

12 Subdivision

12.1 Intent

12.1.1 This Chapter of the West Lakeland Township Development Code shall be known as the West Lakeland Subdivision Regulations and may be referred to in this chapter as "this chapter" or "this ordinance" or "the subdivision ordinance". The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any township. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the township has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire township is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

- 12.1.1.1** Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- 12.1.1.2** Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- 12.1.1.3** Place the cost of improvements against those benefiting from their construction.
- 12.1.1.4** Secure the rights of the public with respect to public lands and waters.
- 12.1.1.5** Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

12.1.2 There are three methods of subdividing land.

- 12.1.2.1** Lot Line Adjustment (Section 12.4)
- 12.1.2.2** Minor Subdivision (Section 12.5)
- 12.1.2.3** Major Subdivision (Section 12.6)

12.2 Scope and Applicability

12.2.1 The regulations contained in this chapter shall apply in West Lakeland Township and shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, re-platting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

12.2.2 After the effective date of this Ordinance:

- 12.2.2.1** No land shall be subdivided nor shall any plat or deed be recorded except as provided in this chapter and approved by the Township as having fulfilled the requirements of this Chapter, the other chapters of the Washington County Development Code and Minnesota Statutes Chapter 505.

- 12.2.2.2** Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be separated again without approval in the manner prescribed in this Chapter.
- 12.2.2.3** No registered land survey shall be recorded with the Registrar of Titles until the registered land survey has been approved by the County as having fulfilled the requirements of this Ordinance and the Washington County Development Code.

12.3 Administration

- 12.3.1** West Lakeland Township Board of Supervisors shall be the Administrator of these regulations.
- 12.3.2** Whenever there is a difference between the minimum standards or dimensions required in this Chapter and any other standards or dimensions in other sections of the West Lakeland Township Development Code, the most restrictive standards or dimensions shall apply.
- 12.3.3** Subdivision review shall be coordinated with the requirements and procedures for Environmental Assessment and Impact Statements as contained in Chapter One, Section 12 of the Washington County Development Code. Any mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality Board Regulations shall be submitted as part of the application for subdivision approval.
- 12.3.4** No structure shall be built or placed on a lot in a new subdivision until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete shall mean that the gravel base is in and has been approved by the township engineer.
- 12.3.5** Any lot or parcel of land that does not meet the requirements of this chapter shall be designated as an "Outlot" and shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of said lot or parcel.
- 12.3.6** Consent for subdivision of property shall be required from the owner of the property.
- 12.3.7** Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the West Lakeland Township Development Code.
- 12.3.8** Variances to the dimensional standards contained in this Chapter shall be heard by the West Lakeland Township Board of Supervisors and governed by the regulations contained in West Lakeland Township Development Code.
- 12.3.9** Any bonds or other financial security required under the provisions of this Chapter shall be approved by the Zoning Administrator, township attorney and township engineer.
- 12.3.10** In addition to any other remedies set forth in the West Lakeland Township Development Code, any person who violates any provisions of this Chapter or who sells leases or offers for sale or leases any lot, block, or tract of land regulated by this Chapter shall be subject to fines and penalties as specified in the Washington County Development Code.

12.3.11 Fees for plat reviews and other services rendered under this Chapter shall be established by the West Lakeland Township Board of Supervisors.

12.4 Lot Line Adjustment

12.4.1 In the case of a request to divide a lot which is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot of be in violation with this ordinance, the division may be approved by the Town Board after submission of a survey and legal description of each by a licensed land surveyor showing the original and revised lot lines. A lot line adjustment is required when the division of land is made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which neither creates any new lots, tracts, parcels or sites; nor creates any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width, lot size, and area for building as required by the West Lakeland Township Zoning Ordinance. If either or both of the parcels are presently non-conforming, then the action cannot make either of the resulting parcels more non-conforming. The newly acquired land must be combined with the existing parcel in the County Auditor's Office under one tax parcel.

12.4.2 The Town Board must approve a Lot Line Adjustment. An applicant shall submit to the Town Clerk an application for the Lot Line Adjustment along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township which are necessary to process the request. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement, if necessary, for the Board to review. Once approved, necessary documents must be submitted to Washington County for approval and recording.

