TOWN OF WATAB
ORDINANCE NO. 9
SUBDIVISION ORDINANCE

The Town Board of the Town of Watab hereby ordains as follows:

CHAPTER ONE
GENERAL PROVISIONS

Section A. Title.
This Ordinance shall be known and may be cited as the "Subdivision Ordinance for the Town of Watab, Benton County, Minnesota" and its provisions shall apply to all lands to be subdivided within the municipal limits as they exist on the date the Town adopts this Ordinance, or within the limits as they may be extended in the future. Hereafter, this Ordinance shall be referred to as the "Subdivision Ordinance".

Section B. Purpose.
Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this Ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provisions of this Ordinance are designed to:

1. Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against deterioration and obsolescence.

2. Assure that effective protection is given to the natural resources of the community, especially ground water and surface waters

3. Encourage well-planned subdivisions through the establishment of adequate design standards.

4. Discourage inferior developments that might adversely affect the local tax base

5. Create neighborhoods, which will be of lasting credit to the community.

6. Facilitate adequate provisions for transportation and other public facilities.

7. Secure the rights of the public with respect to public lands and waters.

8. Improve land records by the establishment of standards for surveys and plats.

9. Safeguard the interests of the public, the homeowner, the subdivider and units of local government.

10. Provide a common ground for understanding between developers and local units of government.

11. Assure the availability of utilities adjacent to planned development.

12. Prevent, where possible, excessive governmental and maintenance costs.

Section C. Legal Authority.
This ordinance is enacted pursuant to Section 462.358.

Section D. Administration.
The Subdivision Ordinance shall be administered by the Town Board in cooperation with the Planning Commission.

Section E. Decisions.
All actions of the Town Board and Planning Commission pertaining to this Ordinance shall require the vote of a majority of the members of the entire Board or Commission.

CHAPTER TWO
DEFINITIONS

Alley
A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant
The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner and has executed an application form and professional fee responsibility agreement with the Town. Consent shall be required from all legal owners of the premises.

Block.
Any combination of land ownership bounded by streets, roads or highways or a combination thereof or by a combination of streets, roads or highways and public parks, cemeteries, railroad rights-of-way, stream, lakes or similar manmade or natural physical barriers.

Bond
Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Governing Body whenever a bond is required by these regulations.

Buildable Area.
That part of the lot not included within the open areas required by the Benton County Zoning Ordinance or other official controls and which complies with all applicable setback requirements of the Benton County Zoning Ordinance.

Comprehensive Development Plan (Municipal Plan).
A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the Town and its environs. A comprehensive plan represents the Town's vision for the future development of the Town.

Covenants
Protective or restrictive covenants are contracts made between private parties and constitute an agreement between these parties as to the manner in which land may be used, with a view to protecting and reserving the physical, social and economic integrity of any given area.

Cross Walkway.
A right-of-way or easement dedicated to public use, ten (10 feet or more in width, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

Cul-De-Sac (Court).
A street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary. Cul-de-sacs shall be classified and designed according to anticipated daily traffic levels but shall not be more than 990 feet in length.

Developer
The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

Development Agreement
Agreement between the Town Board and developer through which the Town Board may agree to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation, in exchange for agreement to construct any and all improvements to existing Town standards, or a higher standard in some cases, abide by all conditions of the Town Board, perform all required tasks within the established time frame, warranty all improvements, and provide security in an amount acceptable to the Town to ensure performance of the Agreement and all warranties. Said agreement shall be recorded immediately after the recording of the final plat.

Easement.
A grant by the property owner of the use of a designated portion of land by the public, individuals, groups or corporations for specific purposes.

Escrow
A deposit of cash with the local government or escrow agent to secure the promise to perform some act.

Final Plat.
All required maps, information and documents as set forth in the subdivision regulations and as required by the Town Board.

Governing Body.
The Town of Watab Town Board.

Lot
A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot of Record
Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Benton County, Minnesota prior to the effective date of this ordinance and which qualifies as a lot of record under Benton County's subdivision ordinance.

Metes and Bounds Description
A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Monument
Concrete and /or metal markers utilized to establish survey points and lot boundaries.

Official Map
A map of the Town and/or any portion thereof lying within the Town's limits which shows the exact alignment, gradients, dimensions and other pertinent data for highways and major streets and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.

Open Space
An area of land preserved from building development and reserved for the use of general public or a homeowner's association for the purpose of active and passive recreation and certain necessary community facilities.

Outlot
A lot remnant or parcel of land left over after platting, which is intended as open space or other future use, for which no building permit shall be issued.

Owner
An individual, association, syndicate, partnership, corporation, trust or any other legal entity holding an equitable, or legal ownership interest in the land sought to be subdivided.

Parks
Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot lots, playgrounds, neighborhood parks, play fields and special purpose areas.

Person
Except when otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation or partnership.

Planning Commission.
The Planning Commission shall be the Planning Commission of the Town, appointed by the Town Board and established under Section 462.354, Subdivision 1.

Preliminary Plat
All required maps, information and documents as set forth in the Subdivision Regulations and as required by the Town Board.

Registered Land Surveyor
A land surveyor properly licensed and registered in the State.

Resubdivision
Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Reviewing Agencies
Reviewing agencies may include, but are not limited to, the Town engineer, the Town Planner, school board, utility companies, county surveyor, U.S. Development of Agriculture Soil Conservation Service, and Benton County Soil and Water Conservation District.

