



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

1. CALL TO ORDER
2. APPROVAL OF MINUTES
3. SUBDIVISION ORDINANCE DISCUSSION
4. INTERIM USE APPLICATION (pending submission)
5. MISCELLANEOUS
6. ADJOURNMENT



CITY OF SPRING PARK
PLANNING COMMISSION MINUTES
JANUARY 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 and Mason were present. Commissioners Homan and Terryll were absent.

Staff Present: City Administrator Anderson and City Planner Lori Johnson from WSB

2. APPROVAL OF MINUTES

a. July 12, 2023, Planning Commission Minutes

Commissioner Mason motioned, being seconded by Chair Hoffman, to approve the planning minutes as presented.

On vote being taken, the motion was unanimously approved.

3. AS BUILT SURVEYS

City Planner Lori Johnson presented the background on as-built surveys, what they were, and why we should require them. Johnson's recommendation was to create a policy requiring as-built surveys for applications such as remodels, variances, tear downs, new construction, etc. that are not part of a subdivision prior to the Cert. of Occupancy being approved. Chair Hoffman questioned why we would have a policy to cover one application and an Ordinance to cover another, why not create an Ordinance that covers all applications. The language in the Ordinance was revised as it was not clear on the requirement for surveys v. plans or drawings.

The City Planner and the City Administrator will create a draft policy to cover and present at the next Planning Commission meeting to address the applications that would not fall under a subdivision.

At 7:01p.m., Commissioner Hoffman opened the public hearing.

With no comment from the public, at 7:02p.m., Commissioner Mason motioned, being seconded by Commissioner Avalos, to close the public hearing. On vote being taken, the motion was unanimously approved.

Chair Hoffman motioned, being seconded by Commissioner Mason, to approve the language in the Ordinance, Article III – Subdivision/Platting, Sec. 42-104, As-Built Requirements, replacing the language “as-built drawings” with “as-built surveys”, and removal of bullet item #3. On roll call vote, Mason – yes, Avalos – yes, Hoffman – yes.

4. MISCELLANEOUS

Commissioner Mason would like a Spring Park flag. City Administrator Anderson will research and see if we can have one made.

5. ADJOURNMENT

After no further discussion, Commissioner Mason motioned, being seconded by Commissioner Avalos, to adjourn the meeting at 7:09p.m. On vote being taken, the motion was unanimously approved.



November 1, 2024

Mike Anderson
City Administrator
City of Spring Park
Sent Via Email: manderson@ci.spring-park.mn.us

Re: Subdivision Ordinance Update Proposal

Dear Mike:

Thank you for the opportunity to submit a proposal for updating the subdivision ordinance for the City of Spring Park. On behalf of the WSB, we are excited to have the opportunity to continue WSB's relationship with the City of Spring Park. The following components are part of our proposal to assist you with the creation of an updated subdivision ordinance.

Task 1: Initial Project Kick-Off Meeting with Staff, Research

WSB will meet with city staff to kick off the project and further understand the City's desires for the subdivision ordinance. Our planners will perform all the research that is required for this update including documenting requirements of State Statutes and reviewing similar cities for consistencies, patterns and processes.

Task 2: Draft One of Subdivision Ordinance, Draft Two of Subdivision Ordinance, Planning Commission/Public Hearing, Two City Council Meetings, Up to Three Virtual WSB/City Staff Meetings

WSB planners will create the new ordinance and will present city staff with the first draft. City staff will be able to review and comment on this first draft prior to a second draft being created. Based on city staff comments, the second draft will be completed. A public hearing on the final draft of the ordinance will be scheduled at a Planning Commission meeting. After a Planning Commission recommendation, the item will be scheduled for City Council review. WSB's proposal includes two City Council meetings—first and second readings of the new ordinance. During Task 2, WSB has made time for up to three virtual city staff/WSB meetings to ensure the project stays on track.

WSB will provide all graphics that will be used within the new proposed ordinance, and we will include tables, graphics and pictures that are necessary for the public to understand the ordinance criteria.

WSB's proposal includes Lori Johnson, Senior Professional Community Planner (Rate \$219) as the project manager. Andrew Lupton, Community Planner (Rate \$117) will also contribute his planning skills to the project through writing and research. ***Our proposal includes a total cost not to exceed \$16,000.***

The ordinance will be completed within **six months** of the execution of this agreement.


This letter represents our entire understanding of the project scope. All work will be governed by this proposal. If the scope and fee appear to be appropriate, please sign in the space provided

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and return one copy to our office. We are available to begin work once we receive signed authorization.

Again, thank you for considering WSB for this work. If you have any questions or comments regarding the information that is included with this letter, please contact me at 612.670.2790.

Sincerely,

A handwritten signature in black ink, appearing to read "K Lindquist". The signature is written in a cursive, flowing style.

Kim Lindquist
Director of Community Planning and Economic Development, WSB

I hereby authorize WSB to proceed with the above-referenced work under the terms of this letter.

By:

Name:

Date:

CHAPTER 151: SUBDIVISIONS

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- 151.021 Preapplication review
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- 151.041 Identification, description and orientation
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GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall be known and may be cited as the "City Subdivision Chapter."

('86 Code, § 10.01)

§ 151.002 PURPOSE.

(A) The process of dividing land into separate parcels for other uses including residential, industrial, commercial sites, is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is, therefore, to the interest of the general public, the developer and the future landowners that subdivisions be conceived, designed and developed in accordance with the highest possible standards of excellence.

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

- (1) Encourage well-planned, efficient and attractive subdivisions by establishing adequate standards for design and construction;
- (2) Promote consistency with comprehensive plan policies and objectives for the future growth and development of the city;
- (3) Promote orderly layout and use of land and ensure proper legal descriptions and monumenting of subdivided land;
- (4) Provide for the health, safety and general welfare of residents and property owners by requiring adequate and efficient transportation, sewage, water service, electrical service and drainage facilities;
- (5) Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, assessing the development its fair share of public improvement costs or obligations based on the capital facilities needs generated by the development;
- (6) Preserve and protect the community's natural resources and environmentally sensitive areas, securing the rights of the public with respect to public lands and waters; and
- (7) Preserve energy by allowing solar and earth-sheltered structures.

('86 Code, § 10.02)

§ 151.003 SCOPE.

- (A) This chapter governs plats and subdivision of lands subject to its provisions.
- (B) The City Council may, by resolution, cause this chapter to apply to a specified portion of the unincorporated area lying within two miles of the city borders, as provided for by M.S. § 462.358, as it may be amended from time to time.
- (C) (1) Any unplatted property shall be platted in accordance with the provisions and standards of this chapter before it is developed. For the purposes of this chapter, the term **DEVELOPED** is defined as any construction activity requiring the installation of public improvements.

(2) No expansion or addition to a structure that changes the use, or is intended to change the use of a property, shall be allowed.
- (D) Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the Office of the Waseca County Recorder prior to the effective date of this chapter, nor is it intended by this chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those

specifically repealed by, or in conflict with this chapter.

(E) (1) Where this chapter imposes a greater restriction upon the land than is imposed or required by the existing laws or ordinances, the provisions of this chapter shall control. If a proposed subdivision or planned unit developments (PUDs) is located in the shoreland overlay district, then the shoreland zoning regulations contained in Ch. 154 of this code shall also apply.

(2) Where there are differing requirements of the same zoning control, the more restrictive requirement shall apply.

(`86 Code, § 10.03) (Ord. 818, passed 7-15-03; Am. Ord. 1097, passed 9-21-21)

§ 151.004 AMENDMENTS.

The provisions of this chapter may be amended by the City Council.

(`86 Code, § 10.04)

§ 151.005 FILING AND RECORDING CONVEYANCES.

(A) No conveyance of land described by metes and bounds, by reference to an unapproved registered land survey, or to an unapproved plat made after the effective date of this chapter, shall be made or recorded unless the parcel described in the conveyance:

(1) Was a separate parcel of record at the date of adoption of subdivision regulations or of any amendments thereto;

(2) Was the subject of written agreement to convey entered into prior to the time;

(3) Was a separate parcel of not less than 2½ acres in area and 150 feet in width as of January 1, 1966; or

(4) Was a separate parcel of not less than five acres in area and 300 feet in width prior to the adoption of Ordinance No. 352, effective February 10, 1966.

