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## WASHINGTON COUNTY

### DEVELOPMENT CODE

Pursuant to MSA Ch 394, Washington County has adopted official controls for the purposes of regulating the physical development of land in the unincorporated areas of the County. These official controls are compiled into and hereafter known as the Washington County Development Code and consists of the following chapters each adopted by Ordinance.

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|------|---------------|--|
| (1)  | Chapter One   | Administration   |
| (2)  | Chapter Two   | Zoning Regulations   |
| (3)  | Chapter Three | Subdivision Regulations  |
| (4)  | Chapter Four  | Individual Sewage Treatment System Regulations                       |
| (5)  | Chapter Five  | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6)  | Chapter Six   | Shoreland Management Regulations                                     |
| (7)  | Chapter Seven | Mining Regulations   |
| (8)  | Chapter Eight | 201 Sewer Use Regulations  |
| (9)  | Chapter Nine  | Flood Plain Regulations  |
| (10) | Chapter Ten   | Official Map Regulation and Designation                              |

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WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER THREE

SUBDIVISION REGULATIONS

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**WASHINGTON COUNTY DEVELOPMENT CODE**

**CHAPTER THREE**

**SUBDIVISION REGULATIONS**

This Chapter of the Washington County Development Code shall be known as the Washington County Subdivision Regulations and may be referred to in this chapter as "this chapter" or "this ordinance" or "the subdivision ordinance".

***SECTION 1. INTENT AND PURPOSE***

**1.2** 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:

- (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, comfort, convenience and general welfare.

**1.3** There are two methods of subdividing land. One method is through the minor subdivision process; the other method is by platting the property. Section 5. outlines the Minor Subdivision process. Section 6. outlines the platting process.

***SECTION 2. SCOPE AND APPLICABILITY***

**2.1** The regulations contained in this chapter shall apply in the unincorporated areas of Washington County 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, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.

2.2 After the effective date of this Ordinance:

- (1) No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this chapter and approved by the County as having fulfilled the requirements of this Chapter, the other chapters of the Washington County Development Code and Minnesota Statutes Chapter 505.
- (2) Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be reseparated without approval in the manner prescribed in this Chapter.
- (3) No registered land survey shall be recorded with the Registrar of Titles until the registered land survey shall have been approved by the County as having fulfilled the requirements of this Ordinance and the Washington County Development Code.

**SECTION 3. DEFINITIONS**

3.1 A “person” includes a corporation, a partnership, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed to be used or occupied”.

3.2 For the purpose of this Chapter, 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) Applicant: The owner of the land proposed to be subdivided or his representative.
- (3) Attorney: The County Attorney.
- (4) Block: The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.
- (5) Boulevard: The portion of the street right-of-way between the curb line and the property line.
- (6) Buildable Land: Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainageway, or drainage easement.
- (7) Comprehensive Development Plan: A plan prepared by the township and/or Washington County 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 township and includes any unit or part of such plan or parts thereof.
- (8) Concept Plan: A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the township and Washington County as to the form of the development and the objectives of these regulations. The sketch plan shall contain data in accordance with Section 6.1 of this Chapter.
- (9) Contour Interval: The vertical height between contour lines.

- (10) Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations.
- (11) Copy: A print or reproduction.
- (12) County: Washington County, Minnesota
- (13) County Board: The Washington County Board of Commissioners.
- (14) Cul-De-Sac: A street with only one outlet; a dead end street; measured from the point where there is no secondary access.
- (15) Developer: The owner of land proposed to be subdivided or his representative.
- (16) Development: The act of subdividing land, building structures and installing site improvements.
- (17) Development Agreement (major subdivision): A contract with the County in which the owner or developer agrees to take certain specified actions in consideration of the county's granting preliminary and final plat approval.
- (18) Development Code: The official controls adopted by Washington County regulating the physical development of land in the unincorporated areas of the County.
- (19) Double Frontage Lots: Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- (20) Drainage Course: A water course or indenture for the drainage of surface water.
- (21) Drainage 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.
- (22) Easement: A grant by an owner of land for a specific use by persons other than the owner.
- (23) Engineer: The registered engineer employed by the township unless otherwise stated.
- (24) Final Plat: The map or plan or record of a subdivision and any accompanying material as described in these regulations.
- (25) Grade: The slope of a road, street, or other public way specified in percentage (%) terms.
- (26) Individual Sewage Disposal System: A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. See Chapter Eight of the Washington County Development Code.
- (27) Lot: An individual parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Auditor-Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (28) Lot, Corner: A lot bordered on at least two (2) adjacent sides by intersecting streets.