Sketch Plan
A map showing property boundaries with a proposed street layout and desirable lot layouts and any other information required in this ordinance

Streets and Alleys
1. Right-of-way (ROW): The entire area lying between the boundaries establishing the dedicated width.
2. Roadway: That portion of a street or alley surfaced for vehicular travel
3. Highways: Routes carrying large volumes of relatively fast-moving traffic and are designated as either county, county state aid, federal or state highways
4. Major Streets: Arterials carrying large volumes of local traffic between widely separated areas of the community.
5. Collector Streets: Streets, which carry traffic from minor streets to major streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within such developments.
6. Local Streets: Streets, which are used principally for access to abutting properties, especially residential properties.
7. Service Access Streets: Traffic ways which are adjacent and parallel to highways or major streets and provide access to abutting properties
8. Alleys: Minor traffic ways not intended for general traffic circulation, affording a secondary means of access to abutting properties.

Subdivide
The act or process of creating a subdivision.

Subdivider
Any person who (1) having an interest in land causes it directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

Subdivision
The separation of an area, parcel, or tract of land under single ownership into two (2) or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or the use of any combination thereof, except the following separations:

1. where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and at least 500 feet in width for residential and agricultural zoned properties and five acres or larger in size and at least 300 feet in width for commercial and industrial zoned properties;
2. creating cemetery lots; or
3. resulting from court orders, of the adjustment of a lot line by the relocation of a common boundary.

Subdivision, Major
All subdivisions not classified as minor subdivisions.

Subdivision, Minor
Any subdivision containing not more than two (2) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Benton County Comprehensive Land Use Plan, Benton County Zoning Ordinance, or the regulations contained in this ordinance. In addition, neither of the parcels shall have been a part of a minor subdivision within the preceding five (5) years. Subdivision's meeting the criteria for an Administrative Subdivision under Sections 10.6 A, B or C of Benton County Development Code Ord. No. 185 shall not constitute a minor subdivision and this ordinance shall not apply to such subdivisions.

Surveyor
A land surveyor registered under Minnesota State laws.

Town
The Town of Watab

Variance.
Any departure from the requirements of these regulations that is granted by the appropriate governmental agency.

Zoning Administrator
The person designated by the Town of Watab and who is hereby established as the Administrative Officer of this ordinance.

CHAPTER THREE
SUBDIVISION APPLICATION:
PROCEDURE AND APPROVAL PROCESS

Section A. Purpose

The purpose of this article is to establish the procedure for the Planning Commission and Town Board to review and take action on applications for subdivisions. The procedure is intended to provide orderly and expeditious processing of such applications.

Section B. Classification of Subdivision

Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, based upon whether the proposal is classified as a minor subdivision or a major subdivision:

1. Minor Subdivision (see Section E, #1 below):
    a. sketch plan
    b. certificate of survey

2. Major Subdivision (all subdivision proposals not classified as minor subdivisions):
    a. sketch plan
    b. preliminary plat
    c. final plat

Section C. Official Submission Date

For the purpose of meeting the statutory timelines, the date on which the applicant has submitted a complete application containing all information requirements of this Ordinance, has properly executed all required application forms and a fee responsibility agreement, and any additional requests of the Zoning Administrator, in addition to all appropriate fees and escrows having been paid, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval, or disapproval shall commence to run.

Section D. Sketch Plan

1. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this chapter and the requirements or limitations imposed by other Town code provisions or plans, and prior to the submission of a plat, all applicants shall submit a sketch plan to the Zoning Administrator for review.

2. Applicants seeking review of a sketch plan shall submit the items stipulated in Chapter 7, Section B of this Ordinance. This submission requirement is needed for the developer, Zoning Administrator, and other participants, as needed, to review and discuss the development proposal in its formative stages. The Zoning Administrator shall determine whether the development proposal is a major or minor subdivision and shall provide the developer with a list of submission requirements for the appropriate development type as well as the expected process flow and timetable.

3. The applicant shall not be bound by any sketch plan for which review is requested, nor shall any representatives of the Town be bound by any such review.

Section E. Minor Subdivisions

1. Minor Subdivision defined:
   a. In the case of a request to divide no more than one (1) lot from a larger tract of land thereby creating no more than two (2) lots. To qualify, the parcel of land should not have been a part of a minor subdivision within the last five (5) years;
   b. Any other subdivisions that meet the definition contained under "subdivision, minor" in Chapter 2.

2. Content and Data Requirements for Minor Subdivisions:
   a. The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey.
   b. The data and supportive information detailing the proposed subdivision is specified in Chapter 7, subdivision B. Exceptions, stipulated in writing, may be granted by the Zoning Administrator.
   c. Design Standards. The minor subdivision shall conform to all design standards as stipulated in this ordinance. Any proposed deviation from said standards requires the processing of a variance request.

3. Processing:
   a. The Town Board shall have the authority to approve the subdivision, provided that it complies with applicable provisions of this chapter.

Section F. Preliminary Plat

1. The application shall:
   a. be filed with the Zoning Administrator at least four (4) weeks prior to the next regularly scheduled meeting of the Planning Commission;
   b. be made on forms available at the Town offices, submission of an executed fee responsibility form, and accompanied by a fee, as established by the Town Board. The Town Treasurer shall deposit any money received as fees hereunder to the credit of the general fund of the Town of Watab. No money shall be refunded to the applicant. The fee is not intended to cover specialized engineering, legal, planning, or site analysis reviews. Fees for additional technical services such as these will become the responsibility of the subdivider;
   c. an up-to-date certified abstract of title or registered property report showing title in the applicant's name, or an option to buy said property by said applicant as shown on the Preliminary Plat;
   d. the application shall include the items specified in Chapter 7, Section B of this ordinance which constitutes a checklist of items to be submitted for subdivision review; and

e. be accompanied by a minimum of ten (10) copies of the preliminary plat and one (1) reduced copy of the plat no larger than 11" x 17".

