

# Washington County Development Code

## CHAPTER THREE SUBDIVISION REGULATIONS

ORDINANCE 205  
EFFECTIVE UPON PASSAGE  
BY THE COUNTY BOARD  
ON JUNE 5, 2018 AND  
PUBLISHED ON  
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# REVISED WASHINGTON COUNTY DEVELOPMENT CODE

## CHAPTER THREE

### SUBDIVISION REGULATIONS

**REVISED WASHINGTON COUNTY****DEVELOPMENT CODE**

Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

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

# REVISED WASHINGTON COUNTY DEVELOPMENT CODE

## CHAPTER THREE SUBDIVISION REGULATIONS

### Table of Contents

|  |    |
|--|----|
| SECTION 1. INTENT AND PURPOSE.....                         | 5  |
| SECTION 2. SCOPE AND APPLICABILITY .....                   | 6  |
| SECTION 3. DEFINITIONS.....                                | 6  |
| SECTION 4. ADMINISTRATION .....                            | 11 |
| SECTION 5. MINOR SUBDIVISION PLATTING PROCEDURE.....       | 13 |
| 5.1 Minor Subdivision .....                                | 13 |
| 5.2 Submittal Requirements .....                           | 13 |
| 5.3 Dedications .....                                      | 13 |
| 5.4 Drainage Easements .....                               | 14 |
| 5.5 Preliminary and Final plat .....                       | 14 |
| 5.6 Exceptions to Platting Requirement. ....               | 14 |
| 5.7 Development Agreement, Road Authority Review .....     | 14 |
| 5.8 Plat Commission Review, County Surveyor Approval ..... | 15 |
| 5.9 Recording .....  | 15 |
| SECTION 6. MAJOR SUBDIVISION PLATTING PROCEDURE.....       | 15 |
| 6.1 Concept Review .....                                   | 15 |
| 6.2 Preliminary Review .....                               | 15 |
| 6.3 Public Hearing .....                                   | 16 |
| 6.4 Final Plat .....                                       | 17 |
| SECTION 7. PRELIMINARY AND FINAL PLAT REQUIRMENTS.....     | 18 |
| 7.1 Preliminary Plat Requirements .....                    | 18 |
| 7.2 Final Plat Requirements .....                          | 21 |
| SECTION 8. GENERAL DEVELOPMENT STANDARDS.....              | 21 |
| 8.1 Subdivision Restrictions .....                         | 21 |
| 8.2 Preservation of Natural Areas .....                    | 21 |
| 8.3 Accommodation of Solar Energy Systems .....            | 21 |
| 8.4 Land Dedicated to the Public .....                     | 21 |
| 8.5 Conformance to the Comprehensive Plan .....            | 22 |

|                    |   |           |
|--------------------|---|-----------|
| 8.6                | Dedication of Right-of-Way .....          | 22        |
| 8.7                | Coordinated Development .....             | 22        |
| <b>SECTION 9.</b>  | <b>MINIMUM DESIGN STANDARDS .....</b>     | <b>22</b> |
| 9.1                | Street Plan .....                         | 22        |
| 9.2                | Cul-de-sac Streets .....                  | 23        |
| 9.3                | Street Design .....                       | 24        |
| 9.4                | Public utilities .....                    | 27        |
| 9.5                | Easements .....                           | 27        |
| 9.6                | Street Names and Signs .....              | 27        |
| 9.7                | Lot Requirements .....                    | 28        |
| <b>SECTION 10.</b> | <b>ENGINEERING STANDARDS .....</b>        | <b>29</b> |
| 10.1               | Streets .....                             | 29        |
| 10.2               | Utilities .....                           | 30        |
| 10.3               | Storm Water Drainage .....                | 31        |
| 10.4               | Erosion Control During Construction ..... | 33        |
| <b>SECTION 11.</b> | <b>REQUIRED IMPROVEMENTS .....</b>        | <b>34</b> |
| 11.1               | Requirements Prior to Improvements .....  | 34        |
| 11.2               | Required Improvements .....               | 35        |
| 11.3               | Construction Plans .....                  | 36        |
| 11.4               | Improvement Expenses .....                | 36        |
| 11.5               | Improvement Cost Assessment .....         | 36        |
| 11.6               | Improvement Contract .....                | 36        |
| 11.7               | Previous Default .....                    | 37        |
| 11.8               | Improvement Inspection .....              | 37        |
| <b>SECTION 12.</b> | <b>FINANCIAL GUARANTEE .....</b>          | <b>37</b> |
| 12.1               | Financial Guarantee Options .....         | 37        |
| <b>SECTION 13.</b> | <b>SEPARABILITY .....</b>                 | <b>38</b> |
| <b>SECTION 14.</b> | <b>EFFECTIVE DATE .....</b>               | <b>38</b> |

*Summaries in this column are for commentary and/or interpretive purposes only.*

## REVISED WASHINGTON COUNTY DEVELOPMENT CODE

### CHAPTER THREE

#### SUBDIVISION REGULATIONS

This Chapter of the Washington County Development Code shall be known as the Washington County Subdivision Regulations and may be referred to within this chapter as "this Chapter" or "this Ordinance". This subdivision regulation is adopted by Washington County Ordinances No. 205 pursuant to the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

#### SECTION 1. INTENT AND PURPOSE

*This Chapter defines regulations for creating subdivisions.*

*Goals:*

- *Good planning.*
- *Healthy, safe, comfortable, convenient environments.*
- *Costs to be borne by those benefitting from subdivision construction.*
- *Secure public's rights to public land and water.*

1.1 The process of dividing undeveloped land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any township. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the township has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire township is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

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

*There are two ways to subdivide land: minor subdivision (see Section 5) and major subdivision (see Section 6).*

1.2 Land is subdivided using either the minor subdivision process or the major subdivision process. Section 5 outlines the minor subdivision process. Section 6 outlines the major subdivision process.

SECTION 2. SCOPE AND APPLICABILITY

*Applies to divisions of land in unincorporated areas where subdivision authority has not been transferred to the Township.*

2.1 The regulations contained in this Chapter apply in the unincorporated areas of Washington County except this Chapter does not apply in the Townships of Baytown, Denmark, Grey Cloud Island, May, Stillwater and West Lakeland. In any unincorporated areas where this Chapter applies, it shall apply to any division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which beneficial interest in land is transferred.

*Subdivisions and platting must be in accordance with the County Development Code and MN statutes Chap. 505.*

2.2 After the effective date of this Ordinance:

(1) Land shall not be subdivided or platted and any plat or deed subdividing land shall not be recorded except as provided in this Chapter and approved by the County as having fulfilled the requirements of this Chapter, the other chapters of the Washington County Development Code and Minnesota Statutes Chapter 505.

*Combined parcels cannot be re-separated without approval.*

(2) Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re-separated without approval in the manner prescribed in this Chapter.

*Registered land surveys will not be recorded prior to County approval.*

(3) Registered land surveys shall not be recorded with the Registrar of Titles until the registered land survey has been approved by the County as having fulfilled the requirements of this Ordinance and the Washington County Development Code.

SECTION 3. DEFINITIONS

*Unless specifically defined here, interpretation of words and phrases shall be consistent with common usage.*

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

3.2 For the purpose of this Chapter, certain terms and words are hereby defined as follows:

(1) **Alley:** Any dedicated public right-of-way providing a secondary means of access to abutting property.

(2) **Applicant:** The owner of the land proposed to be subdivided or the owner's representative.

(3) **Attorney:** The County Attorney.

(4) **Block:** The enclosed area within the perimeter of roads, outlots, property lines or boundaries of the subdivision.

