

A
COUNTY DEVELOPMENT CODE
FOR
WASHINGTON COUNTY, MINNESOTA
CHAPTER 5. SUBDIVISION ORDINANCE

WASHINGTON COUNTY DEVELOPMENT CODE

- Chapter 1. Zoning Ordinance
- Chapter 2. Shoreland Management Ordinance
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WASHINGTON COUNTY, MINNESOTA

CHAPTER 5. SUBDIVISION ORDINANCE

AN ORDINANCE ESTABLISHING PLATTING AND SUBDIVISION REGULATIONS TO PROVIDE FOR ORDERLY, ECONOMIC AND SAFE DEVELOPMENT OF LAND AND TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE UNINCORPORATED AREAS OF WASHINGTON COUNTY, MINNESOTA.

THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Washington County Subdivision Ordinance; except as referred to herein, where it shall be known as, "This Ordinance."

SECTION 2. INTENT AND PURPOSE

201. Purpose. This Ordinance is adopted for the purpose of:
- (1) Encouraging well planned, efficient and attractive subdivisions by establishing adequate standards for design and construction.
 - (2) Providing for the health and safety of residents by requiring properly designed streets and adequate sewerage and water service.
 - (3) Placing the cost of improvements against those benefitting from their construction.
 - (4) Securing the rights of the public with respect to public lands and waters.
 - (5) Setting the minimum requirements necessary to protect the public health, safety, morals, comfort, convenience and general welfare.

SECTION 3. GENERAL PROVISIONS

301. Adoption of Model Subdivision Regulation Code.

301.01. There is hereby adopted for the purpose of regulating the subdivision and platting of land, the Model Subdivision Regulation Code for Communities in Washington County as adopted on April 27, 1971, by the Washington County Planning Advisory Commission, of which not less than three (3) copies are on file in the office of the Washington County Planning Coordinator. That said Model Subdivision Regulation Code is hereby adopted in its entirety except as hereinafter modified.

302. Modifications.

302.01. The town board of the township within which the property being subdivided is located shall review the subdivision in accordance with this Ordinance.

302.02. The plan shall be submitted to the Zoning Administrator who will review it to see that it complies with the standards and provisions of this Ordinance. If the plan conforms to the standards and provisions of this Ordinance, he shall so notify the local town board within fifteen (15) days of receipt of said plan. If no report is received by the town board within fifteen (15) days, it will be assumed by the town board that there are no objections to the plan as submitted and they may proceed to take final action on the plan. If the plan does not conform to the standards and provisions of this Ordinance, the Zoning Administrator then may refer the plan to the Washington County Planning Advisory Commission for their review and recommendation. If the plan is referred to the Washington County Planning Advisory Commission, the Zoning Administrator shall notify the town board within the fifteen (15) day time limit and no action can be taken for sixty (60) days or until a recommendation is received from the Washington County Planning Advisory Commission, but in no case shall the town board be required to withhold action for more than sixty (60) days from the date they receive notice that the plan has been forwarded to the Washington County Planning Commission. The subdivider and town board shall be notified at least ten (10) days prior to the meeting when the Washington County Planning Advisory Commission shall consider the plan. The recommendation of the Washington County Planning Advisory Commission or the Zoning Administrator will then be forwarded to the local town board and they may then proceed to take final action on the plan in accordance with the recommendation.

302.03. Prior to the County Board taking final action on any plat, the plat shall be reviewed by the Zoning Administrator and if he finds the plat does not conform to the standards and provisions of this Ordinance or the previously approved plan, the plat shall be referred to the Washington County Planning Advisory Commission for their review and recommendation. If the plat is referred to the Washington County Planning Advisory Commission, the Zoning Administrator shall notify the town board within the fifteen (15) day time limit and no action can be taken for sixty (60) days or until a recommendation is received from the Washington County Planning Advisory Commission, but in no case shall the town board be required to withhold action for more than sixty (60) days from the date they receive notice that the plat has been forwarded to the Washington County Planning Advisory Commission. The subdivider and town board shall be notified at least ten (10) days prior to the meeting when the Washington County Planning Advisory Commission shall consider the plat. The recommendation will then be forwarded to the Washington County Board of Commissioners. The Washington County Board of Commissioners, based on the recommendation of the Washington County Planning Advisory Commission, may then refer the plat back to the local town board for modification in accordance with the recommendation.

SECTION 4. ENFORCEMENT

401. Violations and Penalties.

401.01. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

401.02. In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the County Attorney to institute such action.

401.03. Any taxpayer of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 5. EFFECTUATION

501. Separability.

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

501.02. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

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

501.04. Nothing contained in this Ordinance repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

502. Effective Date.

502.01. Passed by the Washington County Board of Commissioners this 6th day of July 1972.

I. A. Pederson
Chairman of the Board

ATTEST:
T. R. Greeder
County Auditor

(Seal)

MODEL SUBDIVISION REGULATION CODE

for
Communities in Washington County

As Adopted
by the
Washington County Planning Advisory Commission

April 27, 1971

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INTRODUCTION

Washington County is but one of the land areas making up the Saint Paul-Minneapolis seven county Metropolitan Area. Its present land use character is varied-as in any area, but predominantly it is made of agricultural land units. Its proximity to the core of the metropolitan area suggests that with the forecasted expansion of population, the land use in Washington County will undergo a drastic change probably before the year 1985 and certainly before the year 2000. In regard to land use, the changes will be in the direction of smaller pieces of land for housing and commercial uses, and finally large scale commercial use such as sales, office, multiple dwelling or concentrated housing developments.

During the course of such change, on a large or small scale, land holdings are divided into lots with provision for new streets and for the basic utilities such as power, telephone, water and sewer. This conversion of land into building sites is a process which requires careful regulation to ensure an attractive, efficient and safe community environment. Provision must also be made for possible future resubdivision, for after the subdivision of a land parcel has been approved and buildings permitted, the same standards must be met by future resubdivision. The division, combination or resubdivision of land parcels are the first steps in shaping the physical character of a community and as such are important processes which should be subject to public regulation.

