

**CHAPTER 13 - SUBDIVISION REGULATIONS**

**TABLE OF CONTENTS**

13.01	Title .....	2
13.02	Purpose.....	2
13.03	Definitions.....	2
13.04	Administration.....	11
13.05	Requirement to Conform.....	12
13.06	Premature Subdivision.....	12
13.07	Denial of Plat.....	15
13.08	Sketch Plan.....	16
13.09	Preliminary Plat.....	20
13.10	Land Survey.....	31
13.11	Final Plat.....	31
13.12	Administrative Subdivision.....	37
13.13	Design Standards for Land Subdivision.....	39
13.14	Property Dedication.....	50
13.15	Tree Preservation.....	52
13.16	Required Improvements.....	61
13.17	Cost of Improvements.....	65
13.18	Development Agreement.....	66
13.19	Construction Plans.....	68
13.20	Maintenance of Improvements.....	68
13.21	Violations.....	68
13.22	Penalty.....	69
13.23	Application to City Personnel.....	69
13.24	Injunction.....	69
13.25	Severability.....	70
13.26	Supremacy.....	70

### **13.01 TITLE**

These regulations and provisions shall be known as the “Subdivision Regulations” of the City of La Crescent.

### **13.02 PURPOSE**

These Subdivision Regulations are adopted for the purpose of promoting the public health, safety, morals and general welfare by providing for orderly economic and safe development of land urban services and facilities.

### **13.03 DEFINITIONS**

For the purpose of these Subdivision Regulations, certain terms used herein are defined as follows:

Alley - A public right-of-way which affords a secondary means of access to abutting property.

Applicant – Any person or group that applies for a building permit, subdivision approval, or permit to allow land disturbing activities. Applicant also means that person’s agents, employees, and others acting under this person’s or group’s direction. The term “applicant” also refers to the permit holder or holders and the permit holder’s agents, employees and others acting under this person’s or group’s direction.

Attorney – The City Attorney.

Best Management Practices (BMPs) – Best management practices as described in current Minnesota Pollution Control Agency’s manual and 12.185, 3 Storm Water Pollution and Erosion Control.

Block – That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage.

Boulevard - That portion of the street right-of-way between the curb line or edge of pavement and the property line.

Boundary Lines – Lines indicating the bounds or limits of any tract or parcel of land.

Build Out Plan (Ghost Plat) – A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

Buildable Land – Contiguous land area occurring within the property lines of a parcel of lot excluding drainageways, wetlands, water courses, park land, road rights-of-way, land below the Ordinary High Water Level (OHWL) and slopes in excess of fifteen (15) percent.

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Building Pad – The area on a lot within which the principal building will be constructed.

Building Line – Also referred to as a setback line, the line beyond which property owners or others have no legal or vested right to extend a building or any part thereof without special permission and approval of the proper authorities.

Capital Improvement Plan - An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

Certificate of Occupancy – A certificate issued by the Building Official after final inspection, when it is found that the building and project complied with the provisions of the State Building Code, the City Code and other laws which are enforced by the City. No building shall be occupied until the Building Official has issued a Certificate of Occupancy, or temporary certificate when warranted.

Certificate of Survey – A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Common Interest Community or CIC - Contiguous or non-contiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for (1) real estate taxes levied against; (2) insurance premiums payable with respect to; (3) maintenance of; or (4) construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate pursuant to Minnesota Statutes Section 515B.2-121 (f)(1), as amended from time to time.

Common Open Space - Any open space including private parks, nature areas, playgrounds, trails and recreational buildings and structures owned in common by a group of property owners.

Comprehensive Plan - The La Crescent Comprehensive Plan.

Condominium - A form of individual ownership within a multi-unit building with joint responsibility for maintenance and repairs. In a condominium, each unit is under separate ownership, along with an undivided share of common buildings and land.

Conservation Development - The development pattern and technique whereby lots are arranged in closely related groups to preserve the environmentally sensitive areas, and natural amenities through the creation of common open space.