- (5) **Boulevard:** The portion of the street right-of-way between the curb line and the property line.
- (6) **Buildable Land:** Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainageway, or drainage easement.
- (7) **Comprehensive Plan:** A plan prepared by the township and/or Washington County including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the township and includes any unit or part of such plan or parts thereof.
- (8) **Concept Plan:** A sketch preparatory to the preparation of the preliminary plat to enable the applicant to save time and expense in reaching general agreement with the township and Washington County as to the form of the development and the objectives of these regulations. The concept plan shall contain data in accordance with Section 6.1 of this Chapter.
- (9) **Contour Interval:** The elevation change between contour lines.
- (10) **Contour Map:** A map on which irregularities of land surface (topography) are shown by lines connecting points of equal elevations.
- (11) **Copy:** A print or reproduction.
- (12) **County:** Washington County, Minnesota
- (13) **County Board:** The Washington County Board of Commissioners.
- (14) **Cul-De-Sac:** A street with only one outlet; a dead end street; measured from the point where there is no secondary access.
- (15) **Developer:** The owner of land proposed to be subdivided or the owner's representative.
- (16) **Development:** The act of subdividing land, building structures and installing site improvements.
- (17) **Development Agreement (major subdivision):** A contract with the County in which the owner or developer agrees to take certain specified actions in consideration of the County's granting preliminary and final plat approval.
- (18) **Development Code:** The official controls adopted by Washington County regulating the physical development of land in the unincorporated areas of the County.

- (19) **Double Frontage Lots:** Lots which have a front line abutting on one street and a back or rear line abutting on another street.
- (20) **Drainage Course:** A water course or indenture for the drainage of surface water.
- (21) **Drainage way:** A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
- (22) **Easement:** A grant by an owner of land for a specific use by persons other than the owner.
- (23) **Engineer:** The licensed engineer employed by the township unless otherwise stated.
- (24) **Final Plat:** The map or plan or record of a subdivision and any accompanying material as described in these regulations.
- (25) **Grade:** The slope of a road, street, or other public way specified in percentage (%) terms.
- (26) **Individual Sewage Disposal System:** A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. See Chapter Eight of the Washington County Development Code.
- (27) **Lot:** An individual parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Auditor-Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (28) **Lot, Corner:** A lot bordered on at least two (2) adjacent sides by intersecting streets.
- (29) **Major Subdivision:** All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (30) **Metes and Bounds:** A property description in which successive sides are described by direction and distance as one would walk around the area being described.
- (31) **Minimum Subdivision Design Standards:** The guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

- (32) **Minor Subdivision:** Any subdivision containing three (3) or fewer lots fronting on an existing street, not requiring any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Ordinance or these regulations.
- (33) **Nonresidential Subdivision:** A subdivision whose intended use is other than residential, such as commercial or industrial.
- (34) **Open Space Development (OSD):** A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space. See Chapter Two, Part 2, Section 4, of the Washington County Development Code.
- (35) **Ordinary High Water Level (OHWL):** The boundary of public waters and wetlands; an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial (also known as the Ordinary High Water Mark). For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established high water level by the Minnesota Department of Natural Resources, that elevation is considered the ordinary high water level.
- (36) **Outlot:** A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site.
- (37) **Owner:** All persons interested in a property as fee simple owner, life estate holder and/or encumbrancer or contract for deed purchaser.
- (38) **Pedestrian Way:** A public right-of-way across or within a plat to be used by pedestrians and/or non-motorized vehicles.
- (39) **Person:** Any person, corporation or association including governmental agencies and political entities.
- (40) **Planning Commission:** The Washington County Planning Advisory Commission, See Chapter One, Section 8 of the Washington County Development Code.
- (41) **Plat Commission:** The Commission appointed by the County Board consisting of a representative from each of the following departments or agencies: Washington County Public Health & Environment, County Surveyor, County Recorder, County Attorney, County Engineer, County Commissioner and Washington Conservation District. See Chapter One, Section 7.

- (42) **Preliminary Plat:** The preliminary drawing or drawings as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission or township for approval. Preliminary Plat shall contain data required as outlined in Section 7 of this Chapter.
- (43) **Private Street:** A street that is owned by one or more private parties, not dedicated to the public and which provides vehicular access to more than two (2) parcels of land.
- (44) **Protective/Restrictive Covenants:** Contracts, agreements, or declarations entered into between private parties which constitute a restriction on the use of private property within a subdivision.
- (45) **Reserve Strips:** A narrow strip of land placed between lot lines and streets to control access.
- (46) **Right-of-Way:** The land covered by a public road or land dedicated for public use or for certain private use such as land over which a power line passes.
- (47) **Road, Dead-End:** A road or a portion of a street with only one (1) vehicular traffic outlet.
- (48) **Street:** A public right-of-way which affords a primary means of access to abutting property.
- (49) **Street, Collector:** A road intended to move traffic from local roads to secondary roads and/or a road designated as a collector by the Minnesota Department of Transportation, the Metropolitan Council Functional Classification Map, or the Washington County Comprehensive Plan.
- (50) **Street, Intermediate or Minor Arterial:** Routes identified as minor arterials by the Minnesota Department of Transportation, the Metropolitan Council Functional Classification Map, or the Washington County Comprehensive Plan. These streets are designed to serve heavy traffic volumes and their function is to provide mobility with substantially restricted access. They serve to connect communities and/or significant traffic generators or principal arterials, to relieve congestion, and to expand the capacity of other arterials.
- (51) **Street, Local:** A road intended to provide access to other roads from individual properties and to provide right-of-way for sewer, water and storm drainage utilities.
- (52) **Street (Service/Frontage Road):** A minor street that is parallel to and adjacent to high volume arterial streets and highways and which provides access to abutting properties and protection to through traffic.
- (53) **Street, Rural Design:** A street without curb and gutter having either paved

or gravel shoulders.

- (54) **Street, Urban Design:** A street that incorporates either concrete or bituminous curb and gutter.
- (55) **Street Width:** The shortest distance between the lines delineating the roadway, including shoulders or parking lanes of a street. On urban designed streets it is face to face of curbs.
- (56) **Subdivider:** The owner, agent, or person having control of land being subdivided.
- (57) **Subdivision:** The process or result of the process whereby land is divided into two (2) or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes including platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred or created.
- (58) **Survey, Land:** The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.
- (59) **Surveyor:** A land surveyor licensed under Minnesota State Laws.
- (60) **Thoroughfare:** A street primarily designated to carry large volumes of traffic and provide for vehicular movement between and among large areas.
- (61) **Zoning Ordinance:** Regulations controlling the use of land as adopted by Washington County. Refer to Chapters One and Two of the Washington County Development Code.
- (62) **Vicinity Map:** A map drawn to comparatively small scale which shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

**SECTION 4. ADMINISTRATION**

*Public Works administers this Ordinance.*

**4.1** Pursuant to Chapter One of the Washington County Development Code, the Washington County Department of Public Works is the administrator of this Ordinance.

*In case of difference, most restrictive standards apply.*

**4.2** In the event of a conflict between the minimum standards or dimensions required in this Chapter and any other standards or dimensions in other sections of the Washington County Development Code, the more restrictive standards or dimensions shall apply.

