

CHAPTER 12 SUBDIVISION REGULATIONS

ORDINANCE 1230	PRELIMINARY PLAT	
Section 1230.01: PURPOSE.....		1230-1
Section 1230.02: FILING AND REVIEW OF PRELIMINARY PLAT APPLICATION		1230-1
Subd. 1. Procedure		1230-1
Subd. 2. Attendance at Meetings Mandatory		1230-3
Section 1230.03: INFORMATION REQUIRED FOR PRELIMINARY PLAT		1230-4
Subd. 1. Number of Copies Required at the Time of Application		1230-4
Subd. 2. Contents of the Preliminary Plat and Required Accompanying Information		1230-4
Section 1230.04: APPROVAL OR DENIAL OF PRELIMINARY PLAT		1230-10
Subd. 1. City Council Action		1230-10
Subd. 2. Premature Subdivisions.....		1230-10
Subd. 3. Denial of Preliminary Plat.....		1230-12

CHAPTER 12 SUBDIVISION REGULATIONS

ORDINANCE 1230 PRELIMINARY PLAT

Section 1230.01: PURPOSE. An application for a Preliminary Plat shall be filed with the City after the completion of the Concept Plan process. The Preliminary Plat is a plan of how property will be subdivided and developed. The Preliminary Plat stage is when all information pertinent to the proposed development is furnished by the Developer for review by City Staff, Consultants, City Advisory Committees, the City Council, any other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development.

Additional information or modifications may be required by Consultants, City staff, City Advisory Committees, or the City Council. Additional information may also be requested during the review process. In certain cases, some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

Section 1230.02: FILING AND REVIEW OF PRELIMINARY PLAT APPLICATION:

Subd. 1. Procedure.

- A. Pre-Application Meeting. Prior to submitting a Preliminary Plat application, the property owner/applicant may meet with city staff to discuss the preliminary plat application process. Through this meeting, the Zoning Administrator may summarize the City's Concept Plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the Preliminary Plat review.
- B. Neighborhood Meeting. On large subdivisions or developments with land uses different from adjacent properties, the City recommends the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to Preliminary Plat application. Developer is responsible for organizing and conducting the meeting. Developer shall give the City notice of the time, place, and location of the meeting.
- C. Consultants' Meeting. Prior to any formal submission and review of a Preliminary Plat, the Developer shall request and attend a consultants' meeting for staff level review. If possible, the Developer should submit at least 5 reduced scale (11" x 17") copies of the draft Preliminary Plat to City Hall, and 1 reduced scale (11" x 17") copy directly to both the City Engineer, at least 1 week prior to the consultants' meeting. If copies have not been previously submitted, the Developer must bring at least 7 reduced scale (11" x 17") copies of the Preliminary Plat to the consultants' meeting.
- D. Environmental Review. The Developer shall determine if the proposed plat meets or exceeds the mandatory threshold for an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) pursuant to Minnesota Rules,

CHAPTER 12 SUBDIVISION REGULATIONS

and if necessary, the Developer shall immediately complete those requirements. No further action will be taken by the City until the environmental review process is completed.

- E. Application and Placement on the Planning Commission Agenda. The City must receive a preliminary plat application form, 20 copies of the Preliminary Plat along with 20 copies of the required accompanying information. The Preliminary Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required accompanying information shall be submitted directly to the City Engineer and City Planner on the same day as materials are submitted to City Hall.

Upon receipt, the matter will be placed on the next Planning Commission Meeting agenda which is at least 21 days after the date the application was received. The Zoning Administrator shall submit copies of the Preliminary Plat and required accompanying information to other staff, committees, Consultants, or agencies, as appropriate, who may make written comments to the Planning Commission. If the Consultants suggest substantial changes to the Preliminary Plat, it may be advisable to submit a revised Preliminary Plat to City staff prior to submitting one to the Planning Commission.

- F. Incomplete Application. The City shall have the authority to request additional information. An application may not be heard by the Planning Commission if incomplete. The Zoning Administrator will notify applicant of missing information. Failure to provide the necessary information may be grounds for denial of the request.
- G. DNR Review. Preliminary Plats located within a Shoreland District or Floodplain District shall be subject to review by the Minnesota Department of Natural Resources.
- H. Transportation and Highway Department Review. A Preliminary Plat abutting any existing or proposed trunk highway, county road or highway or county state-aid highway shall be subject to review of the Minnesota Department of Transportation and/or Stearns County Highway Department. Written notice and a copy of the proposed Preliminary Plat shall be filed with the Minnesota Department of Transportation and/or Stearns County Highway Department for review and comment. Final action on a Preliminary Plat shall not be taken until the required comments and recommendations have been received or until the minimum 30-day review period has elapsed.
- I. Planning Commission Meeting. The Preliminary Plat shall be submitted to the Planning Commission for their review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Official Map, and this Ordinance. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
1. Public Hearing. The Planning Commission shall hold a public hearing on the proposed Preliminary Plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least 10 days prior to the hearing. The City shall mail written notification

CHAPTER 12 SUBDIVISION REGULATIONS

of the public hearing on the proposed Preliminary Plat to property owners located within 350 feet of the subject site at least 10 days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.