12.4.3 Submittals for Lot Line Adjustments

12.4.3.1 Completed application with application fee and escrow deposit.

12.4.3.2 Legal description of the original parcel(s) and the new lot line adjustment parcel(s).

12.4.3.3 A certificate of survey showing the original parcel(s) and the new lot line adjustment parcel(s) and the lot dimensions.

12.4.3.4 All improvements (buildings, fences, septic, well, etc.) on the property shall be shown on the certificate of survey.

12.5 Minor Subdivision

12.5.1 Any subdivision resulting in three (3) or less parcels and situated in a locality where conditions are well defined and no new roads or other public infrastructure is needed, the Township may waive a portion of the subdivision requirements. At a minimum, the following information must be submitted:

12.5.1.1 A survey showing the original lot and proposed lots.

- 12.5.1.2** Topographic data with two (2) foot contours and flood plain information
- 12.5.1.3** Buildable area on the parcels.
- 12.5.1.4** Driveway access points, demonstrating the impact on the flow of traffic on public roads.
- 12.5.1.5** Drainage, grading and erosion control plans.
- 12.5.1.6** Wetland delineation report and map.
- 12.5.1.7** Soil testing for the installation of an on-site sewage disposal system.
- 12.5.1.8** NPDES permit if over one acre of land is disturbed.
- 12.5.1.9** A certificate of survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.
- 12.5.1.10** A final plat prepared in accordance with Minnesota State Statute Chapter 505 showing the original parcel, platted lots, and lands to be dedicated.
- 12.5.2** Prior to approval of a minor subdivision, the township and/or county reserves the right to require the dedication of streets, or utility and drainage easements or easements to the Township to cover same if not preparing plat.
- 12.5.3** All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100 year flood elevation or the wetland boundary, whichever is more restrictive.
- 12.5.4** A maximum of three (3) lots in a five (5) year period are permitted utilizing the minor subdivision procedure.
- 12.5.5** The Zoning Administrator shall review all minor subdivisions for compliance with the West Lakeland Township Development Code prior to recording of the proposed lot division.
- 12.5.6** **Exceptions to platting requirement.** The following are not required to be platted and may be described by a metes and bounds description:
 - 12.5.6.1** Any subdivision of land in which all parcels involved are greater than 20 acres in size with at least 500 feet of frontage on a public road.
 - 12.5.6.2** Property line adjustments where no new buildable parcel is being created. Although exempt from platting, a Certificate of Survey shall be submitted for all property line adjustments. The Certificate of Survey shall show the original property lines together with the adjusted property lines. The area in acres or square feet shall be shown for the portion of the parcels lying between the original and adjusted property lines. The Zoning Administrator may require parcels to be combined for tax purposes. The Zoning Administrator may require additional information or survey data be submitted as conditions warrant. Certificates of Survey are subject to review and acceptance by the County Surveyor's Office.
 - 12.5.6.3** If any lot in the subdivision is greater than 20 acres in size, the 20 acre parcel does not need to be platted or a wetland delineation completed for that portion.
- 12.5.7** All requirements of Sections 12.9 through 12.17 must be met where applicable.
- 12.5.8** The plat must meet the requirements of the Washington County Development Code for Minor Subdivisions.

- 12.5.9 All requirements of section 12.10 to 12.17 of this code must be met where applicable.
- 12.5.10 Any plat must meet the requirements of the Washington County Development code for minor subdivisions.