*Subdivision review is coordinated with requirements of Environmental*

**4.3** Subdivision review shall be coordinated with the requirements and procedures for Environmental Assessment and Impact Statements as contained in Chapter One, Section 12 of the Washington County Development Code. Any mandatory Environmental Assessment Worksheet or Impact Statement as required by the

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|--|--|
| <p><i>Assessment and Impact Statements.</i></p>  | <p>Minnesota Environmental Quality Board Regulations shall be submitted as part of the application for preliminary plat approval.</p>  |
| <p><i>Subdivision review is coordinated with local township.</i></p>   | <p><b>4.4</b> Subdivision Review shall be coordinated with the local township. Township approval of all phases of plat approval is required and shall be in sequence with County approval. Final plat approval will not be granted until final plat approval is granted by the township.</p>   |
| <p><i>Open space design developments are coordinated with Development Code requirements.</i></p>                       | <p><b>4.5</b> The platting and subdivision of open space design subdivisions shall be coordinated with the requirements contained in the Washington County Development Code, Chapter Two, Section 4. Open Space Development. Any deviation from the minimum design and engineering standards of these subdivision regulations may be allowed when consistent with the standards contained in Chapter Two, Section 4.</p>   |
| <p><i>Parcel line adjustment may be approved by Zoning Admin. Survey is required and parcels must be combined.</i></p> | <p><b>4.6</b> In the case of a request to divide a lot which is part of a recorded plat or metes and bounds description where the division is to permit the adding of a parcel of land to an abutting lot or to otherwise exchange property between adjacent lots and the newly created property line will not cause either lot to be in violation with this Chapter or the Washington County Development Code Chapter Two, Performance Standards, the division may be approved by the Zoning Administrator after submission of a survey and legal description of each by a licensed land surveyor showing the original lot and the proposed new lot lines. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.</p> |
| <p><i>Roads and Drainage must be complete before structures are placed on platted lots.</i></p>                        | <p><b>4.7</b> Structures shall not be built or placed on a lot in a new plat until the road and drainage improvements are substantially completed. With regard to road improvements, substantially complete means that the gravel base is in place and has been approved by the Township Engineer.</p>   |
| <p><i>Outlots require development agreements.</i></p>  | <p><b>4.8</b> Any parcel of land designated as an "outlot" shall have a development agreement recorded against the outlot specifying the usage and ownership of said outlot.</p>   |
| <p><i>Owner must consent to subdivision.</i></p>   | <p><b>4.9</b> Owner consent is required for subdivision of property.</p>   |
| <p><i>Creation of a security interest in a portion of a parcel does not entitle subdivision.</i></p>                   | <p><b>4.10</b> Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the Washington County Development Code.</p>   |
| <p><i>Variances heard by Board of Adjustment and Appeals.</i></p>  | <p><b>4.11</b> Requests for variances to the dimensional standards contained in this Chapter shall be heard by the Washington County Board of Adjustment and Appeals and governed by the regulations contained in Chapter One of the Washington County Development Code.</p>   |
| <p><i>Zoning Administrator, township attorney, and engineer must approve financial security.</i></p>                   | <p><b>4.12</b> Any bonds or other financial security required under the provisions of this Chapter shall be approved by the Zoning Administrator, Township Attorney and Township Engineer.</p>   |

*Penalty for violation of this Chapter.*

**4.13** In addition to any other remedies set forth in the Washington County Development Code, any person who violates any provisions of this Chapter or who sells, leases or offers for sale or leases any lot, block, or tract of land regulated by this Chapter before all requirements of the regulations of this Chapter have been complied with shall forfeit to the County one hundred dollars (\$100.00) for each lot or part of a lot so disposed of, leased or offered.

*Fees established by County Board.*

**4.14** Fees for plat reviews and other services rendered under this Chapter shall be established by the Washington County Board of Commissioners.

**SECTION 5. MINOR SUBDIVISION PLATTING PROCEDURE**

*Subdivisions of 3 or fewer parcels with no new roads or public infrastructure are required to be platted unless exempted by Sect. 5.6.*

**5.1 Minor Subdivision.**

In the case of a subdivision resulting in three (3) or fewer parcels where new roads or other public infrastructure is not needed, the County review process is more streamlined than the Major Subdivision platting procedure. However, a plat shall be filed in accordance with Chapter 505 of the Minnesota Statutes unless specifically exempted by Section 5.6 of this Ordinance.

*Required information when submitting a minor subdivision proposal:*

**5.2 Submittal Requirements.**

The following information must be submitted:

- Topographic data
- Buildable area on lots
- Driveway access points
- Drainage, grading, erosion plan
- Wetland report & map
- Soil test for on-site sewage system
- Final plat per MN Statute Chap. 505

- (1) A preliminary plat showing the following:
  - (A) Topographic data at two (2) foot contour intervals. Flood plain information may be required if deemed necessary by the Zoning Administrator.
  - (B) Buildable area on the lots.
  - (C) Driveway access points.
- (2) Drainage, grading, and erosion control plans.
- (3) Wetland delineation report and map.
- (4) Soil testing for the installation of an on-site sewage disposal system.
- (5) A final plat prepared in accordance with Minnesota Statute Chapter 505 showing the original parcel, platted lots, and lands to be dedicated.

*Township and/or County may require dedication of streets, utility and drainage easements, or public land or cash in lieu of land.*

**5.3 Dedications.**

Prior to approval of a minor subdivision, the township and/or County reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.

*Wetland areas must be protected.*

County Plat Commission shall review all minor subdivision plats.

*Exceptions to platting requirements:*

- *Subdivision where all parcels are >20 acres with min. of 500 ft. frontage on public road.*
- *Property line adjustments where no new buildable parcel is created; however, you a Cert. of Survey must be submitted.*
- *For any lot in the subdivision >20 acres a plat and wetland delineation are not required.*

*All requirements of Section 8, 9, and 10 of this Chapter must be met where applicable,*

*Also Required:*

- *Development agreement.*
- *Road authority access approval if property abuts County road or state highway.*

**5.4 Drainage Easements.**

All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.

**5.5 Preliminary and Final Plat**

All minor subdivisions shall be referred to the Washington County Plat Commission for review. At least fourteen (14) days prior to the scheduled Plat Commission meeting, ten (10) copies of both the preliminary and final plats shall be submitted. The Plat Commission shall review and take action on both preliminary and final plats at their scheduled meeting.

**5.6 Exceptions to platting requirement**

The following are exempt from platting and may be described and conveyed by a metes and bounds description:

- (1) Any subdivision of land in which all parcels contain twenty (20) acres or more with at least five hundred (500) feet of frontage on a public road. Note: A full quarter-quarter section is considered to contain forty (40) acres and a division thereof into two (2) equal parts is exempt from platting.
- (2) Property line adjustments where no new buildable parcel is being created. Although exempt from platting, a Certificate of Survey shall be submitted for all property line adjustments. The Certificate of Survey shall show the original property lines together with the adjusted property lines and the area in acres or square feet shall be shown for all parcels. The Zoning Administrator may require parcels to be combined for tax purposes. The Zoning Administrator may require additional information or survey data be submitted as conditions warrant. Certificates of Survey are subject to review and acceptance by the County Surveyor's Office.
- (3) Any parcel in a subdivision containing twenty (20) acres or more is exempt from platting and does not require a wetland delineation.

**5.7 Development Agreement, Road Authority Review.**

All requirements of Section 8, 9, and 10 of this Chapter must be met where applicable. The following must also be completed:

- (1) A development agreement must be entered into, specifying the number of density units allocated among the parcels (refer to Chapter 3 of the Washington County Zoning Ordinance) and approved by the County Board.
- (2) If the property abuts a County road or state highway, the road authority's approval of any proposed access locations is required. Written comments from the agency or an approved access permit for the proposed use will be considered proof on concurrence. Approval of access locations on County routes may be given at the Plat Commission review. Access locations, whether permitted or not, from previous uses of the property, are not automatically perpetuated.

*Plat will be reviewed by Plat Commission and County Surveyor.*

**5.8 Plat Commission Review, County Surveyor Approval.**

The plat shall be reviewed by the Washington County Plat Commission and is subject to review and approval by the County Surveyor per Chapter 505, Minnesota Statutes.

*Plat Commission approval expires if the plat is not recorded within 120 days.*

**5.9 Recording.**

Final plat shall be presented to the County Recorder/Registrar of Titles for recording within 120 days of Plat Commission approval. Plat Commission approval is null and void after 120 days.

**SECTION 6. MAJOR SUBDIVISION PLATTING PROCEDURE**

*Applicant shall meet with the Plat Commission.*

**6.1 Concept review**

(1) The applicant shall meet with the County Plat Commission to ensure that the applicant is informed of the procedural requirements and minimum standards of this Chapter, as well as the requirements or limitations imposed by other County regulations prior to the development of a preliminary plat.