2. The Zoning Administrator shall submit five (5) copies of the Preliminary Plat to the Planning Commission, and may, at his or her discretion, submit one (1) copy to the Town Engineer, one (1) copy to the Town's consulting planner (if the Town has designated one), and one (1) copy to the Town Attorney. The remaining copies shall be placed in the Town's files.

3. The Zoning Administrator may instruct the appropriate staff to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Town Board. This may include the Town Planner, the Town Engineer, Town Building Official, or the Town Attorney, or others as deemed needed.

4. Upon receipt of the completed application as outlined above, the Planning Commission shall set a public hearing for public review of the Preliminary Plat. The hearing shall be held within forty-five (45) days of the Official Submission Date of the application. The applicant and/or his representative shall appear at the public hearing before the Planning Commission in order to answer questions concerning the proposal.

   Notice of the public hearing may consist of a legal property description, shall contain a description of the request, and shall be advertised in the official newspaper at least ten (10) days before the day of the hearing. Property owners within three hundred fifty (350') feet of the proposed subdivision shall also be notified through the mail of the hearing. Failure of any property owner to receive said notice shall not invalidate the public hearing.

5. Following the public hearing, the Planning Commission shall submit to the Town Board the Plat with its own recommendations, including any conditions it recommends be placed upon the Plat prior to approval. The Town Board may approve, approve with conditions, or disapprove said Plat by a majority vote of its members regardless of the recommendations made by the Planning Commission.

   If the Planning Commission has not acted upon the Preliminary Plat within thirty (30) days following the close of the public hearing on such and in compliance with this chapter, the Town Board may act on the Preliminary Plat without the Planning Commission's recommendation, and may approve, approve with conditions, or disapprove said Plat by a majority vote of its members after the required public hearing.

6. The Town Board shall take final action within one hundred twenty (120) days of the application's Official Submission Date. The subdivision application shall be preliminarily approved or denied by the Town Board. If the Town Board fails to approve or disapprove the Preliminary Plat in this review period, the application shall be deemed preliminarily approved, provided it meets the requirements of this ordinance.

7. At any time during this process, either the applicant or the Town may request an extension of the imposed time limits. Both the applicant and the Town must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.

8. If the Town Board requires changes to the Preliminary Plat, and if such changes are determined to be minor changes in the opinion of the Town Board, then such changes may be noted on the Plat and approved as such.

9. If the changes to be made are major changes in the opinion of the Town Board, then a new Preliminary Plat must be prepared and resubmitted, along with the payment of new fees, based upon the procedures and timelines established in this section.

10. Standards for Approval of Preliminary Plats: No preliminary plats shall be approved unless the applicant proves by clear and convincing evidence that:
    a. the application for a preliminary plat is not premature and conforms to the Benton County Comprehensive Plan;
    b. the uses in the subdivision will be connected to and served by public utilities for the provision of water supply and sewage collection and treatment facilities where such facilities are or can reasonably be made available;
    c. the subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable laws and regulations;
    d. the proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
    e. the subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

11. Requirements Governing Approval of Preliminary Plats:
    a. The Planning Commission may recommend and the Town Board may require such changes or revisions as deemed necessary for the health, safety, general welfare, and convenience of the Town.
    b. The Town Board may condition its approval of the preliminary plat on the Applicant complying with all reasonable conditions imposed on the preliminary plat by the Town Board.

12. If the Preliminary Plat is approved, such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this chapter to be indicated on the Final Plat. The Town Board may impose such conditions and restrictions as it deems appropriate or require such revisions or modifications in the Preliminary Plat or Final Plat as it deems necessary to protect the health, safety, comfort, general welfare, and convenience of the Town.

13. If the Preliminary Plat is not approved by the Town Board the reasons for such action shall be recorded in the proceedings of the Town Board and shall be transmitted to the applicant.

14. Any resubmission of a plat application, which has been denied by the Town Board, shall be prohibited for one (1) year following denial unless the Town Board votes to allow the resubmission unanimously or by a super majority.

Section G. Final Plat

1. After approval of the Preliminary Plat, the applicant shall prepare and submit a Final Plat to the Town for study and recommendation. This Plat must be submitted within one (1) year from approval of the Preliminary Plat, or as specified in an approved development contract. If the Final Plat is not submitted within this time period and the applicant has not requested and received from the Township an extension of time to file the final plat, the approved Preliminary Plat shall become null and void within one (1) year of its approval date.

2. In some development proposals the Town may agree to review the Preliminary and Final Plats simultaneously.

3. The procedure for filing the Final Plat is that which is established for submission of the Preliminary Plat under this section, except as specified below. Ten (10) copies of the Final Plat shall be provided to the Town by the applicant, and one (1) reduced copy no larger than 11" x 17".

   All Final Plats shall comply with the provisions of Minnesota Statutes and the requirements of this chapter. An applicant shall submit with the Final Plat a current abstract of title or a registered property certificate, along with any unrecorded documents and an opinion of title.

