location on each lot where an attached or detached garage containing at least one parking stall could be built within ordinance standards, if the principal structure is to be built without a garage.

SECTION 935 – FINAL PLAT PROCEDURE

935.010 - FINAL PLAT PROCEDURE.

An application for a final plat shall be approved or denied Pursuant to Minnesota Statutes, Chapter 462.358.

Subd. 1. Compliance with Preliminary Plat. A final plat application shall be in substantial compliance with the approved preliminary plat, including any required modifications thereto.

Subd. 2. Filing. A final plat application shall be filed with the Town Planner on an official application form. The application shall be accompanied by the fee as set forth in the fee ordinance. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Town Planner, that describes the final plat. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements, as described in this Section.

Subd. 3. Staff Analysis. Upon receiving a complete application, as determined by staff review, the Town Planner shall refer copies of the final plat to the Town staff and other applicable public agencies as needed in order to receive written comments. The Town Planner shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports and coordinate preparation of the Development Agreement, and 3) assist in preparing a recommendation to the Town Board.

Subd. 4. Town Board Consideration. The Town Board shall consider a final plat as follows:

- A. Upon receiving the reports and recommendations of the staff, the Town Planner shall schedule the application for Town Board consideration. The Town Board shall have the option of receiving additional testimony on the matter if they so choose.
- B. The Town Board shall either approve or deny the application.
- C. Approval of a final plat and any related Development Agreement by the Town Board shall require passage by a majority vote of all its members. The Town Board may require such revisions in the final plat as it deems necessary for the health, safety, general welfare, and convenience of the Town.

D. If a final plat is denied by the Town Board, the reasons for such action shall be recorded in the Town Board proceedings and transmitted to the applicant within 60 days.

Subd. 5. Recording of Final Plat. If the final plat is approved and signed by the Town officials, the subdivider shall record the final plat with the County Recorder or the Registrar of Titles along with such other documents as identified by the Town Planner. 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.

Subd. 6. Effect of Approval. For 2 years following final plat approval, unless the subdivider and Town 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.

Subd. 7. Expiration of Final Plat Approval. Unless the Town Board specifically approves a different time period, the approval of a final plat shall expire 2 years from the date it was approved, unless the applicant has recorded the final plat with Scott County; or, unless before expiration of the 2-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.

935.020 - 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.

Subd. 1. Application Form. The subdivider shall submit an official application form, as provided by the Town, including the following information:

- A. Location, address (if assigned), legal description, and Scott County property identification number (P.I.N.) of all parcels included within the proposed plat.
- B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.

- C. Written description that indicates compliance with the approved preliminary plat and all related conditions of approval thereto. If the proposed final plat varies from the approved preliminary plat, the nature and extent of the variation must be described. Such description may be provided on a separate sheet of paper that is attached to the application form.

Subd. 2. Other Written Materials. The application form shall be accompanied by, or address, the following written materials:

- A. Three specification books for construction of public improvements.
- B. Cost estimates for grading and all public improvements.
- C. Lot sizes for all lots and outlots in tabular form.
- D. A copy of any proposed homeowner's association documents, private covenants, or deed restrictions.

Subd. 3. Fees and Deposits. The fees shall accompany the application form as set forth in the Town ordinances. The applicant shall also deposit with the Town the estimated cost of any consultant review of the final plat that may be necessary to determine compliance with this Chapter or with the Comprehensive Plan, including but not limited to planning, engineering, or traffic studies.

Subd. 4. Drawings, General Requirements.

- A. Drawings must meet all following specifications:
 - 1. Be at a scale of one inch equals fifty 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 number or other professional certification number or title.
 - 5. Provide the date of preparation and any revisions thereto.
- B. The subdivider shall provide complete full-sized (24-inches by 36-inches)

assembled sets of the drawings that are collated and stapled, the number of which shall be determined by the Town Planner.

- C. Reductions: The subdivider shall provide complete, assembled sets of the drawings reduced to 11-inches by 17-inches, the number of which shall be determined by the Town Planner.
- D. The subdivider shall provide one copy of the final plat at a scale of one inch equals two hundred feet (1" = 200').
- E. The subdivider shall submit electronic files of the drawings in a manner specified by the Town in the Engineering Design Standards. The applicant may appeal directly to the Town Board for a waiver of this requirement for subdivisions resulting in three or fewer parcels. No waiver shall be granted under this subsection unless the Town Board finds that the applicant and his surveyor do not have ready, economical access to the technology required to comply with the electronic filing requirement.

Subd. 5. Drawings, Existing Conditions. The application form shall be accompanied by drawings and information indicating the following:

- A. An accurate certified survey of the proposed plat, current within one year of the date of application, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.
- B. Floodplain and shoreland district boundaries within the proposed plat.
- C. Gross acreage and net acreage of the proposed plat, computed to one-tenth of an acre.
- D. Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of such plat.

Subd. 6. Drawings, Final Plans. The application form shall be accompanied by drawings and information indicating the following:

- A. Final plat, including the following:
 - 1. Name of the proposed plat.
 - 2. Layout of all proposed lot lines with dimensions, and lot and block numbers.

3. Layout of all proposed streets, showing right-of-way widths and street names pursuant to the Town's street naming 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 Scott County.
 8. Space for certificates of approval to be filled in by the signatures of the Mayor and Town Engineer, together with space for the attestation of such signatures by the Town Clerk.
 9. Space for certificates of approval and review, in the format prescribed by Scott County.
- B. Final grading and drainage plan for the proposed plat, including the following:
1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.
 2. Topography in two-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat.
 3. Location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, etc.
 4. Location of all existing and proposed storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat. Pipe type and size, pipe grades, rim and invert elevations, and normal and high-water elevations shall be included.
 5. Flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain.
 6. Spot elevations at drainage break points and directional arrows indicating

site and swale drainage, and emergency overflow locations, elevations, and routes.

7. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds and rain gardens, proposed to serve the plat.
 8. Locations and elevations of all street high and low points.
 9. Street grades.
 10. Phasing of grading.
 11. Benchmark elevations.
 12. Location and elevation of all retaining walls.
 13. Location of all easements, including oversize or non-typical easements.
 14. An erosion control plan, pursuant to Section 950 of this Chapter.
- C. Final utility plan for the proposed plat, including the following:
1. Location, dimensions, and purpose of all easements.
 2. Location, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, man holes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.
 3. Storm sewer, sanitary sewer, and water layouts, including top rim and invert elevations, proposed gradients, direction of flow, hydrant locations, drainage areas and benchmark elevations.
 4. Profiles for all proposed utilities.
- D. Tree preservation plan for the proposed plat. The plan shall identify the location and type of trees and all existing trees to be preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
- E. Other drawings required for the proposed plat, as follows:
1. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.

2. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.
- F. 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, location of existing or proposed utilities.
 2. Street profiles including existing and proposed elevations extended to show how they tie into the adjacent properties.
 3. Street cross-section and design information based on the soil r-value.

SECTION 945 – DESIGN STANDARDS

945.010 - GENERAL STANDARDS.

- Subd. 1. Contiguous Land.** A preliminary plat shall include all of the owner’s contiguous land unless subdivision of property contiguous to the subdivision would be premature as defined by this Chapter. If subdivision of the contiguous property owned by the applicant would be premature, the applicant shall submit a sketch plan with enough detail to demonstrate how that property can be subdivided in the future in a manner consistent with the Comprehensive Plan and this Chapter. Final platting may be accomplished in phases.
- Subd. 2. Subdivisions Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another jurisdiction, the Town shall request assurance from the affected jurisdiction 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. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- Subd. 3. Monuments.**
- A. Official permanent monuments shall be placed as required by Minnesota Statutes, Section 505.02 (as may be amended).
 - B. All monument markers shall be correctly in place upon final grading and installation of utilities.
 - C. The Town will not issue building permits for a lot within a plat until monuments have been placed for that lot.
 - D. All United States, state, county or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- Subd. 4. Subdivision Names.** The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the Town. The Town shall have final authority to designate the name of the subdivision.
- Subd. 5. Engineering Design Standards.** Public and private improvements shall comply with standards set forth in the Town’s Engineering Design Standards, which are herein adopted by reference.

945.020 - LOT IMPROVEMENTS.

- Subd. 1. Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance. In addition, all lots shall abut and have direct access to an improved street or private drive except for developments with unit lots, in which case the base lot shall abut and have direct access to an improved street.
- Subd. 2. Minimum Lot Dimensions.** All lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Depth and width of properties reserved or laid out for commercial, office or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use contemplated, as established in the Zoning Ordinance, except as may be modified within a duly approved planned unit development (PUD).
- Subd. 3. Side Lot Lines.** Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.
- Subd. 4. Corner Lots.** Corner lots shall be of sufficient width and depth to comply with the minimum building setback requirement from both streets and to comply with the minimum driveway setback from the intersection, as established in the Zoning Ordinance.
- Subd. 5. Through or Double Frontage Lots and Access to Lots.**
- A. Through or Double Frontage Lots. Through or double frontage lots shall not be permitted except where lots back on an arterial or collector roadway or where specific disadvantages of topography or other conditions render subdividing otherwise unreasonable.
 - B. Access from Minor Arterials and Minor Collectors. Lots shall not, in general, derive access exclusively from a minor arterial or major collector roadway. No lot parallel to a minor arterial or major collector roadway and having a width of less than 200 feet should front on these roadways unless 1) access is limited to streets other than a minor arterial or major collector, 2) access is provided jointly with other lots or 3) access is ultimately to be provided from a planned frontage road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on minor arterial or major collector roadways.
- Subd. 6. Lots Abutting Water.** Lots abutting or containing a water body, wetland, drainage way, channel, stream, or pond shall be of sufficient width and depth and at the

elevation needed to assure that building sites are not subject to flooding and contain a building pad of sufficient size and topography to meet any setbacks related to shorelands or wetlands and to have the lowest opening at an elevation sufficiently above the ordinary high-water level of the water body as prescribed by applicable ordinances. The platting of lots within the floodplain is subject to the Zoning Ordinance provisions relating thereto.

Subd. 7. Large Tracts. When a parcel of land is subdivided into larger tracts than for building lots, such tracts shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent streets and utilities.

Subd. 8. Lot Remnants. All remnants of land which are below the minimum lot size or which are otherwise unbuildable must be added to adjacent lots and shall not be platted as an unusable outlot or parcel.

Subd. 9. Soil Preservation, Grading and Sodding/Seeding.

A. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Where possible, drainage shall be designed so as to avoid concentration of storm water drainage from each lot to adjacent lots.

B. Sodding/Seeding. Sodding and seeding shall be done in conformance with the Zoning Ordinance and Engineering Design Standards.

Subd. 10. Debris and Waste. No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, former building foundations, abandoned wells, abandoned septic systems or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the Development Agreement or dedication of public improvements, whichever occurs sooner.

Subd. 11. Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Town may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a Town responsibility.

Subd. 12. Access.

A. Block length and width or acreage within bounding streets shall be sufficient to

accommodate the size of lots required by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.

1. In the municipal urban service boundary, block lengths shall not exceed 900 feet nor be less than 500 feet, measured from the centerlines of streets, except where topography or other conditions justify a departure from that standard.
 2. In the rural areas, block lengths shall not exceed 1,320 feet nor be less than 400 feet, except where topography or other conditions justify a departure from that standard. In blocks longer than 800 feet, pedestrian walkways and/or easements at least 10 feet wide may be required near the center of the block.
- B. Vehicle access shall be prohibited from a stub street to adjoining lots until such time as the stub street is extended into an adjoining tract, or unless a temporary cul-de-sac is provided.
- C. When a proposed plat contains or borders on the right-of-way of an existing or planned principal or minor arterial roadway, the Town Board may require dedication and installation of a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford a separation of local and through traffic. Such streets shall be located at a distance from the major roadway suitable for the appropriate use of any intervening land. Such distance shall also be determined with due regard for the requirements of approach connections, future grade separations, and lot depths.
- D. The subdivider shall provide access to all lots via local streets or private drives. When a proposed plat contains or borders on the right-of-way of a principal arterial or major collector, vehicle access points shall be restricted in accordance with the Comprehensive Plan and the access requirements of Scott County. When a proposed plat contains or borders on the right-of-way of a minor arterial or major collector roadway, vehicle access points shall be restricted from such roadways. If access onto a minor arterial or major collector is the only option for access and is therefore required, such vehicle access points shall be limited from individual lots onto such streets through the use of shared driveways, consistent with the access management provisions of the Comprehensive Plan.
- E. Access to minor arterial and major collector streets shall be at intervals of not less than $\frac{1}{4}$ mile, and through existing and established crossroads where possible. In the platting of small tracts of land fronting on minor arterial streets where there is no other alternative, a temporary access permit may be granted. As neighboring land becomes subdivided and access to other streets becomes possible, such temporary access permit shall become void.