12.6 Major Subdivision

- 12.6.1 All subdivisions not classified as Lot Line Adjustments or Minor Subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street. The general development process for Major Subdivisions shall consist of:
 - 12.6.2 **Concept Review.** In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Chapter, and the requirements or limitations imposed by other Township regulations prior to the development of a preliminary plat, the subdivider shall meet with the Planning Commission.
 - 12.6.2.1 At least fourteen (14) days prior to the regularly scheduled meeting of the Planning Commission, the owner shall prepare and submit seven (7) copies of a concept plan containing the following information:
 - 12.6.2.1.1 Tract boundaries and approximate dimensions.
 - 12.6.2.1.2 Significant topographic and physical features on the property to be subdivided and within 200 feet of all property lines. Aerial photography from the County Surveyor's Office would fulfill this requirement if it shows all such features.
 - 12.6.2.1.3 Proposed general street and lot layout with lot sizes of individual parcels designated.
 - 12.6.2.1.4 General drainage plan.
 - 12.6.2.1.5 Current zoning of the property.
 - 12.6.2.1.6 An explanation of the proposed subdivision and its purpose.
 - 12.6.2.2 The Planning Commission shall review the sketch plan with the subdivider and provide comments on the concept plan. The Planning Commission will take no formal or informal action at this stage of review and discussion which occurs at this meeting cannot be construed as approval or denial of the proposed subdivision.
- 12.6.3 **Major Subdivision Submittal**
 - 12.6.3.1 After receiving comments from the Planning Commission during concept review, the applicant shall prepare and submit three (3) full sized copies and ten (10) 11"X17" copies of the subdivision submittal to the Zoning Administrator. Such preliminary plat submission shall contain the information as described in Section 12.7. Major Subdivision Requirements.
 - 12.6.3.2 Prior to subdivision approval for property located in a Shoreland District or St. Croix River District, the proposed subdivision must have the approval of the Minnesota Department of Natural Resources.
 - 12.6.3.3 Approval from the Watershed Management Organization or Watershed District, as appropriate, in the area of the proposed subdivision must be obtained prior

to approval of the subdivision. The applicant shall take whatever steps are necessary to obtain approval.

12.6.4 Public Hearing

- 12.6.4.1** Upon receipt of a complete Major Subdivision Application, the Zoning Administrator shall schedule a public hearing on the proposed subdivision. Such hearing shall be scheduled no later than thirty (30) days from the date of the filing of the complete application.
- 12.6.4.2** If the subdivision is not approved by the Zoning Administrator, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant. The applicant can appeal such non-approval to the Town Board who shall conduct a public hearing and take action on the plat.
- 12.6.4.3** If the preliminary plat is approved, such approval shall not constitute final approval of the layout. Final approval will be required as specified by section 12.6.4.
- 12.6.4.4** The Zoning Administrator reserves the right to require changes to any subdivision plan when they feel an alternative plan would be more sensitive to environmental resources; or provide for a more efficient flow of traffic; or is not sensitive to topographical constraints of the property; or does not meet the standards contained in the West Lakeland Township Development Code or Comprehensive Plan.
- 12.6.4.5** If the subdivision is approved by the Zoning Administrator, the subdivider shall submit the final plat within 180 days after the approval or the approval of the subdivision shall be considered null and void. This 180-day time limit may be extended if requested by the applicant and approved by the Zoning Administrator. In the event the property is to be developed in phases, the subdivision approval for the undeveloped portion or phase shall be valid for two (2) years from the date of subdivision approval.
- 12.6.4.6** Should the subdivider desire to amend the subdivision as approved, he may submit an amended subdivision which shall follow the same procedure as a new Major Subdivision. A public hearing and submission of a subdivision review fee shall not be required for amended Major Subdivisions unless, in the opinion of the Zoning Administrator, the amendment is of such scope as to constitute a new plat. In such cases, the subdivision shall be filed again with payment of appropriate review fees and shall require a public hearing.

12.6.5 Final Plat Submittal

- 12.6.5.1** After the subdivision has been reviewed and approved by the Zoning Administrator, seven (7) copies of the final plat containing the information detailed in Section 12.8 shall be submitted to the Zoning Administrator.
- 12.6.5.2** Prior to approval of the final plat by the Town Board, the subdivider shall have installed all required improvements or executed a development agreement with the township for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.
- 12.6.5.3** The Zoning Administrator shall consider the final plat no later than thirty (30) days from the date that the complete final plat is received.