(B) (1) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the lot area and width requirements of the shoreland zoning regulations, § 154.050 the lot shall not be considered a separate parcel for sale or development.

(2) The lot shall be combined with the one or more contiguous lots so that they equal one or more parcels of land, each meeting the requirements of the shoreland zoning regulations.

(C) If compliance with the foregoing restrictions will create an unnecessary hardship, and failure to comply does not interfere with the purpose of this subchapter, then the City Council may consider a variance under § 151.101. Any landowner or agent who conveys a lot or parcel in violation of the provisions of this section shall be guilty of a misdemeanor. The city may institute civil action to enjoin the conveyance, or seek other relief in any court of competent jurisdiction.

(D) This chapter shall apply to any parcels which are taken from existing parcels of record by metes and bounds description. The city shall deny any building permit application, except as provided in § 151.003(C), for any parcels so divided, pending compliance with this chapter.

(`86 Code, § 10.06) (Ord. 818, passed 7-15-03)

§ 151.006 LAND SUITABILITY.

In the shoreland overlay zoning district, no land shall be subdivided which is held unsuitable by the city for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to health, safety or welfare of future residents of the proposed subdivision or of the community. Land must be suitable in its natural state for the proposed use with minimal alteration.

(`86 Code, § 10.07)

§ 151.007 RULES.

(A) Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory and the words "should" and "may" are permissive.

(B) In the event of conflicting provisions in the test of these regulations, the more restrictive shall apply.

(`86 Code, § 10.08)

§ 151.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQUATE PUBLIC FACILITIES. Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined in accordance with the standards of this chapter, including specific levels of service, and according to all other applicable laws and regulations.

ALLEY. A public right-of-way usually less than 30 feet in width which normally affords a secondary means of vehicular access to the side or rear of properties whose principal frontage is on some other street.

ATTORNEY. The attorney employed by the city unless otherwise stated.

BLOCK. The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

BOATHOUSE. A structure used solely for the storage of boats or boating equipment on riparian lots in the shoreland overlay zoning district.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUTT LOT. A lot at the end of a block and located between two corner lots.

CITY or COMMUNITY. The City of Waseca, Minnesota.

CLUSTER DEVELOPMENT. A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this chapter and Ch. 154 of this code.

COMPREHENSIVE PLAN. A plan prepared by the city including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.

CONCEPT PLAN or SKETCH PLAN. A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas and water and sewer systems presented to the city officials at the pre-application meeting.

CONCURRENCY. Requirement that development applications demonstrate that adequate public facilities will be available at prescribed levels of service (LOS) concurrent with the impact or occupancy of development units. Public facilities and services needed to maintain level of service standards adopted in the comprehensive plan are expected to be available simultaneous to, or within a reasonable period of time after, development approval or construction.

CONTOUR MAP. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. "Contour interval" is the vertical height between contour lines.

COPY. A print or reproduction made from a tracing.

CORNER LOT. A lot bordered on at least the front and side by streets.

COUNTY. Waseca County, Minnesota.

DEVELOPMENT. The act of building structures or installing site improvements.

DOUBLE FRONTAGE LOTS. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

DRAINAGE COURSE. A natural or artificial water course for the drainage of surface water.

EASEMENT. A grant by an owner of land for a specific use by persons other than the owner.

ENGINEER. A registered engineer.

FINAL PLAT. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Recorder.

FRONTAGE. The distance between the side lot lines measured along the right-of-way designated to serve the lot.

HOLD DOWN ELEVATION. The graded elevation of a house pad so designed to allow a reasonable amount of basement excavation to be spoiled and graded within the lot boundary.

HOUSE PAD. A buildable area of a residential lot graded to the hold down elevation. If the lowest floor of the structure is placed on fill, the **HOUSE PAD** shall be constructed with engineered fill.

KEY MAP. A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

LOT. A platted lot or a parcel separated from other parcels by registered land survey description.

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block of a recorded plat, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

MINIMUM SUBDIVISION DESIGN STANDARDS. The specifications of this chapter and other applicable laws and regulations.

NATURAL WATERWAY. A natural passage in the surface of the earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon 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 flowages, the **ORDINARY HIGH WATER LEVEL** is the operation elevation of the normal summer pool.

OWNER. An individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PEDESTRIAN WAY. A public right-of-way across or within a block intended to be used by pedestrians.

PERSON. Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

PLANNING COMMISSION. The Planning Commission of the city.

PLAT. The drawing or map of a subdivision prepared for filing of record pursuant to M.S. Ch. 505, as it may be amended from time to time, and containing all elements and requirements set forth in applicable state, county and local regulations.

PRELIMINARY APPROVAL. Official action taken by a municipality on an application to create a subdivision which establishes the rights and obligations set forth in applicable state, county and local requirements. In accordance with M.S. § 462.358, as it may be amended from time to time, and unless otherwise specified in the applicable subdivision regulation, **PRELIMINARY APPROVAL** may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration, and which meets all the requirements of this chapter.

PRIVATE STREET. A street serving as vehicular access to one or more parcels of land which is not dedicated to the public as right-of-way.

PROTECTIVE COVENANTS. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

PUBLIC WATERS. Any waters, as defined in M.S. § 103G.005 (15)(a), as it may be amended from time to time.

RIGHT-OF-WAY. Land dedicated and used for public purposes, such as a street, alley or crosswalk.

STREETS. A public way dedicated on a plat or otherwise existing and carrying with it all of the rights granted to the public by common law or statute, without limitation, the right to install public utilities, unless the context otherwise indicates.

(1) **ARTERIAL STREET.** A street or highway with access restrictions designed to move through-traffic to and from major attractors, such as the central business district, community shopping centers, major industrial areas, major institutional and educational uses and similar traffic generators within the city; and to carry large volumes of traffic, as a route between communities.

(2) **COLLECTOR STREET.** A street which carries traffic from local streets to arterials.

(3) **CUL-DE-SAC.** A short, local street having only one outlet and a vehicular turn-around area.

(a) **PERMANENT CUL-DE-SAC.** A cul-de-sac that, due to physical limitations, will not extend beyond the subdivision.

(b) **TEMPORARY CUL-DE-SAC.** A cul-de-sac that is intended to accommodate a future extension of the street to adjacent property.

(4) **FRONTAGE ROAD.** A street located on the side of an arterial street for service to abutting property and for control of access.

(5) **LOCAL STREET.** A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

(6) **SERVICE STREET.** A street parallel and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.

STREET WIDTH. For the purpose of this chapter, the shortest distance between the lines delineating the right-of-way.

SUBDIVIDER. The owner of land proposed for subdivision or his or her authorized agent who commences proceedings under this chapter to effect a subdivision of land.

SUBDIVISION.

(1) The described tract of land which is to be or has been divided into two or more parcels.

(2) The term includes resubdivision and, where appropriate to the context, relates either to the process of subdividing or

to the land subdivided.

(a) **MAJOR SUBDIVISION.** Any subdivision not classified as minor subdivision.

(b) **MINOR SUBDIVISION.** Any subdivision creating not more than three lots fronting on an existing street, not involving any new street or alley, or the extension of municipal facilities, or the creation of public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, Ch. 154 of this code or these regulations.

TRAIL. A right-of-way designed for movement of non-motorized traffic.

ZONING CHAPTER. Ch. 154 of this code controlling the use of land as adopted by the city.

(`86 Code, § 10.09) (Am. Ord. 1006, passed 10-1-13)

SUBDIVISION APPLICATION PROCEDURE

§ 151.020 GOVERNING PROCEDURE.

(A) §§ 151.021 through 151.026 shall govern procedure and process for major subdivisions. § 151.100 shall govern procedure for minor subdivisions.

(B) A subdivider may submit a proposed final plat, concurrent with submittal of a preliminary plat; however, if the proposed final plat is to be approved, approval shall first be given to the preliminary plat.

(`86 Code, § 10.17)

§ 151.021 PREAPPLICATION REVIEW.

(A) (1) Prior to the preparation of the preliminary plat, the subdividers shall meet with the Zoning Administrator, City Engineer/Director of Engineering and other appropriate officials to learn what ordinances, regulations and plans apply to the area to be subdivided. The subdivider may submit a sketch plan of the proposed subdivision. The sketch plan should show the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the natural resources and topography of the site. City staff shall provide the subdividers with requirements for a complete preliminary plat and final plat submittal.