- (29) Major Subdivision: All subdivisions not classified as 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.
- (30) Metes and Bounds: A property description in which successive sides are described by direction and distance as one would walk around the area being described.
- (31) 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.
- (32) Minor Subdivision: Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Ordinance or these regulations.
- (33) Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial.
- (34) Open Space Development: A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space. See Chapter Two, Part 3, Section 4. of the Washington County Development Code.
- (35) Ordinary High Water Level: The boundary of public waters and wetlands; an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established high water level by the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.
- (36) Outlot: A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.
- (37) Owner: All persons interested in a property as fee simple owner, life estate holder and/or encumbrancer or contract for deed purchaser.
- (38) Pedestrian Way: A public right-of-way across or within a plat to be used by pedestrians or non-motorized vehicles.
- (39) Person: Any person, corporation or association including governmental agencies and political entities.
- (40) Planning Commission: The Washington County Planning Commission, See Chapter One, Section 8.
- (41) Plat Commission: The Commission appointed by the County Board consisting of a representative from each of the following departments or agencies: County HELM, County Surveyor, County Recorder, County Attorney, County Engineer, County Commissioner and Soil & Water Conservation District. See Chapter One, Section 7.

- (42) Preliminary Plat: The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission or local township for approval. Preliminary Plat shall contain data required as outlined in Section 7.
- (43) Private Street: A street serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.
- (44) Protective/Restrictive Covenants: Contracts, agreements, or declarations entered into between private parties which constitutes a restriction on the use of private property within a subdivision.
- (45) Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.
- (46) 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.
- (47) Road, Dead-End: A road or a portion of a street with only one (1) vehicular traffic outlet.
- (48) Street: A public right-of-way which affords a primary means of access to abutting property.
- (49) Street, Collector: A road intended to move traffic from local roads to secondary roads and/or a road designated as a collector by the Minnesota Department of Transportation, the Metropolitan Council functional classification map, or the Washington County Comprehensive Plan.
- (50) Street, Intermediate or Minor Arterial: Routes identified as minor arterials by the Minnesota Department of Transportation, the Metropolitan Council functional classification map, or the Washington County Comprehensive Plan. These streets are designed to serve heavy traffic volumes and their function is to provide mobility with substantially restricted access. They serve to connect communities and/or significant traffic generators or principal arterials, to relieve congestion, and to expand the capacity of other arterials.
- (51) Street, Local: A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water and storm drainage pipes.
- (52) Street (Service/Frontage Road): A minor street parallel to and adjacent to high volume arterial streets and highways which provides access to abutting properties and protection of through traffic.
- (53) Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.
- (54) Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.
- (55) Street Width: The shortest distance between the lines delineating the roadway, including shoulders or parking lanes of a street. On urban designed streets it is face to face of curbs.
- (56) Subdivider: The owner, agent, or person having control of such land as the term is used in this chapter.
- (57) Subdivision: The process or result of the process whereby land is divided into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes including platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred or created.

- (58) Survey, Land: The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey. The term cadastral survey is sometimes used to designate a land survey, but in this country its use should be restricted to the surveys of public lands of the United States (USPLS).
- (59) Surveyor: A land surveyor licensed under Minnesota State Laws.
- (60) Thoroughfare: A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (61) Zoning Ordinance: Regulations controlling the use of land as adopted by Washington County. Refer to Chapters One and Two of the Washington County Development Code.
- (62) Vicinity Map: A map drawn to comparatively small scale which shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

#### ***SECTION 4. ADMINISTRATION***

- 4.1** Pursuant to Chapter One of the Washington County Development Code, the Washington County Department of Health, Environment and Land Management shall be the Administrator of these regulations.
- 4.2** 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 Washington County Development Code, the most restrictive standards or dimensions shall apply.
- 4.3** Subdivision review shall be coordinated with the requirements and procedures for Environmental Assessment and Impact Statements as contained in Chapter One, Section 13. 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 preliminary plat approval.
- 4.4** Subdivision Review shall be coordinated with the local township. Township approval of all phases of plat approval is required and shall be in sequence with County approval. Final plat approval will not be granted until final plat approval is granted by the township..
- 4.5** The platting and subdivision of open space design subdivisions shall be coordinated with the requirements contained in the Washington County Development Code, Chapter Two, Part 3, Section 4. Open Space Design. Any deviation from the minimum design and engineering standards of these subdivision regulations may be allowed when consistent with the standards contained in Chapter Four, Section 4.
- 4.6** 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 to be in violation with this Chapter or the Zoning Ordinance, the division may be approved by the Zoning Administrator after submission of a survey and legal description of each by a licensed land surveyor showing the original lot and the proposed new lot lines. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.
- 4.7** No structure shall be built or placed on a lot in a new plat 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.