Adequate, up-to-date Subdivision Regulations, as well as good administration and enforcement, are the tools to control the change in land use. These Subdivision Regulations must reflect the desires of the community as outlined in its Comprehensive Development Plan. Because the community's outlook will vary as an area progresses toward urbanization, both the Comprehensive Plan and Subdivision Regulations need periodic review. Finally, of course, the Zoning requirements outline the actual land area usage controlled by the Subdivision Regulations within the framework of the Comprehensive Plan.

Model Codes such as this provide a method whereby adjacent communities may adopt regulations which are not in severe conflict with one another. This avoids conflicts at community boundaries and promotes agreement through mutual understanding of each others regulations. Adoption and utilization of the "Model Code" also simplifies the work of the individual community for the organization and basic framework, which has already been accomplished, is a complete package in the Model Code.

WHY PLAT

The land use pattern of Washington County is changing from an agricultural land use, which required large parcels of land, to an urban land use, requiring much smaller parcels. Land has been bought and sold using metes and bounds descriptions, but now with smaller parcels being bought and sold the practice of describing them by metes and bounds is no longer practical.

Many metes and bounds descriptions, past and present, written by unqualified people do not properly describe conveyance of land. Overlaps and gaps have been created by these poor descriptions and can only be corrected by the courts.

Descriptions based on a good boundary survey can be checked, therefore the record plat is a highly desirable instrument. The underlying description of the property to be platted can be adjusted or corrected, based on a boundary survey. The recorded plat then becomes a legal document denoting lots and blocks as the subdivision of the described tract of land. Clean, simple and accurate conveyances can then be made and described as Lot, Block-Plat Name.

The present platting system was established to provide a simple system for keeping records of the division and ownership of land. Minnesota Statutes give the registered land surveyor exclusive rights to prepare plats. The statutes also set minimum standards that the surveyor must meet, and regulate the plat itself, as to information required, size, number and kind. The reader is referred to the Minnesota Statutes, Chapter 505, for the complete requirements of a plat.

HOW PLATTING IS ACCOMPLISHED

Prior to the preparation of a plat, the subdividers or owners should meet with the planning commission, the engineer, the clerk or other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meeting, the subdivider should submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show any zoning changes which would be required, and should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site. The subdivider is urged to avail himself of the advice and assistance of the planning commission at this point in order to save time and effort and facilitate the approval of the plat.

The next step is for the subdivider to prepare a plan for the area to be subdivided. The plan is a very detailed drawing showing the proposed development and necessary accessory information. It contains more detail than is required on the plat and serves as the basis for the public hearing. It also serves as the master plan for a development where subdividing a piece of land is carried out stepwise, by a series of plats, where the first plat which is approved and recorded may be only part of the plan, and may later be followed by other plats, all in conformity with the plan. In view of the importance of the plan, it must be well prepared and will be subject to much scrutiny. The local planning commission is primarily concerned with the plan as a detailed map showing land division, use, and development.

After the plan is approved, the subdivider will have his surveyor prepare a plat covering all or part of the land to be subdivided. The plat is a legal and surveying document designed primarily to record in the county offices the exact boundaries and location of parcels of land. Before the governing body will approve the plat, it will usually require the subdivider to agree to do certain things, such as pave streets. The governing body will make sure that all such matters are agreed to by the subdivider, and are covered as necessary by written contract, and by bond, before the plat is approved.

SECTION 1. PURPOSE

101. 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 community. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into urban lots and the streets, homes, and other structures have been constructed, the basic character of this permanent addition to the community 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 service must be provided. The welfare of the entire community 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.

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- (3) Place the cost of improvements against those benefitting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.
- (5) Set the minimum requirements necessary to protect the public health, safety, morals, comfort, convenience, and general welfare.

SECTION 2. SCOPE

201. The rules and regulations governing plats and subdivision of land contained herein shall apply within the community and other land as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other municipality or municipalities concerned. Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants governing the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

SECTION 3. PLATTING PROCEDURE

301. Preparing and Filing the Plan.

301.01. When the subdivider feels he is ready to prepare the plan, he shall have his surveyor and/or planner draw one which is in conformity with the requirements of this Ordinance. (See section 5)

301.02. The subdivider shall fill out an "Application For Consideration of Planning Request," or other application blanks as may be required.

301.03. The subdivider shall furnish the community clerk with twelve (12) copies of the plan.

301.04. Prior to consideration of the proposed plan by the community authorities, the subdivider shall pay a fee as set forth below.

- (1) For a minor subdivision resulting in three (3) or less lots, the fee shall be \$30.00.
- (2) For major subdivision where the entire property to be subdivided abuts an existing platted or dedicated public street, the fee shall be as follows:

(a) 4 to 15 lots	\$ 60.00
(b) 15 to 30 lots	\$ 80.00
(c) Over 30 lots	\$100.00
- (3) For a major subdivision which would require a new platted or dedicated street, the fee shall be \$100.00 plus \$2.00 for each lot in the subdivision.

This fee will be used to cover public expenses incurred in connection with the review of the plan.

302. Review of the Plan.

302.01. The community clerk shall, upon receipt of the plan and application, refer one copy of the plan and application to the governing body, two copies of the plan to the planning commission and one copy of the plan to the engineer. Two copies of the plan shall also be referred to the county planning coordinator and one copy of the plan to the school district.

302.02. If the proposed subdivision abuts any State or Federal Trunk Highway, the community clerk shall also refer one copy to the Minnesota District Highway Headquarters for review as required by State Law, if it adjoins a public body of water one copy shall be referred to the State Commissioner of Natural Resources for his review, and one copy to the watershed district board if applicable.

302.03. The engineer, school board, county planning coordinator, and the district highway engineer, if appropriate, shall within fifteen (15) days, submit reports to the planning commission expressing recommendations for approval, disapproval or revisions. If no report is received within fifteen (15) days, it will be assumed by the planning commission that there are no objections to the plan as submitted.