(2) The subdivider is urged to avail himself or herself of the advice and assistance of city staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat, but the subdivider is charged with knowledge of this chapter, Ch. 154 of this code, the comprehensive plan and all other state and federal laws and rules governing the development of the land. No representations made by city staff shall be grounds for an estoppel against the city in enforcing laws, nor create any liability to the subdividers or third parties on the part of the city or city staff, including professional consultants to the city.

(B) (1) A public information meeting may be held on the proposed subdivision if requested by the subdivider or if staff determines that a preapplication information meeting is needed to receive public input on the proposed subdivision layout and its relationship to surrounding lands in advance of preliminary plat submittal.

(2) Notification of an information meeting shall be sent, at least seven days prior to the meeting, to city property owners within 350 feet of the outer boundaries of the property in question and to township property owners within ¼-mile of the outer boundaries of the property.

(`86 Code, § 10.18)

§ 151.022 PRELIMINARY PLAT SUBMITTAL.

(A) After the preapplication meeting, submittals and review, the subdivider may proceed with a preliminary plat submittal. The subdivider shall submit five copies of the preliminary plat to the Zoning Administrator and shall pay, at the time of application, a filing fee of \$200, plus \$25 per lot for each lot in excess of ten lots. The required exhibits shall be as specified for preliminary plat documents in this chapter. The preliminary plat shall be signed by a registered land surveyor or engineer.

(B) Upon receipt of the application, the Zoning Administrator and Director of Engineering shall determine if the preliminary plat, including required exhibits, is complete. If the application submittal is found to be incomplete, the Zoning Administrator shall, within ten business days of receipt of the preliminary plat, notify the applicant what information is missing.

(C) Upon receipt of a complete preliminary plat submittal, the Zoning Administrator shall set the date for the public hearing, and shall have notice of the hearing published in the official newspaper at least once, not less than ten days and not more than 20 days prior to the hearing. The Zoning Administrator shall send hearing notice, at least seven days prior to the meeting, to city property owners within 350 feet of the outer boundaries of the property in question and to township property owners within ¼-mile of the outer boundaries of the property.

(D) The Zoning Administrator shall submit copies of the preliminary plat to the Planning Commission, the Director of Engineering and any other appropriate city officials, as well as to officials of any other jurisdiction affected by the proposed subdivision. One copy shall be submitted other the County Engineer if the plat abuts a county road and one copy to the State Department of Transportation if the plat abuts a State Highway for review and comment.

(E) The Director of Engineering and Zoning Administrator and other appropriate city officials shall review the preliminary plat and shall transmit a report of their findings and recommendations together with any supporting material to the Planning Commission prior to the meeting at which the plat is to be considered

(F) The subdivider or a duly authorized representative shall attend both the Planning Commission meeting and City Council meeting at which the preliminary plat is scheduled for consideration. Failure of the subdivider or a duly authorized representative to be present at the Planning Commission and Council meetings shall be grounds to defer action on the proposed preliminary plat, and shall toll any applicable time limits for the approval or disapproval of a preliminary plat, until the next meeting for which proper notice has been given.

(G) The City Manager may authorize retention of qualified professional advisors on the preliminary plat's suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, special assessment procedures and other features. Before engaging the services, the city shall first have the subdivider's written consent and agreement to pay the cost of the services.

(H) Any preliminary plat of land included in the shoreland overlay district shall be reviewed by the Department of Natural Resources (DNR) prior to its submission to the Planning Commission. All plats which are inconsistent with the shoreland overlay district provisions shall be reviewed by DNR before approval by the city. The Zoning Administrator or Director of Engineering shall submit all preliminary plats to the DNR, for receipt by the DNR Commissioner no later than ten days before the public hearing on the plat.

(I) Within 30 days after the preliminary plat has been filed and after reports and certifications have been received as requested, the Planning Commission shall hold a public hearing on the preliminary plat. This shall constitute the public hearing on the plat required by state law. If expert review is required under division (G) above, or if DNR Review is required under division (H) above, then the Planning Commission shall hold a public hearing within 30 days after the review is completed.

(J) Within 30 days of the public hearing date, the Planning Commission shall report to the City Council the Commission's statement of findings and recommendation for approval, conditional approval or denial.

(K) The City Council shall act to approve, conditionally approve or deny the preliminary plat within 120 days from the date the completed application for a preliminary plat is accepted as provided by M.S. § 462.358 (3)(b), as it may be amended from time to time, unless the subdivider agrees to an extension of the review period. If the City Council fails to approve, conditionally approve or deny a preliminary plat within the period designated in this section for review, public hearing and City Council action, then the preliminary plat shall be deemed approved, and upon demand, the city shall execute a certificate to that effect. If the City Council denies the preliminary plat, the grounds for any denial shall be set forth in the minutes of the City Council meeting and reported to the owners and subdividers. If the City Council approves or conditionally approves the preliminary plat, it shall do so by resolution. Upon approval, the subdivider may prepare a final plat complying with the approved terms and conditions of the preliminary plat, and complying, with standards of this chapter.

(L) The subdivider may request amendment in the approval or conditional approval of the preliminary plat before submission of a final plat. The Director of Engineering and Zoning Administrator shall review the proposed amendment to determine if it is minor or major in nature, in accordance with the following criteria:

(1) (a) A proposed amendment may be deemed minor if:

1. No change or shift is made in the placement of any street, right-of-way or easement;
2. Lot line adjustments are made on no more than 10% of the platted lots;
3. No decrease is made to the minimum area to be dedicated for parkland, trail or open space per §151.054; and
4. The proposed amendment would increase density by no more than 10%.

(b) If a proposed amendment is deemed to be minor, the subdivider may proceed to final plat submittal.

(2) If a proposed amendment is deemed to be major, the amended preliminary plat and related documents shall be resubmitted for preliminary plat review including public hearing, subject to all requirements set forth in § 151.022.

(3) The subdivider shall submit an amended grading and drainage plan for either a major or minor amendment, or shall certify that there is no change from the preliminary plat.

(M) During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements to and coordinate all work with the Director of Engineering.

(`86 Code, § 10.19)

§ 151.023 FINAL PLAT.

(A) *Final plat preparation.* The subdivider shall engage a registered land surveyor or engineer to prepare a final plat of the preliminary plat portion which the subdivider proposes to record and develop at the time.

(B) *Final plat submittal.*

(1) The subdivider shall submit five copies of the final plat to the Zoning Administrator at least 21 days before the Planning Commission meeting at which the plat is to be considered.

(2) The final plat shall incorporate all changes required by the city, the County Engineer regarding county roads, and the State Department of Transportation regarding state highways. In all other respects it shall conform to the preliminary plat as approved, or it will be sent back to the Planning Commission and City Council for preliminary review.

(3) When the subdivider submits the final plat, he or she shall also submit to the city a title opinion or other evidence that the City Attorney may require showing that the plat and deeds to the public are properly executed.

(4) For one year following approval of the preliminary plat, no amendment of this chapter, Ch. 154 of this code or the comprehensive plan shall apply to or affect the preliminary plat, unless the City Council, for good cause, extends this time after receiving a written request for extension.

(5) If the preliminary plat is not entirely platted in final form within three years of approval, the preliminary plat shall be considered null and void.

(C) Final plat distribution; city staff review.

(1) The Zoning Administrator shall transmit one copy of the final plat and any supporting documentation to the Director of Engineering, City Attorney and other appropriate city officials.

(2) The city staff shall review the final plat and transmit their recommendations to the Planning Commission prior to the meeting when the plat will be considered.

(D) Final plat review by Planning Commission. The Planning Commission shall study the final plat, considering the reports of the Director of Engineering, City Attorney and other municipal departments and/or employees, and then shall transmit its recommendations to the Council within 30 days of the Planning Commission's final plat review meeting.

(E) Subdivider duty to attend meetings. The subdivider or a duly authorized representative shall attend both the Planning Commission meeting and City Council meeting at which the final plat scheduled for consideration. Failure of the subdivider or a duly authorized representative to be present at the Planning Commission and Council meetings shall be grounds to defer action on the proposed final plat, and shall toll any applicable time limits for the approval or disapproval of a final plat.

