



CITY OF SPRING PARK
PLANNING COMMISSION MEETING
FEBRUARY 12, 2025 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER
2. APPROVAL OF MINUTES
 - a. April 10, 2024 - Planning Commission Minutes
 - b. November 10, 2024 – Planning Commission Minutes
3. SUBDIVISION ORDINANCE DISCUSSION
4. MISCELLANEOUS
5. ADJOURNMENT



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
APRIL 10, 2024 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER

The meeting was called to order at 6:00p.m.

Chair Hoffman and Commissioners Avalos, Homan, and Mason were present. Commissioner Terryll was absent. Staff Present: City Administrator Anderson

2. APPROVAL OF AGENDA

a. January 10, 2024, Planning Commission Minutes

Commissioner Mason motioned, being seconded by Commissioner Homan, to approve the agenda as presented.

On vote being taken, the motion was unanimously approved.

3. AS BUILT SURVEYS

a. Staff Report: Lori Johnson with WSB conducted a presentation regarding As-Built Survey's to the subdivision Ordinance.

b. Proposed Ordinance #24-01 – As Built Survey's: the Ordinance was reviewed by the Planning Commission along with a recommendation to approve and present to Council for final approval.

c. Public Hearing: *Chair Hoffman made a motion, being seconded by Commissioner Homan, to open the public hearing at 6:12p.m. With no public comment, Commissioner Mason motioned, being seconded by Commissioner Avalos, to close the public hearing at 6:13p.m.*

Commissioner Mason made a motion, being seconded by Commissioner Homan, to approve Ordinance #24-01: As-Built Survey's – Certificate of Occupancy and present to the Council for final approval. On roll-call vote, Mason – yes, Avalos – no, Homan – yes, Hoffman – yes. Motioned passed.

4. MISCELLANEOUS

Parks: Commissioner Mason recommended that we put bollards or rocks at Thor Thompsom Park at the corner of Sunset and Park Lane. He also wants to replace the Arbor in Wilkes Park. Pam Horton was going to order and pay for the Arbor. Mason wanted a 2 ft. sign as well indicating who the Arbor is for with her name and date of service to the City.

5. ADJOURNMENT

After no further discussion, Commissioner Avalos motioned, being seconded by Commissioner Homan, to adjourn the meeting at 6:23p.m. On vote being taken, the motion was unanimously approved.



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
NOVEMBER 13, 2024 – 6:00 PM
SPRING PARK CITY HALL

1. CALL TO ORDER

The meeting was called to order at 6:00p.m.

Chair Hoffman and Commissioners Avalos, Homan, Stafford, and Terryll were present.

Staff Present: City Administrator Anderson

2. APPROVAL OF MINUTES

a. January 10, 2024, Planning Commission Minutes

Commissioner Homan motioned, being seconded by Commissioner Terryll, to approve the planning commission minutes as presented. On vote being taken, the motion was unanimously approved.

3. SUBDIVISION ORDINANCE DISCUSSION

City Administrator Anderson stated the city needs to create a subdivision ordinance and asked the Commissioners if they want to hire WSB to create one or have staff & the Planning Commission prepare and then submit to the attorney and planner for the final review.

The estimate from WSB is \$16,000. It was determined that this quote was way too high, and the review can be conducted in-house between the staff and Planning Commissioners with a final review by the attorney and planner in order to ensure language consistency and proper references to other codes.

Staff will create the first draft, and the Planning Commission will conduct their first round of reviews at the next meeting.

4. INTERIM USE APPLICATION (pending submission) – applicant did not resubmit.

5. ADJOURNMENT

With no further discussion, Commissioner Avalos motioned, being seconded by Commissioner Stafford, to adjourn the meeting at 6:48 p.m. On vote being taken, the motion was unanimously approved.

CHAPTER X: SUBDIVISIONS

ARTICLE 1: IN GENERAL

Title of Chapter.

This chapter shall be known, cited, and referred to as the "City of Spring Park Subdivision Ordinance".

Purpose of chapter.

Developers who seek to subdivide larger tracts of land into smaller parcels for development and/or sale must follow the city's subdivision ordinance. Subdivision regulations specify the standards of the city related to size, location, grading, and improvement of:

- Lots.
- Structures
- Public areas, trails, walkways and parks.
- Streets and street lighting.
- Installation necessary for water, sewer, electricity, gas, and other utilities.

All subdivisions of land submitted shall fully comply in all respects with the regulations to:

- 1) Provide for and guide the orderly, economic, and safe development of land, urban services and facilities.
- 2) Encourage well-planned, efficient, and attractive subdivisions by establishing adequate and impartial standards for design and construction.
- 3) Provide for the health, safety, and welfare of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
- 4) Place the cost of improvements against those benefiting from their construction.
- 5) Secure the rights of the public with respect to public lands and waters.
- 6) Preserve natural features, such as topography, trees, water courses, scenic points, prehistoric and historical locations or districts.
- 7) Protect community assets, which if preserved will add attractiveness, retain the character of the community, and provide stability to the proposed development of the property and surrounding area.
- 8) Set the minimum requirements necessary to protect the public health, safety, comfort, convenience, and general welfare.

Scope of legal authority.

The rules and regulations governing plats and subdivisions of land contained in this chapter shall apply within the boundaries of the city. It is the intent that this chapter shall apply to all lots or parcels, platted or not platted, if it is the intent to develop the lots in a manner that uses two or more lots for development or resub divides any lots of record. This chapter is not intended to repeal, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with restrictive covenants running with the land except those specifically repealed by or in conflict with this chapter. Where this chapter imposes a greater restriction upon land than is imposed or required by existing provisions of law, ordinance, contract, or deed, the provisions of this chapter shall control.

The city shall have the power and authority to review, amend, and approve subdivisions of land already recorded and on file with the county if such plats are entirely or partially undeveloped.

Administration.

This chapter shall be administered by the city administrator or their designee.

Amendments.

The provisions of this chapter shall be amended by the city following a legally advertised public hearing before the planning commission. The city council shall amend the chapter by a majority vote of the full city council in accordance with the law, including the rules and regulations of any applicable state or federal agency.

Approvals necessary for acceptance of subdivision plats.

Before any plat, (including condominiums), or subdivision of land shall be recorded or be of any validity, it shall be referred to the planning commission and approved by the city council as having fulfilled the requirements of this chapter.

Conditions for recording.

No plat or subdivision shall be entitled to be recorded in the county recorder's office or have any validity until the plat has been prepared, approved, and acknowledged in the manner prescribed by this chapter.

Building permits.

No building permits shall be issued by the city for the construction of any building, structure, or improvement to the land or to any lot in a subdivision until all requirements of this chapter have been fully complied with.

Separability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

Interpretations.