302.04. Within forty-five (45) days after the plan is filed, the planning commission shall hold a public hearing on the plan. Notice of the purpose, time, and place of such public hearing shall be published in the official newspaper at least ten (10) days prior to the day of the hearing.

302.05. The subdivider or his representatives shall appear before the planning commission in order to answer questions concerning the plan.

302.06. The report of the planning commission shall be submitted to the governing body not later than sixty (60) days after the public hearing on the plan. If the planning commission fails to make a report, the governing body shall proceed without said report. Failure to receive a report from the planning commission as herein provided shall not invalidate the proceedings or actions of the governing body.

302.07. The governing body may hold a public hearing on the plan following notice as provided herein. Approval of the plan shall be by passage upon a simple majority vote of the entire membership of the governing body.

302.08. Approval of the plan is an acceptance of the general layout and indicates to the subdivider that he may proceed toward fulfilling the necessary steps for approval of the plat in accordance with the terms of approval. Such approval does not constitute final acceptance of the subdivision.

302.09. The governing body may require modifications, changes and revisions of the plan, as it deems necessary to protect the health, safety, morals, comfort, convenience and general welfare of the community.

302.10. If the plan is not approved by the governing body, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant.

302.11. Should the subdivider desire to amend the plan as approved he may submit an amended plan which shall follow the same procedure as a new plan, except for the public hearing and fee unless the amendment is in the opinion of the governing body of such scope as to constitute a new plan, then it shall be re-filed.

303. Preparing and Filing The Plat.

303.01. After approval of the plan, the plat may be prepared. It shall incorporate all changes, modifications, and revisions required; otherwise, it shall conform to the approved plan.

303.02. In the case of large subdivisions, to be developed in stages, the subdivider may be granted permission to prepare a plat for only the portion of the approved plan which he proposes to develop at this time, provided such portion conforms with all the requirements of these regulations. The subdivider may be required, as a condition of approval, to submit an estimated time schedule for further staging of the platting and recording.

303.03. All plats shall comply with the provisions of Minnesota State Statutes and the requirements of this regulation.

303.04. The subdivider shall file twelve (12) copies of the plat with the community clerk not later than six (6) months after the date of approval of the plan. If this is not done, the approval of the plan will be considered void unless an extension is requested in writing by the subdivider and granted by the governing body.

303.05. If the plat constitutes only a portion of the plan, the subdivider shall also pay a fee of \$10.00 when the plat is filed with the community clerk. This fee shall not apply to the first plat filed after the plan is approved.

303.06. The subdivider shall submit, with the plat, a current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the subdivider's attorney.

304. Review of the Plat.

304.01. The community clerk shall, upon receipt of the plat, refer one copy to the governing body, the engineer, the county surveyor, the county planning coordinator, watershed district board if applicable, and to applicable utility companies; two copies to the planning commission; and one copy, with the Abstract of Title or Registered Property Certificate and Opinion of Title, to the attorney.

304.02. The governing body may refer the plat to the planning commission for recommendation if they feel the plat is substantially different from the approved plan. The planning commission shall submit a report to the governing body within forty-five (45) days.

304.03. The engineer, attorney, and county planning coordinator shall submit a report to the governing body within fifteen (15) days expressing their recommendations on the plat.

304.04. Prior to approval of the plat, the subdivider shall have installed all required improvements or executed an agreement with the governing body for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations. (See section 8)

304.05. The governing body shall take action on the plat, this shall be done not more than sixty (60) days after the plat is filed with the community clerk. If the plat is not approved, the reasons for such action shall be recorded in the official proceedings and transmitted to the subdivider.

304.06. If the plat is approved and before it is signed by the governing body, the county surveyor shall approve the plat.

304.07. Upon receiving the plat as approved by the county surveyor, the governing body may sign the plat and the subdivider shall then record it with the county register of deeds or registrar of titles within one hundred twenty (120) days or the approved plat shall be considered void.

304.08. The subdivider shall, immediately upon recording, furnish the community clerk with a reproducible copy, either cronaflex or its equivalent, of the recorded plat and two (2) prints. Failure to furnish such copies shall be grounds for refusal to issue building permits for the lots within the plat.

304.09. Upon receiving approval of the plat for a portion of the approved plan, the subdivider shall not be required to request a continuation of the recognition of the plan so as to maintain its approval except that in the event a zoning amendment is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting.

SECTION 4. DEFINITIONS

401. Rules.

401.01. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive.

401.02. In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

402. Definitions.

402.01. For the purpose of these regulations, certain terms and words are hereby defined as follows:

- (1) **Alley.** Any dedicated public right-of-way providing a secondary means of access to abutting property.
- (2) **Attorney.** The attorney employed by the community unless otherwise stated.
- (3) **Block.** The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
- (4) **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
- (5) **Butt Lot.** A lot at the end of a block and located between two corner lots.
- (6) **Cluster Development.** A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.
- (7) **Collector Street.** A street which carries traffic from minor streets to thoroughfares or from thoroughfare to thoroughfare. It includes the principal entrance streets of a residential development and for circulation within such a development.
- (8) **Community.** City, Township or Village.
- (9) **Comprehensive Development Plan.** A comprehensive plan prepared by the community including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the

community and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

- (10) **Contour Map.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- (11) **Copy.** A print or reproduction made from a tracing.
- (12) **Corner Lot.** A lot bordered on at least two (2) adjacent sides by streets.
- (13) **County.** Washington County, Minnesota.
- (14) **County Board.** The Washington County Board of Commissioners.
- (15) **Cul-De-Sac.** A minor street with only one outlet and having a turnaround.
- (16) **Development.** The act of building structures and installing site improvements.
- (17) **Double Frontage Lots.** Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- (18) **Drainage Course.** A water course or indenture for the drainage of surface water.
- (19) **Easement.** A grant by an owner of land for a specific use by persons other than the owner.
- (20) **Engineer.** The registered engineer employed by the community unless otherwise stated.
- (21) **Governing Body.** The town board, city or village council.
- (22) **Key Map.** A map drawn to comparatively small scale which definitely shows the area proposed to be platted in relation to known geographical features, i.e., town centers, lakes, roads.
- (23) **Lot.** A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- (24) **Marginal Access Street (Service Road).** A minor street parallel to and adjacent to high volume arterial streets and highways, which provide access to abutting properties and protection of through traffic.
- (25) **Metes and Bounds Description.** 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 delineates a fractional portion of a section, lot or area by described lines or portions thereof.