(F) City Council action on final plat.

(1) The City Council shall act upon the final plat within 30 days of receiving the recommendations of the Planning Commission, whereupon the Records Administrative Secretary shall notify the subdivider of the Council's action. If the City Council approves the final plat, then it shall do so by resolution.

(2) Upon subdivider request for final approval, the city shall certify final approval within 60 days if the applicant has complied with all chapter requirements and all the preliminary approval conditions, either through performance or agreements assuring performance. If the city fails to certify final approval within the time frame, and if the subdivider has complied with all conditions or requirements, the final plat shall be deemed approved and upon demand, the city shall execute a certificate to that effect.

(G) Final plat recording.

(1) Upon final plat approval by the City Council, the subdivider shall record the final plat with the County Recorder, within 6 months after approval; otherwise the approval shall become null and void.

(2) The subdivider shall, within 30 days of recording furnish the Director of Engineering with the following formats and copies of the final plat showing evidence of the recording.

(a) Reproducible mylar original;

(b) Two paper copies; and

(c) Copy on disk in an AutoCAD release version specified by the Director of Engineering.

(3) The subdivider shall provide all formats and copies required for recording with the Waseca County Recorder, as well as for filing with the city.

(H) DNR final plat copy; plats in shoreland areas. Copies of all plats that include shoreland areas (shoreland overlay districts) shall be submitted to Minnesota Department of Natural Resources (DNR) within ten days of final approval by the city.

(`86 Code, § 10.20) (Am. Ord. 903, passed 4-4-06)

§ 151.024 FINDINGS REQUIRED FOR PLAT APPROVAL.

In the case of all subdivisions, the findings necessary for City Council approval of the preliminary plat and the final plat shall be as follows:

(A) The proposed subdivision, including the design, shall be consistent with all applicable general and specialized city, county and regional plans, including, but not limited to the city's comprehensive plan, level of service (LOS) standards which may be established in the comprehensive plan for streets and other public facilities and with Ch. 154 of this code.

(B) The physical characteristics of this site, including, but not limited to topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is suitable for the type of development and uses contemplated.

(C) The proposed subdivision shall adequately provide for water supply, storm water drainage and control, wastewater transportation, erosion control and all other services, facilities and improvements otherwise required herein.

(D) The design of the subdivision or the type of improvements shall not adversely impact public health, safety and welfare, nor shall the proposed subdivision have an adverse impact on the reasonable development of the neighboring land.

(E) The design of the subdivision or the type of improvements will not conflict with easements of record or with easements established by judgment of a court.

(`86 Code, § 10.21)

§ 151.025 EFFECT OF APPROVAL.

(A) For one year following preliminary approval and for two years following final approval, unless the subdivider and the municipality agree otherwise, no amendment to a comprehensive plan or official control shall apply to or affect the use, development, density, lot size, lot layout or dedication or platting required or permitted by the approved application.

(B) Thereafter, pursuant to its regulations, the city may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment have occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. If a subdivision involves planned and staged development, the City Council may, by resolution or agreement, grant the rights referred to herein for a time longer than two years, as it determines to be reasonable and appropriate.

(`86 Code, § 10.22)

§ 151.026 DISCLOSURE BY SELLER.

A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which this chapter applies, shall attach to the instrument of conveyance either:

(A) Recordable certification by the Records Administrative Secretary that this chapter does not apply, or that the subdivision has been approved by the City Council, or that the filing and recording have been waived by resolution of the City Council because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of this chapter; or

(B) A statement which names and identifies the location of the appropriate city officials and advises the grantee that subdivision and zoning regulations may restrict the use or prohibit development of the parcel, or construction on it, and that the division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability or waiver from the city.

(`86 Code, § 10.23)

PRELIMINARY PLAT REQUIREMENTS; DESIGN STANDARDS

§ 151.040 CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The proposed subdivision shall conform to the comprehensive plan adopted by the city.

(`86 Code, § 10.30)

§ 151.041 IDENTIFICATION, DESCRIPTION AND ORIENTATION.

The preliminary plat shall contain the following:

(A) The proposed subdivision name, not duplicating or being similar in pronunciation or spelling to the name of any plat heretofore recorded in the county;

(B) New streets, numbered streets or avenues; (An exception to street or avenue numbering may be granted by the City Council upon reviewing a written statement of the subdivider explaining what extraordinary circumstances may exist to warrant a name given to a street/avenue rather than a number.)

(C) Location of all monuments;

(D) Location by section, township, range and by legal description;

(E) Names and addresses of the record owner, subdivides, any agent having control of the land, land surveyor, engineer and designer of the plan;

(F) When the subdivider submits the preliminary plat documents, he or she shall also submit a current abstract of title or a registered property certificate along with any unrecorded documents and an opinion of title by the subdivider's attorney;

(G) Graphic scale not smaller than one inch to 100 feet;

(H) North indicator;

(I) Key map showing locations of the subdivision and the area within one mile radius of the plat; and

(J) Date of preparation.

(`86 Code, § 10.31)

§ 151.042 EXISTING CONDITIONS IN PROPOSED TRACT.

The following information shall be shown on the preliminary plat or accompanying documents.

(A) *Boundaries and land uses.*

(1) Boundary line of proposed subdivision;

(2) Boundary lines of adjoining unsubdivided or subdivided land, lying within 150 feet of the proposed plat, identified by name and ownership, including all contiguous land owned or controlled by the subdivides;

(3) Existing land use and zoning of land within the proposed subdivision and in the area within 150 feet of the boundaries of the tract, including floodplain and shoreland districts, if applicable; and

(4) Proposed use of all parcels, and if zoning change is contemplated, proposed zoning amendment.

(B) *Existing features.*

(1) Location, right-of-way width and names of existing or platted streets, alleys, pedestrian ways or other public ways; parks, trails and other public lands; permanent buildings and structures; easements; utilities; and section and corporate lines within the proposed plat and within a distance of 150 feet beyond its boundaries; (This information will help determine drainage patterns in and around the affected parcel.)

(2) Utilities within the proposed plat and within 150 feet of the boundaries of the proposed plat, including: location, size, and invert elevation of existing sanitary and storm sewers; water mains; location of gas mains, fire hydrants, catch basins, manholes, electric and telephone poles and lines, street lights and street pavement widths and types; culverts or other underground facilities within the preliminary plat area; (Existing grades shall also be shown.)

(3) An analysis of the soils by representatives of the Waseca County Soil and Water Conservation District, including delineation of any wetlands on the proposed plat; (Groundwater elevations shall be determined from known information on the site or from field investigation. Soil borings may be required if deemed necessary by the Director of Engineering.)

(4) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.

(`86 Code, § 10.32)

§ 151.043 BLOCKS.

(A) Block layout shall show the block layout, including lot and block numbers. If a replat, the original lot and block arrangements shall be shown in dotted or dashed lines.

(B) The maximum block length shall be 1,200 feet. Pedestrian ways through the block at least eight feet wide at the approximate centers may be required for blocks over 900 feet long.

(C) Residential block length, width and area within bounding streets and other features shall be sufficient to accommodate convenient access, circulation control, and safe vehicular and pedestrian movement. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate length.

(D) Blocks intended for commercial or industrial use must be of sufficient size to provide for adequate off-street parking, loading and other requirements of the city.

(`86 Code, § 10.33)

§ 151.044 LOTS.

(A) *Lot layout.*

(1) Lot dimensions to the nearest hundredth foot;

(2) Setback lines and lot areas for each lot;

(3) When lots are located on a curve, the width of a lot at the building setback line; and

(4) If a replat, the original lot and block arrangements shown in dotted or dashed lines.

(B) *Lot standards.*

(1) Each lot created by a subdivision shall front a publicly dedicated street or a street which has received legal status,

except that lots in planned unit developments (PUDs) may have frontage on a private road or street. Where a proposed plat abuts a limited access highway or other major highway, there shall be no direct vehicular access from individual lots to the streets.

(2) (a) *Areas served by central sewer and water systems.* The lot dimensions shall comply with the minimum lot dimensions and lot areas specified in Ch. 154 of this code.