- 12.6.5.4** If the final plat is recommended for approval by the Zoning Administrator, the owner shall submit the final plat to the Washington County Recorder/Registrar of Titles within 120 days after approval. Such final plat shall be as recommended by the Zoning Administrator and shall be signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding a security interest such as a mortgage or contract for deed, but excluding judgment or mechanics lien. In lieu of their signatures on the final plat, mortgage or contract for deed vendors may sign and acknowledge a separate consent to plat document to be filed at the County with the Final Plat.
- 12.6.5.5** If the final plat is not presented to the County Recorder/Registrar of Titles within 120 days after approval by the Zoning Administrator, approval of the final plat shall be considered null and void. An extension to this 120 time frame may be requested by the applicant and submitted in writing to the Zoning Administrator. An extension must be approved by the Zoning Administrator.
- 12.6.5.6** The Town Clerk shall place the properly submitted final plat on the agenda of the Town Board at its next regularly scheduled meeting for final approval.
- 12.6.5.7** If the final plat is not approved by the Zoning Administrator, the applicant can appeal that decision to the Town Board who shall conduct a public hearing and take action on the plat.

12.7 Major Subdivision Requirements

- 12.7.1** The following information shall be submitted for preliminary plat review. Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch.
 - 12.7.1.1 Identification.** Proposed name of the subdivision. This name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.
 - 12.7.1.2 Description.** Legal description of the property.
 - 12.7.1.3** Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.
 - 12.7.1.4** North point and vicinity map of area showing well-known geographical points for orientation within a one-half (½) mile radius.
 - 12.7.1.5** Date of preparation.
 - 12.7.1.6** Existing Conditions.
 - 12.7.1.7** Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the plat in that no major changes are necessary in preparing said plat.
 - 12.7.1.8** Existing zoning classifications for land in and abutting the subdivision.
 - 12.7.1.9** Total acreage.
 - 12.7.1.10** Location; right-of-way width; names of existing or platted streets or other public ways, parks and other public lands; significant physical features/natural resources; permanent buildings and structures; easements; section, corporate

and school district lines within the plan and to a distance of three hundred (300) feet beyond.

- 12.7.1.11** Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- 12.7.1.12** Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
- 12.7.1.13** All wetlands shall be field delineated by a qualified and experienced wetlands delineator. The surveyed location of all wetland boundary markers must be shown on the Preliminary Plat. A copy of the wetland delineation report shall be submitted.
- 12.7.1.14** Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within ½ mile of the site. Benchmarks shall be established on-site and shown on map. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
- 12.7.1.15** Two soil borings shall be completed on each lot with results being submitted to the Washington County Department of Health, Environment and Land Management. If it appears that soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required at the discretion of the Department.
- 12.7.1.16** Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Washington Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application.
- 12.7.1.17** For lands proposed to be platted in the Saint Croix River District, the bluff line and all slopes over twelve percent (12%), with a horizontal distance of 50 feet or greater, shall be delineated. In Shoreland Districts, all slopes over eighteen percent (18%), with a horizontal distance of 50 feet or greater, shall be delineated. Slopes in excess of twenty-five percent (25%) shall be delineated on all properties.
- 12.7.1.18** On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted unless deemed unnecessary by the Zoning Administrator.

- 12.7.1.19** The applicant shall document the path of each drainage way from the proposed development to the first DNR Protected Water within one mile of the project.

12.7.2 Subdivision Design Features

- 12.7.2.1** Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.
- 12.7.2.2** Locations and widths of proposed drainage and utility easements.
- 12.7.2.3** Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot, excluding slopes over twenty-five percent (25%), required setbacks and drainage easements shall be noted.
- 12.7.2.4** Proposed front, side and rear building setbacks as well as setbacks from water bodies.
- 12.7.2.5** Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
- 12.7.2.6** Grading and drainage plan for entire subdivision prepared by a qualified professional. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, Local Governmental Unit and/or Watershed Management Organization.
- 12.7.2.7** Erosion and sediment control plan prepared by a qualified professional.

12.7.3 Other Information

- 12.7.3.1** Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- 12.7.3.2** Source of water supply.
- 12.7.3.3** Provisions for sewage disposal, surface water drainage, and flood control.
- 12.7.3.4** Storm Water Calculations prepared by a licensed professional engineer.
- 12.7.3.5** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Zoning Administrator may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the subdivision contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
- 12.7.3.6** Boundary survey of the entire tract to be subdivided.
- 12.7.3.7** Such other information as may be requested by the Zoning Administrator, the Township Engineer or the Planning Commission.

12.9 Final Plat Requirements

- 12.8.1** The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes Chapter 505, these regulations, and the manual of Standard Procedures for Platting in Washington County.
- 12.8.2** The subdivider shall submit, with the final plat, an Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 days of submission of the final plat to the County Board for approval.