Floodprone lands

(a) *Subdivision flooding and flood control.* No land shall be subdivided if the council finds the land unsuitable for subdividing due to flooding, inadequate drainage, water supply, or sewage treatment facilities in accordance with this chapter and the zoning ordinance. Any building sites on lots within the floodplain district shall be at or above the regulatory flood protection elevation in accordance with this chapter and the zoning ordinance. All subdivisions shall have water supply and sewer disposal facilities that comply with the provisions of this chapter, and any applicable building, health, or safety codes, including the Minnesota State Building Code. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. Each of the requirements set forth in this subsection shall take into consideration the 100-year flood profile and other supporting technical data in the Flood Insurance Study and the flood insurance rate map.

(b) *Public utilities.* All public utilities and facilities such as gas, electrical, telephone, sewer, and water supply systems to be located in the floodplain shall be elevated or floodproofed in accordance with the Minnesota State Building Code to an elevation no lower than the regulatory flood protection elevation, in accordance with state and federal agency regulations and the city's zoning ordinance floodplain district.

(c) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodway district shall comply with this chapter and the zoning ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure and interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary railroad tracks, roads, or bridges may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety and as long as such construction is in accordance with the rules and regulations of the state department of natural resources, the state, the Federal Emergency Management Agency, and the city zoning ordinance floodplain district.

Article II: ADMINISTRATION AND ENFORCEMENT^[2]

DIVISION 1. - GENERALLY

Nonplatted subdivisions

Registered land surveys. All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this chapter shall apply to all registered land surveys.

Metes and bounds. Except in highly unique situations, as may be allowed by the city council, conveyances by metes and bounds shall be prohibited.

Variances; city council approval; standards.

Findings. The city council may approve a variance from the minimum standards of this chapter (not procedural provisions) and from the subdivision design criteria when, in its opinion, exceptional and undue hardship may result from strict compliance. In approving any variance, the city council shall prescribe any conditions that it deems necessary to or desirable to the public interest. In making its approval, the city council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision the subdivision design standards, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

A variance shall only be approved when the city council finds that each and every one of the following apply unless one or more of the criteria are not applicable to the particular situation:

- There are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of a reasonable use of the land.
- The granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which property is situated.
- The variance is to correct inequities resulting from an extreme physical hardship such as topography or to prevent removal of significant or desirable vegetation.
- Hardships relating to economic difficulties shall not be considered for the purpose of granting a variance.
- The hardship is not a result of an action by the owner, applicant, or any agent.
- The variance will not in any manner vary the provisions of the zoning ordinance or official zoning map.

Procedures.

(1) Pursuant to Minn. Stats. § 15.99, an application for a variance shall be approved or denied by the city council within 60 days from the date of its official and complete submission unless notice of extension is provided by the city or a time waiver is granted by the applicant. The city may extend the review and decision-making period an additional 60 days to the extent allowed by state law.

(2) Request for variances, as provided within this section, shall be filed with the city manager on an official application form. Such an application shall be accompanied by a fee as provided for by city council resolution.

(3) The procedures for filing of preliminary plats, including planning commission public hearing and city council review and consideration as found in article III of this chapter, shall be used for processing variances.

(4) Approvals of a variance request by the city council shall be by two-thirds vote of the full city council.

(5) A copy of all decisions granting variances for properties in the shoreland district or 100-year floodplain shall be forwarded to the commissioner of natural resources within ten days of such action.

(6) Whenever a variance has been considered and denied by the city council, a similar application and proposal for the variance affecting the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial, except as follows:

a. If the applicant or property owner can clearly demonstrate that the circumstances surrounding the previous variance application have changed significantly.

b. The city council may reconsider such matter by a majority vote of the entire city council.

(7) If a request for a variance receives approval of the city council, the applicant shall record such with the county recorder within 60 days of the city council approval date. The applicant, immediately upon recording such, or as soon as is reasonably possible, shall furnish the city proof of recording. No building permits for the property in question will be granted until such proof of recording is furnished to the city.

- **Violations and penalty.**

(a) *Sale or advertisement of lots from unrecorded plats.* It shall be a misdemeanor to sell, trade, advertise for sale, or otherwise convey any lot or parcel of land as a part of, or in conformity with, any plan, plat, or replat of any subdivision or area located within the jurisdiction of this chapter unless such plan, plat, or replat shall have first been recorded in the county recorder's office.

(b) *Receiving or recording unapproved plats.* It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the city council.

(c) *Misrepresentations.* It shall be a misdemeanor as set forth in Minn. Stats. § 609.02 for any person owning an addition or subdivision of land within the city to represent that any improvement upon any of the streets or avenues of such addition or subdivision or any sewer or utility in such addition or subdivision has been constructed according to the plans

and specifications approved by the city council, or has been supervised or inspected by the city, when such improvements have not been so constructed, supervised, or inspected.

(d) *Penalty.* Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with all applicable laws.

- **Schedules of administrative fees, charges, and expenses.**

(a) Fees and charges, as well as expenses incurred by the city for engineering, planning, attorney, and other services related to the processing of applications under this chapter shall be paid for by the applicant and collected by the city administrator for deposit in the city's accounts. Fees for the processing of requests for platting, major and minor subdivisions, review of plans, and such other subdivision-related procedures may from time to time be established by city council resolution. The city council may also establish fees by resolution for public hearings, special meetings, or other such city council or planning commission actions as are necessary to process applications.

(b) Such fees and charges (as well as a deposit/escrow) shall be collected prior to city action on any application. All such applications shall be accompanied by a written statement from the applicant/owner (when the applicant is not the same person or entity as the landowner, both the owner and the applicant must sign the statement) whereby the applicant/owner agrees to pay all applicable fees, charges, and expenses as set by city resolution as provided above, and which allows the city to assess the fees, charges, and expenses described in this section against the landowner if such monies are not paid within 30 days after a bill is sent to the applicant/landowner.

(c) These fees shall be in addition to building permit fees, inspection fees, trunk stormwater facility costs, sewer and water availability charges, zoning fees, charges, expenses, and other such fees, charges, and expenses currently required by the city or which may be established by city council resolution in the future.

- **ADMINISTRATIVE SUBDIVISIONS**

- **Qualification.**

This division shall apply to the following applications:

(1) In the case of a request to divide a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created, and both new lots conform to zoning ordinance lot size minimum standards.

(2) In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two lots, both of which conform to zoning ordinance minimum standards. To

qualify, the parcel of land shall not have been part of an administrative subdivision within the previous five years.

- **Content and data requirements.**

(a) *Certificate of survey.* The requested administrative subdivision shall be prepared by a registered land surveyor in the form of a certificate of survey.

(b) *Property description and submission information.* The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in article III of this chapter. Exceptions may be granted by the city manager.

Subdivision design standards.

The administrative subdivision shall conform to all applicable subdivision design standards as specified for this chapter. Any proposed deviation from such standards shall require the processing of a variance request.

- **Sec. XX. - Processing.**

If the land division complies with the applicable provisions of this section, this chapter, the zoning ordinance and the comprehensive plan, the city administrator may approve the subdivision.