4. Review of a Final Plat:

   a. Upon receipt of a Final Plat, the Zoning Administrator shall refer one (1) copy each to the Town Board, appropriate Town staff, the County Surveyor, and to all applicable utility companies, and one (1) copy with Abstract of Title or Registered Property Certificates and Opinion Title to the Town Attorney.
   b. The Town Board may refer the Final Plat to the Planning Commission for recommendation if they feel the proposed Final Plat is substantially different from the approved Preliminary Plat. The Planning Commission shall submit a report thereon to the Town Board within 30 days.
   c. The Town Staff receiving a copy of the Final Plat shall submit reports through the Zoning Administrator to the Town Board within fifteen (15) days of receiving the Plat expressing their recommendation on the Final Plat.
   d. The County Surveyor shall review the Final Plat and notify the subdivider's surveyor or Final Plat preparer of corrections that are to be made to the Final Plat.
   e. Prior to approval of a Final Plat, the applicant shall have executed an agreement with the Town controlling the installation of all required improvements at the Applicant's expense ("Developer's Agreement"). Said agreement will require all improvements to comply with approved engineering standards and applicable regulations, and shall set forth the amount and form of security required by the Town to insure proper installation and warranty of all improvements. Financial guarantees shall be one of the forms referred to in chapter five, section D, #5.

5. The Town Board, after receiving the Final Plat and any recommendations from the Planning Commission, shall either approve, approve with attached conditions, or disapprove the Final Plat within sixty (60) days of its Official Submission Date. This action taken by the Town Board is dependent upon the Final Plat's conformance with the Preliminary Plat, as approved by the Town Board.

If the Final Plat is not approved, the reasons for such action shall be recorded in the official proceedings of the Town and shall be transmitted to the applicant.

6. At any time during this process, either the applicant or the Town may request an extension of the imposed time limits. Both the applicant and the Town must agree to the time extension and must execute a time extension form that will become a part of the subdivision file.

7. The Final Plat, when approved, shall be submitted by the applicant to the Benton County Recorder for recording. A developer's agreement must be recorded simultaneously with the plat or immediately after the recording of the final plat. The Final Plat must be recorded within one hundred eighty (180) days from the date of approval or it will become null and void. If recording is not accomplished according to these procedures, the Town may require another review of the proposed subdivision according to these regulations and State law. Prior to recording, the Final Plat must be signed in accordance with M.S. 505 by representatives of the Town and County and the applicant must post all required security in a Town-approved manner. If a Final Plat is submitted for a portion of the area encompassed in the Preliminary Plat and it is recorded within one hundred eighty (180) days from the date of approval, the remaining portion of the preliminary plat will remain valid for two (2) years from the date of approval of preliminary plat. That portion of a preliminary plat for which a final plat is not submitted and recorded or for which a time extension form has not been executed between the applicant and the Town within this two-year period, shall become null and void.

8. Fees for final recording by the County shall be paid by the applicant. The applicant immediately upon recording shall furnish the Town Clerk with a reproducible copy of the recorded plat, either chronoflex or its equivalent and two (2) prints and an electronic version of the Plat in a format the Town requests. Failure to furnish such copies shall be grounds for a refusal to issue building permits for the lots within a plat.

9. Any resubmission of a plat application which has been denied by the Town Board shall be prohibited for one (1) year following denial unless the Town Board votes to allow the resubmission unanimously or by a super majority.

CHAPTER FOUR
SUBDIVISION DESIGN STANDARDS

Section A. General.

The subdivision design standards contained in this Ordinance are to assure that the style, character and form of new developments will conform to minimum requirements promoting the health, safety and general welfare of the public. To insure future developments consistent with the growth objectives and goals of the community, subdivisions shall conform to the terms of Ordinance and other applicable ordinances of the Town.

Section B. Street Design, Construction and Dedication.

1. The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. Street arrangement, character, width, grade, location, sight distance and surface material shall be related to existing or planned streets, topography, convenience and safety, and their intended ultimate function. Minimum Township standards are listed in Appendix A of this Ordinance.

2. The applicant must meet all requirements of the Road Authorities road standards when designing and constructing roads to serve the subdivision or new lot(s) created pursuant to the Administrative Land Split provisions of the Benton County Development Code. Said proposed town roads shall be dedicated to the Township in a form acceptable to the Town Attorney.

3. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas; or conform to a plan approved by the Town Board where topographic or other conditions make continuance or conformance to existing streets impracticable.

4. Collector streets shall be properly related to major streets and designed to supplement the major street system, but not to serve in lieu thereof.

5. Local streets shall be designed to benefit from the topography, to discourage through traffic and to provide the minimum number of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed.

6. Where a subdivision abuts upon, or contains an existing or proposed highway, major thoroughfare or railroad right-of-way, the Town Board may require reverse frontage lots with appropriate screen plats on the non-access lot boundaries. Also, it may require the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.

7. Streets designed and laid out to have one (1) end permanently closed shall not exceed five hundred (500) feet in length, except where the Town Board has approved additional length due to property limitations or large lot size.

8. Turnarounds shall be provided at the permanently closed end of all streets and shall have turnaround radius as established by the Town Engineer. The Town Board, in consultation with the Town Engineer, may approve a "T" or "Y" type turnaround in lieu of the circular turnaround when unusual circumstances warrant such a variance.

9. The full width of the right-of-way shall be graded in accordance with the provisions for construction approved as a condition of the plat.

10. All streets shall be improved in accordance with the Township standards and specifications for street construction.

11. All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the Township. The portion of the right-of-way outside the area surfaced shall be seeded/mulched or ripprapped by the developer in accordance with the Township standards and specifications for street construction and the requirements of the Township Engineer.