- 4.8** Any lot or parcel of land designated as an “outlot” shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of said lot or parcel.
- 4.9** Consent for subdivision of property shall be required from the owner of the property.
- 4.10** 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 Washington County Development Code..
- 4.11** Variances to the dimensional standards contained in this Chapter shall be heard by the Washington County Board of Adjustment and Appeals and governed by the regulations contained in Chapter One of the Washington County Development Code.
- 4.12** 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.
- 4.13** In addition to any other remedies set forth in the Washington County 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 before all requirements of the regulations of this Chapter have been complied with shall forfeit to the County one hundred dollars (\$100.00) for each lot or part of a lot so disposed of, leased or offered.
- 4.14** Fees for plat reviews and other services rendered under this Chapter shall be established by the Washington County Board of Commissioners.

#### ***SECTION 5. MINOR SUBDIVISION***

- 5.1** In the case of a 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 County may waive a portion of the platting requirements.
- 5.2** At a minimum, the following information must be submitted:
- (1) A survey showing the original lot and proposed lots.
  - (2) Topographic data at ten (10) foot contour intervals. Data at two (2) foot contours and flood plain information may be required if deemed necessary by the Zoning Administrator.
  - (3) Buildable area on the parcels.
  - (4) Driveway access points.
  - (5) Drainage, grading and erosion control plans.
  - (6) Wetland delineation report and map.
  - (7) Soil testing for the installation of an on-site sewage disposal system.
- 5.3** A certificate of survey shall be prepared by a licensed land surveyor showing the boundaries of the newly created lots.

- 5.4 Prior to approval of a minor subdivision, the township and/or county reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.
- 5.5 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.
- 5.6 A maximum of three (3) lots in a five (5) year period are permitted utilizing the minor subdivision procedure.
- 5.7 The Zoning Administrator shall review all minor subdivisions for compliance with the Washington County Development Code prior to recording of the proposed lot division.
- 5.8 In addition to other requirements, all requirements of Sections 8, 9 and 10 of this chapter must be met where applicable. Further, the following must be completed:
- (1) A development agreement must be entered into specifying the number of density units allocated among the parcels (refer to Chapter 3 of the Washington County Zoning Ordinance) and approved by the County Board.
  - (2) Driveway permits or letter of intent must be approved by the Washington County Department of Public Works or MNDOT if access to a County or State road is required.
  - (3) Drainage easements must be dedicated as necessary.
  - (4) Road right-of-way must be dedicated as necessary.

### ***SECTION 6. PLATTING PROCEDURE***

#### **6.1** Concept Review.

- (1) 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 County regulations prior to the development of a preliminary plat, the subdivider shall meet with the Plat Commission.
- (2) At least fourteen (14) days prior to the regularly scheduled meeting of the Plat Commission, the owner shall prepare and submit seven (7) copies of a concept plan containing the following information:
  - (A) Tract boundaries and approximate dimensions.
  - (B) Significant topographic and physical features on the property to be platted and within 200 feet of all property lines.
  - (C) Proposed general street and lot layout with lot sizes of individual parcels designated.
  - (D) General location of proposed public and private open space areas.
  - (E) General drainage plan.
  - (F) Current zoning of the property.
  - (G) An explanation of the proposed subdivision and its purpose.

- (3) The Plat Commission shall review the sketch plan with the subdivider and provide comments on the concept plan. The Plat 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 plat.