F. When a residential lot has frontage on multiple streets, access to such lot shall be prohibited from higher-order streets (e.g., a lot that fronts on a minor arterial street and a collector street shall be prohibited from having access on the minor arterial street, and a lot that fronts on a collector street and a local street shall be prohibited from having access on the collector street).

Subd. 13. Street Names. Street names shall be designated by the Town street naming system, as administered by the Town Planner. The Town Planner shall have discretion to alter the Town street naming system, when appropriate, in order to avoid confusion to the traveling public. A petition to rename a street shall require action by the Town Board.

Subd. 14. Street Regulatory Signs. Street signs of standard design approved by the Town shall be installed at each street intersection or at such other locations within the subdivision as designated by the Town Engineer.

Subd. 15. Traffic Control Signs. Traffic control signs pursuant to Minnesota Statutes, Section 169.06, shall be installed at the expense of the subdivider at locations within the subdivision as designated by the Town Engineer.

Subd. 16. Turn Lanes and Traffic Lights. Turn lanes and traffic lights shall be installed at the expense of the subdivider when required as a result of the proposed subdivision. The cost of the improvements shall be apportioned among benefiting properties as determined by the Town.

Subd. 17. Street Lights. Street lights shall be installed in urban developments at all intersections and at other locations, not to exceed 1,000 feet spacing, as required by the Town Engineer. All street lights within new subdivisions in the urban area shall be on ornamental poles with underground electrical service, and shall conform to Town lighting standards.

Subd. 18. Sidewalks and Trails. Required sidewalks and trails shall be installed at the time a street is constructed.

Subd. 19. Dead-End Streets, Stub Streets and Cul-de-Sac Streets (permanent and temporary).

A. Dead-End Streets. Dead-end streets shall be prohibited, except as stub streets.

B. Stub Streets. Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Barricades shall be installed at the end of stub streets and signage shall be provided indicating a future street connection.

C. Cul-de-Sac Streets (permanent). Cul-de-sac streets may be installed where necessary due to topography, configuration of land, existing road layouts or

other special circumstances.

- D. Cul-de-Sac Streets (temporary). In those instances where a street is terminated pending future extension in conjunction with future platting, a temporary cul-de-sac with a pavement width of 90 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending beyond the curb line of the temporary cul-de-sac in all directions. No building permit shall be issued for any properties containing such temporary easement until after the temporary cul-de-sac is constructed. A financial guarantee will be required for removal and restoration, as required by the Development Agreement for the subdivision.

Subd. 20. Alleys and Private Drives. Alleys and private drives may be permitted by the Town Board, and are subject to the following standards:

- A. Private Drives for Unit Lots. In conjunction with the review of plats containing unit lots, the Town Board may approve private drives provided that all of the following conditions are met:
 - 1. The Town Board finds that a public street connection is not required for the public street network.
 - 2. Design Standards.
 - a. A private drive shall not exceed 1,320 feet in length unless it forms a continuous connection or loops back to a public street. Any such private drive may be required to provide a cul-de-sac at the closed end according to Town Engineering Standards.
 - b. The subdivider shall provide access to lots via public streets. Private drives are subject to the access standards of 945.020, Subd.12, D and 945.020 Subd. 12, F.
 - c. Roadway standards must comply with Section 945.010, Subd. 5 (Engineering Design Standards). Private drives shall conform to the Credit River Township Standard Detail Plates for shared driveways, as may be amended. The Town Engineer may require additional site information and may require additional design standards that enhance safety. No more than two residential properties may access from a shared driveway.
 - d. Individual unit driveways that gain access from any such private drive shall be a minimum of 22 feet in length.

- e. A decorative sign stating “Private Drive” shall be located near each entrance to a private drive. Such sign shall also provide the range of addresses served by the private drive.

3. Lot Standards.

- a. Areas devoted to private roads shall not be included in parcel size calculations.
- b. The private drive must be placed in an outlot.
- c. Lot width shall be measured at the lot line. For purpose of complying with the minimum lot width requirements, the front of the lot shall be the lot line adjacent to the private drive.
- d. Access for each lot in the subdivision shall be from the private drive. No direct access to public streets shall be allowed for lots within the subdivision.

4. Easement and Maintenance Agreement. An access easement and maintenance agreement shall be established for all private drives, subject to review and approval of the Town Attorney and shall be recorded at Scott County with the Final Plat and Development Agreement.

5. Homeowners Association Agreement. A homeowner’s association agreement shall be established to ensure that any such private drive remains “private” in perpetuity, subject to review and approval of the Town Attorney, and shall be recorded with the plat at Scott County. Such instrument shall require mandatory participation of all homeowners that have access via the private drive, shall include the requirement for creation of a fund to address maintenance, drainage, and snow removal on the private drive, and is subject to Town review and approval.

Subd. 21. Design Standards, Streets.

A. General. In order to provide for streets of suitable location, width, and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required.

B. Street Surfacing and Improvements. After the subdivider has installed sewer

and water, the subdivider shall construct poured-in-place concrete curbs and gutters and shall surface streets to the width prescribed in this Chapter. Types of pavement shall be as prescribed in the Town’s Engineering Design Standards. Adequate provision shall be made for culverts, drains and bridges. The portion of the right-of-way outside the area surfaced shall be sodded. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications in the Town’s Engineering Design Standards and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.