12. Where required, the curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the Township.

13. The developer shall be responsible for the costs of providing 911 address signs for all lots within the subdivision.

14. All roads serving a subdivision (both on-site and off-site) shall be paved to Township road standards. In the absence of access from a paved road serving the subdivision, the developer shall pay for the construction of the off-site transportation infrastructure improvements necessitated by the subdivision.

15. Easements for public road purposes shall be dedicated to the proper authority. Unless otherwise agreed to by the Township, said dedication for Township road purposes shall be at minimum sixty-six (66) feet in width. All road dedication easements must be in a form acceptable to the Township Attorney

Section C. Intersections.

All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than seventy (70) degrees. More than two (2) streets intersecting at the same location shall be prohibited. Intersections with centerline offsets of less than two hundred feet shall be prohibited.

Section D. Easements and Dedications.

1. Easements for public drainage and utilities shall be provided along the rear and side lot lines and shall be twenty (20) feet in width with ten (10) feet of the easement on each adjacent property being subdivided. At the rear of isolated lots, the easement shall be fifteen (15) feet. Where an underground storm sewer, sanitary sewer or water main is to be placed between two lots, the easement area shall be twenty (20) feet in width, with ten (10) feet of easement on each adjacent property being subdivided.

2. Where a water course, drainage way channel or stream traverses a subdivision, there shall be provided a storm water easement for drainage right-of-way conforming substantially with the lines of such water course, plus an additional 10 feet on each side of the water course for maintenance purposes. If it is deemed advisable by the Town Board, such water course or drainage way may be reestablished to conform with the proposed street pattern, in which case suitable storm drainage facilities shall be installed as directed by the Town Engineer. A permit from the Department of Natural Resources is required when working in the beds of public waters – both basins and water courses.

3. Upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Town Board may require the dedication or reservation of areas or sites suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

Section E. Sanitary Sewer and Water Distribution Improvements

1. Where public sewer and water facilities are not available for extension into the proposed subdivision, individual sewer systems may be used in accordance with Benton County's ordinance regulating subsurface treatment systems, Ordinance No. 185, as may be amended from time to time. Private water wells shall conform to standards of the Minnesota Department of Health.

2. A community sewage treatment system ("CSTS") may be allowed within a subdivision provided:

   a. All on-site CSTS shall conform to the performance standards of Minnesota Pollution Control Agency's Standards for Sewage Treatment Systems Minnesota Rules Chapter 7080 and its appendices, and, where applicable, with Benton County's ordinance regulating subsurface treatment systems, Ordinance No. 457, as may be amended, and all requirements of the Township Engineer.

   b. The applicant is responsible for the cost and installation of the CSTS. The applicant shall further be responsible for the cost of maintenance and operation of the CSTS until the CSTS is accepted either by the Township or other public entity pursuant to this section.

   c. A CSTS shall include an operating, financing, and management plan that is controlled either by the Township (through the establishment of a subordinate service district for the subdivision pursuant to Minn. Stat. Chap. 365A) or another a public entity with taxing authority to insure proper maintenance, management, and financing that is approved by the Township.

   d. Subdivisions with a CSTS shall reserve land area for a replacement system subject to the approval of the Town Board in consultation with the Town Engineer as to size and location.

e. The CSTS system and its component parts shall be dedicated either to the Township or another public entity as referenced above on terms outlined in the Developer's Agreement.

f. The Developer shall be required to post a surety acceptable to the Township for 125% of the cost of the CSTS system to ensure its proper installation.

Section F. Stormwater Ponding

3. Applicant is responsible for the cost and installation of all ponding and storm sewers to provide a system of drainage and treatment pursuant to generally accepted NURP standards and Minnesota Pollution Control Agency standards that will adequately remove water run-off within the subdivision.

4. Drainage and utility easements shall be dedicated to the Township over any of all ponding and storm sewers. The drainage and utility easements shall be in a form acceptable to the Township Attorney. Said easements shall include sufficient area as determined by the Town Engineer to provide access for any maintenance activities required by the ponds and storm sewers.

CHAPTER FIVE
BASIC IMPROVEMENTS REQUIRED

Section A. Subdivider's Responsibility

The subdivider is responsible for the cost and installation of the following improvements in the subdivision:

1. Streets graded and paved in accordance with specification provided by the Town Engineer.
2. Ponding and storm sewers to provide a system of drainage and treatment pursuant to generally accepted NURP standards and Minnesota Pollution Control Agency standards that will adequately remove water run-off within the subdivision.
3. Street signs and poles in accordance with Town specifications.
4. Plans for final grading and plants of appropriate ground cover on vacant lots may be required of the subdivider as a condition of Town acceptance of the public improvements identified in this Section.
5. The CSTS system and water distribution system, if such systems are proposed as part of the subdivision.

Section B. Monuments

The Town Board shall approve no final plat unless the owner or subdivider shall have placed or installed survey monuments of a permanent character at all points as shown on the final plat as required by 505.02, M.S.A.. All United States, State, County or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position. If permitted by the County Surveyor, the subdivider may delay placement of permanent monuments until after final grading is complete. If the County Surveyor approves the subdivider's request for such delay, the subdivider shall place temporary metal monuments at all required points prior to final plat approval by the Town. Permanent monuments shall be placed in all lot corners and shall be ½ inch diameter, 15 inches in length and set in accordance with accepted survey practice.