- **Secs. XXXX. - Reserved.**

- **ARTICLE III. - PROCEDURES FOR FILING AND REVIEW**

- **Sec. XX. - Sketch plan.**

(a) *Procedure.* In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter, and the requirements and limitations imposed by other city ordinances, plans, and/or policies prior to the preparation of a preliminary plat, all applicants shall present a sketch plan to the city administrator prior to filing a preliminary plat. Submission of a sketch plan shall not start the 60-day review period, as required by state law, for consideration of a preliminary plat. The city administrator shall review the sketch plan and schedule a meeting with the applicant to discuss the subdivision and the application process. Approval of a sketch plan shall not be considered binding regarding subsequent plat review. The city administrator may, with agreement of the applicant, refer the sketch plan to the planning commission and/or city council for review and comment.

(b) *Submission requirements.* The following are required for the submission of a sketch plan for review:

(1) Written request for sketch plan review.

(2) Five copies at a readable scale of the plat sketch including the following minimum information:

a. Plat boundary.

b. North arrow.

c. Scale.

d. General location of proposed streets, easements, pedestrian paths, ponds, water detention areas, etc.

e. Designation of land use and current and proposed zoning.

f. Significant topographical or physical features.

g. General lot locations and layout.

(3) Escrow deposit, as determined necessary by the city manager, to pay review costs of city staff and consultants.

- **Sec. XX. - Preliminary plat.**

(a) *Procedure.*

- Pursuant to Minn. Stats. § 15.99, an application for a preliminary plat shall be approved or denied by the city council within 60 days from the date of its official and complete submission, unless notice of extension is provided by the city or a time waiver is granted by the applicant. The city may extend the review and decision-making period an additional 60 days to the extent allowed by state law.
- After the pre-application meeting and following city review of the sketch plan, the applicant may prepare a request for subdivision, as provided within this chapter, that shall be filed with the city on an official application form. Such an application shall be accompanied by a fee as provided for by city council resolution. Such application shall also be accompanied by five large scale (22 inches by 34 inches) copies, and one reduced scale (11 inches by 17 inches) copy of the preliminary plat, and supportive information in conformity with requirements of this chapter. The scale of such materials shall be at the graphic scale of one inch to 20 feet, except as specifically approved by the city administrator. The request shall be considered

officially submitted and the application approval timeline commences **only** when all the informational requirements, as required, are complied with and the required fees are paid.

- The applicant shall supply an up-to-date certified abstract of title, registered property report, or such other evidence as the city attorney may require showing title or control of the applicant, and the legal description of the property for which the subdivision is requested.
- The applicant shall submit any necessary applications for variances from the provisions of this chapter, as set out in article II of this chapter.
- Upon receipt of the completed application, the city administrator shall set a public hearing for public review of the preliminary plat by the planning commission. The notice of the hearing may be a legal or display advertisement and shall include a description or depiction that is sufficient to fulfill statutory requirements that shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested and made a part of the records of the proceedings. The city shall post a sign on the property to notify the public that the land in question is the subject of a hearing by the planning commission or city council.
- Failure of a property owner to receive such notice shall not invalidate any such proceedings as set forth within this section, provided that a bona fide attempt has been made to comply with the notice requirements of this section.
- The city administrator shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the planning commission and city council. This may include the city planner, city engineer, city building official, the fire marshal, the city attorney, the city forester, or public or private utility departments, among others.
- The applicant shall refer copies of the preliminary plat to county, state, or other public jurisdictions for their review and comment, where appropriate and when required.
- The city administrator, the city council, and/or planning commission shall have the authority to request, in writing, additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when such information is to be declared necessary to comply with performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the applicant to supply all necessary supportive information shall be grounds for denial of the request.
- The applicant or a designated representative shall appear before the planning commission at the public hearing to answer questions concerning the proposed request.
- The planning commission shall make its report to the city council after the close of public hearing, or soon thereafter, as described above.

(b) City council action.

- Upon completion of the report of the planning commission, the request shall be placed on the agenda of the city council. Such report shall be entered in and made part of the permanent written record of the city council meeting.
- Upon receiving the report of the planning commission, the city council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition it considers necessary to protect the public health, safety, and welfare.
- The city council may refer the matter back to the planning commission for further consideration. The city council shall provide the planning commission with a written statement detailing the specific reasons for referral.
- Approval of the preliminary plat by the city council shall require passage by a majority vote of the entire city council. If the preliminary plat is approved, such approval shall not constitute final acceptance of the design and layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the final plat. The city council may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the preliminary plat or final plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the city.
- If the preliminary plat is not approved by the city council, the reasons for such action shall be recorded in the proceedings of the city council and shall be transmitted to the applicant as a finding of fact.
- The city council reserves the right to decline approval of a preliminary plat if due regard is not shown for the following considerations. Review of the preliminary plat shall also be subject to the criteria for denial of plats found in other sections of this code:
 - a. Preservation, to the extent possible, of the existing topography as specified in this chapter.
 - b. Preservation of trees and vegetative growth.
 - c. Preservation of natural water courses as specified in the general floodplain ordinance.
 - d. Preservation of historic locations and districts as specified in this Code.
 - e. Integration with existing neighborhoods and districts which, if preserved, will add attractiveness, retain character of the community, and provide stability to the proposed development of the property and surrounding area. Residential area integration shall include factors such as housing density, building pad layout, lot size, and design as it relates to the surrounding lots and neighborhood character. Commercial area integration

shall include factors such as lot size and width and site issues as specified in this chapter.

- Following city council approval of a preliminary plat, the applicant must submit a final plat to the city within 120 days of preliminary approval. If this procedure is not followed, then approval of the preliminary plat shall be considered void, unless a request for time extension is submitted in writing by the applicant 30 days prior to the lapse of approval and subsequently approved by the city administrator.
- Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The city may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the city, is of such scope as to constitute a new preliminary plat. A filing fee as established by the city council shall be charged for the amendment processing.

(c) *Submission requirements.* The applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information. The preliminary plat shall contain the information set forth in the subsections that follow (upon specific request, the city manager may exempt an applicant from the submission of data that are not considered relevant to the application).

(d) *General requirements.* The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in the city.

Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.

Name, address, and phone number of the record owners, any agent having control of the land, the applicant, land surveyor, engineer, and designer of the plan.

Graphic scale of one inch to 20 feet, except as specifically approved by the city administrator.

North point and key map of the area, showing well-known geographical points for orientation within a one-half-mile radius.

Date of preparation.

Applications, statements, and supporting documentation and plans for rezoning, variances, or conditional use permits approvals being sought for the subdivision.

A tree preservation and protection plan, that shows those trees proposed to be removed, those to remain, and the types and locations of trees and other vegetation that are to be planted in conformance with city requirements.

(e) *Existing conditions.* Boundary lines to include bearings, distances, curve data, and total acreage of proposed plat, clearly indicated.