C. Right-of-Way Width.

1. Minimum right-of-way widths for minor arterial, collector and local streets shall be as follows:

Street Type	Right-of-Way Width
Minor Arterial	Per Scott County
Collector	80 feet
Local	66 feet

2. The right-of-way width for local streets shall be determined by the Town Engineer and shall be adequate to accommodate pavement width and other improvements required within the right-of-way.
3. In order to ensure safety and accommodate existing and future street intersections, bridge overpasses, railway crossings, interchanges, topography and the like, the Town may require dedication of a greater right-of-way width than specified above.
4. A subdivider may be required to install landscaped medians for certain minor arterial and collector roadways platted within the subdivision, in accordance with roadway standards established by the Town Engineer.

D. Arterials and Major Collectors. Lots abutting arterials and Major Collectors shall have sufficient lot depth required to accommodate any additional structure setbacks provided by the Zoning Ordinance.

E. Street Connectivity. Streets shall connect with streets previously dedicated in adjoining or adjacent subdivisions, provide for future connections to those adjoining unsubdivided tracts where future collector streets are planned, and shall be a reasonable projection or continuation of streets in the nearest subdivided tracts. Not all land-locked adjoining unsubdivided tracts require planned local street connections if reasonable projection or continuation of

streets nearby can access the land-locked tract. The arrangement of arterial and collector streets shall be considered in their relation to the reasonable circulation of traffic, topographic conditions, runoff of storm water, public convenience, and safety, and in relation to the proposed uses of the area to be served.

- F. Street Plans for Future Subdivisions. Where the plat application includes only part of the tract owned or intended for development by the subdivider, a build out plan (ghost plat) illustrating a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- G. Provisions for Resubdivision of Large Lots or Tracts of Land. When a tract is subdivided into outlots or larger than normal building lots or parcels, such outlots, larger lots or parcels shall be so arranged as to permit the logical location and openings of future streets, allowing for interconnectivity as described above, and appropriate resubdivision, with provision for adequate street and utility connections for such resubdivision.
- H. Temporary Cul-de-sacs. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. For all temporary cul-de-sacs, a sign at the dead end shall be installed (at the discretion of the Township) stating that the road will be extended in the future.
- I. Pavement Width shall be as identified in the Town Engineering Design Standards.
- J. Permanent Cul-de-Sac Street Turnarounds.
 - 1. Dead-end streets (temporary or permanent) without cul-de-sac turn arounds shall be prohibited.
 - 2. Permanent cul-de-sacs shall be prohibited, except in cases where shoreland, shallow wetlands (Type 3, Circular 39), deep wetlands (Type 4, Circular 39), open water wetlands (Type 5, Circular 39), “exceptional” or “high” quality wetlands based on a MNRAM vegetative assessment, bluff, or steep slopes at a grade of 15% or greater preclude connection to adjoining properties, or where connection to an arterial roadway does not meet access spacing requirements, or in cases where plats proposed in the Rural Residential Service Area (DAP study area) provide continuous street connections to all adjacent developable parcels as described in this Section, the cul-de-sac is interior to the development, and serves no more than eight (8) lots.
 - 3. Permanent cul-de-sacs meeting the exception criteria in section 2., above, connecting directly to another permanent cul-de-sac(s) shall be prohibited.

4. Permanent cul-de-sacs meeting the exception criteria in section 2., above, connecting directly to Principal or Minor Arterials shall be prohibited.

K. Street Grades. The minimum grade for all streets shall be ½ percent. Grades within 30 feet of intersections with arterial and collector streets and grades for the turnaround portion of a cul-de-sac street shall not exceed 3 percent. Otherwise, the maximum grades shall be as follows:

Street Type	Maximum Grade
Minor Arterial	4%
Collector	6%
Local	8%

L. Intersections.

1. Streets shall be laid out to intersect at right (90 degree) angles with a 50-foot minimum tangent from the radius return. The angle of an intersection may be varied in cases where topography or other factors justify a variation, but in no case shall a street intersect with another street at angle of less than 75 degrees. Intersections having more than 4 corners shall be prohibited.
2. Local street intersections with high order streets shall have a maximum grade of 3% for the first 100' from the intersecting street.
3. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs shall have a centerline offset of at least 150 feet.
4. Minimum radius at the intersection of 2 local streets shall be at 20 feet.
5. Minimum radius at the intersection of local to Collector streets shall be 30 feet.

M. Street Alignment.

1. Reverse Curves (horizontal alignment). Collector and Arterial streets shall comply with Minnesota State Aid Standards.
2. The minimum horizontal curve shall be a radius of 300 feet for local streets.
3. Differing Street Gradients (vertical alignment). Differing connecting street gradients for minor arterial and collector streets shall be connected with vertical parabolic curves. The minimum length of such curves shall be in

accordance with the Minnesota Department of Transportation Road Design Manual, latest revision.

Subd. 22. Street Dedication and Reservations.

- A. All streets within a subdivision shall be dedicated as public streets on the plat, except as may be allowed by Subd. 20 of this Section.
- B. Streets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Town Board may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries.
- C. Where a subdivision borders an existing substandard street or street needing improvement, the subdivider shall be required to improve and dedicate at its expense those areas for widening or improvement. Such streets shall be improved and dedicated as required by this Subdivision Ordinance. The cost of the improvements shall be apportioned among benefiting properties as determined by the Town.

945.030 - SIDEWALKS AND TRAILS.

Subd. 1. Required Improvements.

- A. A sidewalk or trail shall be installed along all arterial and collector roadways consistent with the Town's Comprehensive Plan. In urban areas, sidewalks shall be installed on one side of all local streets and shall extend to the turn-around portion of a cul- de-sac street. Construction of both sidewalks and trails shall be as specified in the Town's Engineering Design Standards.
- B. Width. Sidewalks along local streets shall be a minimum of 5 feet wide. Trails shall be a minimum of ten feet wide.
- C. Grade. Sidewalks and trails shall be sloped in such a manner so as to prevent pooling of storm water runoff and to drain away from any nearby buildings. The profile grade shall not exceed the grade of the adjacent roadway, unless authorized by the Town Engineer.

945.040 - DRAINAGE AND WATER QUALITY.