Section C. Participation of the Town

The Town may elect to install any, all, or none of the required improvements pursuant to a cash escrow agreement or other financial arrangement with the subdivider. The terms of these arrangements shall be specified in the subdivision contract.

Section D. Subdivision Contract/Development Agreement

In order to effectuate the provisions of this Chapter and before the final plat is signed by the Town, the owner and subdivider shall enter into a subdivision contract with the Town providing for the installation of the required improvements, providing for all other requirements of the Subdivision and Zoning ordinances, and shall pay all applicable fees and any required cash payment. The subdivision contact shall be subject to the approval of the Town Attorney.

1. Subdivider's Expense: The contract shall require the subdivider to furnish and construct such improvements at the subdivider's sole cost and in accordance with plans and specifications prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota and who shall certify the plans. Such plans and a listing of the quantities of construction items shall be submitted to the Town Engineer for approval and for estimate of

the total cost of the required improvements. Upon approval, such plans shall become a part of the required contract. The tracing of the plans approved by the Engineer, plus two prints, shall be furnished to the Town.

2. Inspection. All required improvements shall be inspected by the Town Engineer during construction at the expense of the subdivider. The contract shall contain a provision for supervision of details of construction by the Town Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed hereunder with any other work being done or contracted by the Town in the vicinity.

3. Schedule. The contract shall include the time schedule for completion of work. The schedule shall be reasonable with relation to the work to be done, the seasons of the year, and proper correlation with construction activities in the subdivision. In all cases, installation of improvements shall be completed within three years unless an extension is granted by the Town.

4. Financial Guarantees. The contract shall require the subdivider to provide a financial guarantee to assure installation of all required improvements. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to acceptance of the plat. In such event the amount of the guarantee may be reduced by a sum equal to the estimated cost of the improvements that have been completed and accepted by the Town. The financial guarantee required as part of the contract shall be one of the following:
    a. Escrow Deposit. A cash escrow deposit may be made with the Town Treasurer in a sum equal to 125 percent of the total cost, as estimated by the Town Engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the contract. The total cost shall include costs of inspection by the Town Engineer. The Town shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Town for completion of the work in case of default of the subdivider under such contract and for any damages sustained on account of any breach thereof.
    b. Letter of Credit. The subdivider may deposit with the Town, from an FDIC member bank and subject to the approval of the Town, an irrevocable letter of credit which shall certify:
        i. That the creditor does guarantee funds in an amount equal to 125 percent of the total cost, as estimated by the Town Engineer, of completing all required improvements.
        ii. That the creditor, in case of failure on the part of the subdivider to complete the specified improvements within the required time period or the failure to comply with the Subdivision Contract, shall upon written notification by the Town, immediately and without further action pay to the Town such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter, plus all legal costs incurred by the Town related to Developer's failure to complete the improvements or comply with the Subdivision Contract.
        iii. That this letter of credit shall not be withdrawn, reduced in amount, revised or amended in its terms until approved by the Town Board.

iv. That the letter of credit shall automatically renew annually unless the issuer notifies the Township at least 45 days prior to its expiration that the issuer intends to not renew the letter of credit.

All such letter of credit shall be in a form acceptable to the Town Board and shall be issued by a bank located in the State of Minnesota, but not more than 100 miles from the Watab Town Hall.

5. Issuance of building permits
   a. When a subdivision contract and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the local government, as required in the Town Board's approval of the final subdivision plat.
   b. The extent of street improvement shall be adequate for vehicular access by emergency vehicles prior to the issuance of a building permit. No certificate of occupancy shall be issued for any structure until the street grading/surfacing, curb and gutter have been completed for that section of the street on which a certificate of occupancy is being requested.
   c. No building permit shall be issued for the final ten percent (10%) of the lots in a subdivision, or if ten percent (10%) is less than two (2) lots, for the final two (2) lots of the subdivision, until all public improvements required by the Planning Commission or Town Board for the subdivision have been fully completed and the local government has accepted the developer's offer(s) to dedicate the improvements.

6. Payment of Township Expenses. The subdivision contract shall require the subdivider to pay all reasonable engineering, planning and attorneys' fees and expenses incurred by the Township in the review and processing of subdivider's application, the drafting and enforcement of the subdivision contract, and the installation and inspection of the subdivision improvements. The subdivider shall also be required to defend and indemnify the Town.

CHAPTER SIX
OFF-TRACT IMPROVEMENTS

Section A. Purpose

This section is intended to ensure a pro rata share allocation of the costs for off-tract improvements necessitated by new development

Section B. Definition and Principles

As a condition of final subdivision approval, the Town Board may require an applicant to pay a pro rata share of the cost of providing reasonable and necessary circulation improvements and water, sewerage, drainage facilities and other improvements, including land and easements, located off-tract of the property limits of the subdivision or development but necessitated or required by the development. "Necessary" improvements are those clearly and substantially related to the development in question. The Town Board shall provide in its resolution of approval the basis of the required improvements. The proportionate or pro rata amount of the cost of such facilities within a related or common area shall be based on the following criteria.

Section C Cost Allocation

1. Full Allocation: In cases where off-tract improvements are necessitated by the proposed development, and where no other property owner(s) receive(s) a special benefit thereby, the applicant may be required at his sole expense and as a condition of approval, to provide and install such improvements.