(b) *Other areas.*

1. *Non-shoreland areas.* Where individual sewage disposal or individual water supply systems are to be installed, such as subdivisions lying in that portion of unincorporated area subject to § 151.003, the minimum area of residential lots size shall be as follows:

- a. On lot sewage disposal and lot water supply, 22,000 square feet;
- b. On lot sewage disposal, 15,000 square feet; and
- c. On lot water supply, 10,000 square feet.

2. *Shoreland management areas.* Minimum lot sizes and dimensions shall comply with §§ 154.045 through 154.060.

(C) *Future arrangements.* When extraterritorial parcels of land are subdivided into lots of one acre or larger, the plat shall be designed and shall show, in dashed lines, how lots can be re-subdivided at some future date when public sanitary sewers are available.

(D) *Side lot lines.* Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

(E) *Lot width related to depth.* To prevent narrow, deep lots, the depth of a lot should not exceed 2¼ times the width of the street frontage.

(F) *Sides of a lot.* No lot shall have fewer than four sides and no more than five sides.

(G) *Lots bordered by parallel streets.* Lots bordered by parallel streets shall not be permitted except where one of the streets is an arterial or collector street, in which case the lots shall front on the non-arterial or non-collector street. The minimum required lot depth of the underlying zoning district shall be increased by ten feet for the lots to allow for screen planting along the back lot line. A landscape easement will be required to be recorded along with the recording of the final plat.

(H) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to abutting lots rather than allowed to remain as unusable parcels.

(`86 Code, § 10.34)

§ 151.045 STREETS.

(A) *Layout.* The preliminary plat shall show proposed street layout and width. The layout shall include all contiguous land owned by the subdivide.

(B) *Design.*

(1) Street layout shall be consistent with the comprehensive plan and provide for public safety, efficient traffic circulation and stormwater runoff.

(2) If a proposed subdivision abuts unsubdivided land, the street layout shall allow for appropriate street continuation into adjoining areas. The streets shall be carried to the boundaries of the unsubdivided land.

(C) *Width and grade.*

(1) (a) The right-of-way width of all streets shall conform to the following minimum dimensions:

1. Arterials, 80 feet;
2. Collector streets, 66 feet;
3. Local streets, 60 feet;
4. Frontage roads, 50 feet; and
5. Cul-de-sac radius, 60 feet.

(b) Greater or lesser widths may be required depending upon anticipated traffic volumes, planned function of the street and character of planned abutting land uses. The Director of Engineering and Zoning Administrator shall specify the width(s) in the staff report to the Planning Commission and City Council.

(2) (a) All center line gradients shall be at least 0.5% and shall not exceed the following:

1. Arterials and thoroughfares, 5%;

2. Collector streets, 6%; and
3. Minor streets, 8%.

(b) The Director of Engineering may consider, on arterials and collector streets, a maximum of 8% grade where existing topography dictates.

(D) *Minimum carrying capacity.*

- (1) Seven-ton axle loading for local streets; and
- (2) Nine-ton axle loading based on traffic volume for arterial and collector streets.

(E) *Maximum levels of service (LOS).* The impact of increased subdivision build-out density on traffic volumes shall be consistent with the maximum acceptable design LOS indicated in the comprehensive plan for existing or planned arterials, collector streets, and frontage roads. Increased density and traffic volumes shall be concurrent with planned LOS capacity and availability.

(F) *Intersections.* Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated to the city.

(G) *Tangents.* A tangent of at least 100 feet shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

(H) *Deflections.* Other than at intersections, connecting street lines that deflect from each other shall be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, 100 feet for all other streets.

(I) *Intersection offsets.* Centerlines of arterial and collector streets at intersections shall not be offset. Offsets of focal streets shall be considered on a case by case basis by the Director of Engineering.

(J) *Local streets.* Local streets shall be laid out so as not to encourage through traffic.

(K) *Cul-de-sacs.* The undesirable effects of cul-de-sacs on traffic movement, emergency vehicle access, school bus traffic and snowplowing require limiting the maximum length of a street terminating in a cul-de-sac to 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.

(L) *Access to arterial streets.* If a proposed plat abuts a limited access highway or arterial street, there shall be no direct vehicular or pedestrian access from individual lots to the highways or streets. Access to arterials shall be at intervals of not less than ¼-mile and through existing and established crossroads. The City Council may require the developer to provide local service drives along the right-of-way of arterials, or the Council may require that lots back on the arterial, in which case, vehicular and pedestrian access between the lots and arterial shall be prohibited.

(M) *Platting of small tracts fronting arterial streets.* In the platting of small tracts of land fronting arterial streets, where there is no convenient access to existing entrances, and where access from the plat would be closer than ¼-mile from an existing access point, an entrance permit may be granted. Provision shall be made in the plats for the connection of roads to abutting land. As the abutting land is developed, and access becomes possible at a preferred location, the City Council may, upon public hearing, revoke the entrance permit.

(N) *Stub streets.* Where adjoining lands are not subdivided, some of the streets in the new subdivision shall be required to extend to the boundary line of the tract to provide for future access.

(O) *Street continuation and extension.* Street layout shall provide for the continuation of existing streets from adjoining areas into the new subdivision when such extension is shown on the comprehensive plan, or whenever the extension would meet traffic circulation objectives as determined by the City Council.

(P) *Half streets.* Half streets shall be prohibited.

(Q) *Private streets.* Private streets may be permitted only in planned unit developments (PUDs), however, they must conform to the same standards as public streets.

(R) *Corners.* Curb lines at street intersections shall be rounded at a radius of not less than 20 feet. Corners at the entrances to the turnaround portion of cul-de-sacs shall have right-of-way radii of not less than 35 feet.

(S) *Alleys.* Alleys, where permitted by the city, shall be at least 20 feet wide in residential areas and at least 24 feet wide in commercial areas. The city may require alleys in commercial areas where adequate off-street loading space is not available. Dead-end alleys, alley intersections and sharp changes in alignment shall be prohibited.

(T) *Hardship to owners of adjoining property.* 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.

(`86 Code, § 10.35) (Am. Ord. 706, passed 12-2-97)

§ 151.046 PUBLIC EASEMENTS.

(A) *Layout.* The preliminary plat shall show existing and proposed easements, including types of easements and

easement layout and widths.

(B) *Standards.* The following public easements shall be dedicated on the plat:

(1) Drainage and utility easements of at least ten-feet wide centered on all lot lines shall be provided. Ten-foot wide drainage and utility easements shall be required along the plat boundary lines and street right-of-ways. All easements shall be continuous from block to block.

(2) Easements for storm sewer, sanitary sewer or water shall be at least 20 feet wide. Additional width shall be provided when more than one utility is in the same easement, or when needed to safely excavate to the depth of the utility. The easements shall have continuity of alignment from block to block. Utility easements shall be kept free of any vegetation or structures which would interfere with the free movement of utility service vehicles.

(3) Where a subdivision is traversed by a water course, drainage way, channel or stream, a drainage and/or floodage easement, based on the 100-year two-hour storm event, shall be provided and shall conform substantially to the lines of the watercourse or its flood plain. Easement width shall be determined by the Director of Engineering.

(4) Temporary construction easements may be required where installation depths are greater than 12 feet.

(`86 Code, § 10.36) (Am. Ord. 706, passed 12-2-97)

§ 151.047 SIDEWALKS.

(A) Sidewalks shall be included within the dedicated non-pavement right-of-way on at least one side of all streets. This provision shall not apply to cul-de-sacs, except as a link to trails or other sidewalks as required by the Waseca City Council. A recommendation as to the location of sidewalks within areas to be platted shall be provided by the Community Development Director. These recommendations will be included in plans provided to the Waseca City Council with the preliminary plat.

(B) Classification width.

- (1) Residential districts, five feet;
- (2) Commercial districts, eight feet; and
- (3) Industrial districts, five feet.

(C) Sidewalks shall slope 1.5% away from the property line (cross slope) and the running slope shall not exceed 8%.

(D) Sidewalks shall be a minimum of four-inch thick concrete and placed on a four-inch gravel base.

(E) Sidewalks shall be placed in the public right-of-way or within a public sidewalk easement.

(`86 Code, § 10.37) (Am. Ord. 706, passed 12-2-97; Am. Ord. 904, passed 6-6-06; Am. Ord. 1097, passed 9-21-21)

§ 151.048 PEDESTRIAN WALKWAYS AND TRAILS.