*Applicant shall submit 7 copies of the concept plan at least 14 days prior to the meeting.*

(2) At least fourteen (14) days prior to the regularly scheduled meeting of the Plat Commission, the applicant shall submit seven (7) copies of a concept plan containing the following information:

- (A) Lot boundaries and approximate dimensions.
- (B) Significant topographic and physical features on the property to be platted and outside of the property within 200 feet of all property lines.
- (C) General street and lot layout and lot area of individual lots and outlots.
- (D) General location of public and private open space areas.
- (E) General drainage plan.
- (F) Current zoning of the property.
- (G) An explanation of the proposed subdivision and its purpose.

*Plat Commission will review concept plan with the applicant and provide comments.*

(3) The Plat Commission shall review the concept plan and provide comments. The Plat Commission will not take formal action at this stage of review and discussion which occurs at this meeting shall not be construed as approval or denial of the proposed plat.

*Plat Commission takes no action at this stage.*

**6.2 Preliminary Plat.**

*After receiving Concept review comments the applicant shall submit 7 copies of prelim. plat to Zoning Admin.*

(1) After receiving comments from the Plat Commission during concept review, the applicant shall submit seven (7) copies of the preliminary plat to the Zoning Administrator. Such preliminary plat submission shall contain the information as

*Subdivisions in a Shoreland or St. Croix River District must be approved by the DNR.*

*WMO approval is required.*

*Subdivisions abutting State Hwy shall be submitted to MnDOT.*

*Plat Commission shall conduct a public hearing on the plat.*

*Preliminary plats not approved may be appealed to the County Board.*

*Preliminary approval does not constitute final approval.*

*Plat Commission has the right to require changes.*

*Final plat shall be submitted within 180 days or preliminary approval expires. Preliminary approval for undeveloped portion of phased developments is valid for 2 years.*

*Approved preliminary plats may be amended.*

described in Section 7. Preliminary and Final Plat Requirements.

- (2) Prior to preliminary plat approval for property located in a Shoreland Management District or St. Croix River Management District, the proposed subdivision must have the approval of the Minnesota Department of Natural Resources (DNR). The Zoning Administrator is responsible for forwarding copies of the proposed plat to the DNR.
- (3) Approval from the appropriate watershed management organization must be obtained prior to approval of the preliminary plat. The applicant shall comply with the conditions necessary to obtain approval from the water management organization.
- (4) A copy of all preliminary plats abutting State Highway right of way shall be sent to the Minnesota Department of Transportation for comments and recommendations.

**6.3 Public Hearing.**

- (1) Upon receipt of a complete preliminary plat application, the Plat Commission shall schedule a public hearing on the proposed preliminary plat. Such hearing shall be scheduled no later than thirty (30) days from the date of the filing of the complete application.
- (2) If the preliminary plat is not approved by the Plat Commission, the reasons for such action shall be recorded in the proceedings and provided to the applicant. The applicant may appeal such non approval to the County Board who shall conduct a public hearing and take action on the plat.
- (3) If the preliminary plat is approved, such approval does not constitute final approval. Final approval is required as specified in Section 6.4.
- (4) The Plat Commission reserves the right to require changes to any subdivision plan when an alternative plan would be more sensitive to environmental resources; or provide for a more efficient flow of traffic; or the proposed plan is not sensitive to topographical constraints of the property or does not meet the standards contained in the Washington County Development Code or Comprehensive Plan.
- (5) If the preliminary plat is approved by the Plat Commission, the subdivider shall submit the final plat within one hundred eighty (180) days after the approval or the approval of the preliminary plat is considered null and void. This one hundred eighty (180) day time limit may be extended if requested by the applicant and approved by the Plat Commission. In the event the property is to be developed in phases, the preliminary plat approval for the undeveloped portion or phase is valid for two (2) years from the date of preliminary plat approval.
- (6) If a subdivider desires to amend an approved preliminary plat, an amended plat may be submitted and shall follow the same procedure as a new plat. A public hearing and submission of a new plat review fee are not required for amended preliminary plats unless the Plat Commission determines that the amendment is of such scope as to constitute a new plat. In such cases, the plat shall be refiled with payment of appropriate review fees and requires a new public hearing.

**6.4 Final Plat**

*After preliminary approval, 7 copies of final plat and plat review fee shall be submitted.*

(1) After the preliminary plat has been reviewed and approved by the Plat Commission, seven (7) copies of the final plat containing the information detailed in Section 7.2 shall be submitted to the Zoning Administrator; three (3) copies of the final plat, along with the plat review fee, shall be submitted to the County Surveyor for review.

*Improvements or dev. agreement shall be in place prior to final plat approval.*

(2) Prior to approval of the final plat by the County Board, the subdivider shall have installed all required improvements or executed a development agreement (major subdivision) with the township and the County for their installation. Required improvements shall conform to approved engineering standards and be in compliance with this Ordinance.

*Plat Commission will consider final plat no later than 30 days after it's received.*

(3) The Plat Commission shall consider the final plat no later than thirty (30) days from the date that the complete final plat is received. The Plat Commission's recommendations on the final plat shall be recorded in the proceedings of the Plat Commission and provided to the applicant.

*Approved final plat must be recorded within 120 days.*

(4) If the final plat is approved by the Plat Commission, the subdivider shall submit the final plat to the Washington County Recorder/Registrar of Titles within one hundred twenty (120) days after approval. Such final plat shall be as recommended by the Plat Commission and shall be signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding a security interest such as a mortgage or contract for deed, but excluding judgment or mechanics lien. In lieu of their signatures on the final plat, mortgage or contract for deed vendors may sign and acknowledge a separate consent to plat.

*Plat Commission approval expires after 120 days. However, an extension may be requested.*

(5) If the final plat is not presented to the County Recorder/Registrar of Titles within one hundred twenty (120) days after approval by the Plat Commission, approval of the final plat is considered null and void. An extension to this one hundred twenty (120) day time frame may be requested by the applicant and submitted in writing to the Plat Commission. An extension must be approved by the Plat Commission.

*County Recorder will put final plat on the County Board agenda. Approval by Town Board is also required.*

(6) The County Recorder shall place the properly submitted final plat on the agenda of the County Board at its next regularly scheduled meeting for final approval. Final plat approval shall not be granted unless the plat has first been approved by the Town Board.

*If final plat is not approved by Plat Commission, decision may be appealed to County Board.*

(7) If the final plat is not approved by the Plat Commission, the applicant may appeal that decision to the County Board who shall conduct a public hearing and take action on the plat.

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

**7.1 Preliminary Plat Requirements.**

*Map scale must be not more than 100 feet = 1 inch.*

*Requirements for identification and description.*

The following information shall be submitted for preliminary plat review. Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch.

- (1) Identification and Description.
  - (A) Proposed name of the subdivision. This name shall not duplicate or be similar in pronunciation to the name of any plat recorded in the County.
  - (B) Legal description of the property.
  - (C) Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.
  - (D) North point and vicinity map of the area showing well known geographical points for orientation within a one-half (1/2) mile radius.
  - (E) Date of preparation.
- (2) Existing Conditions.
  - (A) Boundary lines shall be shown clearly and to a degree of accuracy that no major changes are necessary in preparing the final plat.
  - (B) Existing zoning classifications for land in and abutting the subdivision.
  - (C) Approximate total acreage.
  - (D) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, significant physical features/natural resources, permanent buildings and structures, easements and section, corporate and school district lines within the plat and to a distance of three hundred (300) feet beyond.
  - (E) Location and size of existing sewers, water mains, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat boundary and within one hundred (100) feet outside the preliminary plat boundary. Data such as grades and location of catch basins, manholes, hydrants, street pavement width and type shall also be shown.
  - (F) Boundary lines of adjoining land within one hundred (100) feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
  - (G) All wetlands shall be field delineated by a qualified and experienced wetlands delineator with the surveyed wetland boundary location shown on the preliminary plat. A copy of the wetland delineation report shall be submitted.