12.9 General Development Standards

- 12.9.1** No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the township or future residents of the subdivision.
- 12.9.2** The Township reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar township assets which, if preserved, will add attractiveness and stability to the proposed development of the property.
- 12.9.3** The proposed subdivision shall conform to the Comprehensive Development Plan and Policies as adopted by the Township and County.
- 12.9.4** Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the township as a whole may develop harmoniously.

12.10 Minimum Design Standards - Lot Requirements

- 12.10.1** Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- 12.10.2** Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- 12.10.3** No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.
- 12.10.4** Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.
- 12.10.5** Corner lots shall be platted at least twenty (20) feet wider than required.
- 12.10.6** Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of 10 feet for screening along the rear lot line
- 12.10.7** Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.

- 12.10.8** All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use, rather than allowed to remain as unusable parcels. A development agreement shall be recorded restricting the use and ownership of said parcel.
- 12.10.9** In the case where the proposed plat is adjacent to a major or minor arterial, there shall be no direct vehicular access from individual lots to such streets and roads. Residential driveway access on collector streets must be a minimum of three hundred (300) feet apart or as per appropriate road authority and meet appropriate safety standards.
- 12.10.10** No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- 12.10.11** In any area where property is likely to become urbanized, a preliminary plan may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.
- 12.10.12** All lots abutting a lake, river, pond, or wetland shall contain a building site two (2) feet or above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than two (2) feet above the regulatory flood protection elevation.

12.11 Utilities

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

12.12 Sanitary Sewer

- 12.12.1** Individual disposal device is required for each lot. Such provision shall be in accordance with Chapter Four of the Washington County Development Code, Individual Sewage Treatment Systems. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
- 12.12.2** Each lot shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be made at the expense of the subdivider and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
- 12.12.3** The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated number of unsewered years.

12.13 Water Supply

Wells shall be constructed in accordance with all rules and regulations of the Minnesota Department of Health.

12.14 Storm Water Drainage

- 12.14.1** A drainage system shall be required and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination system. Such facilities shall be installed and easements dedicated as will adequately provide for the drainage of surface waters.
- 12.14.2** Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.
- 12.14.3** In connection with preliminary plat review and recommendations, provisions for surface water disposal, drainage and flood control within the boundaries of the proposed property division shall be submitted.
- 12.14.4** The rate of surface runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate of runoff existing on the proposed subdivision prior to the proposed development. For the purposes of this regulation, surface water runoff is water flowing on or very near the surface. The volume of surface water runoff may be regulated if it appears the use and development of downstream properties or water resources may be unreasonably interfered with as a result of the subdivision.
- 12.14.5** Provision shall be made for controlling runoff by construction or enhancement of ponding facilities on-site and within the boundaries of the proposed property division. Such ponding facilities should provide for both permanent and temporary storage runoff.
- 12.14.6** An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year and 100 year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.
- 12.14.7** The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- 12.14.8** The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
- 12.14.8.1** Natural infiltration of precipitation on-site. The purpose of this provision is to encourage the development of a storm water management plan that encourages natural infiltration. This includes providing as much natural or vegetated areas on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers, and ditches.

- 12.14.8.2** Flow attenuation by use of open vegetated swales and natural depressions.
- 12.14.8.3** Storm water retention facilities.
- 12.14.8.4** Storm water detention facilities.
- 12.14.9** Storm water detention facilities shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas" and shall contain, at a minimum, the following design factors:
 - 12.14.9.1** A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater.
 - 12.14.9.2** An average permanent pool depth of four (4) to ten (10) feet.
 - 12.14.9.3** As an alternative to (A) and (B) above, the Plat Commission may require that the volume of the permanent pool be equal to or greater than the runoff from a two (2) inch rainfall for the fully developed site.
 - 12.14.9.4** A permanent pool length-to-width ratio of 3:1 or greater.
 - 12.14.9.5** A minimum protective shelf extending ten (10) feet into the permanent pool with a slope of 10:1, beyond which the slopes shall not exceed 3:1.
 - 12.14.9.6** A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 16.5 feet shall be provided.
 - 12.14.9.7** A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations shall be provided.
 - 12.14.9.8** Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten (10) year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plans. All storm water detention facilities must have a catch basin to remove coarse grain particles prior to discharge to a water course or storage basin.