2. Recommendation. The Planning Commission shall take public testimony at the public hearing and evaluate the requested Preliminary Plat against the premature subdivision criteria of Section 7.04, subd. 2 of this Ordinance, the Design Standards of this Ordinance, the Zoning Ordinance, and other City requirements. The Planning Commission shall make findings and offer a recommendation for either Preliminary Plat approval, modification or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy City regulations.
3. Report. The Zoning Administrator shall prepare a report of the findings and recommendations of the Planning Commission. The findings may include specific conditions of approval or findings related to denial of the plat.

J. City Council Meeting. The Planning Commission's recommendation will be conveyed to the City Council. The City Council shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Official Map, and this Ordinance. Action may be taken at that time or the matter may be tabled to allow further time for review and consideration.

1. Council Action. The City Council shall take action on the application within 120 days following delivery of a complete application in accordance with the regulations of this Ordinance, unless an extension is agreed to in writing by the applicant. The City Council may act on the Preliminary Plat if it does not receive a recommendation from the Planning Commission within 60 days of receipt of a complete application. In approving the Preliminary Plat, the City Council may impose conditions it considers necessary to protect the public health, safety, and general welfare.
2. City Council Findings. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and transmitted to the applicant in writing. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

K. Upon recommendation of the City Engineer and submittal of an executed interim development agreement, including all required subdivision fees and financial securities, the City Council may, at its discretion, authorize site grading as a condition of pre-plat approval and allowable activity prior to final plat approval.

Subd. 2. Attendance at Meetings Mandatory. The applicant, or a representative, is required to attend all meetings with advisory boards and the City Council. Failure of the applicant, or a representative, to attend a meeting may result in the denial of the application.

CHAPTER 12 SUBDIVISION REGULATIONS

Section 1230.03: INFORMATION REQUIRED FOR PRELIMINARY PLAT.

Subd. 1. Number of Copies Required at the Time of Application.

- A. City Hall. The Developer shall submit 1 large scale copy and 15 reduced scale (11" x 17") copies of the Preliminary Plat and required accompanying information to City Hall.
- B. City Engineer and City Planner. The Preliminary Plat (1 large scale copy and 1 reduced scale (11" x 17") copy) and required accompanying information shall be submitted directly to the City Engineer on the same day as materials are submitted to City Hall.

Subd. 2. Contents of the Preliminary Plat and Required Accompanying Information. The Developer shall submit a Preliminary Plat and required accompanying information (Certificate of Survey, Preliminary Grading, Drainage and Erosion Control Plan, Preliminary Utility Plan, and Miscellaneous Information) which shall include, but not be limited to, all of the information outlined below.

- A. Preliminary Plat. The Preliminary Plat shall include the following:
 - 1. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all reaps/drawings;
 - 2. The proposed name of the plat, which name shall not duplicate or be substantially similar to a plat previously recorded in the County;
 - 3. Date of application, name, address, phone number, and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney, or other principal involved in the development of the plat;
 - 4. Proof of ownership or legal interest in the property in order to make application;
 - 5. Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat;
 - 6. Any zoning changes needed, or reference to any zoning or similar land use actions that are pertinent to the proposed development;
 - 7. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers);
 - 8. Boundary line survey and legal description;
 - 9. Existing covenants, liens, or encumbrances;

CHAPTER 12 SUBDIVISION REGULATIONS

10. Proposed lot lines, dimensions, the gross acreage, and the acreage net of any wetlands, floodplains, surface waters, and other encumbered areas of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Lot areas shall consist of buildable land as defined by the Zoning Ordinance and lots which contain water bodies, powerline or pipeline easements shall show the lot area outside of the water body/easement;
 11. Proposed lot and block numbers;
 12. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks;
 13. Layout of streets, showing right-of-way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and proposed street names for consideration and acceptance by the City. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan;
 14. Parks, trails, sidewalks or other areas intended for public use or common ownership;
 15. Minimum lot areas, lot widths, and setback dimensions shall be shown and the minimum lot areas, lot widths, and setback areas shall conform with the proposed zoning for the site, unless the subdivision is a PUD;
 16. Topography map showing topographic contours at 2-foot intervals;
 17. All delineated wetlands, flood plain areas, the ordinary High-Water level (OHWL) of DNR protected waters, and any encroachments;
 18. Three copies of a wetland replacement plan shall be provided (if applicable);
 19. Tree inventory identifying vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas, and a tree protection plan. Vegetative types shall be classified as generally deciduous, coniferous, or mixed, and described by plant community, relative age, and condition;
 20. Any additional information as requested by the Zoning Administrator;
 21. Utility easements, drainage easements, wetland easements, wetland buffers, and shoreland setback requirements, if applicable; and
 22. Preliminary landscape plans.
- B. Certificate of Survey. A Certificate of Survey prepared by a licensed land surveyor must be submitted which identifies the following:
1. Scale not less than 1 inch equals 100 feet;