*Requirements for showing existing conditions.*

- (H) Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one (1) percent, a one (1) foot vertical interval shall be shown. Water courses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within one-half (½) mile of the site. Benchmarks shall be established on-site and shown on the preliminary plat. Spot elevations may substitute for the one (1) foot contour intervals at the discretion of the Zoning Administrator.
- (I) A copy of all proposed private restrictions.
- (J) In areas where public sewer is not available, two (2) soil borings shall be completed on each lot with results submitted to the Washington County Department of Public Health and Environment. If it appears that soil may not be suitable for the installation of an on-site septic system on any lot, additional borings and percolation tests may be required at the discretion of the County.
- (K) Soil types and location of boundary of each soil type as shown in the Soil Survey of Washington County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Washington Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application.
- (L) For lands proposed to be platted in the Saint Croix River Management District, the bluff line and all slopes over twelve (12) percent with a horizontal distance of fifty (50) feet or greater shall be delineated. In Shoreland Management Districts, all slopes over eighteen (18) percent with a horizontal distance of fifty (50) feet or greater shall be delineated. Slopes in excess of twenty-five (25) percent shall be delineated on all properties.
- (M) On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted unless deemed unnecessary by the Zoning Administrator.
- (N) The applicant shall document the path of each drainage way from the proposed development to the first Minnesota Department of Natural Resources (DNR) Protected Water within one (1) mile of the project.

(3) Subdivision Design Features.

- (A) Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.

*Requirements for  
subdivision features*

*Other required information*

- (B) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (C) Lot and block numbers, outlot letters, preliminary dimensions of lots, blocks and outlots and area of each lot and outlot. The buildable area of each lot, excluding slopes over twenty-five (25) percent, required setbacks and drainage easements shall be noted.
- (D) Proposed front, side and rear building setbacks as well as setbacks from water bodies.
- (E) Location and size of proposed sanitary sewer lines and water mains or proposed township sewer and water systems.
- (F) Gradients of proposed streets and sewer lines. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, servitude right-of-ways, manholes and catch basins.
- (G) Areas (other than streets, alleys, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
- (H) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, U.S. Army Corps of Engineers, Local Governmental Unit and/or Watershed Management Organization.
- (I) Erosion and sediment control plan.
- (4) Other Information.
  - (A) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to indicate the effect of the development on traffic, fire hazards and congestion of population.
  - (B) Source of water supply.
  - (C) Provisions for sewage disposal, surface water drainage, and flood control.
  - (D) If the subdivider owns property adjacent to the proposed plat, the Plat Commission may require the subdivider to submit a concept plan for the remainder of the property to show the possible relationships between the proposed subdivision and future subdivision. All subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.

- (E) Such other information as may be requested by the Zoning Administrator, the County Engineer or the Plat Commission.

*Submit following for final review:*

- *Final plat prepared by licensed land surveyor*
- *Title Opinion, title insurance policy or commitment current within 30 days of submission.*
- *Recorded document indicating lowest floor elevation of structures for lots abutting a water body.*

**7.2 Final Plat Requirements.**

The following information shall be submitted for final plat review.

- (1) The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes, this Ordinance, and the manual of Standard Procedures for Platting in Washington County.
- (2) The subdivider shall submit, with the final plat, an Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified within thirty (30) days of submission of the final plat to the County Board for approval.
- (3) A separate document that indicates the lowest floor elevation of any structure on any lot abutting a water body shall be recorded together with the final plat. Lowest floor elevations shall be at least two (2) feet above the 100 year flood elevation, shall be referenced to a durable bench mark and shall be certified by a licensed Land Surveyor.

**SECTION 8. GENERAL DEVELOPMENT STANDARDS**

*Land that is unsuitable may not be subdivided.*

**8.1 Subdivision Restrictions.**

Land may not be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the township or future residents of the subdivision.

*County reserves the right to decline approval of a subdivision to protect natural features, historical locations and assets.*

**8.2 Preservation of Natural Features.**

The County reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar township assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

*Subdivisions should be designed to accommodate passive and active solar energy use.*

**8.3 Accommodation of Solar Energy Systems.**

All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot and building orientation.

*Consult with township for public dedication recommendations.*

**8.4 Land Dedicated to the Public.**

The subdivider shall consult with the local township at the time the concept plan is under consideration to secure their recommendation as to the location of any property that should be dedicated to the public such as parks, playgrounds, or other public property.

*Must conform to Comprehensive Plan and policies.*

**8.5 Conformance to Comprehensive Plan.**

The proposed subdivision shall conform to the Comprehensive Plan and Policies as adopted by the County.

*Additional right-of-way dedication may be required.*

**8.6 Dedication of Right-of-Way**

Where a subdivision abuts or impacts an existing County Road or County State Aid Highway, additional right-of-way may be required to be dedicated provided the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety and welfare of the township.

*Proposed subdivisions must be coordinated with nearby municipalities or neighborhoods.*

**8.7 Coordinated Development**

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

**SECTION 9. MINIMUM DESIGN STANDARDS**

*Street plan requirements:*

**9.1 Street Plan.**

- (1) Proposed streets shall conform to the state, county or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by law.
- (2) Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.
- (3) Access shall be provided to all lots and other land within the subdivision with connections to adjacent un-subdivided parcels unless such connections are not feasible due to topography. Reserved strips and land-locked areas shall not be created.
- (4) The street layout in new subdivisions shall have provisions for the appropriate continuation of the existing streets into adjoining areas.
- (5) Where adjoining areas are not subdivided, but may be subdivided, the street layout in a new subdivision shall have provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- (6) Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
- (7) Half or partial streets are not permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where reasonable assurance that dedication of the remaining part of the street can be secured.

- (8) Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- (9) Dead-end streets are prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
- (10) Private streets and reserve strips are prohibited and public improvements shall not be approved for any private street. All streets shall be dedicated for public use.
- (11) Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (12) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting of their land and providing convenient access to it.

**9.2 Cul-de-Sac Streets.**

*Requirements for cul-de-sac streets:*

- (1) For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road is the point at which there is no secondary access. The end is the center of the cul-de-sac.
- (2) Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirement at the building setback line.
- (3) Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.
- (4) Where lots are less than two and one-half (2 ½) acres in size, permanent Cul-de-sac streets shall not exceed six hundred (600) feet in length in areas where lots are less than two and one-half (2 1/2) acres in size.
- (5) Where lots are two and one-half (2 1/2) acres in size or greater, Permanent cul-de-sac streets shall not exceed one thousand three hundred twenty (1320) feet in length.
- (6) Where lots are two and one-half (2 1/2) acres in size or greater, temporary cul-de-sac streets shall not exceed two thousand six hundred forty (2,640) feet and shall not provide access to more than twenty (20) home sites.

- (7) Where lots are less than two and one-half (2 1/2) acres, temporary cul-de-sac streets shall not exceed eight hundred (800) feet and shall not provide access to more than twenty (20) home sites.
- (8) The right-of-way of a temporary cul-de-sac bulb shall be placed near a plat boundary line and a right-of-way of the same width as the street shall be dedicated and extended to said plat boundary line to provide for a future street connection to the adjoining tract. Once the street is extended to the adjoining tract and following the recording of proper vacation proceedings, ownership of the area of the temporary cul-de-sac bulb outside of the right of way of the extended street shall revert to the lots fronting on the temporary cul-de-sac bulb. To assure such streets can be constructed according to these regulations and within the dedicated right of way, the street shall be rough graded or information shall be submitted and approved as required by the Township Engineer and the Washington County Plat Commission.