12.15 Erosion Control during Construction

- 12.15.1** Erosion control shall be performed in accordance with the recommended practices of the Washington Soil and Water Conservation District and the applicable Watershed Management Organization. All Best Management Practices shall be consistent with the Minnesota Construction Site Erosion and Sediment Control Planning Handbook.
- 12.15.2** The following criteria apply only to construction activities that result in runoff leaving the site:
 - 12.15.2.1** Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall be diverted around disturbed areas unless shown to have resultant runoff rates of less than .05 feet /sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

- 12.15.2.2** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. The limits of grading must be shown on the erosion control plan.
- 12.15.2.3** All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (prior to September 15) or by mulching, covering or other equivalent control measure.
- 12.15.2.4** For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- 12.15.2.5** For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
- 12.15.2.6** Any soil storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fences barriers around the pile.
- 12.15.2.7** In-street utility repair or construction soil or dirt storage piles located closer than twenty five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days. The storm drain inlet must be protected with straw bales or other appropriate filtering barriers.

12.16 Required Improvements

- 12.16.1** No improvement within a subdivision shall take place until preliminary plat approval has been granted by both the township and the County; a development agreement has been signed outlining what work can be done; and a financial guarantee has been posted with the township and the County in accordance with this Chapter.
- 12.16.2** Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:
 - 12.16.2.1** All subdivision boundary corners, block and lot corners and road intersection corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All federal, state,

county or official benchmarks, monuments or triangulation stations adjacent to the property shall be preserved in precise precision unless relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half ($\frac{1}{2}$) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.

- 12.16.2.2** The full width of the right-of-way of each street and alley dedicated in the plat shall be graded in accordance with approved plans.
 - 12.16.2.3** All streets shall be improved with concrete or bituminous surface except as may otherwise be approved by action of the township.
 - 12.16.2.4** Along both sides of an urban designed street, curb and gutter shall be installed. Concrete curb and gutter is recommended; however, bituminous curbing may be permitted if approved by the township.
 - 12.16.2.5** Drainage facilities and easements shall be installed to adequately provide for the drainage of surface waters in accordance with the approved plan.
 - 12.16.2.6** Street name signs, traffic control signs and other improvements may be required.
- 12.16.3** Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain his certificate. These plans, together with the quantities of construction items, shall be submitted to the township engineer for his approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described in 12.16.5 below. The tracings of the plans approved by the township engineer plus two (2) prints shall be furnished to the township to be filed as a public record.
- 12.16.4** If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- 12.16.5** Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the Township requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:
- 12.16.5.1** Provisions for supervision of details of construction by the township and county and granting the township and County authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the township in the vicinity.
 - 12.16.5.2** A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 12.17.1. On request of

the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat. In such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.

12.16.5.3 The time for connection of the work and the several parts thereof. Such time shall be determined by the Township upon recommendation of the Township after consultation with the subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the subdivision.

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

12.16.7 All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the township engineer at the subdivider's expense. Acceptance by the township shall be subject to the township engineer's certificate of compliance with the contract.

12.17 Financial Guarantee

12.17.1 The financial guarantee required as part of the subdivision agreement shall be one of the following:

12.17.1.1 A Cash Escrow Deposit may be made with the township treasurer in a sum equal to one hundred twenty five percent (125%) of the total costs, as estimated by the county and township engineers, of all the improvements to be furnished and installed by the subdivider pursuant to the development agreement. The total costs shall include costs of inspection. The Township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Township for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.

12.17.1.2 The subdivider may furnish a performance bond and payment bond with corporate surety in a penal sum equal to one hundred twenty five percent (125%) of the total cost, as estimated by the township or county engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the township engineer. The bond shall be approved as to form by both the township and county attorneys and filed with the township.

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

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

12.17.1.3.2 That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the Township immediately, and without further action, such funds

as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

- 12.17.1.3.3** That this letter of credit may not be withdrawn or reduced in amount until released by the Township.
- 12.17.1.4** In the event the county elects to become a party to the development agreement, any financial guarantee shall run to the benefit of the Township.