2. Proportionate Allocation: Where it is determined that properties outside the development will also be benefited by the off-tract improvement, the Town may declare the proposed subdivision premature unless the Applicant provides the off-tract improvements necessary to service the proposed subdivision. Where the applicant provides such necessary improvements, the Town may, but shall not be required to, enter into an agreement with the Applicant under which the Town reimburses the Applicant for the cost of such improvements attributable to other benefiting properties, provided the Town is able to recover such costs via a proper and legal cost recovery mechanism such as a drainage district, sewer district or water district.

CHAPTER SEVEN
DOCUMENTATION REQUIREMENTS

Section A. Purpose

The documents to be submitted are intended to provide the Town with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this ordinance. The specification of documents to be submitted is based on the type of development and particular stage of development application.

Section B. Requirements

The documents and information to be submitted are shown below in accordance with Benton County Ordinance No. 185 and Chapter 505. In specific cases and for documented reasons, the Town may waive the submission of a particular document. The reasons for waiver shall be indicated in the minutes of the approving authority.

REQUIRED SUBMISSION DOCUMENTS

Item No.	INFORMATION DESCRIPTION	Sketch Plan	Preliminary Plat	Final Plat
I.	PLAT INFORMATION			
1.	Name, address of owner and/or applicant	X	X	X
2.	Name, signature, license number, seal and address of land surveyor, engineer, architect, or other person who is involved in preparing the plat.	X	X	X
3.	Name of subdivision - which shall not duplicate or be similar to the name of any plat previously recorded in Benton County	X	X	X
4.	Title block, denoting type of application, county name, and name of Town.	X	X	X
5.	A key map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, school district boundaries, or other key geographic references within 500 feet of the development property and the date of the survey.	X	X	
6.	Location of boundary lines in relation to a known section, quarter section, or quarter-quarter section lines comprising a legal description of the property.	X	X	X
7.	North arrow and scale (not more than 100' per inch)	X	X	X
8.	Proof of Property Title	X	X	
9.	Title Opinion and Abstract			X
10.	Proof that taxes are current		X	X
11.	Signature blocks for Town Board Chair, Town Clerk, and Town Engineer in addition to those required by 505			X
12.	Certification Blocks: a. for registered land surveyor indicating that all the monuments shown on the plat actually exist, and their location, size, and material are correctly shown.			X

b. notarized certification by owner, and by any mortgage holder by record (or a notarized consent to plat in a form approved by the Town Attorney), of the adoption of the plat and the dedication of streets, easements, other rights-of-way, and any lands for public use.			X
c. for the Benton County Treasurer indicating that all taxes and special assessments against the property have been paid in full prior to recording of the plat, as well as for the Benton County Recorder and Benton County Board.			X
d. approval and review blocks to be signed by the Planning Commission Chairperson.			X
e. a statement certifying the environmental condition of the site, including the presence of any hazardous substances defined in Minnesota Statutes 115.02, subd. 8, or as amended. Such statement may be required to be based upon an environmental assessment of the site by a qualified environmental engineering firm, acceptable to the Town.			X
f. space for a certificate of review and approval to be signed by the Planning Commission, such as: "This plat of _____ was approved and accepted by the Planning Commission of Watab at a meeting held this ___ day of _____, 20__."			X
g. space for a certificate or review and approval to be signed by the Town Board, such as: "This plat of _____ was approved and accepted by the Town Board of the Town of Watab at a regular meeting held this __ day of _____, 20__."			X
13. Boundary lines of adjoining unsubdivided or subdivided land within 100' feet, identified by name and ownership, including all contiguous land owned or controlled by subdivider.	X	X	
14. Boundary line survey, including measured distance and angles, which shall close by latitude and departure with an error of closure not exceeding one (1') foot in 5,000 feet.		X	X
15. Acreage of tract to the nearest tenth of an acre.		X	X
16. Existing zoning classification for land in and abutting the subdivision and a schedule of zoning district requirements including lot area, width, depth, yard setbacks, lot coverage regulations, open space and parking requirements, other information as needed.	X	X	
17. Monumentation			X
18. Plat shall be on 22" x 34" sheets or larger.		X	X
19. Date of original and all revisions		X	
20. Location & dimensions of existing or proposed streets.	X (general)	X	X
21. Dimensions, bearings, curve data, length of tangents, radii, arcs, and central angles for all centerlines and rights-of-way, and centerline curves on streets.			X
22. Existing rail lines and/or rail rights-of-way.	X	X	X
23. Existing electric power lines and street lights.	X	X	
24. Existing gas and oil pipelines.	X	X	

48. Parking plan showing spaces, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.		X	

25. Existing parks, public lands, and land to be set aside for public use.	X (general)	X	
26. Existing buildings and structures, size, location, and setbacks.	X (general)	X	
27. Easements, existing and proposed.	X (general)	X	X
28. All proposed lot lines and area of lots (sq. ft.)		X	X
29. Proposed restrictive covenants if they are to be used for preliminary plat. Restrictive covenants, if any, of all adjoining subdivisions.	X (existing)	X	X
30. Development stages or staging plans.		X	
31. List of required regulatory approvals or permits.			X
32. List of variances required or requested.		X	
33. Payment of application fees.	X	X	X

II. ENVIRONMENTAL INFORMATION

34. All existing wetlands or other environmentally sensitive areas on and within 100' feet of the site.	X (general)	X	X
35. Two copies of a complete topographic map with contour intervals not greater than two (2') feet, superimposed on at least one print of the preliminary plat that extends at least 100' feet beyond the subject property. United States Geologic Survey datum shall be used for all topographic mapping.		X	
36. Boundary, limits, nature and extent of wooded areas, specimen trees, and other significant physical features.	X (general)	X	X
37. Complete drainage concept including proposed grading and drainage of site and SWPPP, if required by state or local law.		X	X