**9.3 Street Design.**

*Street design requirements:*

(For street design standards in Open Space Developments see Washington County Development Code Chapter 2, Zoning Regulations, Part 2, Section 4.10 - Performance Standards for Open Space Development.)

- (1) Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road are as follows:

**Urban Design**

| Type of Street | Minimum Right-of-Way Width | Minimum Roadway Width (including shoulders) |
|----------------|----------------------------|---|
| Minor Arterial | 120 feet                   | 44 feet                                     |
| Collector      | 100 feet                   | 44 feet                                     |
| Local          | 60 feet                    | 32 feet                                     |

**Rural Design**

| Type of Street                              | Minimum Right-of Way Width | Minimum Roadway Width | Shoulder Width |
|---|----------------------------|-----------------------|----------------|
| Minor Arterial                              | 120 feet                   | 24 feet               | 8 feet         |
| Collector or Commercial - Industrial Street | 100 feet                   | 24 feet               | 8 feet         |
| Local                                       | 60 feet                    | 24 feet               | 4 feet         |

- (2) Where a subdivision abuts or contains an existing street of inadequate width,

sufficient additional width shall be provided to meet the above standards.

- (3) The minimum radius for a cul-de-sac is forty-five (45) feet.
- (4) Additional right-of-way and roadway widths may be required to promote public safety and convenience when required by special conditions or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- (5) Access to streets is regulated as follows:
  - (A) Access of streets within the subdivision to other local streets shall meet all requirements of the local township.
  - (B) Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Washington County Comprehensive Plan as provided below and are subject to all conditions of access permitting requirements of the Washington County Public Works Department and/or the Minnesota Department of Transportation. At the discretion of the County Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County Road or County State Aid Highway. Such lanes shall conform to Minnesota Department of Transportation design standards and all costs are the responsibility of the developer.

### Access Spacing Guidelines

| Type of Access   | Functional Classification of Highway |                                 |             |           |          |
|--|--------------------------------------|---------------------------------|-------------|-----------|----------|
|  | Principal Arterial                   | Minor Arterial                  |             | Collector | Local    |
|  |                                      | > 7,500 ADT                     | < 7,500 ADT |           |          |
| A. Private Residential Driveways                             | No Direct Access                     | No Direct Access                | (2)         | (2)       | (2)      |
| B. Commercial Driveways or Non-continuous Commercial Streets | No Direct Access                     | No Direct Access                | 1/8 Mile    | 1/8 Mile  | (2)      |
| C. Non-continuous Residential Streets                        | No Direct Access                     | 1/8 Mile with No Median Opening | 1/8 Mile    | 1/8 Mile  | (2)      |
| D. Continuous Local Streets and Collector Streets            | ½ Mile                               | ¼ Mile                          | ¼ Mile      | 1/8 Mile  | 1/8 Mile |
| E. Minor Arterials   | ½ Mile                               | ½ Mile                          | ½ Mile      | ½ Mile    | ½ Mile   |

**Notes**

- (1) Traffic volumes refer to twenty (20) year forecasts.
- (2) Determination based on other criteria (sight distance, speed, traffic volume, etc.).
- (3) Distances shown are minimums.
- (4) Non-continuous" streets refer to cul-de-sacs or short length streets (less than ½ mile) which do not cross the county Highway in question.
- (5) The type of traffic control, turn lanes and bypass lanes required will be determined based upon the projected traffic volumes on the type of access requested.
- (6) County reserves the right to increase the minimums based on other criteria (sight distance, speed, traffic volume, etc.)

- (C) Access to Minnesota Trunk Highways, U.S. Routes, or Interstate Highways is subject to all regulations and permitting procedures of the Minnesota Department of Transportation.
- (6) Street jogs with centerline offsets of less than one hundred fifty (150) feet are prohibited.
- (7) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
- (8) Centerline gradients shall be at least 0.25 percent and grades shall not exceed eight (8) percent.

- (9) Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves is thirty (30) times the algebraic difference in the percent of grade of the two (2) adjacent slopes.
- (10) The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- (11) Intersections having more than four (4) streets converging at a single intersecting point are prohibited.
- (12) Roadway surfaces of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadway surfaces of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of bulb portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

*Extensions of public water and sewer systems, when available shall be designed to service each lot.*

**9.4 Public Utilities.**

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

*Easements are required to be dedicated on the plat for drainage and utility purposes.*

**9.5 Easements.**

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

*Street names shall conform to the Uniform Street Naming and Property Numbering system where applicable.*

**9.6 Street Names and Signs.**

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

## 9.7 Lot Requirements.

*Lot design requirements:*

- (1) Side lot lines shall be substantially perpendicular to straight street right of way lines or radial to curved street right of way lines or radial to lake or stream shorelines unless topographic conditions necessitate a different arrangement. Irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- (2) Each lot shall have frontage on an improved public street. Access to the lot shall be from the frontage of the lot.
- (3) Lots having less than the required area or width are prohibited.
- (4) Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.
- (5) Corner lots shall be platted at least twenty (20) feet wider than the requirement for non-corner lots.
- (6) Through or double frontage lots are not permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation. Such lots shall have an additional depth of ten (10) feet for screen planting along the rear lot line.
- (7) Lots abutting a water course, drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- (8) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the riparian rights of the parcel.
- (9) All remnants of lots below minimum lot size remaining after subdividing a larger tract must be combined with adjacent lots or a plan shown for future use. A development agreement (major subdivision) shall be recorded restricting the use and ownership of said parcel(s).
- (10) Where a proposed plat is adjacent to a major or minor arterial, direct vehicular access from individual lots to such streets and roads is prohibited. Residential driveway access spacing on collector streets must be a minimum of three hundred (300) feet and must meet appropriate safety standards.
- (11) Lots shall not extend over a political subdivision boundary. Buildings shall not extend over school district lines.
- (12) In any area where property is likely to become urbanized, a preliminary plan may be required showing a potential and feasible way in which the lot or lots may be replatted in future years for more intensive use on the land. The placement of buildings or structures upon such lots shall allow for potential resubdivision.
- (13) All lots abutting a lake, river, pond, or wetland shall contain a building site two (2)

feet above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than two (2) feet above the regulatory flood protection elevation.

**SECTION 10. ENGINEERING STANDARDS**

*Street design and construction requirements:*

**10.1 Streets.**

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

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

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

*Requirements for water and sewer.*

then seeded or sodded.

- (9) All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the Township Engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the Township Engineer.

**10.2 Utilities.**

- (1) All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.
- (2) Where a larger size water main, sanitary sewer, storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefitting properties and the assessments are to be determined by the local township.
- (3) Sewer -- Urban Areas
  - (A) Public sanitary sewer facilities which are not in conformance with the Utility Staging Plan of the Township's and County's Comprehensive Plans shall not be extended.
  - (B) Where trunk line sanitary sewer facilities are available, the subdivider shall install sanitary sewers and connect such sanitary sewers to such trunk line sewers. Extensions of the public sewer system shall be designed to provide public sewer service to each lot.
  - (C) In the event that such facilities are not available but in the opinion of the township can be made available within a reasonable period of time, such sewers and all necessary laterals extending from the main sewer to the street curb shall be installed and capped for future connection as service becomes available.
  - (D) Construction and inspection of the sanitary sewer must be in conformance with the township's specifications.
- (4) Water Supply -- Urban Areas
  - (A) Where mains from a public water system are available, the subdivider shall install water mains in the plat and connect such mains to such public water system.
  - (B) Extensions of the public water supply, when available, shall be designed to provide public water service to each lot.
  - (C) Construction and inspection of the water supply system must be in conformance with township specifications.
- (5) Sewer -- Rural Areas

- (A) Where lots cannot be connected with a public sewer system, provision must be made for sanitary sewer facilities consisting of an individual disposal device for each lot. Such provision shall be in accordance with Chapter Four of the Washington County Development Code, Subsurface Sewage Treatment System Regulations. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.
- (B) Any subdivision or lot not provided with off-site sewer facilities is subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be conducted at the expense of the subdivider and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
- (C) The lot area and topography must be such that it will accommodate an adequate disposal system to serve the residence for the estimated number of unsewered years.