Subd. 1. General Requirements.

- A. The Town Board will not approve any subdivision that does not make adequate provision for quantity and quality of storm water runoff. Any storm water drainage system shall be separate and independent of the sanitary sewer system.
- B. Water quality basins shall be designed in accordance with the Town's Engineering Design Standards.

Subd. 2. Dedication of Drainage Easements.

- A. General Requirements. Where a watercourse, drainage way, channel or stream traverses a subdivision, the subdivider shall provide a storm water easement, drainage right-of-way or park dedication, whichever the Town may deem more appropriate. This easement, right-of-way or dedication shall conform substantially with the lines of such water courses, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The Town Engineer shall determine the width of such easements, etc.
- B. Drainage Easements.
 - 1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of- way, the subdivider shall provide perpetual, unobstructed easements at least 20 feet in width for drainage facilities across property outside the road lines and with satisfactory access to the road as determined by the Town Engineer. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
 - 2. Drainage easements shall be required wherever stormwater runoff from two or more properties is proposed to be conveyed.
 - 3. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - 4. The subdivider shall dedicate by a drainage easement, land on each side of the centerline of any wetland, body of water, watercourse or drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to 1) provide proper protection for water quality, 2) provide retention of storm water runoff and 3) provide for the installation and maintenance of storm sewers.

Subd. 1. General Requirements.

- A. The subdivider shall install adequate sewer and water facilities subject to the specifications in the Town's Engineering Design Standards.
- B. Within the municipal urban service boundary, the subdivider shall install sewer and water mains and service connections, which are stubbed to the property line, to serve all lots in the subdivision.
- C. Within the municipal urban service boundary, the subdivider shall extend sewer and water lines to the lot lines of abutting sites within the urban service area that do not have public water service.
- D. In the rural areas, well and septic systems shall be installed in accordance with Town, County and State requirements.

945.060 - OTHER UTILITIES.

Subd. 1. Location. All utility facilities, including but not limited to telephone, CATV, natural gas and electric power, shall be located underground. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Town, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

Subd. 2. Easements. Utility easements shall be required within the perimeter of each lot, measured from the lot lines. Such easements shall be at least 10 feet wide. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole- line anchors where necessary.

Subd. 3. Dedication. Easements shall be dedicated on the plat instrument for the required use.

SECTION 950 – STORMWATER MANAGEMENT, EROSION CONTROL AND WETLANDS

Refer to Section 6 of the Credit River Zoning Ordinance.

SECTION 955 – PARK AND TRAIL DEDICATION

955.010 - STATUTORY AUTHORIZATION, FINDINGS OF FACT AND STATEMENT OF PURPOSE

Subd. 1. Statutory Authorization. Minnesota Statutes Section 462.358.Subd.2b 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 in cash based upon the undeveloped land value.

Subd. 2. Findings of Fact. The Town Board finds that:

- A. The preservation and development of parks, playgrounds, trails, and open space areas within the Town are essential to maintaining a healthy and desirable environment for residents and persons employed within the Town. The presence of parks, trails and open space amenities also enhances the value and attractiveness of residential and commercial/industrial developments to landowners, developers, purchasers, employers, and employees. The Town must not only provide for its present citizens, but it must also provide for the future.
- B. New developments place a burden upon the Town's parks and open space system. New facilities must be developed concurrently with development in order to provide the desired level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the Town's park system in rough proportion to the relative burden they will place upon the park system.
- C. The Town Board recognizes that the need for such parks, trails, and public open spaces is directly related to the density and intensity of population and development permitted and allowed in the Town. Urban development results in increased population, increased intensity of use and greater demands for such public areas and facilities.

955.020 - REQUIRED DEDICATION

Subd. 1. Parks - Dedication of Land or Cash

- A. Pursuant to Minnesota Statutes Section 462.358, Subd. 2b, the Town requires all subdividers as a prerequisite to approval of a final subdivision plat, land division or development of any land previously divided by plat, metes or bounds or any other means, which has not provided park dedication, to convey to the Town or dedicate to the public use for park, playground, open space, or trail a

reasonable portion of the land being platted, divided, or developed as hereinafter specified. The portions to be dedicated will be approved by the Town; or in lieu thereof the subdivider shall at the option of the Town pay to the Town, for use in the acquisition or development of public parks, playgrounds, or in debt retirement in connection with land previously acquired for such public purposes, an equivalent amount in cash based upon the undeveloped land value. Park Dedication is only due in cases where additional new parcels or new housing units are created. Park dedication would not be due in situations where a replat or lot line adjustment is required to modify lot boundaries without creating any additional lots.

- B. The form of contribution (cash, land, or any combination thereof) shall be decided by the Town Board based upon need and conformance with the comprehensive plan.
- C. Project proponents shall pay the applicable park dedication fee for its development type as prescribed in the town's fee schedule. In the event that the development contains a mix of use types, the park dedication fee shall be calculated individually for each use and then added together for a total park dedication fee.

Subd. 2. Trails. Project proponents shall be responsible for developing and constructing at their sole expense a pedestrian circulation system subject to town approval which connects to existing trail and sidewalk systems and is designated to interconnect the land being subdivided to the balance of the community. Trails shall be provided in a manner that connects with existing or proposed trails as generally shown in the comprehensive plan, as amended from time to time. At the discretion of the Town Board, trails may be either publicly or privately owned and maintained.

Subd. 3. When applied. Compliance with this Section shall be completed either as a condition to approval of a subdivision or prior to issuance of a building permit, whichever occurs earliest. Completion of certain components (such as installation of trails) may be delayed until a date determined acceptable to the town and included within the developer's agreement provided that adequate financial security in a form acceptable to the town attorney is furnished by the project proponent to the town.

Subd. 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, public open space; development of existing park and playground sites, and debt retirement in connection with land and improvements previously acquired for park purposes.

SECTION 960 – DEVELOPMENT AGREEMENT

960.010 – PURPOSE.

It is the purpose of this section to ensure that a subdivider follows the conditions of approval and properly installs the basic 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 Agreement with the Town, setting forth the conditions under which the subdivision is approved.