(A) If required or planned by the subdivider, the preliminary plat shall show layout and dimensions of pedestrian walkways and trails.

(B) Pedestrian ways shall connect to the city's existing or planned trail system, to other public trails and to public service areas such as parks, schools, shopping areas or to other appropriate locations of a similar nature.

(C) Pedestrian rights-of-way shall be at least eight feet wide. Pedestrian rights-of-way dedications may be credited to the park, trail and open space dedication requirement set forth in § 151.049, or credited to the sidewalk dedication requirements set forth in § 151.047.

(`86 Code, § 10.38) (Am. Ord. 706, passed 12-2-97)

§ 151.049 PARKS, OPEN SPACE AND PUBLIC USE.

Each preliminary plat shall show layout, dimensions and acreages of park land and open space, in accordance with the following standards:

(1) *Land dedication or payment in lieu of land.*

(a) In all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds or other public use. The percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. If a proposed park, playground, school site, trail system or other public use shown on the comprehensive plan, then the area shall be dedicated to the public.

(b) If the subdivision is small or does not include a park or public area shown on the comprehensive plan, or if in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size or other reason, the Council may require, in lieu of land dedication, a payment to the city.

(c) If a lot being platted is already developed, the developer shall be exempt from the requirement to dedicate land or pay the fee in lieu of the land dedication for that lot. All undeveloped lots being platted will be calculated for land dedication.

This change shall be considered effective on the first day of March, 2005.

(2) *Land dedication or payment schedule.* The following schedule shall be used to determine the amount of land dedication or fee-in-lieu of land:

Single-Family Development (Single-Family and Two-Family Homes)		
Number of Lots Per Acre	Percent Land Dedication	*Payment-in-Lieu of Land (Amount Per Lot)
Up to 3	8%	\$420
More than 3 and up to 5	14%	\$420
Multi-Family Development		
Number of Units Per Acre	Percent Land Dedication	*Payment-in-Lieu of Land (Amount Per Unit)
Up to 15	20%	\$300
More than 15, but less than 30	35%	\$275
30 or more	45%	\$250
Mobile Home Park		
13% of land for recreation		
NOTE TO TABLE:		
* Fee based on an assumed land cost of \$15,000 per acre		

(3) *Dedication; payment terms.* Dedication of land for public use shall be without restrictions or reservations and shall be designated as an "outlot" on the plat. Money given to the city in lieu of land shall be used by the city only for acquiring or developing public park land, trails or planned open space. Payment made in lieu of land dedication shall be made prior to execution of the final plat documents.

(4) *Developer's alternate land dedication formula for park land, trail(s) or open space.*

(a) If requested, the City Council shall provide the developer or landowner with the methodology used to calculate the value of the land.

(b) A developer may propose an alternate land dedication formula if a proposal is accompanied by supporting documentation, including number of units per acre, average number of residents per unit, actual cost of land documented by three independent appraisals done by licensed appraisers not associated with the sale of the property being platted, and other evidence as appropriate. The Council reserves the right to hire any appraisals done to document actual land cost.

(c) If the City Council accepts the developer's alternate land dedication formula, then the developer's documentation shall be incorporated into his or her subdivider's agreement.

(5) *Park dedication re-calculation upon subsequent subdivision or higher density.*

(a) If platted property is subsequently replatted or a portion of it subdivided, such as splitting one or more lots, then the land dedication formula set forth above shall apply to all additional lots created.

(b) If any portion of platted property is subsequently approved for higher density development, then the land dedication formula set forth above shall apply to the increase in density over the originally planned density. If a payment-in-lieu of land dedication is made, then the payment shall equal the difference between the calculated fee at the higher density and the originally calculated fee, as follows:

Fee for new density - Original density fee = Amount due

(6) *Parkland grading and preparation.* If parkland is dedicated, then the following standards shall pertain:

(a) The park land shall be graded to the contours set forth in the preliminary plat.

(b) The developer shall provide a minimum of six inches of black dirt over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until the time that the park land is graded and seeded.

(c) At least 50% of the gross area dedicated for parks shall be suitable for active recreation use; active recreation meaning organized playground activities such as softball, football, etc. These areas to be used for organized playground activities shall be a slope of less than 2% grade and be largely clear of forest vegetation. Other areas to be dedicated may be forested and may have steeper slopes.

(d) A site to be used for playground, sports or other active recreation shall have a total frontage on one or more streets of at least 200 feet and all other dimensions shall be at least 200 feet.

(7) *Trail grading and preparation.* If a trail is dedicated, then the following standards shall pertain:

(a) The trail shall be graded to the contours set forth in the preliminary plat.

(b) Minimum trail width shall be eight feet.

(c) Trail structure shall consist of four inches of aggregate base and two inches of bituminous overlay.

(8) *Open space grading and preparation.* If open space is dedicated, then the following standards shall pertain:

(a) The open space shall be graded to the contours set forth in the preliminary plat.

(b) As applicable, standards in §151.051 shall pertain.

(c) As applicable, state rules governing wetlands and/or shorelands shall pertain.

(9) *Protective or scenic easements.* As an open space option; subject to acceptance by the City Council, protective or scenic easements may be provided to a depth of 100 feet from the ordinary high water level of all lakes, ponds and streams or to the logical, natural or ecological boundary as can be agreed upon by the subdivider and the city. A protective or scenic easement may be credited toward the park, trail and open space requirements set forth in this section.

(10) *Dedication subject to city acceptance.* No areas may be dedicated as parks, playgrounds or public lands unless the city approves the dedication.

(`86 Code, § 10.39) (Am. Ord. 612, passed 6-18-91; Am. Ord. 706, passed 12-2-97; Am. Ord. 879, passed 8-16-05)

§ 151.050 AGRICULTURAL BUFFERS.

(A) If a proposed subdivision abuts land zoned agricultural, house pads within the subdivision shall be designed so that they are set back at least 100 feet from the nearest agricultural district.

(B) Within the setback area defined under division (A) above, a landscaped easement shall be established, having a minimum width of 15 feet and running along the perimeter of the subdivision that abuts an agricultural district. Within the landscaped easement, a landscaped buffer shall be established consisting of trees, vegetation or other visual natural screening.

(`86 Code, § 10.40) (Am. Ord. 706, passed 12-2-97)

§ 151.051 CONSERVATION OF TREES AND NATURAL FEATURES.

(A) The standards related to tree removal contained in §154.154 shall apply to all proposed subdivisions.

(B) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

(C) The subdivision shall be consistent with the following:

(1) The concept plan shall show preservation of existing healthy trees and native vegetation, including the number and location of existing trees, indicating those to be retained, and showing locations of proposed new trees.

(2) Trees to be planted in residential subdivisions shall measure not less than one and one-fourth inches in diameter at a height of four feet above ground level. No trees shall be planted within 30 feet of the intersection of curb lines on corner lots.

(3) Consistent with approved grading plans, existing trees shall be preserved within any right-of-way when the trees are suitably located and in good health.

(`86 Code, § 10.41) (Am. Ord. 706, passed 12-2-97; Am. Ord. 792, passed 5-7-02)

§ 151.052 GRADING AND DRAINAGE PLANS.

Grading and drainage plans, to the same scale as the preliminary plat map, shall be submitted for each plat, providing the following information to the standards set forth:

(A) *Existing and proposed contour lines.*

(1) Existing contours shall be shown at vertical intervals of one foot. Elevations shall be referenced to the North American Vertical Datum (NAVD 88).

(2) Contour lines shall be different line weights for existing contour lines versus proposed contour lines.

(3) Contours shall be shown to a minimum of 150 feet into adjacent property or to the centerline of the adjacent street.

(B) *Lot and block layout.*

(1) Lot dimensions to the nearest hundredth of a foot;

(2) Typical lot detail indicating where lot and house elevations are shown;

(3) Building setback lines;

(4) Front and rear lot corner elevations;

- (5) House pads layouts, showing finished floor elevations and finished garage floor elevations;
- (6) Spot elevations as appropriate to define drainage patterns on the lot; and
- (7) Legend with type of house styles and grade difference for garage floor to walkouts or lookouts.

(C) *Lot grading and drainage.* Lots shall be graded so water drains away from building locations and flows along lot lines within the proposed drainage and utility easements. Any drainage flow from one lot onto an abutting lot must be within a drainage easement.