- (26) **Minimum Subdivision Design Standards.** The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- (27) **Minor Street.** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- (28) **Natural Water Way.** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
- (29) **Owner.** An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- (30) **Pedestrian Way.** A public right-of-way across or within a block, to be used by pedestrians.
- (31) **Person.** Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
- (32) **Planning Commission.** The planning commission of the community.
- (33) **Plan.** The map or drawing indicating the proposed layout of the subdivision to be submitted to the planning commission and governing body for their consideration, in compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (34) **Plat.** A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws.
- (35) **Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
- (36) **Protective Covenants.** Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (37) **Reserve Strips.** A narrow strip of land placed between lot lines and streets to control access.
- (38) **Right-of-way.** The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
- (39) **Sketch Plan.** A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.
- (40) **Street.** A way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, through-way, road, avenue, boulevard, lane, place, drive, court, or otherwise designated.
- (41) **Street Width.** The shortest distance between the lines delineating the right-of-way of a street.
- (42) **Subdivider.** The owner, agent, or person having control of such land as the term is used in this Ordinance.
- (43) **Subdivision.** The division of a parcel of land after the effective date of this Ordinance into two (2) or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- (44) **Surveyor.** A land surveyor registered under Minnesota State Laws.
- (45) **Thoroughfare.** A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (46) **Tracing.** A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.
- (47) **Zoning Ordinance.** A zoning ordinance or resolution controlling the use of land as adopted by the community or county.

SECTION 5. PLAN AND PLAT REQUIREMENTS

501. Data Required For The Plan.

501.01. Identification and description:

- (1) Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county.
- (2) Legal description of property.
- (3) Name and address of the record owner, and any agent having control of the land, subdivider, land surveyor, engineer and designer of the plan.
- (4) Graphic scale not less than one (1) inch to one hundred (100) feet.
- (5) North point and key map of area showing well known geographical points for orientation within a one-half (1/2) mile radius.
- (6) Date of preparation.

501.02. Existing conditions:

- (1) 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.
- (2) Existing zoning classifications for land in and abutting the subdivision.
- (3) Approximate total acreage.
- (4) Location, right-of-way width, and names of existing or platted streets or other publicways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan and to a distance one hundred (100) feet beyond shall also be indicated.
- (5) Location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred (100) feet beyond. Such data as grades, and locations of catch basins, manholes, hydrants, and street pavement width and type, shall also be shown.
- (6) Boundary lines of adjoining unsubdivided or subdivided land, within one hundred (100) feet, identified by name and ownership, but including all contiguous land owned or controlled by the subdivider.
- (7) Topographic data, including contours at vertical intervals of not more than two (2) feet except where the horizontal contour interval is one hundred (100) feet or more, 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. U.S.G.S. datum shall be used for all topographic mapping where feasible.
- (8) A copy of all proposed private restrictions shall be submitted.
- (9) Percolation test and soil borings are required on soil areas rated moderate or severe limitations for on-site sewage disposal systems as stated in the Soils Handbook on file in the Washington County Planning Department and the Washington County Soil and Water Conservation District Office if the area being subdivided does not have municipal sanitary sewer available to it.
- (10) If severe soil limitations for the intended use are noted in the Soil Handbook on file in the Washington County Planning Department and the Washington County 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 made part of the permit application.

501.03. Subdivision design features:

- (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.
- (2) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (3) Layout numbers and preliminary dimensions of lots and blocks.
- (4) Proposed front and side street building setback lines.
- (5) Location and size of proposed sanitary sewer lines and water mains or proposed community sewer and water systems.
- (6) Gradients of proposed streets, sewer lines and water mains, if requested.
- (7) Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

501.04. Other information:

- (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.
- (2) Source of water supply.
- (3) Provisions for sewage disposal, surface water drainage and flood control.
- (4) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- (5) Such other information as may be requested by the engineer or planning commission.
- (6) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the planning commission may require that the subdivider submit a sketch plan 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.

502. Data Required For the Plat.

502.01. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.

502.02. Form for approval by signature of county officials concerned with the recording of the plat.

(1) Checked and approved this _____ day of _____, 19____
By _____
Washington County Surveyor

(2) No delinquent taxes and transfer entered this _____ day of _____, 19____
By _____
Washington County Auditor
By _____ Deputy.

(3A) Document Number _____
I hereby certify this instrument was filed in the office of the Register of Deeds for record on this _____ day of _____, 19____, at _____ o'clock __ M., _____ and was duly recorded in Book _____ of _____ on page _____
Register of Deeds, Washington County
By _____

(3B) If property being platted is in the Torrens System, use the following:
Document Number _____
I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this _____ day of _____, 19____, at _____ o'clock M., _____ and was duly recorded in Book _____ of _____ on page _____
Registrar of Titles, Washington County
By _____

502.03. Form of approval of the Community if it is a Village or City.

(1) Approved by the (village/city) of _____, Minnesota, this _____ day of _____, 19____
Signed _____
Mayor
Attest _____
Clerk

502.04. Form of approval of the Community if it is a Township.

(1) Approved by the Planning Commission of the Town of _____, Minnesota, this _____ day of _____, 19____
Signed _____
Chairman
Signed _____
Secretary

(2) Approved by the Town Board of the Town of _____, Minnesota, this _____ day of _____, 19____
Signed _____
Chairman
Attest _____

(3) Approved by the Board of County Commissioners of Washington County, Minnesota, this _____ day of _____, 19____.
Signed _____
Chairman, County Board

SECTION 6. MINIMUM DESIGN STANDARDS

601. Conformity with the Comprehensive Development Plan.

601.01. The proposed subdivision shall conform to the Comprehensive Development Plan and policies as adopted by the community.