CHAPTER 12 SUBDIVISION REGULATIONS

2. North point indication;
3. Existing parcel boundaries to be platted with dimensions and area;
4. Existing legal description;
5. Easements of record;
6. Delineated wetland boundary, also including the Ordinary High-Water Level (OHWL) of any lakes, rivers, or Department of Natural Resource waters. Floodplain as shown on the Federal Emergency Management Agency (FEMA) FIRM Map;
7. All encroachments;
8. Existing buildings, structures, and improvements within the subject property and those 100 feet outside the boundaries of the subject property; and
9. Location, widths, and names of all existing public streets, rights-of-way or railroad rights-of-way showing type, width, and condition of the improvements, if any, which pass through and/or are within 100 feet.

C. Preliminary Grading, Drainage (Storm Water) and Erosion Control Plan. The Developer shall submit a preliminary grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer. The grading plan shall be designed to avoid premature disruption of land and long-term storage of excess materials. The grading plan shall depict the following information:

1. A north arrow and scale not less than 1 inch equals 100 feet shall be shown on all maps/drawings;
2. Location of natural features including, but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, floodplain, drainage channels, ordinary High-Water level (OHWL) and 100-year storm elevations, bluffs, steep slopes, etc. If wetlands are proposed to be impacted, a mitigation plan shall also be submitted;
3. Existing contours at 2-foot intervals shown as dashed lines for the subject property and extending 100 feet beyond the outside boundary of the proposed plat;
4. Proposed grade elevations at 2-foot intervals shown as solid lines;
5. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and High-Water level of all ponds and watercourses;

CHAPTER 12 SUBDIVISION REGULATIONS

6. Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls;
 7. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the subject property. Existing pipe sizes, grades, rim and invert elevations, and normal and High-Water elevations must be included;
 8. If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations must be shown;
 9. Spot elevations at drainage break points and directional arrows indicating site, Swale, and drainage on lots and streets;
 10. Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot;
 11. Locations, sizes, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property;
 12. Phasing of grading;
 13. Location and purpose of all oversize, non-typical easements;
 14. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan;
 15. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer;
 16. All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates;
 17. Drainage plan, including the configuration of drainage areas and calculations for 1-year, 10-year, and 100-year 24-hour storm events and 500 year event may also be required by the City Engineer;
 18. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections; and
 19. Date of plan preparation and dates of till revisions.
- C. Preliminary Utility Plan. The Developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base of the site in question, prepared by a licensed engineer, depicting the following information:
1. Scale not larger than 1 inch equals 100 feet;

CHAPTER 12 SUBDIVISION REGULATIONS

2. Location, dimensions, and, purpose of all easements;
 3. Location and size of existing sanitary sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown;
 4. Location and size of proposed sanitary sewers, water mains, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown;
 5. Water mains shall be provided to serve the subdivision by extension of an existing municipal system wherever feasible;
 6. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer;
 7. The location of proposed hydrants and valves for all proposed water mains;
 8. All other utilities shall be located and designed in accordance with the requirements of the City Engineer; and
 9. Date of plan preparation and dates of all revisions.
- E. Miscellaneous Information. The following shall be submitted to the City, if applicable:
1. An evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and this Ordinance.
 2. Phasing Plan. All Preliminary Plats that will not be subsequently final platted or improved in its entirety shall include a phasing plan with the following information submitted with the Preliminary Plat:
 - a) The sequence of development and approximate areas, approximate number of lots in each phase, total area and buildable area per phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each. Each phase of a Preliminary Plat shall be consistent with growth management criteria of the City;
 - b) Any trail, sidewalks, and parks within the approved phase of the Preliminary Plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots;

CHAPTER 12 SUBDIVISION REGULATIONS

- c) A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long-term storage of excess materials;
 - d) A Development Agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided. A master subdivision development agreement that governs subsequent phases shall also be required; and
 - e) Unless otherwise clearly noted on the phasing plans, all improvements shown within each phase shall be constructed and completed with that particular phase.
- 3. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowner's associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open spaces areas.
 - 4. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent property.
 - 5. Landscape and screening plans showing landscape plantings for yards and subdivision entrances, and specifying plant locations, varieties, and sizes.
 - 6. Plans showing the elevations of signs and the location, ownership, and maintenance responsibilities of the signs.
 - 7. Examples of building product showing illustrations of building footprint, floor plans, building elevations, and exterior building materials.