960.020 -- REQUIRED BASIC IMPROVEMENTS.

- Subd. 1. Subdivider Installation of Improvements.** The subdivider shall arrange for installation of all required improvements in the development subject to the Development Agreement and the requirements defined in the Credit River Township Engineering Design Standards.
- Subd. 2. Town Installation of Improvements.** The Town reserves the right to elect to install all or any part of the basic improvements required under the provisions of this section pursuant to Minnesota Statutes, Chapter 429, as may be amended.
- Subd. 3. Basic Improvements Required.** All of the following required improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of this Chapter and the Credit River Township Engineering Design Standards, which are adopted herein by reference; and approved by and subject to the inspection of the Town Engineer. All of the Town's expenses incurred as the result of the required improvements shall be paid to the Town by the subdivider.
- A. Streets.
 - B. Sanitary sewer.
 - C. Watermain.
 - D. Surface water facilities (pipe, ponds, rain gardens, etc.).
 - E. Grading and erosion control.
 - F. Sidewalks/trails.
 - G. Street lighting.

- H. Street signs and traffic control signs.
- I. Landscaping required by the Zoning Ordinance.
- J. Wetland mitigation and buffers.
- K. Monuments required by Minnesota Statutes.
- L. Miscellaneous facilities.

960.030 - 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.

960.040 - COMPLETION OF BASIC IMPROVEMENTS.

- Subd. 1.** The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except 1) where weather precludes completion, 2) for street lighting, 3) for landscaping and 4) for the wear course of streets.
- A. Where weather precludes completion, the improvement(s) may be completed at the outset of the next construction/growing season.
 - B. The subdivider shall complete street lighting within 2 years following the initial commencement of work on the required basic improvements.
 - C. The subdivider shall complete landscaping within one year following the issuance of a building permit for the last vacant lot within the subdivision unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.
- Subd. 2.** Reproducible record plans of all public improvements as required by the Town Engineer shall be furnished to the Town by the subdivider. Such record plans shall be in mylar format and, unless previously exempted from the electronic format requirements, an electronic format approved by the Town Engineer and shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

960.050 - FINANCIAL GUARANTEES.

Subsequent to execution of the Development Agreement but prior to the release of a signed final plat mylar for recording, the subdivider shall provide the Town with a financial guarantee in the form of a letter of credit from a bank or cash escrow. The guarantee shall be in an amount equal to 125 percent of the estimated cost of completion of the specified basic improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Town.

Subd. 1. Letter of Credit. If the subdivider posts a letter of credit as a guarantee, the credit shall 1) be irrevocable, 2) be from a bank approved by the Town, 3) be in a form approved by the Town, 4) be for a term sufficient to cover the completion, maintenance and warranty periods identified in this Section and 5) require only that the Town present the credit with a sight draft and an affidavit signed by the Town Clerk or the Clerk's designee attesting to the Town's right to draw funds under the credit.

Subd. 2. Cash Escrow. If the subdivider posts a cash escrow as a guarantee, it shall be subject to an Escrow Pledge and Payment Agreement satisfactory to the Town Attorney and approved by the Town Board. Among other items determined necessary by the Town Attorney, the Escrow Pledge and Payment Agreement approved by the Town shall provide that 1) the subdivider will have no right to a return of any of the funds except as provided in Section 960.060, and 2) the escrow agent shall have a legal duty to deliver the funds to the Town whenever the Town Clerk or the Clerk's designee presents an affidavit to the agent attesting to the Town's right to receive funds whether or not the subdivider protests that right.

Subd. 3. Cash. A cash deposit made with the Town may be used as part of the required financial guarantee in those instances where the subdivider elects to have the Town install some or all of the public improvements.

960.060 - RELEASE AND EXPIRATION OF FINANCIAL GUARANTEES.

Subd. 1. The financial guarantee shall be held by the Town 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 Town staff, a portion or the entire financial guarantee is released by the Town Engineer. No financial guarantee shall be released in full until the Town has received 1) certified, reproducible record plans in a format as required by the Town Engineer of all required improvements installed by the subdivider and 2) a title insurance policy approved by the Town Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.

Subd. 2. It shall be the responsibility of the subdivider to ensure that a submitted financial

guarantee shall continue in full force and effect until the Town Engineer has approved and the Town Board has 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.

Subd. 3. When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the Development Agreement or of the required improvements, the expiration date shall be October 31 or the closest business day in the case of weekends and legal holidays. Further, the financial guarantee shall be deemed automatically extended without change for 6 months from the expiration date unless 60 days prior to the expiration date, the financial institution notifies the Town in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the Town Engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. The term of any extension shall be approved by the Town Engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee, the Town Engineer may release the original guarantee.

960.070 - PERFORMANCE GUARANTEE.

- Subd. 1.** The subdivider shall submit either 1) a performance bond or 2) a letter of credit for 25 percent of the amount of the original cost of the improvements.
- A. The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be 2 years from the date of final written Town acceptance of the work.
 - B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of 2 years from the date of final written Town acceptance of the work.
 - C. The required warranty period for sod, trees, and landscaping is one growing season following installation.

SECTION 965 – OFFICIAL MAPS

965.010 – PURPOSE.

Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.

965.020 - OFFICIAL MAP DEFINED.

“Official map” as used in this ordinance means a map adopted in accordance with this ordinance showing existing streets, proposed future streets, and the area needed for widening of existing streets of the Town. An official map may also show the location of existing and future land and facilities within the Town. An official map may cover the entire Town or any portion of the Town.

965.030 - INITIATION OF PROCEEDINGS.

Proceedings for adoption, amendment, or repeal of an official map or any part thereof may be initiated by 1) the Town’s Planning Division; 2) a recommendation of the Planning Commission; or 3) action by the Town Board.

965.040 - REFERENCE TO PLANNING COMMISSION.

Every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendation thereon, and such recommendation shall be submitted to the Town Board within 45 days after reference to the Planning Commission along with the report of the Commission on the effect of the proposal on the comprehensive plan of the Town. If no recommendation is received by the Town Board from the Planning Commission within 45 days after reference of the proposal to the Commission by the Town Board, the Town Board may take such action as it may deem proper upon the proposal without further action by the Planning Commission.