602. Land Requirements.

602.01. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for purposes of the kind proposed by reason of potential flooding, topography, or adverse earth or rock formation.

602.02. Land subject to hazards to life, health or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.

602.03. Erosion and sedimentation control plans in accordance with the technical standards and specifications of the Soil Conservation Service as provided by the Washington County Soil and Water Conservation District Office, are required on slopes with grades of eighteen (18) percent or steeper.

602.04. Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

603. Street Plan.

603.01. Proposed streets shall conform to the state road and county highway plans as have been prepared, adopted and/or filed as prescribed by law.

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

603.03. Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided parcels unless the topography clearly indicates that such connection is not feasible. Reserved strips, and land-locked areas shall not be created.

603.04. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

603.05. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

603.06. Minor streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.

603.07. Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

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

603.09. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.

603.10. Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.

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

603.12. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

604. Cul-De-Sac Streets.

604.01. Cul-de-sac streets, permanently designed as such, shall not exceed six hundred (600) feet in length, except as variances are permitted. Such a variance may be granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the land from which the subdivision is being made, a normal street pattern cannot be established, or that land would be wasted by not granting such a variance.

604.02. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround.

605. Street Design.

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

Type of Street	Right-of-way Width	Roadway Width
Thoroughfare	120 feet	As determined by traffic needs
Collector Street	80 feet	44 feet
Commercial or Industrial Service Street	80 feet	44 feet
Minor Street	60 feet	32 feet
Marginal Access Street	50 feet	32 feet
Cul-de-sac	60 foot turnaround radius	45 foot turnaround radius

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

605.03. Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

605.04. Extensions of existing streets with lesser right-of-way than prescribed above, may be permitted by variance in special cases.

605.05. Restriction of Access. Access of minor streets onto state and county state aid highways, shall be discouraged at intervals of less than 500 feet.

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

605.07. Deflection. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.

605.08. Grades. Centerline gradients shall be at least 0.4 per cent and shall not exceed the following:

Classification	Gradient (In Percent)
Thoroughfares and Collector Streets	5
Minor Streets, Marginal Access Streets	8

605.09. Vertical Curves. Different connecting street gradients shall be connected with vertical curves. Minimum length, in feet, of these curves shall be twenty (20) times the algebraic difference in the percent of grade of the two adjacent slopes.

605.10. Angle of Intersection. The angle formed by any intersecting of streets shall not be less than 60 degrees with 90 degree intersections preferred.

605.11. Size of Intersection. Intersections of more than four corners shall be prohibited.

605.12. Corner Radii. Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances to the turn-around portions of cul-de-sacs shall be rounded by a radius of not less than fifteen (15) feet.

605.13. Curb and Gutter. Curb and gutter shall be included as part of the required street surface improvement and shall thus be designed for installation along both sides of all roadways.

606. Alley Design.

606.01. Except in the case of a planned unit development, either a public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare or a major street. Alleys in residential areas other than those zoned for multiple family use shall not be permitted.

606.02. All alley rights-of-way and pavement widths shall conform to the following minimum standards:

Classification	Right-of-way	Width	Pavement
Industrial or Commercial	24 feet		20 feet
Residential (two-way)	20 feet		16 feet
Residential (one-way)	16 feet	12 feet	

606.03. Grades. All centerline gradients shall be at least 0.5 percent and shall not exceed eight (8) percent.

607. Sidewalk Design.

607.01. Widths. All sidewalk widths shall when installed conform to the following minimum standards:

Classification	Width
Single Family Area	4 feet
Multiple Family Area and Public t Building Sites	6 feet
Commercial Areas	10 feet
Industrial Areas	6 feet

607.02. Grades. Sidewalks shall slope 1/4 inch per foot away from the property line and the profile grade shall not exceed 8 percent.

608. Public Utilities.

608.01. Water supply. Extensions of the public water supply system shall when available be designed so as to provide public water service to each lot.

608.02. Sewage Disposal. Extensions of the public sanitary sewer system shall when available be designed so as to provide public sewer service to each lot.

609. Drainage.

609.01. A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or a system of open ditches, culverts, pipes and catch basins, and ponding areas, or both systems.

610. Easements.

610.01. Provided for Utilities. Easements of at least twelve (12) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a front or side yard easement may be required. These easements shall be covered by document.

610.02. Provided for Drainage. Easements shall be provided along each side of the center line of any water course or

drainage channel, whether or not shown on the Comprehensive Plan, to a sufficient width to provide proper maintenance and protection and to provide for storm water run-off and installation and maintenance of storm sewers.

610.03. Dedication. Utility and drainage easements shall be dedicated for the required use.

611. Street Trees.

617.01. Street trees shall not be less than eighty (80) feet apart with a minimum of one (1) per lot. They shall be placed six (6) to twenty (20) feet inside the property line and not in the boulevard.

612. Street Names.

612.01. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event it shall bear the same name of the existing or platted street so in alignment. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.

613. Block Design.

613.01. Block length and width or acreage within bounding streets shall be such as to accommodate the size of residential lots required in the area by the zoning ordinance and to provide for convenient access, circulation control, and safety of street traffic.

613.02. In residential areas, other than water frontage, blocks shall not be less than six hundred (600) feet nor more than eighteen hundred (1800) feet in length measured along the greatest dimension of the enclosed block area, unless minor variances are necessitated by topography or conformance with an adjoining plat.

613.03. In blocks over nine hundred (900) feet long, ten (10) foot wide pedestrian crosswalks may be required through the blocks in locations deemed necessary to public health, convenience and necessity. Suitable paving and fencing shall be provided.

613.04. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of roads, railroad access right-of-way, and utilities shall be provided as necessary.

613.05. Blocks shall be wide enough to allow two (2) tiers of lots with a minimum depth as required by zoning ordinance except adjoining a lake, stream, railroad or thoroughfare or where one tier or lots is necessary because of topographic conditions.