Existing zoning classifications for land in and abutting the subdivision.

Total area of the proposed plat.

Location, right-of-way width, and names of existing or platted streets or other public ways, other rights-of-way, parks and other public lands, permanent buildings and structures, easements and section, corporate lines within the plan, to a distance 150 feet beyond the plat.

Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant.

Any reports on the environmental condition of the site conducted prior to the time of application submission for the proposed subdivision.

Where the applicant owns property adjacent to that which is being proposed for the subdivision, it shall be required that the applicant submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be required to integrate well with existing or potential adjacent subdivisions and land uses and the provisions of the city's adopted comprehensive plan.

Topography in two-foot contour intervals with existing contours shown as dashed lines and proposed contours as solid lines. Existing topography shall extend 100 feet outside of the tract or a distance necessary to demonstrate the impact of surface drainage upon surrounding properties.

Location, size, and elevation of all existing natural features including, but not limited to, wooded and vegetated areas, marshes, watercourses, water bodies, areas of steep slope, and other significant features.

Location of all existing storm drainage facilities including, but not limited to, pipes, manholes, catch basins, ponding areas, swales, and drainage channels within 100 feet of the parcel. Existing pipe grades, rim and invert elevations, and ordinary high water mark shall be shown. Also, spot elevations at drainage break points and direction arrows indicating site, swale, and lot drainage.

The delineation of all wetlands in accordance with criteria established by the Army Corps of Engineers and/or state department of natural resources. Such wetland delineations shall be performed by a registered land surveyor or engineer recognized as qualified by the Army Corps of Engineers and/or state department of natural resources.

100-year floodplain elevations and the regulatory flood protection elevation taking into consideration the flood insurance study and flood insurance rate map.

Location and size of existing sewers, water mains, culverts, or other underground facilities within and extending 100 feet beyond the proposed subdivision boundary. Such data as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown.

(f) Proposed design features.

1. Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross sections, and proposed names of streets in conformance with city street identification policies. The name of any street heretofore used in the city or its environment shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
2. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
3. Locations and widths of proposed pedestrian ways.
4. Location, dimension, and purpose of all easements.
5. Layout, numbers, lot areas, and preliminary dimensions of lots and blocks, and out lots.
6. Minimum front and side street building setback line.
7. When lots are located on a curve, the width of the lot at the building setback line, as defined by the city zoning ordinance, as amended.
8. Building pads intended for construction.
9. A parking plan and lighting plan for the development.
10. A security plan for the development.
11. Areas, other than streets, bikeways, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such areas in acres.

(g) Supplementary information. Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the city manager, or by a majority vote of the planning commission and/or city council to adequately address the application and site in question.

1. Proposed protective covenants or private restrictions.
2. A traffic study to include trip generation data and an analysis of the impact to the city's roadways and intersections. The information to be included in the study and the analysis methods shall be subject to approval of the city engineer.
3. Statement revealing the effect of the development on fire hazards and population density. The applicant may be required to have formal studies performed to the city's satisfaction which show the effect of the proposed development on fire hazards or other matters of public concern.
4. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.
5. Where structures are to be placed, lots that exceed the area required by the zoning ordinance, the preliminary plat shall indicate a logical way in which the lots could possibly be re-subdivided in the future.
6. An environmental assessment worksheet (EAW) shall be submitted if required by the city council, or if requested by Minnesota Environmental Quality Board. Whenever a project that does not require an environmental assessment worksheet is suspected to have the potential for environmental effects, the state, county, or city may require the preparation of a discretionary environmental assessment worksheet in order to determine whether an environmental impact statement is needed.
7. Where irregular shaped lots have been proposed, house pads shall be depicted which demonstrate such lots to be buildable.
8. Soil tests as required by the city engineer.
9. Such other applicable information as may be required by the city.

(h) *Preliminary grading plan.* The applicant shall submit a preliminary grading, drainage, and erosion control plan which shall include the following information:

1. North arrow.
2. Graphic scale of one inch to 20 feet, except as specifically approved by the city administrator.
3. Lot and block numbers.
4. Building pad locations, proposed building types, and proposed elevations.

5. Location and elevations of all street high and low points.
6. All street design grades and typical street sections.
7. Phasing of grading.
8. The location, dimensions, and purpose of all drainage and utility easements.
9. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Locations and standard detail plates for each measure shall be included on the plan.
10. All revegetation measures proposed for the subdivision, including seed and mulch types and application rates, shall be included on the plan.
11. All existing conditions shall be included on the grading plan, as required by the city engineer.

(i) *Preliminary utility plan.*

1. Location, dimension, and purpose of all drainage and utility easements.
2. Water mains shall be provided to serve the subdivision by extension of an existing community system. Service connections shall be stubbed into the property line and all necessary fire hydrants shall also be provided. All water systems shall be looped in accordance with the subdivision design standards of the city and as required by the city engineer. Extensions of the public water supply system shall be designed to provide service in accordance with design standards approved by the city engineer.
3. Sanitary sewer mains and service connections shall be planned in accordance with the subdivision design standards of the city and as approved by the city engineer.
4. Locations, grades, rim and inverted elevations, and sizes of all storm and sanitary sewers and opportunities to serve the proposed subdivision.
5. Location and size of all proposed water mains and appurtenances.
6. All existing conditions shall be included in the grading plan, as required by the city engineer.

- **Sec. XX. - Final plat.**

(a) *Procedure.*

(1) After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the subsections which follow. The city may agree to review the preliminary and final plat simultaneously. The final plat shall incorporate the changes, modifications, and revisions required by the city as part of the conditions for preliminary plat approval.

(2) All final plats shall comply with the provisions of state statutes and requirements of this chapter.

(3) Review of a final plat.

a. Pursuant to Minn. Stats. § 15.99, an application for a final plat shall be approved or denied by the city council within 60 days from the date of its official and complete submission, unless notice of extension is provided by the city or a time waiver is granted by the applicant. The city may extend the review and decision-making period an additional 60 days to the extent allowed by state law.

b. Five large scale (22 inches by 34 inches) copies, and one reduced scale (11 inches by 17 inches) copy of the final plat, and supportive information in conformity with the requirements of this chapter shall be submitted by the applicant. The scale of such materials shall be at a graphic scale of one inch to 20 feet, except as specifically approved by the city manager. If the final plat is referred to the planning commission for recommendation, additional large scale copies of the plat may be required. Upon receipt of a final plat, copies shall be referred to the city council and city manager, and to all applicable utility companies and county and state agencies. The applicant shall provide an up-to-date certified abstract of title, registered property report, or such other evidence as the city attorney may require showing title or control of the applicant.

c. The city council may refer the final plat to the planning commission for recommendation if it is found that the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved. In such cases, the planning commission shall submit a report thereon to the city council within 45 days.

d. The city administrator shall, as appropriate, submit reports and recommendations to the city council.

e. Prior to city council approval of a final plat, the applicant shall have executed a subdivision agreement with the city, which controls the installation of all required improvements and ensures compliance with all conditions of approval. The agreement shall specify whether public or private financing of improvements or a combination of both shall be used for the development improvements. Such agreement shall also require all improvements and approval conditions to comply with approved engineering standards and applicable regulations.

f. Approval of a final plat by the city council shall be by a majority vote of the entire city council.

g. Upon receiving an approved final plat in conformance with the requirements of the city, the designated representatives of the city shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the county registrar of deeds within 60 days, or the approved final plat shall be considered void.

h. The applicant shall, within 30 days of recording, furnish the city with three blue or black line prints, two mylars (22 inches by 34 inches) of the final plat showing evidence of the recording, one reduced scale (11 inches by 17 inches) copy of the plat, and a digital copy in a format acceptable to the city engineer. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.