## 6.2 Preliminary Plat

- (1) After receiving comments from the Plat Commission during concept review, the applicant shall prepare and submit seven (7) copies of the preliminary plat to the Zoning Administrator. Such preliminary plat submission shall contain the information as described in Section 6. Preliminary and Final Plat Requirements.
- (2) Prior to preliminary plat 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. The Zoning Administrator shall be responsible for forwarding copies of the proposed plat to the DNR.
- (3) Approval from the Watershed Management Organization in the area of the proposed platted property must be obtained prior to approval of the preliminary plat. The applicant shall take whatever steps are necessary to obtain approval from the Water Management Organization.
- (4) If the property proposed to be subdivided abuts the right-of-way of a State highway, a copy of the preliminary plat shall be sent to the Minnesota Department of Transportation for their review and consideration.

## 6.3 Public Hearing

- (1) Upon receipt of a complete preliminary plat application, the Plat Commission shall schedule a public hearing on the proposed preliminary plat. Such hearing shall be scheduled no later than thirty (30) days from the date of the filing of the complete application.
- (2) If the preliminary plat is not approved by the Plat Commission, 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 County Board who shall conduct a public hearing and take action on the plat.
- (3) If the preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Final approval will be required as specified in Section 6.4.
- (4) The Plat Commission 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 Washington County Development Code or Comprehensive Plan.
- (5) If the preliminary plat is approved by the Plat Commission, the subdivider shall submit the final plat within 180 days after the approval or the approval of the preliminary plat shall be considered null and void. This 180 day time limit may be extended if requested by the applicant and approved by the Plat Commission. In the event the property is to be developed in phases, the preliminary plat approval for the undeveloped portion or phase shall be valid for two (2) years from the date of preliminary plat approval.
- (6) Should the subdivider desire to amend the preliminary plat as approved, he may submit an amended plat which shall follow the same procedure as a new plat. A public hearing and submission of a plat

review fee shall not be required for amended preliminary plats unless, in the opinion of the Plat Commission, the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be refiled with payment of appropriate review fees and shall require a public hearing.

#### 6.4 Final Plat

- (1) After the preliminary plat has been reviewed and approved by the Plat Commission, seven (7) copies of the final plat containing the information detailed in Section 7.2 shall be submitted to the Zoning Administrator; three (3) copies of the final plat, along with the plat checking fee, shall be submitted to the County Surveyor for review.
- (2) Prior to approval of the final plat by the County Board, the subdivider shall have installed all required improvements or executed a development agreement (major subdivision) with the township and the County for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.
- (3) The Plat Commission shall consider the final plat no later than thirty (30) days from the date that the complete final plat is received. The Plat Commission's recommendations on the final plat shall be recorded in the proceedings of the Plat Commission and transmitted to the applicant.
- (4) If the final plat is recommended for approval by the Plat Commission, 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 Plat Commission 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.
- (5) If the final plat is not presented to the County Recorder/Registrar of Titles within 120 days after approval by the Plat Commission, 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 Plat Commission. An extension must be approved by the Plat Commission.
- (6) The County Recorder shall place the properly submitted final plat on the agenda of the County Board at its next regularly scheduled meeting for final approval. Final plat approval shall not be granted unless the plat has first been approved by the Town Board.
- (7) If the final plat is not approved by the Plat Commission, the applicant can appeal that decision to the County Board who shall conduct a public hearing and take action on the plat.

**SECTION 7. PRELIMINARY AND FINAL PLAT REQUIREMENTS**

- 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.
- (1) Identification and Description.
    - (A) 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.
    - (B) Legal description of the property.
    - (C) 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.
    - (D) North point and vicinity map of area showing well known geographical points for orientation within a one-half (½) mile radius.
    - (E) Date of preparation.
  - (2) Existing Conditions.
    - (A) 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.
    - (B) Existing zoning classifications for land in and abutting the subdivision.
    - (C) Approximate total acreage.
    - (D) Location, right-of-way width, and 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 and section, corporate and school district lines within the plan and to a distance of three hundred (300) feet beyond.
    - (E) Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat are 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.
    - (F) 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.
    - (G) All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.
    - (H) 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 site. Bench marks 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.

- (I) A copy of all proposed private restrictions.
  - (J) In areas where public sewer is not available, 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.
  - (K) 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.
  - (L) 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.
  - (M) 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.
  - (N) 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.
- (3) Subdivision Design Features.
- (A) 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.
  - (B) Locations and widths of proposed alleys, pedestrian ways and utility easements.
  - (C) 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.
  - (D) Proposed front, side and rear building setbacks as well as setbacks from water bodies.
  - (E) Location and size of proposed sanitary sewer lines and water mains or proposed township sewer and water systems.
  - (F) 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.