(D) *Street layout.*

- (1) Typical street section;
- (2) Preliminary street grades and drainage;
- (3) Centerline street elevations at 100 foot stations with high and low points; and
- (4) Cul-de-sac frontage along property lines with spot elevations.

(E) *Street grade.* Centerline street gradients shall be in accordance with § 151.045.

(F) *Storm sewer alignment.* Storm sewer alignment shall be shown with top and invert elevations. Also, flared ends shall be shown with invert elevations.

(G) *Easements.* Existing and proposed easements, in accordance with § 151.046.

(H) *Grading plan.*

(1) The grading plan for all single-family residential subdivisions shall provide for an area with a slope not greater than 10% extending not less than a depth of 20 feet from the rear line of the building pad the entire width of the building pad, except as approved by the City Engineer.

(2) House pad setback from flood elevations: House pads shall be set back 30 feet from 100-year flood elevation for storm sewer ponds and lakes if the lake lot has municipal sewer; and 75 feet from the 100-year flood elevation for lakes if the lake lot is unsewered.

(3) Lowest opening elevation: two feet above the 100-year flood elevation of adjacent storm sewer ponds. If the 100-year flood elevation is not available, the flood elevations shall be one foot above the ordinary high water level. If sufficient data on known high water levels is not available, the elevation of the line of permanent aquatic vegetation shall be used as the estimated ordinary high water level.

(I) *Garage floors.* Minimum elevation: 1½ feet above the top-of-curb elevation, as measured from the top-of-curb at the high side of the driveway to the garage floor.

(J) *Driveway slopes.* Maximum slope: 12% from the back of curb to the garage floor, as measured at the centerline of the driveway.

(K) *Open areas, including yards and swales.*

- (1) Minimum slopes, 1%; and (Preferred design is 1.5% or greater.)
- (2) Maximum slopes, 3:1, except existing slopes being protected, which are subject to review.

(L) *Emergency overflows.*

(1) Emergency overflows shall be labeled and shown with spot elevations and drainage arrows. Emergency overflows must be established for catch basins in the street and in rear lots. Areas along rear lot lines which are below the emergency overflow elevation shall be designated as drainage easement on the final plat.

- (2) Minimum elevation is 2.0 feet below the lowest opening house elevation.
- (3) Storm sewer ponds' slopes, 6:1 maximum grade.

(M) *Elevations and boundaries of lakes, wetlands and ponds.* Each grading and drainage plan shall show the following:

(1) Ordinary high water level contours of all lakes, streams, wetlands, watercourses, marshes, and surface water features required in M.S. § 505.02 (1), as it may be amended from time to time, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources; provided that any alternate source must include information similar to that provided by said United States Geological Survey quadrangle topographic maps;

(2) Location of 100-year floodplain areas, 100-year flood elevations, and limits of floodway and flood fringe;

(3) Delineated wetland boundaries, completed by a qualified professional according to the most current U.S. Corps of Engineers methodology, and approved by the city's designated official;

(4) Wooded areas;

- (5) Rock outcrops;
- (6) Power transmission poles and lines; and
- (7) Other significant features required to be shown.

(N) *Watercourses.* No more than 50% of the minimum lot size for the underlying zoning district shall contain a wetland, watercourse or marsh. Setback shall comply with the standards established in Ch. 154, Zoning.

(O) *Drainage design.*

- (1) Drainage arrows at high points and at major grade changes;
- (2) Drainage design calculations which show that the proposed improvements shall not change runoff rates onto adjacent public or private property and shall not adversely impact downstream properties; and
- (3) Drainage facility design shall be based on a 100-year 24-hour storm event for flood overflow ponds and based on a 10-year one-hour storm event for piping.

(P) *Grading and drainage plan preparation.* Grading and drainage plan must be signed by a registered engineer.

(`86 Code, § 10.42) (Am. Ord. 632, passed 12-15-92; Am. Ord. 706, passed 12-2-97; Am. Ord. 1006, passed 10-1-13; Am. Ord. 1104, passed 10-18-22)

§ 151.053 SOIL EROSION AND SEDIMENT CONTROL.

The standards related to soil erosion and sediment control contained in §154.156 shall apply to all proposed subdivisions.

(`86 Code, § 10.43) (Am. Ord. 1104, passed 10-18-22)

§ 151.054 OTHER INFORMATION FOR PRELIMINARY PLAT.

The preliminary plat shall show other information as follows:

(A) Where a subdivides owns property adjacent to that which is being proposed for the subdivision, the subdivides shall 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.

(B) Potential resubdivision and use shall be indicated for any lot having any dimension that exceeds 200% of the minimum standard for the underlying zoning district.

(C) A plan for soil erosion and sediment control both during construction and after development has been completed.

(D) Other information as may be requested by the city staff, Planning Commission or City Council.

(`86 Code, § 10.44) (Am. Ord. 706, passed 12-2-97)

§ 151.055 SOLAR LOTS.

All subdivisions and planned unit developments may be designed to accommodate the use of both active and passive solar energy systems. If subdivisions are planned, then the subdivider shall provide protective covenants to protect solar orientation.

(`86 Code, § 10.45) (Am. Ord. 706, passed 12-2-97)

FINAL PLAT REQUIREMENTS

§ 151.070 FINAL PREPARATION.

The plat shall be prepared by a land surveyor who is registered in the state and shall comply with the appropriate provisions of Minnesota Statutes and of these regulations.

(`86 Code, § 10.50) (Am. Ord. 706, passed 12-2-97)

§ 151.071 IDENTIFICATION AND DESCRIPTION.

(A) Data, as required by the Director of Engineering, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements and other important features;

(B) Identification and description data as required for the preliminary plat;

(C) Boundaries of the property, lines of all proposed streets and alleys, with their width, and other areas intended for public use;

(D) Lines of adjoining streets and alleys, with their width and names;

(E) All lot lines and easements, with figures showing their dimensions; and

(F) An identification system for all lots and blocks.

(`86 Code, § 10.50) (Am. Ord. 706, passed 12-2-97)

§ 151.072 CERTIFICATIONS.

(A) Certification by a registered land surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.

(B) Notarized certification by owner, and by any mortgage holder of record, of adoption of the plat and the dedication of streets, utility extensions and other public areas.

(C) Certification bearing the signature of the County Treasurer indicating that all taxes currently due have been paid.

(D) Certification bearing the signature of the County Auditor indicating that all delinquent taxes on the property have been paid.

(E) Certification bearing the signature of the County Recorder indicating the document number (if any) and the date, book and page on which the final plat was recorded.

(F) Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the County Recorder for the land included within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within 30 days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.

(G) Certification bearing the signature of the Director of Engineering indicating compliance with M.S. Ch. 505, as it may be amended from time to time.

(H) Certification bearing the signature of the City Manager indicating date, month and year in which the final plat was approved by the City Council.

(`86 Code, § 10.50) (Am. Ord. 706, passed 12-2-97)

REQUIRED IMPROVEMENTS

§ 151.085 IMPROVEMENTS PERFORMED BY CITY.

Unless otherwise specified by the City Council and set forth in the development agreement, all public improvements shall be completed by the city. The means and methods of payment by the subdivider for public improvements are established in the sections below. The city will not financially participate in any general site grading, lot and block corner staking or improvements not public as part of any plat. The subdivider shall be responsible for those improvements at his or her expense. If any improvement benefits property beyond this plat, the city shall consider assessing that property under state statutes.

(`86 Code, § 10.52) (Am. Ord. 706, passed 12-2-97)

§ 151.086 IMPROVEMENTS REQUIRED FOR ALL SUBDIVISIONS.

The subdivider-developer shall be required to provide the following improvements to residential subdivisions unless the Council elects to do so under a development agreement.

(A) Steel monuments shall be placed within six inches of final elevation at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. The installation shall be the subdivider's expense and responsibility. All U.S., state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.

(B) Following the Director of Engineering's approval of street and sidewalk grading, and after utility installation, streets and sidewalks shall be surfaced according to standards contained in §§ 151.045 and 151.047 and according to Director of Engineering specifications.