(b) *Submission requirements.* The applicant shall submit a final plat together with any necessary supplementary information. The final plat, prepared for recording purposes, shall be prepared in accordance with provisions of state statutes and county regulations, and such final plat or accompanying submittals shall contain the following information:

(1) Name of the subdivision which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in the city and which shall be subject to city council approval.

(2) The name, address, and telephone number of the applicant/developer.

(3) Location by section, city, range, county, and state, and including descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions.

(4) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision monumentation in a format approved by the city engineer.

(5) Location of lots, out lots, streets, public highways, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines.

(6) Lots and out lots shall be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of the block.

- (7) A drawing or listing of total square footage per lot, acreage per block, and total acres in the plat.
- (8) The exact locations, widths, and names of all streets to be dedicated.
- (9) Location, purpose, and width of all easements to be dedicated.
- (10) Name, registration, address, and phone number of surveyor making the plat.
- (11) The scale of the plat to be one inch to 20 feet to be shown graphically on a bar scale, date, and north arrow.
- (12) The applicant shall submit with the final plat certification to the city that there are no delinquent property taxes, special assessments, interest, or utility fees due upon the parcel of land to which the subdivision application relates.
- (13) Deed restrictions and protective covenants which involve a matter of public concern.
- (14) Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements."
- (15) Statement dedicating all streets and other public areas not previously dedicated as follows: Streets and other public areas shown on this plat and not heretofore dedicated to public use hereby so dedicated.
- (16) A statement certifying the environmental condition of the site including the presence of any hazardous substance as defined by Minn. Stats. § 115B.02. Such a statement may be required to be based upon an environmental assessment of the site by an environmental engineering firm acceptable to the city.
- (17) Final grading, utility, and development plans shall be prepared in accordance with current federal, state, county, and city specifications.
- (18) Such other information that may be required by the city.

- **Certification required.**

- (a) Certification by registered surveyor in the form required by Minn. Stats. § 505.03.
- (b) Execution by all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minn. Stats. § 505.03, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the city council.

(c) Space for certificates of approval and review to be filled in by the signatures of the mayor and city manager in the following form:

For Approval of the City:

This plat of (name of plat) was approved and accepted by the City of Spring Park, Minnesota, at a regular meeting thereof held this ____ day of _____, A.D. ____.

CITY COUNCIL OF SPRING PARK, MINNESOTA

- **Sec. XX. - Denial of plat.**

The city council may deny the subdivision if it makes any one or more of the following findings:

- (1) The proposed subdivision is in direct conflict with adopted applicable general and specific comprehensive plans of the city, county, or state.
- (2) The physical characteristics of this site and surrounding properties, including, but not limited to, topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site or surrounding property is not suitable for the type of development, design, or use contemplated.
- (3) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- (4) The design of the subdivision or the type of improvements are likely to cause serious public health or safety problems.
- (5) The design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- (6) The proposed subdivision will not conform to the comprehensive plan, related policies adopted by the city, and to the official zoning ordinance of the city.
- (7) A proposed lot consolidation would eliminate a legal buildable lot in the R-1 or R-2 zoning districts.
- (8) The proposed subdivision is inconsistent with the rules and requirements of the Minnehaha Creek Watershed District and the policies and standards of the state defined shoreland districts and wetland districts.

(9) The proposed subdivision has an undue adverse effect on the flood carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the city.

(10) Any lot or block in the proposed subdivision is exceptionally narrow or shallow, or is otherwise of any irregular or unusual shape.

(11) The subdivision is inconsistent with the provisions of this chapter.

(12) The design of the subdivision does not integrate with existing or potential adjacent subdivisions or land uses.

(13) The criteria for denial of preliminary plats have been considered.

- **Sec. XX. - Resubmission of a final plat.**

Whenever a final plat has been considered and denied by the city council, a similar application and proposal affecting the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial, except as follows:

(1) If the applicant or property owner can clearly demonstrate that the circumstances surrounding the previous application have changed significantly.

(2) The city council may reconsider such matter by a majority vote of the full city council.

- **Secs. XX. - Reserved.**

- **ARTICLE IV. - GENERAL STANDARDS AND REQUIREMENTS**

- **Sec. XX. - Conformity with the comprehensive plan.**

A proposed subdivision shall conform to the comprehensive plan and to all related policies adopted by the city.

- **Sec. XX. - Conformity with the zoning ordinance and city Code requirements.**

A proposed subdivision shall conform to all applicable provisions of the zoning ordinance and city Code requirements.

- **Sec. XX. - Land requirements.**

(a) Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site or surrounding area is not suitable for the purposes proposed by reason of potential flooding, topography, or adverse soils.

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

(c) Proposed subdivisions shall be coordinated, if necessary, with surrounding jurisdictions and/or neighborhoods, so that the city as a whole may develop efficiently and harmoniously.

- **Subdivision design standards and construction.**

Subdivision design and construction standards, as they relate to grading, street, and utility improvements for subdivisions under this chapter, shall be adopted by ordinance of the city council and found as an appendix to these regulations. These design standards may be amended from time-to-time by resolution. The subdivision design features as adopted by the city are minimum requirements. The city may impose additional or more stringent requirements concerning lot size, streets, and overall subdivision design, as deemed appropriate based upon site considerations and the comprehensive plan. Subdivision design standards, as they relate to lot design and layout are as follows:

(1) *Area.* The minimum lot area, width, and depth shall not be less than that established by the zoning ordinance in effect at the time of adoption of the final plat.

(2) *Corner lots.* Corner lots for residential use shall have additional width to permit appropriate building setback from both streets as required in the zoning ordinance. When lots are located on a curve or when side lot lines are at angles other than at 90 degrees, the width of the building setback lines shall be shown.

(3) *Side lot lines.* Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(4) *Frontage.* Every lot shall have the minimum frontage on a city approved public street, as required in the zoning ordinance.

(5) *Setback lines.* Setback lines shall be shown on the preliminary plat for all lots and shall not be less than the setbacks required by the zoning ordinance, as may be amended.

(6) *Watercourses.* Lots abutting a lake, watercourse, wetland, ponding area, or stream shall have additional depth and width, as required under the provisions of the zoning ordinance.