- (G) Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
  - (H) Grading and drainage plan for entire subdivision. 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.
  - (I) Erosion and sediment control plan.
- (4) Other Information.
- (A) 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.
  - (B) Source of water supply.
  - (C) Provisions for sewage disposal, surface water drainage, and flood control.
  - (D) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plat Commission may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.
  - (E) Such other information as may be requested by the Zoning Administrator, the County Engineer or the Plat Commission.

7.2 The following information shall be submitted for final plat review.

- (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, these regulations, and the manual of Standard Procedures for Platting in Washington County.
- (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..
- (3) On the final plat, the lowest floor elevation of the building shall be shown for all lots abutting a water body. Such elevation shall be at least two (2) feet above the 100 year flood elevation. A durable bench mark shall be established and shown on the map.

### ***SECTION 8. GENERAL DEVELOPMENT STANDARDS***

8.1 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.

- 8.2 The County 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.
- 8.3 All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot and building orientation.
- 8.4 The subdivider shall consult with the local township 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.
- 8.5 The proposed subdivision shall conform to the Comprehensive Development Plan and Policies as adopted by the County.
- 8.6 Where a subdivision abuts or impacts an existing County Road or County State Aid Highway, additional right-of-way may be required to be dedicated so long as the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety and welfare of the township.
- 8.7 Proposed subdivisions shall be coordinated with existing nearby municipalities or neighborhoods so that the township as a whole may develop harmoniously.

#### ***SECTION 9. MINIMUM DESIGN STANDARDS***

##### **9.1** Street Plan.

- (1) Proposed streets shall conform to the state, county, or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by-law.
- (2) Streets shall be logically related to the topography so as to produce useable lots and reasonable grades
- (3) 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.
- (4) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
- (5) Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- (6) Local 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.

- (7) 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, reasonable assurance for dedication of the remaining part of the street can be secured.
- (8) Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- (9) 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.
- (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.
- (11) Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with 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.
- (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.

## 9.2 Cul-de-Sac Streets.

- (1) For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.
- (2) Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.
- (3) Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.
- (4) Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length in areas where lots are less than two and one-half (2.5) acres in size.
- (5) Where lots are two and one half (2.5) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed one quarter (1/4) mile in length.
- (6) In areas where lots are two and one half (2.5) acres or greater, temporary cul-de-sacs shall not exceed 2,640 feet (½ mile) nor provide access to more than 20 home sites.
- (7) In areas where lots are less than two and one-half (2.5) acres, temporary cul-de-sacs shall not exceed 800 feet nor provide access to more than 20 home sites.

- (8) 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 expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the Township Engineer and the Washington County Plat Commission to show construction can stay within the right-of-way.

**9.3 Street Design.** (For street design standards in Open Space Developments see Chapter 2, Zoning Regulations, Part 3 - Performance Standards for Open Space Development.)

- (1) 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:

**URBAN DESIGN**

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width (including shoulders)
Minor Arterial	120 feet (36.6m)	44 feet (13.4m)
Collector	100 feet (30.5m)	44 feet (13.4m)
Local	60 feet (18.3m)	32 feet (9.8m)

**RURAL DESIGN**

Type of Street	Minimum Right-of Way Width	Minimum Roadway Width	Shoulder Width
Minor Arterial	120 feet (36.6m)	24 feet (12.2m)	8 feet
Collector or Commercial - Industrial Street	100 feet (30.5m)	24 feet (12.2m)	8 feet
Local	60 feet (18.3m)	24 feet (12.2m)	4 feet

- (2) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- (3) The minimum radius for a cul-de-sac shall be forty-five (45) feet.
- (4) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- (5) Access to streets shall be regulated as follows:
  - (A) Access of streets within the subdivision to other local streets shall meet all requirements of the local township.

- (B) Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Washington County Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the Washington County Department of Public Works or the Minnesota Department of Transportation. At the discretion of the County Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County Road or County State Aid Highway. Such lanes shall conform to Minnesota Department of Transportation design standards and all costs shall be borne by the developer.