614. Lot Requirements.

614.01. 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.

614.02. Each lot shall front upon a public street.

614.03. No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located; except as herein provided.

614.04. Lots designed for commercial or industrial purposes shall provide adequate off-the-street service, loading and parking facilities.

614.05. Building Sites. Each lot shall provide an adequate building site at least one (1) foot above the street grade.

614.06. Minimum Lot Lines. No lot shall have a total width at the front or rear lot line of less than thirty (30) feet.

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

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

614.09. Through or Double Frontage Lots. Such lots shall not be permitted except where such lots abut a thoroughfare or major highway. Such lots shall have an additional depth of ten (10) feet for screen planting along the rear lot line.

614.10. Water Course. Lots abutting upon a water course, drainageway, channel or stream shall have an additional depth or width, as required to assure building sites that are not subject to flooding.

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

614.12. Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

614.13. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

614.14. Access to Thoroughfares. In the case where a proposed plat is adjacent to a limited access highway, other major highway, or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

614.15. Political Subdivision Lines. No lot shall extend over a political subdivision boundary or school district line.

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

SECTION 7. ENGINEERING STANDARDS

701. Monuments.

701.01. All lot corner pipes or iron rods shall be a minimum of one-half inch in diameter, 18 inches in length, and shall be inscribed with the registration number of the land surveyor making the survey as prescribed in Minnesota Statutes Chapter 505. All unmonumented quarter corners and section corners will be set by the Washington County Surveyor.

702. Streets.

702.01. Street Grading. Streets shall be graded in accordance with a plan approved by the engineer. The grading shall include the entire width of the right-of-way and shall provide a boulevard section, in addition to the minimum pavement width.

702.02. Street Pavement. The design of street pavement for all streets covered by this regulation shall be in accordance with the State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavements. The designed thickness of the surfacing elements shall be in accordance with the flexible pavement design standard for road classifications as follows:

Classification	Pavement Design; Axle Load
Thoroughfare, Collector Streets and Commercial or Industrial Service Streets	As determined by traffic needs
Minor Streets and Marginal Access Streets	7 ton minimum

702.03. Gravel Surface. Streets that at the present time will only have a gravel surface shall be designed so the base and sub-base requirements as set forth in State of Minnesota Highway Department Road Design Manual No. 5-291 for flexible pavement are met. In all cases at least the top six (6) inches of the street surface shall be of class 5 gravel or a material as approved by the engineer.

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

702.05. Curb and Gutter. Concrete curb and gutter shall be constructed on both sides of streets. The construction shall be in accordance with Standard Specification for Highway Construction, M.H.D. Spec. No. 2531. Concrete curb and gutter cross-sections shall be either M.H.D. Design No. 8618 or M.H.D. Design No. S518.

702.06. Boulevards. All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then be seeded or sodded.

702.07. Sidewalks and Pedestrian Ways. All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the community engineer. Sidewalks shall be placed in the public right-of-way.

703. Public Utilities.

703.01. Water Main. A minimum water main of six-inch cast iron pipe or other approved pipe shall be required. Mains over six inches in size may be required and the additional cost may be borne by the community.

703.02. Sanitary Sewer. Unless otherwise required, a sanitary sewer of 8 inch vitrified clay pipe shall be installed as the minimum size placed at grades approved by the engineer. Mains over 8 inches in size may be required and the additional cost may be borne by the community. Service wyes shall be four inches. Root repellent joint material and yarns are required.

703.03. House Services. Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the structure. A one inch Type K copper water service, corporation cock, curb box and stop, and four inch extra heavy cast iron soil pipe sewer service shall be the minimum requirements and may be placed in a common trench.

704. Sanitation.

704.01. Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.

704.02. Any subdivision or lot not provided with off-site sewer facilities may be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation if requested by the planning commission due to limitations of soils as shown on existing soils maps. The lot area and topography must be such that it will accommodate an adequate disposal system or systems to serve the residence for the estimated unsewered years as determined by the governing body. Such tests shall be made at the expense of the subdivider, and a sketch map shall be submitted to identify the specific locations where tests were made.

704.03. All proposed sewage disposal systems shall comply with the regulations and recommended standards of Washington County, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the community.

705. Water Supply.

705.01. An individual well shall produce at least ten (10) gallons per minute, have a well casing at least four (4) inches in diameter and be grouted to provide a safe, potable water supply.

706. House Plumbing.

706.01. When an individual sewage system is used and the septic tank is placed on a side other than that from which the public sewer line would connect, it shall be required that a capped sewage disposal line shall be extended from the point of ground entrance of basement or house to a point five (5) feet beyond and to the side from which the future sewer connection will be made. Inside the basement the elbow shall be set up to be easily reversed for connection to the capped line.

707. Drainage.

707.01. All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. All such systems shall be in conformity to the community drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.

708. Street Signs.

708.01. All street signs shall be provided and installed by the community at the expense of the subdivider.

709. Street Trees.

709.01. The type or species of tree planted shall be approved by the community. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks, and cause other nuisance damage are desirable. Trees shall have a trunk diameter (measured 12 inches above ground level) of not less than 1 1/4 inches and shall be planted in not less than one cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately.

710. Utilities Location.

710.01. When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

711. Inspection.

711.01. All required improvements shall be inspected by the engineer during construction at the expense of the subdivider.