(C) (1) All utilities shall be installed underground so as to enhance the visual appearance of the area, unless special permission is granted by the Council for other installations. Where utilities are to be installed in street or alley right-of-way, the installations shall take place prior to street surfacing. Water and sewer services shall be laid to the property line. Sizes of water and sewer mains and service lines shall be specified by the Director of Engineering.

(2) Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the Director of Engineering and shall meet the requirements of the master plan for sewer main extensions of the municipality.

(D) Storm sewer and/or other surface drainage facilities shall be installed as determined by the Director of Engineering for the proper drainage of surface waters.

(`86 Code, § 10.53) (Am. Ord. 706, passed 12-2-97)

§ 151.087 SPECIFICATIONS AND INSPECTIONS.

Public improvements shall conform to engineering standards and specifications as required by the City Council. The

Director of Engineering shall inspect the improvements. The improvements shall be subject to Director of Engineering approval and shall be made in sequence as he or she determines.

(`86 Code, § 10.54) (Am. Ord. 706, passed 12-2-97)

§ 151.088 AGREEMENT FOR IMPROVEMENTS.

(A) *Development agreement.*

(1) Prior to the installation of any required improvements and before the subdivider may submit the final plat for approval, the subdivider shall enter into a written development agreement with the city identifying the respective responsibilities for construction of public improvements, timing of construction of public improvements and form of financial guarantee, together with other standard development agreement provisions.

(2) The development agreement shall provide for the Director of Engineering to supervise construction, and shall grant to the Director of Engineering authority to coordinate the required improvements with any other work being done or contracted by the city.

(B) *Effect of subdivides default on future subdivision proposals.* No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he or she has previously defaulted on work or commitments.

(C) *Development agreement recording.* The city shall file the development agreement with the County Recorder.

(`86 Code, § 10.55) (Am. Ord. 706, passed 12-2-97)

§ 151.089 FINANCIAL GUARANTEE.

(A) An escrow deposit shall be made with the Finance Director of 125% of the total cost of improvements as estimated by the Director of Engineering, pursuant to the development agreement. The total costs shall include costs of engineering and inspection by the city. The city shall be entitled to reimburse itself out of the deposit for any expense incurred by the city for completion of the work in case of subdivider default under the agreement, and for any damages sustained due to any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in the deposit shall be refunded to the subdivider.

(B) In lieu of making the escrow deposit, the subdivider may furnish a bank letter of credit or performance bond with corporate surety in a penal sum equal to 125% of the total cost of improvements as estimated by the Director of Engineering pursuant to the agreement. The bond shall be approved as to form by the City Attorney and filed with the Finance Director.

(C) If the subdivider defaults in the terms or conditions of the contract with the city for the subdivision improvements, the city may complete the project referred to in the contract and assess all completion costs incurred by the city against the real property being subdivided as a special assessment and collect it the same as if it were any other special assessment levied by the city against real property.

(`86 Code, § 10.56) (Am. Ord. 706, passed 12-2-97)

ADMINISTRATION AND ENFORCEMENT

§ 151.100 MINOR SUBDIVISIONS.

(A) If a proposed subdivision will result in three or fewer parcels, the city may waive some of the requirements of this chapter. If the subdivision will not create more than three lots, the newly created property lines will not cause any results to violate this chapter or Ch. 154 of this code, and the subdivision will not involve city vacation of existing easements, then the division may be approved by the Zoning Administrator or Director of Engineering, after submission of a survey by a registered land surveyor, showing the original lot and the proposed subdivision.

(B) If a proposed minor subdivision would cause any resulting lot or the setbacks of existing structures from newly created lot lines to violate this chapter or Ch. 154 of this code, then the subdivider may request variance under § 151.101.

(C) If a proposed minor subdivision will involve city vacation of existing easements, then the request shall proceed to the City Council who may consider an ordinance vacating existing easements and may accept new easements from the subdivider.

(D) The applicant shall file the completed application form together with a certificate of survey showing the original lot lines, the proposed subdivision, legal description of the existing parcel, legal description of the resulting parcels after subdivision and other exhibits as required by the Zoning Administrator or Director of Engineering. The applicant shall pay, at the time of application, the required Subdivision Fee and the required County Recording Fee. If the minor subdivision also requires a variance, the applicant shall pay the required variance fee and will be exempt from the required subdivision fee.

(E) If the City Planner is to grant administrative approval for a proposed minor subdivision, each of the provisions shown below must be met:

- (1) The proposed subdivision will not result in more than three lots.
- (2) Each lot shall have no fewer than four sides and no more than eight sides.
- (3) All necessary utility and drainage easements are provided for.

(4) The property to be divided will not require the dedication of public right-of-way for purposes of gaining access to the property.

(5) The property has not been divided through the provisions of this section within the previous five years.

(6) The subdivision meets all design standards as specified elsewhere in this chapter.

(F) Staff may impose conditions to approval on any proposed minor subdivision that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this section including, but not limited to, the following:

(1) The applicant shall provide required utility and easements and be responsible for the cost of filing and recording written easements with the Waseca County Recorder's Office; and

(2) The applicant shall pay parkland dedication fees for each residential lot created beyond the original number of existing lots prior to subdividing.

(`86 Code, § 10.60) (Am. Ord. 706, passed 12-2-97; Am. Ord. 888, passed 11-1-05; Am. Ord. 1097, passed 9-21-21)

§ 151.101 MODIFICATIONS, EXCEPTIONS AND VARIANCES.

(A) The City Council may grant a variance, upon receiving a Planning Commission report, to the subdivider who demonstrates that, due to exceptional topography or other physical conditions, compliance with this chapter would cause exceptional and undue hardship, provided that the relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this chapter. The Planning Commission may recommend variations from the requirements of this chapter in specific which, in its opinion, do not affect the comprehensive plan or the intent of this chapter. Any modifications thus recommended shall be entered in the minutes of the Planning Commission, setting forth the reasons justifying the modifications.

(B) The City Council may approve variances from this chapter which, in its opinion, meet the above requirements and do not adversely affect the purposes of this chapter.

(`86 Code, § 10.61) (Am. Ord. 706, passed 12-2-97)

§ 151.102 RURAL SERVICE DISTRICT.

(A) The Urban Service District and the Rural Service District constitute separate taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments and interest thereon.

(B) The Urban Service District shall include all properties within the limits of the city, except those set forth herein as Rural Service District.

(C) The Rural Service District shall include only the land which is classified by the County Assessor as agricultural homestead or agricultural non-homestead land.

(D) On a judgment of the City Council, the ratio between the tax-supported municipal service benefits to Rural Service District parcels and to Urban Service District parcels is 70%, plus any municipal property taxes levied for the payment of bonds and judgments and interest thereon.

(E) No city services beyond that normally provided by the townships of the county will be provided by the city in a Rural Service District except fire, police and planning services and an additional services as the Council may prescribe.

(F) If any land in the Rural Service District is platted, or if building permit application is made for construction, the City Council shall, by ordinance, transfer the parcel from the Rural Service District to the Urban Service District.

(G) (1) No parcel shall be included in a Rural Service District of five acres or less and no parcel shall remain in a Rural Service District unless the parcel consists of five acres or more.

(2) Any parcel within a Rural Service District for five years without development shall be considered by the City Council for exclusion from the Rural Service District. By amendment hereof the parcel shall be included in the Urban Service District if any area adjacent thereto is determined by the City Council to be substantially developed as urban property.

(`86 Code, § 10.62) (Am. Ord. 706, passed 12-2-97)

§ 151.103 BUILDING PERMITS.

No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations. No building permit shall be issued for construction on any lot within a subdivision until all the roadways are paved with Class 5 base material so as to be accessible by emergency vehicles. In addition, no building permit shall be issued for construction on any lot within the subdivision until the developer provides the city with an affidavit stating that all grading within the subdivision exists as indicated on the approved grading plan. (This affidavit form will be provided by the city.) In addition, no certificate of occupancy shall be issued until all roadways required for the subdivision or required for the approved subdivision phase, and any other improvements in the development agreement are fully completed in conformance with the approved plans and specifications and accepted by the city upon recommendation of the Director of

Engineering.

(`86 Code, § 10.63) (Am. Ord. 706, passed 12-2-97; Am. Ord. 897, passed 2-7-06)

§ 151.999 PENALTY.

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

(`86 Code, § 10.64)