(7) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic locations, or similar conditions which if preserved will add attractiveness and stability to the proposed development.

(8) *Lot remnants.* All remnants of lots below minimum size, except out lots created for specific public or private recreational use, must be added to adjacent lots, rather than allowed to remain as unusable parcels.

(9) *Political boundaries.* No singular plat shall extend over a political boundary without document notification to the affected units of government.

(10) *Private streets.* No new private streets shall be approved.

(11) *Frontage on two streets.* Double-frontage, or lots with frontage on two parallel streets, shall not be permitted except: where lots back on arterial streets or highways, on East or West Drive as they relate to Water Street, or where topographic or other conditions render subdividing otherwise unreasonable. Such double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(12) *Access to arterial streets.* In the case where a proposed plat is adjacent to a limited access highway, other major highway, or other arterial street, there shall be no direct vehicular access from individual lots to such streets and roads.

(13) *Alleys.* No new residential alleys shall be permitted.

(14) *Length.* Block lengths shall not exceed 1,400 feet, and if possible, should not be less than 500 feet in length.

(15) *Arrangement.* A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographical conditions necessitate a single tier of lots.

(16) *Pedestrian ways.* In blocks over 500 feet long, a pedestrian way or easement may be required in locations deemed necessary to public health, convenience, and necessity. Such an easement shall not be less than 15 feet in width.

(17) *Lots along thoroughfares.* Residential lots shall be separated from major thoroughfares and railroad rights-of-way by a minimum of a 15-foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on a thoroughfare or railroad right-of-way. A screen planting easement shall be granted to the city and shown upon the plat for the 15-foot buffer strip, if it adjoins a major thoroughfare.

(18) *Out lots*. The creation of out lots is to be discouraged. In such cases where out lots are created or exist, their area shall not be utilized in calculating minimums for buildable lot area requirements. Such out lots are also prohibited from qualifying for building permits except for public uses and private recreational uses accessory to allowable uses within the respective zoning district and which are properties under common ownership.

(19) *Flag lots*. Flag lots shall be prohibited unless the lot frontage conforms with the minimum specifications within the city zoning district standards. In addition, under those instances where future subdivision of lots is feasible, a minimum public right-of-way pursuant to standards in this chapter shall be provided and dedicated to the city.

- **Sec. XX. - Planned unit developments and condominium subdivisions.**

Planned unit development (PUD) and condominium subdivisions designed as a PUD shall comply with all applicable minimum requirements of the city zoning ordinance relating to construction of roadways, setbacks, and other matters as specified in a development agreement, as approved by the city council.

- **Sec. XX. - Sidewalks, trails, and pedestrian ways.**

Adequate provisions for pedestrian and bicycle movement within the subdivision along the subdivision, and to adjoining property shall be provided in compliance with the comprehensive plan and policies established by the city council. All sidewalks, trails, and pedestrian paths shall be designed and constructed according to established city standards.

Cross reference— Streets, sidewalks, and other public places

- **Sec. XX. - Public utilities.**

(a) All extensions of public utilities, including water and sanitary sewer systems, shall be approved by the city engineer.

(b) Extensions of the water supply system shall be designed so as to provide public water service to each lot. All water systems located in flood prone areas, whether public or private, shall be floodproofed to a point at or above the regulatory flood protection elevation. Water systems shall be in accordance with the subdivision design standards and the requirements of the city engineer.

(c) Extension of the sanitary sewer system shall be designed so as to provide public sewer service to each lot.

Cross reference— Utilities,

- **Sec. XX. - Drainage.**

All subdivisions shall be in compliance with the rules and requirements of the Minnehaha Creek Watershed District. A complete and adequate drainage system design shall be required for the subdivision and may include a storm sewer system or system of open ditches, culverts, pipes, catch basins, ponding areas, and treatment or a combination thereof. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage and be pretreated prior to being discharged. Pretreatment shall be considered satisfactory if the project meets the water quality requirements of the City of Spring Parks Engineering Design Standards, as well as [Article 36](#) of the Zoning Code.

- **Sec. XX. - Easements.**

(a) All easements shall be dedicated by appropriate language on the final plat as required by law and provisions of this chapter.

(b) Easements of not less than ten feet for drainage and public and private utilities shall be provided on front lot lines and centered on rear, side, and other lot lines as approved by the city council. When it is not practical to center easements, the fully required easement width may be required along one property line. Such easements shall have continuity of alignment from block to block. The easements, when approved, shall not thereafter be changed without the approval of the city council pursuant to established city regulations, as may be amended.

(c) Easements shall be provided along each side of the centerline of any natural watercourse or drainage channel to a width sufficient to provide proper maintenance and protection and to provide for stormwater runoff. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than 20 feet in width or a width equal to the required side yard setback established by the respective zoning district in which the property is located, whichever is least.

(d) Easements established over wetlands and major gas pipelines, or major electrical transmission easement areas shall be excluded from the calculation of minimum lot area as defined by this chapter.

(e) The city may at its discretion choose to require out lots rather than easements for wetlands, drainageways, and other natural features.

(f) Sightline easements beyond required zoning setback regulations may be required by the city, county, and state highway department to protect major intersections on the street and highway system.

- **Sec. XX. - Erosion and sediment control.**

(a) The development shall conform to the natural limitations presented by topography and soil to create the least potential for soil erosion. All erosion sediment control measures and land disturbing activities shall comply with the subdivision design standards, the City's Engineering Design Standards of the Zoning Code, and as required by the city engineer.

(b) Erosion and siltation control measures shall be coordinated with the different stages of construction. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(c) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(d) In the event that permanent stabilization cannot be feasibly obtained within 14 days after construction activity in that portion of the site has temporarily or permanently ceased, and seven days if discharge points are located within one-mile of an impaired or special waterbody, temporary soil stabilization BMPs must be implemented within the timeframe.

(e) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

Cross reference— Environment.

- **Sec. XX. - Protected areas.**

Where land proposed for subdivision is deemed environmentally sensitive by the city due to the existence of water bodies, wetlands, drainageways, watercourses, floodable areas, vegetation, steep slopes, or historic sites, the design of such subdivision shall clearly reflect all necessary measures of protection to ensure against adverse environmental impacts. Such measures, when deemed appropriate by the city, may include, but shall not be limited to, the following:

(1) The establishment of easements and/or outlots over wetlands, drainageways, watercourses, and water bodies.

(2) The implementation of flood control measures.

(3) The enlargement of lots or redesign of the subdivision.

(4) The submission of a tree preservation and replacement plans and subject to the review of the city engineer and approval of the city council.

(5) The utilization of appropriate erosion control measures, subject to approval by the city engineer.

(6) Soil testing to determine the ability of the proposed subdivision to support development.

(7) Structure conformance to the natural limitations presented by the topography and soil so as to create the least potential of soil erosion.