**ACCESS SPACING GUIDELINES**

Type of Access	Functional Classification of Highway				
	Principal Arterial	Minor Arterial		Collector	Local
		> 7,500 ADT	< 7,500 ADT		
A. Private Residential Driveways	No Direct Access	No Direct Access	(2)	(2)	(2)
B. Commercial Driveways or Non-continuous Commercial Streets	No Direct Access	No Direct Access	1/8 Mile	1/8 Mile	(2)
C. Non-continuous Residential Streets	No Direct Access	1/8 Mile with No Median Opening	1/8 Mile	1/8 Mile	(2)
D. Continuous Local Streets and Collector Streets	1/2 Mile	1/4 Mile	1/4 Mile	1/8 Mile	1/8 Mile
E. Minor Arterials	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile
<ol style="list-style-type: none"> <li>1. Traffic volumes refer to 20 year forecasts.</li> <li>2. Determination based on other criteria (sight distance, speed, traffic volume, etc.).</li> <li>3. Distances shown are minimums.</li> <li>4. "Non-continuous" streets refer to cul-de-sacs or short length streets (less than 1/2 mile) which do not cross the county Highway in question.</li> <li>5. The type of traffic control, turn lanes and bypass lanes required will be determined based upon the projected traffic volumes on the type of access requested.</li> <li>6. County reserves the right to increase the minimums based on other criteria (sight distance, speed, traffic volume, etc.).</li> </ol>					

- (C) Access to Minnesota Trunk Highways, U.S. routes, or Interstate Highways shall be subject to all regulations and permitting procedures of the Minnesota Department of Transportation.
- (6) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- (7) 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 two hundred (200) feet.

- (8) Centerline gradients shall be at least 0.25 percent and grades shall not exceed eight percent (8%).
- (9) Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.
- (10) The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- (11) Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
- (12) 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 of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

#### **9.4 Public Utilities.**

- (1) Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.
- (2) Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.

#### **9.5 Easements.**

- (1) Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10 foot wide front or side yard easement may be required. These easements shall be dedicated on the final plat.
- (2) Drainage easements shall be provided along each side of the center line of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.
- (3) Utility and drainage easements shall be dedicated for the required use.

#### **9.6 Street Names and Signs.**

- (1) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering system as applicable.
- (2) All street signs shall be provided and installed by the township at the expense of the subdivider.

#### **9.7 Lot Requirements.**

- (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.
- (2) Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- (3) No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.
- (4) Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.
- (5) Corner lots shall be platted at least twenty (20) feet wider than required.
- (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 ten (10) feet for screen planting along the rear lot line.
- (7) Lots abutting upon a water course, Drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- (8) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- (9) 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 (major subdivision) shall be recorded restricting the use and ownership of said parcel.
- (10) 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 and meet appropriate safety standards.
- (11) No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- (12) 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.
- (13) 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. The lowest floor elevation shall be shown on the face of the final plat, as recorded, and shall be a minimum of two (2) feet above the 100 year flood elevation.

#### ***SECTION 10. ENGINEERING STANDARDS***

**10.1** Streets.

- (1) Gravel surfaces are prohibited.
- (2) Streets shall be graded in accordance with a plan approved by the township engineer.
- (3) An obstacle clear free zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
- (4) For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:3 (rise over run). The ditch bottom shall be four (4) feet wide unless suitable erosion control can be provided.
- (5) The design of all pavement shall be in accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. The designed thickness of the pavement shall be in accordance with the standards shown below, but in no case shall there be less than six (6) inches of Class 5 or higher and two (2) inches of bituminous. More stringent design may be required by the approving engineer.

<b>Classification</b>	<b>Pavement Design; Axle Load</b>
Arterial, Collector Street	Nine (9) tons
Local Street	Seven (7) ton minimum

- (6) To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.
- (7) Concrete or bituminous curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent (4%). The construction shall be in accordance with Standard Specification for Highway Construction, MNDOT No. 2531 or 2535.
- (8) All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then seeded or sodded.
- (9) 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 township engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the township engineer.