965.050 - NOTICE AND HEARING.

Subd. 1. Notice. Upon receiving the recommendation of the Planning Commission or after 45 days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Town Board may call a public hearing on the proposal. A notice of the time, place, and purpose of the hearing and a description of property to be included in the mapped streets and public grounds shall be published in the official newspaper at least 10 days prior to the date of the hearing. At least 10 days prior to the hearing the Clerk shall also mail a copy of the notice to each owner of land situated within or abutting any street or other public ground shown on the official map. For purposes of this notice the owners shall be determined by the records of the County Auditor and the notice shall be addressed to the last known address as shown by the Auditor's records. Failure to serve any such notice shall not invalidate the proceedings.

Subd. 2. Hearing. At the time and place specified in the notice, the Town Board shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time without further notice. The Town Board may direct the Planning Commission to conduct a hearing and following the hearing to report its recommendation to the Town Board.

965.060 - PREPARATION AND FILING OF MAPS.

The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall be made prior to the preparation of the final draft of the official map. A licensed land surveyor shall attest to the accuracy of the future acquisition lines shown on the official map. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Recorder.

965.070 - EFFECT.

After an official map has been adopted and filed, the issuance of building permits by the Town shall be subject to the provisions of this ordinance. The Town shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the Town, the Town is not required in such proceedings to pay for any building or structure placed without a permit or in violation of

conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the Town any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the Town to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

965.080 – APPEALS.

Whenever a building permit is denied pursuant to this ordinance, the Board of Appeals and Adjustments shall, upon appeal filed with it by the owner of the land, grant a permit for building in an area designated on the official map for a street or other public purpose in any case in which the Board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable use to the owner unless such a permit is granted, or (b) that balancing the interest of the Town in preserving the integrity of the official map and of the comprehensive Town plan and the interest of the property owner in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. The Board of Appeals and Adjustments shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least 10 days before the hearing. If the Board authorizes the issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. If the Board authorizes issuance of a permit, the Town Board or other Board or Commission having jurisdiction shall have 6 months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the Town shall issue the permit if the application otherwise conforms to local ordinances.

SECTION 970 – ADMINISTRATION - VARIANCES

970.010 – PURPOSE.

The purpose of this section is to provide for variations from the literal provisions of this Chapter in instances where strict enforcement would cause practical difficulties because of conditions affecting the individual property under consideration, and to grant such variances only when it is demonstrated that such actions would be in keeping with the spirit and intent of this Chapter.

970.020 - BOARD OF ADJUSTMENTS AND APPEALS.

The Town Board shall be designated to act as the Board of Adjustments and Appeals. References to the “Town Board” hereafter in this section shall mean the Town Board acting in its capacity as the Board of Adjustment and Appeals.

970.030 - REVIEW CRITERIA.

The Town Board shall not approve a variance unless they find that failure to grant the variance will result in practical difficulties to the applicant, as defined by Minnesota Statute 462.357. The burden of proof is on the applicant to show that all of the following criteria have been met:

- A. That there are practical difficulties in complying with the zoning ordinance.
- B. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.
- C. That the granting of the variation will not alter the essential character of the locality.
- D. The proposed variance would be in harmony with the general purposes and intent of the ordinance.
- E. The variance is consistent with the Comprehensive Plan.
- F. The Town may impose conditions on the variance to address the impact of the variance.

970.040 – PROCEDURES.

An application for a variance shall be approved or denied pursuant to Minnesota Statutes 462.358. Additional Town requirements are as follows:

Subd. 1. Processing.

- A. Requests for a variance to the provisions of this Chapter shall be filed with the Town Planner on an official application form. Such variance application shall be considered simultaneously with an application for subdivision approval. A fee as set forth by the Town ordinances shall accompany such application. This fee shall not be refunded. The variance application shall be considered officially complete when the applicant has complied with all the specified informational requirements, which shall include the following:
 - 1. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this section; and
 - 2. Supporting materials such as site plans, as determined by the Town Planner, as necessary for the complete and clear definition and understanding of the request.
 - 3. The applicant shall sign the application. If the fee owner of the property is not the applicant, the applicant shall provide written authorization by the fee owner as part of the application.
- B. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Town Planner, when appropriate, shall establish a schedule for consideration by the Planning Commission. At least 10 days before the date of the Planning Commission meeting, a written notice of the request shall be mailed to all owners of property located within 350 feet of the boundaries of the property which is the subject of the application.
- C. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
- D. The Town Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission.

- E. The applicant or a representative thereof may appear before the Planning Commission in order to present and answer questions concerning the proposed request.
- F. The Planning Commission shall make a finding of fact and make a recommendation on such actions or conditions relating to the request, as they deem necessary to carry out the purpose of this Chapter. Such recommendations shall be in writing and accompanied by the report and recommendation of the Town staff.
- G. The Town Board shall not act upon the request until they have received a report and recommendation from the Planning Commission and the Town staff.
- H. Upon receiving the report and recommendation of the Planning Commission and the Town staff, the Town Clerk shall schedule the application for consideration by the Town Board. Such reports and recommendations shall be entered in and made part of the permanent written record of the Town Board meeting.
- I. Upon receiving the report and recommendation of the Planning Commission and the Town staff, the Town Board shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety, and welfare.
- J. If, upon receiving said reports and recommendations of the Planning Commission and Town staff, the Town Board finds that specific inconsistencies exist in the review process and thus the final determination of the Town Board will differ from that of the Planning Commission, the Town Board may, before taking final action, refer the matter back to the Planning Commission for further consideration. The Town Board shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- K. Approval of a request shall require passage by a majority vote of the entire Town Board.
- L. When granting a variance, the Town Board may impose conditions it deems necessary to protect the health, safety, and general welfare, and to meet the objectives of the provision to which the variance is granted.

- M. In all cases where a variance is granted, the Town Board shall require such evidence and guarantees as it deems necessary to ensure compliance with the conditions designated in connection therewith.
- N. The Town Planner shall serve a copy of the final order of the Town Board upon the applicant by mail.
- O. Whenever an application for a variance has been considered and denied by the Town Board, a similar application for a variance 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.