- **Sec. XX. - Tree preservation and replacement.**

All subdivisions shall comply with any provisions of the city Code relating to the management, protection, and care of significant trees and other vegetative growth in the city.

Cross reference— Vegetation,

- **Sec. XX. - Public sites and open spaces (park land or cash dedication).**

(a) As a prerequisite to final plat approval, and at the sole determination by the city, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces, or trails, and/or shall make a cash contribution to the city's park improvement fund. The dedication shall be proportioned to the anticipated effect of the plat on the park and trail system. The requirement may be met with a combination of land and cash if approved by the city council.

(b) Land to be dedicated shall be reasonably suitable for its intended use as determined by the city and shall be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.

(c) The applicant shall confer with city staff and the advisory commissions of the city council at the time the preliminary plat is under consideration, to secure a recommendation as to the location of any property or a cash amount that should be dedicated to the public. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendations shall be sent to the park and recreation commission and planning commission for review and comment and subsequently to the city council for its approval.

(d) When a proposed park, playground, recreational area, or other public ground has been indicated in the comprehensive plan or the park and open space plan and is located, in whole or in part, within a proposed plat, it shall be dedicated to the appropriate

governmental unit. If the applicant elects not to dedicate an area in excess of the land required under this section for a proposed public site that the city determines is in the public interest to acquire, the city may consider acquiring the excess land through purchase or condemnation.

(e) Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit against the requirement of dedication for park and recreation purposes, unless the city council finds it is in the public interest to do so.

(f) The city, upon consideration of the particular type of development, may require that a smaller parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the city's park and trail system.

(g) In all new subdivisions, ten percent of the gross area subdivided, or a different percentage as the city council shall determine to be reasonably necessary as a result of the subdivision approval, shall be dedicated for public recreation space or other public use as established by the city council. The dedicated percentage of the gross area subdivided shall be in addition to property dedicated for streets, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the city council. Land to be dedicated shall be of suitable quality for the purpose intended and necessary for the health, safety, convenience, and general welfare of the city.

(h) If a cash dedication is required, the developer shall pay a fee based upon the land use classification of the property (residential, commercial, or institutional) as established by city council resolution. Such amount is the city's best estimate of the effect of the subdivision on the city's park system.

(i) All land proposed for trail and/or bikeway dedication shall be subject to the recommendations of the parks and recreation commission, and planning commission, and the approval of the city council.

(j) When a subdivision is proposed, the developer shall make a dedication of land for public trail and/or sidewalk use, as provided for in this chapter, or shall pay a fee in lieu of such land dedication as established by city council resolution. Such amount shall be the city's best estimate of the effect of the subdivision on the city's trail system.

(k) The city may elect at its sole discretion to receive a combination of cash, land, and development of the land for park and/or trail and/or sidewalk use in accordance with city policy established by the city council.

(l) Park cash contributions are to be calculated and determined at the time of final plat approval. The city council shall require the payment at the time of final plat approval.

(m) Cash contributions for parks and trails shall be deposited in the city's park improvement fund and shall only be used for park improvements and trail/sidewalk development, as determined by the city. Additionally, such funds may be utilized anywhere within the city park and trail systems.

(n) Wetlands, ponding areas, and drainageways accepted by the city may not be considered in the park land and/or cash contribution to the city.

(o) Property being replatted with the same number of lots or the same number of dwelling units shall be exempt from all park land dedication requirements. If the number of lots or the number of dwelling units is increased, or if land outside the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional lots and on the additional land being added to the plat.

(p) When land is dedicated and deeded to and accepted by the city for park purposes, it shall be the responsibility of the city to maintain such dedicated property.

(q) Land dedication to the city shall be in the form of lots or outlots with approved lot and block numbers.

(r) If the applicant or developer does not believe that the estimates, as determined by this chapter, fairly and accurately represent the effect of the subdivision on the park or trail system of the city, the applicant or developer may request that the city prepare an in-depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. All costs of such study shall be borne by the developer or applicant. If the developer or applicant requests the preparation of such a study, no application for development shall be deemed complete until the study has been completed, and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.

- **Sec. XX. - Dedication of stormwater holding areas or ponds.**

The applicant may be required to dedicate to the public land for stormwater holding areas or ponds. The stormwater holding area dedication shall not be considered part of the dedication for parks and recreation purposes or trail/bikeway purposes. Maintenance of stormwater holding ponds or other water retention areas is the responsibility of the applicant for the first five years, and cash shall be held by the city for pond maintenance under the provisions of the subdivision agreement.

- **Sec. XX. - Maintenance of private open space.**

If certain land areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall enter into an agreement with the city to ensure the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following depending upon which the city shall determine is most appropriate:

(1) Dedicated to public where community-wide use would be anticipated;

(2) Applicant's ownership and control; or

(3) Property owners' association ownership and control, provided all of the following conditions are met:

a. The property owners' association must be established prior to the sale of any lot;

b. Membership must be mandatory for each owner and any successor in interest;

c. The open space restrictions must be in perpetuity, not for a given period of years;

d. The association must be responsible for liability insurance, local taxes, and the maintenance of the recreational area and facilities;

e. Landowners must pay their prorated share of the cost and any assessment levied by the association that can become a lien on the property in accordance with law; and

f. The association must be able to adjust the assessment to meet changed needs.

- **REQUIRED IMPROVEMENTS AND FINANCIAL ARRANGEMENT**

- **Sec. XX. - Improvements required.**

Prior to the approval of a final plat by the city council, the applicant shall have agreed, in the manner set forth in this section, to install the following improvements on the site when required by the city council, in conformity with approved construction plans and in conformity with all applicable standards and ordinances:

(1) Monuments shall be placed at all block corners, angle points, points of curves, in streets, and at intermediate points as shown on the final plat and as required by the city engineer. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street center lines. All United States, state, county, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. All monuments shall be set in accordance with Minn. Stats. ch. 505.

(2) The full width of the right-of-way of each street dedicated in the plat shall be cleared and graded as outlined in the subdivisions design standards of this chapter.

(3) All streets shall be improved with concrete or bituminous surface, except as may be approved by action of the city council as part of a subdivision agreement. Pavement standards are outlined in the subdivision design standards of this chapter.

(4) Public water facilities shall be installed in accordance with the standards and specifications as outlined in the subdivision design standards of this chapter and subject to the approval of the city engineer, at the expense of the applicant.

(5) Public sanitary waste disposal systems shall be installed in accordance with the standards and specifications as outlined in the subdivision design standards of this chapter and subject to the approval of the city engineer, at the expense of the applicant.

(6) Concrete curb and gutter, as recommended by the city engineer and approved by the city council, shall be installed along both sides of all streets to the standards listed in the subdivision design standards of this chapter.

(7) Such facilities and easements shall be installed at the expense of the applicant under city approval and will adequately provide for the drainage of surface waters, and a storm sewer system may be required. Drainageway easements or land dedication may be required when such easements or land is needed in the public interest for purposes of floodplain management, proper drainage, wetland protection, prevention of erosion, pedestrian access to water bodies, or other public purpose.