**10.2** Utilities.

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

- (2) 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 by the local township.
- (3) Sewer -- Urban Areas
  - (A) No public sanitary sewer facility shall be extended which is not in conformance with the Utility Staging Plan of the Township's and County's Comprehensive Plans.
  - (B) Where trunk line sanitary sewer facilities are available, the subdivider shall install sanitary sewers and connect such sanitary sewers to such trunk line sewers. Extensions of the public sewer system shall be designed to provide public sewer service to each lot.
  - (C) In the event that such facilities are not available but, in the opinion of the township, can be made available within a reasonable period of time, such sewers and all necessary laterals extending from the main sewer to the street curb shall be installed and capped for future connection as service becomes available.
  - (D) Construction and inspection of the sanitary sewer must be in conformance with the township's specifications.
- (4) Water Supply -- Urban Areas
  - (A) Where mains from a public water system are available, the subdivider shall install water mains in the plat and connect such mains to such public water system.
  - (B) Extensions of the public water supply shall, when available, be designed to provide public water service to each lot.
  - (C) Construction and inspection of the water supply system must be in conformance with township specifications.
- (5) Sewer — Rural Areas
  - (A) Where lots cannot be connected with a public sewer system, provision must be made for sanitary sewer facilities consisting of an individual disposal device 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.
  - (B) Any subdivision or lot not provided with off-site sewer facilities 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.
  - (C) 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.
- (6) Water Supply -- Rural Areas

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

### 10.3 Storm Water Drainage.

- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
  - (A) 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.
  - (B) Flow attenuation by use of open vegetated swales and natural depressions.

- (C) Storm water retention facilities.
  - (D) Storm water detention facilities.
- (9) An applicant may also make an in-kind or monetary contribution to the development and maintenance of township storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
- (10) 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:
- (A) 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.
  - (B) An average permanent pool depth of four (4) to ten (10) feet.
  - (C) 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.
  - (D) A permanent pool length-to-width ratio of 3:1 or greater.
  - (E) 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.
  - (F) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 16.5 feet shall be provided.
  - (G) A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations shall be provided.
  - (H) 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.
  - (I) All storm water detention facilities must have a catch basin to remove coarse grained particles prior to discharging into a watercourse or storage basin.

#### **10.4 Erosion Control During Construction.**

- (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.
- (2) The following criteria apply only to construction activities that result in runoff leaving the site:

- (A) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Sheetflow 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.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) 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.
- (F) 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.
- (G) 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.

### ***SECTION 11. REQUIRED IMPROVEMENTS***

- 11.1** 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 (major subdivision) 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.
- 11.2** 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:

- (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 a relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half (½) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.
- (2) The full width of the right-of-way of each street and alley dedicated in the plat shall be graded in accordance with approved plans.
- (3) All streets and alleys shall be improved with concrete or bituminous surface except as may otherwise be approved by action of the township.
- (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.
- (5) Sidewalks 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.
- (6) 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.
- (7) 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 that they will be within five (5) years, the township may require that such sewers, together with the necessary lateral 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 that they are so located as to permit easy and the least expensive connection to the sewer when it becomes available and useable. 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 can be disconnected and connection can be made with the public sanitary sewer system.
- (8) Drainage facilities and easements shall be installed as will adequately provide for the drainage of surface waters in accordance with the approved plan.
- (9) Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required.

**11.3** 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 11.6 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.

**11.4** Required improvements 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 maybe made for the payment of a portion of the cost by the township.

- 11.5** If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- 11.6** 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 County 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:
- (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 thereunder and with any other work being done or contracted by the township in the vicinity.
  - (2) A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 10. 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.
  - (3) The time for connection of the work and the several parts thereof. Such time shall be determined by the township and County upon recommendation of the township and County 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 plat and subdivision.
- 11.7** No subdivider shall be permitted to start work on any other subdivisions without special approval of the township if he has previously defaulted on work or commitments.
- 11.8** 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.

## **SECTION 12. FINANCIAL GUARANTEE**

- 12.1** The financial guarantee required as part of the subdivision agreement shall be one of the following:
- (1) A Cash Escrow Deposit may be made with the township treasurer in a sum equal to one hundred twenty five percent (125%) of the total costs, as estimated by the county and township engineers, of all the improvements to be furnished and installed by the subdivider pursuant to the development agreement (major subdivision). The total costs shall include costs of inspection. The county or township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the county for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.
  - (2) The subdivider may 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 county or township engineer. The bond shall be approved as to form by both the township and county attorneys and filed with the township.

- (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:
  - (A) 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.
  - (B) 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.
  - (C) That this letter of credit may not be withdrawn or reduced in amount until released by the township.
- (4) In the event the county elects to become a party to the development agreement (major subdivision), any financial guarantee shall run to the benefit of the township and county.

### ***SECTION 13. SEPARABILITY***

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

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

### ***SECTION 14. EFFECTIVE DATE***

**14.1** The regulations contained in this chapter shall become effective from and after January 1, 1998, after their publication according to law.