970.050 - APPEAL OF TOWN BOARD RULING.

Any person or persons, any private or public board, or taxpayer of the Town aggrieved by any decision of the Town Board shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may from time to time be amended, supplemented, or replaced.

970.060 - EXPIRATION.

A variance approved under this section shall expire without further action by the Planning Commission or the Town Board, at such time as the related subdivision approval expires.

SECTION 975 – ADMINISTRATION - VACATIONS OF RIGHTS-OF-WAY AND EASEMENTS

975.010 – PROCEDURE.

A request for vacation of a right-of-way or easement shall be filed in writing with the Town Planner. In the case of a request for vacation of a right-of-way, a landowner directly abutting such right-of-way shall sign the written request. In the case of a request for vacation of an easement, a landowner of the property encumbered by such easement shall sign the written request.

975.020 – FILING.

A written request to vacate a right-of-way or an easement shall be accompanied by the following:

- A. Information, both written and graphic, that describes the reason for, and location of, the proposed vacation;
- B. A fee as set forth in the Town ordinances;
- C. For requests involving the vacation of right-of-way, the applicant shall submit the addresses of all properties directly abutting the right-of-way to be vacated; and
- D. For requests involving the vacation of an easement, the applicant shall submit a legal description of the area to be vacated.

975.030 - PUBLIC HEARING REQUIRED.

- Subd. 1.** Upon receipt of a complete vacation request, the Town Planner shall set a public hearing following proper notification.
- Subd. 2.** Notice of said hearing shall be published once in the official newspaper at least 10 days prior to the hearing, and shall be mailed to all landowners of property directly abutting the area to be vacated and to all utility companies serving the area.
- Subd. 3.** The Town Planner shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of the action to the Town Board.

- Subd. 4.** The Town Board shall consider possible adverse effects of the requested vacation. Its judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Comprehensive Plan, including public facilities and capital improvement plans.
 - B. The proposed action meets the purpose and intent of this Chapter.
 - C. The proposed action has been considered in relation to the future needs of the Town, utility companies and surrounding property owners.
- Subd. 5.** The Town Board and Town staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
- Subd. 6.** The applicant or a representative thereof may appear before the Town Board in order to present information and answer questions concerning the proposed request.
- Subd. 7.** Upon receiving the report and recommendation of the Town staff, the Town Board shall conduct the hearing, consider the request, and render its decision. The staff recommendation shall be entered in and made part of the permanent written record of the Town Board meeting.
- Subd. 8.** Approval of a right-of-way or easement vacation by the Town Board shall require passage by a majority vote of all its members.
- Subd. 9.** Whenever an application for a right-of-way or easement vacation has been considered and denied by the Town Board, a similar application for a vacation shall not be considered again by the Town Board for at least 6 months from the date of its denial.

SECTION 980 – ADMINISTRATION - APPEALS

980.010 - BOARD DESIGNATION.

The Town Board shall serve as the Board of Adjustments and Appeals. References to the “Town Board” hereafter in this section shall mean the Town Board acting in its capacity as the Board of Adjustment and Appeals.

980.020 - APPLICABILITY.

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

980.030 – FILING.

An appeal from the ruling of an administrative officer of the Town shall be filed by the property owner or their agent with the Town Planner within 30 days after the making of the order being appealed.

980.040 - STAY OF PROCEEDINGS.

An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Town Board, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the Town.

980.050 – PROCEDURE.

The procedure for making such an appeal shall be as follows:

Subd. 1. The property owner or their agent shall file with the Town Planner a notice of appeal stating the specific grounds upon which the appeal is made. A fee set forth in the Town ordinances shall accompany said application.

Subd. 2. The Town Planner shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Town Board.

Subd. 3. The Town Board shall make its decision by resolution within 60 days from the date on which a completed application is filed.

Subd. 4. The Town Planner shall serve a copy of the final order of the Town Board upon the petitioner by mail.

980.060 - APPEALS FROM THE TOWN BOARD.

Any person or persons, any private or public board, or taxpayer of the Town aggrieved by any decision of the Town Board shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented, or replaced.

SECTION 985 – ENFORCEMENT AND PENALTIES

985.010 – ADMINISTRATION.

This Chapter shall be administered and enforced by the Town Planner and Town Engineer. The Town Planner and Town Engineer’s duties shall include, but not be limited to, the following:

- Subd. 1.** Periodically inspect property to determine compliance with the terms of this Chapter.
- Subd. 2.** Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.
- Subd. 3.** Order discontinuance of illegal work being done or take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions, including cooperation with the Town Attorney in the prosecution of complaints.
- Subd. 4.** Maintain permanent and current records of the Subdivision Ordinance.
- Subd. 5.** Maintain current files of all subdivision approvals and copies of notices of violations thereto and, upon request, provide complaint and violation information to any person having a proprietary or tenancy interest in any specific property.
- Subd. 6.** Provide clerical and technical assistance to the Planning Commission, Town Board, and Board of Zoning Adjustments and Appeals.
- Subd. 7.** Receive, file and forward as applicable to the Board of Zoning Adjustments and Appeals, Planning Commission, or Town Board all applications for subdivision as required herein.

985.020 – FEES

- Subd. 1. Administrative fees shall be charged to the applicant based on the fee schedule adopted by Town Board.
- Subd. 2. In addition to the application fees set by the Town Board, the applicant shall provide an escrow and agree to pay the total cost of staff and consultant time spent exclusively in reviewing and researching the application and presenting requests to the Planning Commission and Town Board.

- Subd. 3. Fees shall be payable at the time applications are filed with the Town and are not refundable unless the application is withdrawn prior to Planning Commission review.
- Subd. 4. Any escrow not spent on application review shall be refunded to the applicant after the review and administrative process is completed.
- Subd. 5. The applicant is responsible for all costs associated with the proposed application. If the required escrow accounts are delinquent, the Town may approve a special assessment against the property, pursuant to the process outlined in Minnesota Statutes §429.061.

985.030 – ENFORCEMENT.

If any subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Town Planner may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the Credit River 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.

985.040 – 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.