(6) Water Supply -- Rural Areas

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

**10.3 Storm Water Drainage.**

*Storm water drainage requirements:*

- (1) A drainage system is required and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination system. Such facilities shall be installed and easements dedicated that will adequately provide for the drainage of surface waters.
- (2) Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.
- (3) In connection with preliminary plat review and recommendations, provisions for surface water disposal, drainage and flood control within the boundaries of the proposed subdivision shall be submitted.
- (4) The rate of surface runoff within the boundaries of a proposed subdivision shall not, in any event, be greater than the rate of runoff existing on the proposed subdivision prior to the proposed development. For the purposes of this regulation, surface water runoff is water flowing on or very near the surface. The volume of surface water runoff may be regulated if it appears the use and development of downstream properties or water resources may be unreasonably interfered with as a result of the subdivision.

- (5) Provision shall be made for controlling runoff by construction or enhancement of ponding facilities on-site and within the boundaries of the proposed subdivision. Such ponding facilities should provide for both permanent and temporary storage runoff.
- (6) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates existing before the proposed development are not increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.
- (7) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- (8) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
  - (A) Natural infiltration of precipitation on-site. The purpose of this provision is to encourage the development of a storm water management plan that encourages natural infiltration. This includes providing as much natural or vegetated areas on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers, and ditches.
  - (B) Flow attenuation by use of open vegetated swales and natural depressions.
  - (C) Storm water retention facilities.
  - (D) Storm water detention facilities.
- (9) An applicant may also make an in-kind or monetary contribution to the development and maintenance of township storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
- (10) Storm water detention facilities shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency (MPCA) publication "Protecting Water Quality in Urban Areas" and shall contain, at a minimum, the following design factors:
  - (A) A permanent pond surface area equal to two (2) percent of the impervious area draining to the pond or one (1) percent of the entire area draining to the pond, whichever amount is greater.

- (B) An average permanent pool depth of four (4) to ten (10) feet.
- (C) As an alternative to (A) and (B) above, the Plat Commission may require that the volume of the permanent pool be equal to or greater than the runoff from a two (2) inch rainfall for the fully developed site.
- (D) A permanent pool length-to-width ratio of 3:1 or greater.
- (E) A minimum protective shelf extending ten (10) feet into the permanent pool with a slope of 10:1 ratio, beyond which the slopes shall not exceed a ratio of 3:1.
- (F) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of sixteen and one-half (16.5) feet shall be provided.
- (G) A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations shall be provided.
- (H) Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plans.
- (I) All storm water detention facilities must have a catch basin to remove coarse grained particles prior to discharging into a watercourse or storage basin.

**10.4 Erosion Control During Construction.**

*Erosion control must be implemented according to recommended practices of the Washington Conservation District, applicable watershed management organization, and MN Construction Site Erosion and Sediment Control Planning handbook.*

- (1) Erosion control shall be implemented in accordance with the recommended practices of the Washington Conservation District and the applicable Watershed Management Organization. All Best Management Practices shall be consistent with the Minnesota Construction Site Erosion and Sediment Control Planning handbook.
- (2) The following criteria apply only to construction activities that result in runoff leaving the site:
  - (A) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall be diverted around disturbed areas unless shown to have resultant runoff rates of less than five tenths (.05) feet per second across the disturbed area for the one-year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
  - (B) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. The limits of grading must be shown on the erosion control plan.

- (C) All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (prior to September 15) or by mulching, covering or other equivalent control measure.
- (D) For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one (1) or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1) percent of the area draining to the basin and at least three (3) feet of depth constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
- (E) For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
- (F) Any soil storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fence barriers around the pile.
- (G) In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days. The storm drain inlet must be protected with straw bales or other appropriate filtering barriers.

**SECTION 11. REQUIRED IMPROVEMENTS**

**11.1 Requirements Prior to Improvements.**

Improvement within a subdivision shall not be built or installed until preliminary plat approval has been granted by both the township and the County; a development agreement (major subdivision) has been signed outlining what work may be performed; and a financial guarantee has been posted with the township and the County in accordance with this Chapter.

*Improvements are not allowed until preliminary plat approval is granted by township and County, development agreement is signed (for major subdivision), and financial guarantee is posted with township and County.*

*Improvement requirements prior to plat approval.*

## 11.2 Required Improvements.

Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:

- (1) All subdivision boundary corner monuments, block and lot corner monuments, and road right of way intersection monuments. All lot corners shall be monumented with iron pipe a minimum of one-half (½) inch in diameter and fourteen (14) inches in length and shall be marked with the license number of the land surveyor making the survey. Points of tangency and curvature shall be marked with monuments meeting the minimum requirements of state law. Monuments shall be set prior to any improvements being constructed on individual lots. All federal, state, county or official benchmarks, monuments, and triangulation or survey control stations adjacent to the property shall not be disturbed unless relocation is approved by the controlling agency.
- (2) The full width of the right-of-way of each street and alley dedicated in the plat shall be graded in accordance with approved plans.
- (3) All streets and alleys shall be improved with concrete or bituminous surface except as may otherwise be approved by the township.
- (4) Curb and gutter shall be installed along both sides of urban designed streets. Concrete curb and gutter is recommended; however, bituminous curbing may be permitted if approved by the township.
- (5) Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
- (6) In the case where mains from a public water system are available, the subdivider is required to install water mains in the plat and connect the same to such public water system.
- (7) In all cases where trunk line sanitary sewer facilities are available, the subdivider is required to install sanitary sewers in the plat and connect the same to such trunk line sewers. If such facilities are not available, but it is expected that they will be within five (5) years, the township may require that such sewers, together with the necessary lateral extending from the main sewer to the street curb, shall be installed and capped for future connection as service becomes available. In that event, the subdivider may also install on-site disposal units provided that they are located so as to permit easy and the least expensive connection to the sewer when it becomes available and useable. Where such on-site units are installed, the subdivider shall provide underground plumbing to extend three (3) feet beyond the footing which plumbing shall be plugged. The area around the stack shall be scored so that the septic tank can be disconnected and connection can be made with the public sanitary sewer system.
- (8) Drainage facilities and easements shall be installed and dedicated to adequately provide for the drainage of surface waters in accordance with the approved plan.

- (9) Tree planting, street name signs, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required.

*Construction plans shall be prepared by a professional engineer, shall be submitted to the Township Engineer for approval and shall become part of the contract.*

**11.3 Construction Plans.**

Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is licensed in the State of Minnesota. Construction plans shall contain the engineer's certificate. These plans, together with the quantities of construction items, shall be submitted to the Township Engineer for approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described in Section 11.6.

*Improvements are to be furnished and installed at the expense of subdivider.*

**11.4 Improvement Expenses.**

Required improvements are to be furnished and installed at the sole expense of the. However, if the cost of an improvement would, by general policy, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision maybe made for the payment of a portion of the cost by the township.

*If improvement will be of substantial benefit to lands beyond the subdivision, part of the cost may be assessed to those lands.*

**11.5 Improvement Cost Assessment.**

If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required to pay only for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

*Subdivider may be required to enter into a contract with the County to furnish and construct improvements at subdivider's expense.*

**11.6 Improvement Contract.**

Prior to the installation of any required improvements and prior to approval of the plat, the subdivider may be required to enter into a contract, in writing, with the County requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:

- (1) Provisions for supervision of details of construction by the township and County and granting the township and County authority to correlate the work to be performed under said contract by any subcontractor authorized to proceed thereunder and with any other work being performed or contracted by the township in the vicinity.
- (2) A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 12. At the request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.
- (3) The time for completion of the work and the several parts thereof shall be determined by the township and County upon recommendation of the township

and County after consultation with the subdivider. The time shall be reasonable with relation to the work to be performed, the seasons of the year and proper correlation with construction activities in the subdivision.