**SECTION 8.
REQUIRED IMPROVEMENTS AND
FINANCIAL ARRANGEMENTS**

801. Improvements Required.

801.01. Prior to the approval of a plat by the governing body, 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:

- (1) Survey Monuments. All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position unless a relocation is approved by the controlling agency.
- (2) Grading. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded.
- (3) Pavement. All streets and alleys shall be improved with concrete or bituminous surface except as may be approved by action of the governing body.
- (4) Gravel Surface. Streets in an Agricultural or Residential area may be surfaced with six (6) inches of stabilized gravel to a surface width of thirty-two (32) feet, if the average lot abutting the street is over four (4) acres in area and has a width over three hundred (300) feet at the building setback line, and if the governing body determines it would cause an undue hardship because of the lot sizes to require a concrete or bituminous surface and that the lots as platted will probably not be resubdivided into smaller lots within five (5) years.
- (5) Curb and Gutter. There shall be concrete curb and gutter installed along both sides of all streets and alleys that are of an urban design.
- (6) Sidewalks. These may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
- (7) Water Mains. In the case where mains from a public water system are available, the subdivider shall be required to install water mains in the plat and connect the same to such public water system.
- (8) Public Sanitary Sewer. In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers in the plat and connect the same to such trunk line sewers. If such facilities are not available but it is expected they will be within five (5) years, the governing body may require that such sewers, together with all necessary laterals extending from the main sewer to the street curb shall be installed and capped for future connection as service becomes available. In that event the subdivider may also install on-site disposal units provided they are so located as to permit easy and the least expensive connection to the sewer when it becomes available and usable. Where

such on-site units are installed, the subdivider shall provide underground plumbing to extend three (3) feet beyond the footing which plumbing shall be plugged. The area around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the public sanitary sewer system.

- (9) Drainage Facilities. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters; a storm sewer system may be required. 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 purpose. If there is a water shed district, that board must approve all surface water drainage.
- (10) Miscellaneous Facilities. Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways, and other improvements may be required.

802. Payment For Installation of Improvements.

802.01. The required improvements as listed elsewhere are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the community. Further, 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 improvement, 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 improvement as will represent the benefit to the property within the subdivision.

803. Agreement Providing for the Installation of Improvements.

803.01. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the community requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, the amount of the deposit or penal amount of the bond to be equal to 125% of the engineers estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. On request of the Subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of

the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the engineer after consultation with the subdivider. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

803.02. No subdivider shall be permitted to start work on any other subdivision without special approval of the governing body if he has previously defaulted on work or commitments.

804. Financial Guarantee.

804.01. The contract provided for in Section 803 shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish a performance bond. The escrow deposit or performance bond shall conform to the requirements of this regulation.

804.02. Escrow Deposit. An escrow deposit shall be made with the community treasurer in a sum equal to 125% of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the community. The community shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the community for completion of the work in case of default of the subdivider under said contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in said deposit shall be refunded to the subdivider.

804.03. Performance Bond. In lieu of making the escrow deposit, the subdivider may furnish a performance bond with corporate surety, in a penal sum equal to 125% of the total cost as estimated by the engineer of all the improvements to be furnished and installed by subdivider pursuant to the contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the community. The bond shall be approved as to form by the attorney and filed with the clerk.

805. Construction Plans and Inspection.

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

805.02. 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 community engineer at the subdivider's expense, and acceptance by the community shall be subject to the engineers certificate of compliance with the contract.

806. Improvements Completed Prior to Approval of the Plat.

806.01. Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

807. Trunk Facilities.

807.01. Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefitting properties and the assessments are to be determined accordingly by the governing body.

808. Alternate Installation and Incomplete Improve

808.01. The governing body may elect to install any or all of the required improvements pursuant to a cash escrow agreement or other financial arrangements with the subdivider.

808.02. It is hereby the announced policy of the community that full and complete utility systems be installed in all needed areas as soon as is practicable and feasible. Accordingly, the community shall proceed as soon as it is practicable after final approval of a subdivision with installation within the subdivision of such improvements as may be determined to be necessary. In the event of small subdivisions or in subdivisions in which development may proceed slowly, or in other events in which the construction of surfaced streets, sidewalks, utility lines, or other improvements is clearly not feasible immediately following the approval of the plat, the governing body may elect to commence assessment proceedings, utilize funds of a cash escrow agreement, or otherwise move to finance and install improvements when the subdivision is developed to the point of warranting the improvements. Such improvements are required in order to provide greater assurance of public health, assure reliability of water supply, provide for economy of installation, provide more effective fire fighting through hydrants, and otherwise protect the public health, safety, convenience and general welfare.

SECTION 9. GENERAL PROVISIONS

901. Protection of Natural Features.

901.01. The governing body 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 community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

902. Public Sites and Open Spaces.

902.01. Consideration of the Public Property. The subdivider shall consult with the planning commission, at the time his sketch plan is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The plan shall show the location and dimensions of all areas to be dedicated in this manner.

902.02. Public Sites to be Reserved. Where a proposed drainage way, park, playground, school site or other public site, as shown on the Comprehensive Development Plan, is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated, such sites shall be reserved and no action taken towards approval of a plan or plat for a period not to exceed ninety (90) days to allow the proper governmental agency the opportunity to consider and take actions towards acquisition of such public ground or park by purchase or other methods.

902.03. In all new subdivisions a minimum of seven percent (7%) of the gross area subdivided shall be dedicated for public recreation space or other public use. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the governing body as suitable and necessary for the public health, safety, convenience, and general welfare. When the subdivision is too small for practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee of fifty dollars (\$50.00) per lot created or a fee equal to ten percent (10%) of the market value of the land prior to subdivision, which ever is larger. The market value of the land shall be determined by utilization of tax assessment records. Lots created in any manner that are larger than five (5) acres and three hundred (300) feet in width may be subject to the above requirements if in the opinion of the governing body the lots will not be resubdivided.

903. Complete Neighborhoods.

903.01. Upon receiving a report from the planning commission, the governing body may grant a variance from the provisions of these regulations in the case of a subdivision large enough to constitute a more or less self-contained neighborhood, provided that the community receives adequate safeguards to insure development according to a plan submitted by the subdivider. Said plan shall not be in conflict with the Comprehensive Development Plan and shall in the opinion of the governing body be a desirable community development and shall provide adequate public open space and any improvements necessary for the circulation, recreation, light, air and service needs of the tract when fully developed and populated.

904. Planned Unit Developments.

904.01. Upon receiving a report from the planning commission, the governing body may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in the Zoning Ordinance, provided that

the council shall find that the proposed development is fully consistent with the purpose and intent of these regulations. This provision is intended to provide the necessary flexibility for new land planning and land development trends and techniques.