Subd. 3. Staking. Areas such as property corners, proposed parks and trails identified to be staked by the Consultants during the Concept Plan process shall be staked in the field at least 10 days prior to the Planning Commission Preliminary Plat public hearing to allow city staff, board and commission members and the City Council to view the subject site, and areas proposed to be dedicated for public parks, open space and trails.

Subd. 4. Development Agreement. Approval of the Preliminary Plat shall be contingent upon the applicant's entrance into a Development Agreement with the City.

- A. The Developer shall provide an estimate of the project construction cost for review and approval by the City Engineer.
- B. The Developer shall meet with the City Attorney to finalize the terms of the Development Agreement.
- C. Upon the finalization of the Development Agreement, the City Clerk shall have the final copy of the agreement approved by the City Council and signed by all

CHAPTER 12 SUBDIVISION REGULATIONS

appropriate parties. The Development Agreement shall be recorded against the property.

- D. Financial securities shall be posted with the City as outlined in the Development Agreement.
- E. Final grading and utility plans shall be approved by the City Engineer and made a part of the Development Agreement.
 - 1. No grading shall be allowed until the Preliminary Plat has been approved, an interim development agreement has been executed, and the required financial securities are posted with the City.
 - 2. No construction/installation of sanitary sewer or water utilities or streets shall be allowed until approval of a Development Agreement for the sewer, water, and streets and the required financial securities are posted with the City.

Section 1230.04: APPROVAL OR DENIAL OF PRELIMINARY PLAT.

Subd. 1. City Council Action. The City Council shall act on the Preliminary Plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for the lack of a simple majority shall be a denial of the requested application.

Subd. 2. Premature Subdivisions. Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council.

- A. Conditions Establishing Premature Subdivisions. A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:
 - 1. Lack of Adequate Drainage.
 - a. A condition of inadequate drainage shall be deemed to exist if:
 - i. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures and/or adjacent properties;
 - ii. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land; and
 - iii. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.
 - b. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to

CHAPTER 12 SUBDIVISION REGULATIONS

floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

2. Lack of Adequate Water Supply. A proposed subdivision shall be deemed to lack an adequate water supply if municipal water is not available to the plat. With the extension of municipal water, all private wells must be capped in accordance with state statutes.
3. Lack of Adequate Roads or Highways to Serve Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 - i. Roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance, and surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public health, safety, and general welfare or seriously aggravate an already hazardous condition; and when, with due regard to the advice of the City Engineer, the County, and/or the Minnesota Department of Transportation, the roads are inadequate for the intended use;
 - ii. The traffic volume generated by the proposed subdivision would create unreasonable street congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two years; and
 - iii. The roads fail to meet minimum City standards.
4. Lack of Adequate Wastewater Treatment Systems. A proposed subdivision shall be deemed to lack adequate wastewater treatment systems if municipal sanitary sewer is not available to the plat or if in subdivisions for which sewer lines are proposed there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density indicated in the Comprehensive Plan.
5. Inconsistency with Comprehensive Plan. The proposed subdivision is inconsistent with the purposes, objectives, and recommendations of the Comprehensive Plan.
6. Providing Public Improvements. Public improvements, such as recreational facilities, or other public facilities reasonably necessitated by the subdivision which must be provided at public expense cannot be reasonably provided for within the next two fiscal years.
7. Minnesota Environmental Rules. The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Chapter 4410, as may be amended, and could adversely

CHAPTER 12 SUBDIVISION REGULATIONS

impact critical environmental areas, or potentially disrupt or destroy historic areas which are designated or officially recognized by the City Council, in violation of federal and state historical preservation laws.

- B. Burden of Establishing. The burden shall be upon the applicant to show that the proposed subdivision is not premature.

Subd. 3. Denial of Preliminary Plat. The City Council may deny the subdivision if it makes any one or more of the following findings:

- i. That the proposed subdivision is in conflict with adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Official Map of the City, or this Ordinance;
- ii. That the physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated;
- iii. That the site is not physically suitable for the proposed density of development;
- iv. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- v. That the design of the subdivision or the type of improvements are likely to cause serious public health problems;
- vi. That 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;
- vii. That the proposed subdivision, its site, or its design, adversely affects the flood-carrying capacity of the flood way, increases flood stages and velocities, or increases flood hazards within the flood way fringe or within other areas of the City;
- viii. That the proposed subdivision is inconsistent with the policies and standards of the State defined Shoreland Districts or Wetland Overlay Districts;
- ix. That the design of the subdivision does not conform to minimum City standards; and
- x. That the applicant has failed to provide all documents required by the City in order to adequately evaluate the application.