*If subdivider defaulted previously, approval is required prior to starting work.*

**11.7 Previous Default.**

Any subdivider who has previously defaulted on work or commitments is prohibited from commencing work on any subdivision without township approval.

*Improvements must be inspected during construction by township engineer at subdivider's expense.*

**11.8 Improvement Inspection.**

All required improvements on the site that are to be installed under the provisions of this Chapter shall be inspected during the course of construction by the Township Engineer at the subdivider's expense. Approval by the township shall be subject to the Township Engineer's Certificate of Compliance with the contract.

**SECTION 12. FINANCIAL GUARANTEE**

*3 financial guarantee options:*

**12.1 Financial Guarantee Options.**

The financial guarantee required as part of the subdivision agreement shall be one of the following:

- *Cash escrow equal to 125% of total costs.*
- *Performance bond and payment bond with corporate surety equal to 125% of total cost.*
- *Irrevocable letter of credit.*

(1) A cash escrow deposit may be made with the township treasurer in a sum equal to one-hundred twenty-five (125) percent of the total costs, as estimated by the county and Township Engineers, of all improvements to be furnished and installed by the subdivider pursuant to the development agreement (major subdivision). The total costs shall include costs of inspection. The County or township is entitled to reimbursement out of such deposit for any cost or expense incurred by the County for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.

(2) The subdivider may furnish a performance bond and payment bond with corporate surety in a penal sum equal to one-hundred twenty-five (125) percent of the total cost, as estimated by the Township or County Engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the development agreement. The total costs shall include costs for inspection by the County or Township Engineer. The bond shall be approved as to form by both the Township and County Attorneys and filed with the township.

(3) The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to approval of the County. Such letter of credit shall certify the following:

(A) That the creditor guarantees funds in an amount equal to one-hundred twenty- five (125) percent of the total cost, as estimated by the Township Engineer, for completing all required improvements.

(B) That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall

pay to the township immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

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

**SECTION 13. SEPARABILITY**

13.1 The several provisions of this regulation are separable in accordance with the following:

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

**SECTION 14. EFFECTIVE DATE**

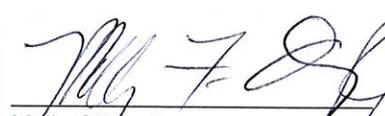
The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota, this 5<sup>th</sup> day of June, 2018.

  
 \_\_\_\_\_  
 Gary Kriesel, Chair  
 Board of County Commissioners

Attest:

Approved as to form:

  
 \_\_\_\_\_  
 Molly O'Rourke  
 Washington County Administrator

  
 \_\_\_\_\_  
 George Kuprian  
 Assistant Washington County Attorney

*If any portion of this Ordinance is found to be invalid, the remainder is not affected.*

Ordinance prepared by:

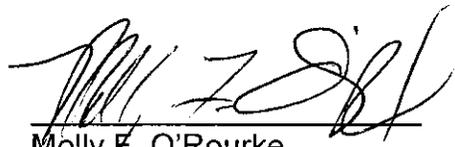
Washington County  
Public Works Department  
11660 Myeron Road North  
Stillwater, MN 55082

STATE OF MINNESOTA        )  
  )  
COUNTY OF WASHINGTON    )

I, Molly F. O'Rourke, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2018-054 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 5th day of June, 2018, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 27th day of June, 2018.



  
\_\_\_\_\_  
Molly F. O'Rourke  
County Administrator

DATE June 5, 2018  
MOTION  
BY COMMISSIONER Miron

DEPARTMENT Public Works  
SECONDED BY  
COMMISSIONER Karwoski

**REPEAL OF CURRENT ZONING/LAND USE ORDINANCES AND ADOPTION OF NEW  
ZONING/LAND USE ORDINANCES.  
AND  
REPEAL OF EXISTING DEVELOPMENT CODE AND ADOPTION OF THE REVISED  
DEVELOPMENT CODE**

**ZONING/LAND USE ORDINANCE NUMBERS 203, 204, 205, 206, 207, 208, 209, 210, 211 & 212**

**WHEREAS**, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

**WHEREAS**, the Washington County Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124, amended on September 7, 2010 to the Washington County Comprehensive Plan 2030 as Washington County Ordinance No. 184, and amended on August 16, 2016 as Washington County Ordinance 198; and

**WHEREAS**, pursuant to Minn. Stat. 473.865 the Washington County Comprehensive Plan is the implement by which the County's regulation of land use is devolved through adoption of official controls under Chapter 394.

**WHEREAS**, the current official controls as reflected in the Washington County Development Code were adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

**WHEREAS**, all the townships in Washington County have assumed regulatory control of land use through adoption of the Comprehensive Land Use Plans under the 2030 Regional Development Framework pursuant to the authority contained in Minn. Stat. 473.861 and the County's relinquishment of such controls; and

**WHEREAS**, such transformation has been found by the Metropolitan Council to conform to the regional system plans for transportation, water, resources management and parks; and

**WHEREAS**, the Township's plans are consistent with the Washington County 2030 Comprehensive Plan and are compatible with the plans of adjacent and affected jurisdictions; and

**WHEREAS**, the recasting of the County's official controls necessitate revision of the Washington County Development Code; and

**WHEREAS**, the forty-three (43) current zoning/land use ordinances, attached as Exhibit A, are determined to be anachronistic and must be repealed; and

**WHEREAS**, ten (10) new zoning/land use ordinances, attached as Exhibit B, must be enacted; and

**WHEREAS**, the existing Washington County Development Code must be repealed and the ten (10) new zoning/land use ordinances must be codified as the Revised Washington County Development Code.

**WHEREAS**, on April 24, 2018 a public hearing was held before the Washington County Planning Advisory Commission (PAC) to consider an action to do the following: 1) repeal the existing forty-three (43) zoning/land use ordinances as set forth in Exhibit A; 2) the adoption of ten (10) new zoning/land use ordinances as set forth in Exhibit B; and 3) repeal the existing Washington County Development Code and adopt a revised Washington County Development Code attached as Exhibit C.

**WHEREAS**, on April 24, 2018 the PAC recommended the Washington County Board of Commissioners approve the following: 1) the repealing of the forty-three (43) existing zoning/land use ordinances as set forth in Exhibit A; 2) adoption of ten (10) new zoning/land use ordinances attached as Exhibit B; 3) repealing of the existing Washington County Development Code and adoption of the Revised Washington County Development Code as set forth in Exhibit C.

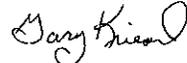
**WHEREAS**, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

**NOW, THEREFORE IT BE RESOLVED**, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

**BE IT FURTHER RESOLVED**, based upon the hearing record, the Washington County Board of Commissioners hereby repeals the existing forty-three (43) zoning/land use ordinances attached and incorporated herein as Exhibit A.

**BE IT FURTHER RESOLVED**, the Washington County Board of Commissioners hereby adopts the ten (10) new zoning/land use ordinances attached as Exhibit B, which is attached hereto and incorporated herein.

**BE IT FURTHER RESOLVED**, the Washington County Board of Commissioners hereby codifies the ten (10) new zoning/land use ordinances into the Revised Washington County Development Code as fully set forth in Exhibit C, which is attached hereto and incorporated herein.

ATTEST:   
COUNTY ADMINISTRATOR  
  
COUNTY BOARD CHAIR

|          | YES | NO  |
|----------|-----|-----|
| MIRON    | X   | ___ |
| KARWOSKI | X   | ___ |
| KRIESEL  | X   | ___ |
| LAVOLD   | X   | ___ |
| WEIK     | X   | ___ |