905. Minor Subdivisions.

905.01. In the case of a subdivision resulting in three (3) or less parcels, situated in a locality where conditions are well defined, the governing body may exempt the subdivider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Ordinance, the division may be approved by the governing body, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

906. Resubdivision.

906.01. In the case of a request to divide a lot which is a part of a recorded plat where the division is to permit the adding of a parcel of land to an abutting lot or to create two lots and the newly created property line will not cause the other remaining portion of the lot to be in violation with this regulation or the Zoning Ordinance, the division may be approved by the governing body after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision.

907. Land Division.

907.01. In any case where the division of land into two or more lots or parcels for the purpose of transfer of ownership or building improvement is not specifically provided for in the provision of these regulations, a description of such land division shall be filed with the clerk. No building permit shall be issued for any construction, enlargement, alteration, or repair, demolition or moving of any building or structure on any lot or parcel resulting from such division, until such division has been approved by the governing body. Prior to the consideration of such division by the governing body, they shall require that a certified survey be submitted.

908. Registered Land Surveys.

908.01. All Registered Land Surveys shall be filed subject to the same procedure as required for the filing of a plan for platting purposes. The standards and requirements set forth in these regulations shall apply to all Registered Land Surveys. Unless the governing body shall approve, 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 do not have the required frontage on a dedicated public street.

909. Metes and Bounds.

909.01. Conveyances by metes and bounds shall be prohibited where the lot or lots involved are less than five (5) acres in area or have a width of less than three hundred (300) feet at the building setback line.

909.02. No building permit shall be issued for any structure on any parcel of land less than five (5) acres in area or having a width of less than three hundred (300) feet on an improved public street, at the building setback line which is described by metes and bounds until a plat describing such parcel of land is filed with the Washington County Register of Deeds and proof thereof is furnished to the local governing body.

909.03. When a conveyance by metes and bounds is made and the parcels involved are between five (5) acres and twenty (20) acres in size, a survey of the parcels involved shall be submitted to the community clerk before any building permits will be issued for those parcels and a copy of the survey should be attached to the deed when it is submitted to the Washington County Register of Deeds for recording.

910. Unapproved Subdivisions.

910.01. No conveyance of land to which this regulation is applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved Registered Land Survey made after April 21, 1961, or to an unapproved plat. The foregoing provision does not apply to a conveyance if the land described:

- (1) Was a separate parcel of record March 15, 1962.
- (2) Was the subject of a written agreement to convey entered into prior to such time.
- (3) Was a separate parcel not less than 2½ acres in area and 150 feet in width on January 1, 1966, or is a single parcel of land of not less than 5 acres and having a width of not less than 300 feet.

910.02. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this regulation, the governing body may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

910.03. Any owner or agent of the owner of land who conveys a lot or a parcel in violation of the provisions of this section shall forfeit and pay to the community a penalty of not less than one hundred dollars (\$100.00) for each parcel so conveyed. The community may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

911. Variances.

911.01. Upon receiving the report from the planning commission, the governing body may grant a variance in any particular case where the subdivider can show that by reason of the exceptional topography or other physical conditions the strict compliance to these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right. Such relief may be granted provided there is no detriment to the public welfare and no impairment of intended purpose of this regulation.

911.02. Application for any such variance shall be made in writing by the subdivider at the time when the plan is filed for consideration. Such application shall state fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the planning commission in the analysis of the proposed project. Such variances shall be considered at the next regular meeting held by the planning commission. The plans for such development shall include any covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the proposed plan. Any variance or modification thus granted shall be recorded and entered in the minutes of the governing body setting forth the reasons for granting the variance.

SECTION 10. ENFORCEMENT

1001. Building Permits.

1001.01. No building permit shall be issued for any construction, enlargement, alteration, or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of this regulation have been fully met.

1002. Violation and Penalties.

1002.01. Any firm, person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

1003. Separability.

1003.01. It is hereby declared to be the intention that the several provisions of this regulation are separable in accordance with the following:

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

**SUGGESTED ORDINANCE FOR
ADOPTING MODEL SUBDIVISION
REGULATION CODE**

ORDINANCE NO.

AN ORDINANCE ESTABLISHING PLATTING AND SUBDIVISION REGULATIONS TO PROVIDE FOR ORDERLY, ECONOMIC AND SAFE DEVELOPMENT OF LAND AND TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE

_____ of _____,
WASHINGTON COUNTY, MINNESOTA.

The _____ of the _____ Washington County,
Minnesota, Ordains:

SECTION 1. ADOPTION OF MODEL SUBDIVISION REGULATION CODE.

There is hereby adopted for the purpose of regulating the Subdivision and Platting of land, the Model Subdivision Regulation Code for Communities in Washington County as adopted on April 27,1971, by the Washington County Planning Advisory Commission, of which not less than three copies are on file in the office of the _____Clerk. That said Model Subdivision Regulation Code is hereby adopted in its entirety except as hereinafter modified.

SECTION 2. DEFINITIONS.

- A. 402.01 (8) Community. Whenever the word "community" is used it shall mean the _____ of _____, Washington County, Minn.
- B. 402.01 (21) Governing Body. Whenever the words "governing body" are used they shall mean the _____ of the _____, Washington County, Minnesota

SECTION 3. EXISTING CODES

The provisions of this Model Subdivision Regulation Code are in addition to and not in replacement of the provisions of the Zoning Ordinance. Any provisions of the Zoning Ordinance relating to platting shall remain in full force and effect except as they may be contradictory to the provisions of this Model Subdivision Regulation Code.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. _____ and all other Ordinances, or parts thereof, in force at the time this Ordinance takes effect and inconsistent with this Model Subdivision Regulation Code, are hereby repealed.

SECTION _____. (Section for modifications, if any)

SECTION _____. EFFECTIVE DATE.

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the _____ of the _____ of _____,
Washington County, Minn. this _____ day of _____,
_____ 19 _____

Chairman/Mayor

ATTEST:

Clerk _____

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