(8) All utilities including, but not limited to, telecommunications, electric and/or gas lines, shall be placed as outlined in the subdivision design standards of this chapter.

(9) Where a larger size water main, sanitary sewer, storm sewer, storm drain, or similar facility is required to serve areas outside the subdivision than would be required by the subdivision design standards, the incremental cost for the larger facility shall be at the city's expense, unless provided for as outlined in the subdivision agreement.

(10) Street name signs, traffic control signs, pavement marking, and other improvements as required by the city engineer shall be installed and paid for by the applicant.

- **Sec. XX. - Construction plans, inspection, and warranty.**

(a) Construction plans for the required improvements conforming in all respects with the standards and ordinances of the city shall be prepared at the applicant's expense by a professional engineer who is registered in the state, and such plans shall contain professional certification. Such plans, together with the quantities of construction items, shall be submitted to the city engineer for an estimate of the total costs of the required improvements and recommendations to the city council. Upon city council approval, such plans shall become a part of the required written agreement. The mylar copies of the plans approved by the engineer, plus four prints, shall be furnished to the city to be filed as a public record.

(b) All required improvements on the site that are to be installed under the provisions of this chapter shall be constructed under the periodic observation of the city, at the applicant's expense, and acceptance by the city shall be subject to the city engineer's certificate of substantial compliance with the contract.

(c) The applicant and/or developer shall provide to the city a written warranty of a minimum of two years that all required improvements on the site meet or exceed all city standards, that such improvements have been inspected and tested in regards to the city standards, and a warranty bond for 150 percent of the city engineer's estimate of the cost of the improvements. The applicant and/or developer shall be responsible for having all such inspections and testing completed at their expense.

(d) Any work which, in the opinion of the city engineer, does not meet the specifications set forth in this section shall, upon written order from the city engineer, be removed immediately and replaced, or corrected and paid for by the applicant. The cost of all inspection and supervision required to ensure correction of the unacceptable work and all tests necessary to ensure that such faulty work has been corrected shall be paid for by the applicant. The city will not accept any street for permanent maintenance until after correction of faulty or unacceptable construction.

- **Sec. XX. - Installation of improvements.**

(a) The required improvements as listed are to be furnished and installed at the sole expense of the applicant. 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 allocated in accordance with city policies.

(b) The city reserves the right to elect to install all or any portion of the improvements required under this section pursuant to state statutes, as may be amended. The city may require the applicant to post a financial guarantee, as outlined to ensure payment of assessments for the costs of installing the required improvements.

- **Sec. XX. – Subdivision agreement.**

(a) Private installation of improvements.

(1) Prior to approval of the plat and the installation of any required improvements, the applicant shall enter into an agreement in writing with the city requiring the applicant/developer to furnish and construct such improvements at their sole cost and in accordance with plans and specifications and usual contract conditions. This shall include provision for observation of details of construction by the city. The agreement shall require all public and private utility material standards and installation requirements be met and shall be approved by the city engineer.

(2) The agreement shall require the applicant to make a financial guarantee as determined by the city. The amount of the deposit or penalty amount of the security is to be based on the city engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection. The deposit or penalty amount shall equal 150 percent of the city engineer's estimate.

(3) On request of the applicant, but at the sole discretion of the city, the agreement may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid for, 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.

(4) The time for completion of the work and the several parts of such work shall be determined by the city council, upon recommendation of the city engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.

(b) City installation of improvements.

(1) Any person desiring to have utility and street improvements installed may request the city to install them, subject to the conditions set out in subsection (b)(2) of this section and to the approval and authorization thereof by the city council and as authorized by state law.

(2) If approved by the city council, the person requesting the installation of such utility and street improvements shall supply a security amount approved by the city guaranteeing payment for the installation of the improvements in an amount based on the city engineer's estimate of the total cost of the improvements to be installed. The deposit or penalty amount shall equal 150 percent of the city engineer's estimate of the cost of installation of the improvements. The security to be supplied to the city shall be payable on such terms and conditions as found by the city council to be reasonable and necessary to ensure that the costs of the improvements are properly secured and paid. The terms of the subdivision agreement shall provide that the city shall install the on-site public utility improvements within three years from the date of the plat and within such period the subdivider shall pay for all costs of such improvements. Any balance remaining after such improvements have been made and paid for shall be returned to the applicant. If insufficient cash is held in escrow to pay for the improvements, special assessments shall be levied for the purpose of paying for the same. The city council shall have the privilege of extending the three-year period available for construction of improvements.

- **Sec. XX. - Financial guarantee.**

(a) *Generally.* The agreement provided for in [section 30-184](#) shall require the applicant to make a financial guarantee as determined by the city. The escrow deposit, certified check, irrevocable letter of credit, or other guarantee shall conform to the requirements of this section.

(b) *Escrow deposit; certified check.*

(1) If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made out to the city in a sum equal to 150 percent of the total costs calculated by the city for all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to approval of the plat. An additional cash deposit shall be furnished for costs of city inspections, and any necessary review by the city engineer and city attorney. Such deposit shall be equal to a sum determined by the city engineer.

(2) The city shall be entitled to reimburse itself out of such deposit or check for any cost and expense incurred by the city for completion of the work in case of default of the applicant under such agreement, and for any damage sustained on account of any breach of such agreement.

(3) Upon completion of the work and termination of any liability, the balance remaining in such deposit or check from this subsection (b) shall be refunded to the applicant upon approval by the city attorney.

(c) *Irrevocable letter of credit.*

(1) If the applicant is required to furnish an irrevocable letter of credit, the penal sum shall be payable to the order of the city and delivered to the city in an amount calculated by the city engineer, of all the improvements to be furnished and installed by the applicant pursuant to the contract, which have not been completed prior to the approval of the plat. An additional cash deposit shall be furnished for costs of city inspections. Such deposit shall be equal to a sum determined by the city engineer.

(2) The irrevocable letter of credit shall be approved as to form by the city attorney and filed with the city administrator.

(3) The city shall be entitled to reimburse itself out of such letter of credit for any cost and expense incurred by the city for completion of the work in case of default of the applicant under such contract, and for any damages sustained on account of any breach of contract.

(4) Upon completion of the work and termination of any liability, the letter of credit shall be released or returned to the applicant upon approval by the city attorney.

(d) *Other financial guarantees.* Other methods of financial guarantee may be accepted by the city pursuant to the approval of the city manager and city attorney.

- **Sec. XX. - Improvements completed prior to approval of the final plat.**

Improvements within a subdivision which have been completed prior to application for approval of the final plat, or execution of the contract for installation of the required improvements, shall be accepted as equivalent improvements in compliance with the requirements of this chapter only if the city engineer certifies that the existing improvements conform to applicable standards and if evidence of payment for the work that has been completed is presented in such form as the city reasonably requires.