III. IMPROVEMENTS AND CONSTRUCTION INFORMATION

38. Proposed utility infrastructure plans, including sanitary sewers, water supply, storm water management, fire hydrants, telephone, electric, and cable TV.		X	X
39. Soil erosion and sediment control plan.		X	X
40. Proposed street names.		X	X
41. Road and paving cross sections and profiles.		X	X
42. New block and lot numbers.	X		X
43. Lighting plan and details.		X	X
44. Landscape plan and details.		X	X
45. Site identification signs, traffic control signs, and directional signs.		X	X
46. Sight triangles.		X	X
47. Vehicular and pedestrian circulation patterns.	X (general)	X	X

CHAPTER EIGHT
FEES, CHARGES AND EXPENSES

Section A. Establishment of Fees

Fees and charges, as well as expenses incurred by the Town for engineering, planning, attorney, and other services related to the processing of the subdivision application, shall be as set out below and shall be collected by the Zoning Administrator for deposit in the Town's accounts. The Town Board may also establish charges for public hearings, special meetings, or other such Town Board or Planning Commission actions as are necessary to process application.

Request	Fee	Escrow
Preliminary Plat, 1 to 9 lots	$400	$2,500
Preliminary Plat, more than 9 lots	$600, plus $25 per lot.	$2,500
Final Plat, 1 to 9 lots	$150	$2,500
Final Plat	$300	$2,500
Administrative Land Splits	$150	$400
Variance	$100 plus recording fee	$400

Section B. Collection of Fees

Such fees, charges, and estimated expenses, as well as an escrow deposit if so required by the Zoning Administrator, shall be collected prior to Town action on any application. All such applications must be accompanied by a written agreement between the Town and the applicant/land owner (when the land owner and applicant are not the same person or entity, both the land owner and applicant must sign the agreement) whereby the applicant/land owner agrees to pay all applicable fees, charges, and expenses as set forth by Town Board resolution, and which allows the Town to assess that the above fees, charges, and expenses against the land owner if such monies are not paid within 30 days after a bill is sent to the applicant/land owner.

The fees referred to above are only an estimate of the expense the Town may incur. The applicant is responsible for any and all fees incurred by the Town that result from his/her request. All charges are due and payable upon billing by the Town. If the escrow is exhausted, the applicant shall replenish it back to its original amount within 10 days of request by the City. All monies left over in the escrow after completion of processing of the application shall be returned without interest to the party who deposited the escrow, provided all applicable Township expenses and fees have been fully paid. The Town may refuse to issue a plat if billings for fees and expenses remain unpaid.

CHAPTER NINE
VARIANCES

Section A. Variances

Where the Town Board finds that extraordinary hardship may result from strict compliance with the provisions of this ordinance, it may vary the regulations to the extent that substantial justice may be done and the public interest secured, provided that such variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this ordinance. (Variances cannot be granted which relate to other ordinances.)

Section B. Conditions

In the granting of variances, the Town Board shall weigh the benefits or hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section C. Board of Adjustment

A Board of Adjustments, appointed by the Town Board, shall act upon all questions as they may arise in the administration of this Ordinance. The Board shall hear and decide appeals and review any order, requirement, decisions or determination made in the enforcement of this ordinance.

CHAPTER TEN
ENFORCEMENT

Violation of the provisions of this ordinance or deliberate failure to comply with any of its requirements shall constitute a misdemeanor. Each day shall be considered a separate offense.

The owner of the development and any developer, architect, engineer, surveyor, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate misdemeanor.

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violations.

CHAPTER ELEVEN
AMENDMENTS

The Planning Commission may, of its own motion or upon petition, cause to be prepared amendments supplementing or changing the regulations herein established. All proposed amendments, together with the recommendation of the Planning Commission, shall be submitted to the Town Board for adoption in accordance with established procedures.

CHAPTER TWELVE
VALIDITY AND SEPARABILITY

Whenever any provision of this Ordinance is more restrictive than provisions of existing laws or ordinances, the provision of this Ordinance shall govern.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, except that part so declared to be invalid.

CHAPTER THIRTEEN
EFFECTIVE DATE

The subdivision ordinance text contained herein shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved the 3 day of December, 2019, by the Watab Town Board.

WATAB TOWNSHIP

Julie Johnson, Chair

ATTEST:

Chris Davis, Clerk

CHRISTOPHER DAVIS
Clerk, Watab Township, Benton Co., MN
Notorial Officer (ex-officio notary public)
My term is indeterminate

APPENDIX A
MINIMUM TOWNSHIP STREET DESIGN STANDARDS

	Arterial	**Collector Street**	**Local Street**	**Service Access Street**	**Alley**	**Industrial Parks**	**Commercial Development**
Rights-of-Way	80'	80'	66'	40'	30'	80'	80'
Surface Width	As specified by Town Engineer	40'	36'	24'	20'	40'	40'
Base Specifications	---------- As Specified By Town Engineer ----------						
Minimum Horizontal Curve Radii	---------- As Specified By Town Engineer ----------						
Minimum Tangent Between Curves	---------- As Specified By Town Engineer ----------						
Minimum Crown Grade	.2%	.2%	.2%	.2%	.2%	.2%	.2%
Maximum Grade	5.0%	7.0%	10.0%	10.0%	10.0%	5.0%	5.0%
Pavement Specifications	---------- As Specified By Town Engineer ----------						