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

Critical Root Zone (CRZ) – An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, e.g., a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

Cul-de-sac - (See Street)

Custom Graded Lot - A Lot that is part of a Preliminary or Final Plat, but which is graded only at the time of construction of a building, rather than at the time of the installation of public improvements (See also “Mass Graded Lot).

Design Standards – The specifications for the preparation of sketch plans, preliminary plats, and final plats indicating, among other things, the optimum minimum or maximum dimensions of such features as rights-of-way and blocks, as set forth in this Chapter.

Developer - A person, group, firm, corporation, sole proprietorship, partnership, State agency, or political subdivision thereof engaged in land disturbance activity.

Diameter at Breast Height (DBH) – The diameter of a tree measured at diameter breast height (four and one-half (4.5) feet from the uphill side of the existing ground level).

Drainageway -

1. Any natural, altered or artificial water course which has definable beds and banks capable of conducting confined runoff from adjacent lands. Water course beds not clearly defined shall be delineated to include that area which would be inundated by runoff resulting from a twenty-four (24) hour rainfall having a recurrence interval of once in five (5) years.
2. An altered water course is that which has been affected by man-made changes in straightening, deepening, narrowing, or widening the original channel.

3. An artificial water course is that which has been artificially constructed by man where there was no previous natural water course. The limits of the water course bed are confined to that area, which would be inundated by runoff resulting from a twenty-four (24) hour rainfall having a recurrence interval of once in five (5) years.

Drip Line – The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.

Easement – A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or person, for a specific purpose or purposes.

Engineer - An engineer employed by the City.

Escrow - The deposition of funds in an account maintained by the governmental unit specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

Financial Guarantee – A financial security consistent with Section 10 of this Ordinance, posted with the City with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the City.

Fire Official – The fire chief or designated authority charged with the administration and enforcement of the State Fire Code.

Floodplain – The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Frontage – The width of a lot or building site measured on the line separating it from a public street right-of-way.

Ghost Plat – A sketch plan prepared for unplatted land adjacent to a proposed subdivision that illustrates potential future street connections, lot and block layouts, and other information in order to demonstrate that a proposed subdivision will permit a logical extension of development onto nearby lands.

Grade – The vertical location of the ground. Existing grade is the grade prior to grading. Rough grade is the stage at which grade approximately conforms to the approved plan. Finish grade is the final grade of the site which conforms to the approved plan.

High Water Level – The water level in a watercourse which could be predicted to occur as a result of the critical 100-year runoff event using U.S. Department of Agriculture Soil Conservation Service methodology, as approved by the City.

Improvement, Public - Any drainage facility, street, parkway, park, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

Land Disturbance Activity – Any land change that may result in the alteration of existing surface drainage patterns or soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government’s jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filing of land. Within the context of this rule, land disturbance activity does not mean:

- A. Minor land disturbance activities that do not alter existing surface drainage patterns such as home gardens and individuals home landscaping, repairs and maintenance work.
- B. Tilling, planting or harvesting of agricultural, horticultural or silvicultural (forestry) crops.
- C. Emergency work to protect life, limb or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City’s requirements as soon as possible.

Lot – A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership under a single legal description and single tax parcel identification number.

Lot, Base – Lots meeting all the specifications in the zoning district prior to being subdivided into a two family dwelling, quadraminium, or townhome subdivision.

Lot, Corner – A lot or lots within a plat and situated at the corners thereof so that they are bounded on two sides by streets. This term applies to any lot within the plat at street intersections and bounded on two sides by streets.

Lot, Double Frontage - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

Lot, Flag – A lot whose public right-of-way does not meet the minimum required width. Access is provided by a narrow strip of land or private right-of-way.

Lot, Unit – Lots created from the subdivisions of a two family dwelling, quadraminium, or townhome having different minimum lot size requirements than the conventional base lots within the zoning district.

Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line - A property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Width - The horizontal distance between the side lot lines of a lot measured at the front building setback line, and, if applicable, at the setback line from the ordinary high water level of a lake or tributary.

Mass Graded Lot – A lot which is part of a Preliminary or Final Plat and which is rough-graded at the time of the grading and installation of public improvements such as streets and utilities (See also “Custom Graded Lot”).

Metes and Bounds - A method of property description by means of their direction and distance from an identifiable point of beginning.

Outlot - A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A.) Outlots are used to designate one of the following: land that is part of the subdivision but is to be subdivided into lots and blocks at a later date; land that is to be used for a specific purpose as designated in a developer's agreement or other agreement between the City and the developer.

Owner - Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.

Pedestrian and/or Bicycle Trail – An easement or land dedication given to the City for the purpose of providing public walking and/or bicycling trails to City residents. The trails shall provide recreational opportunity and also access to parks, natural areas, and public land in accordance with the City's adopted trail plan.

Plat - The drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statute 505, as may be amended.

Plat, Final - The final map or drawing, consistent with the standards of Section 13.11 of this Ordinance, on which the developer's plan or subdivision is presented to the City Council for approval and which, if approved, will be submitted to the Office of the County Recorder or Registrar of Titles.

Plat, Preliminary - The preliminary map or drawing, consistent with the standards of Section 13.09 of this Ordinance, indicating the proposed layout of the subdivision to be submitted to the City for their consideration for compliance with the Comprehensive Plan, the Zoning Ordinance, and these regulations along with required supporting data.

Protective Covenant - A restriction of the use placed upon the property by a present or former owner and recorded in the Office of the County Recorder or the Registrar of Titles. The City will not be responsible to enforce private protective covenants.

Premature Subdivision – A subdivision application which does not conform to one or more important fundamental conditions of the City of La Crescent which prohibit the subdivision from being served with adequate levels of public services at the time of application, and therefore is rejected on that basis alone.

Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of Registered Land Survey Number.

Registered Professional – A registered professional civil engineer, soils engineer, geologist, landscape architect or other registered professional with experience and knowledge in the application of principles required to comply with this Ordinance.

Reserve Strip – A strip of privately-owned land platted alongside a public right of way that prevents access to the public right of way from adjoining private property. Also commonly referred to as “spite strips”.

Reverse Curve – A roadway designed to change the direction of curve quickly from one direction to the other, sometimes informally called an “S-curve”.

Resubdivision - A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which such right-of-way is established.

Road Right-of-Way Width - The horizontal distance between the outside edges of a road right-of-way.

Setback - The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, road, highway, property line, or other facility.



Shoreland - Land located within the following distances from public waters: one thousand (1000) feet from the ordinary high water level (OHWL) of a lake, pond or flowage and three hundred (300) feet from a river or stream or the landward extent of a floodplain designated in the City Code on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of Natural Resources.

Significant Tree – See definition of Tree.

Significant Tree Stand – See definition of Tree.

Specimen Tree – See definition of Tree.

Street - A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets. City streets shall be categorized by functional classification, as defined by the Comprehensive Plan.

Street, Cul-de-sac – A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement compliant with the Minnesota State Fire Code.

Street, Private – A private street is one which is not maintained by the City and for which the City is not under obligation to carry our repairs, even though it may be a named street and serve a number of properties.

Street Width – The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on a street without curbs from the outside edge of the improved shoulder to outside edge of improved shoulder.

Subdivider – A person, group, firm, corporation, sole proprietorship, partnership, State agency, or political subdivision thereof who causes land to be divided, platted or planned into a subdivision for him/herself or others.

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 other use or any combination thereof, except those separations:

1. Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
2. Creating cemetery lots;
3. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subdivision, Administrative – A subdivision which results in two (2) or fewer parcels, tracts, or lots from one (1) or two (2) existing parcels, tracts, or lots.

Tree – Any of the following type of trees, as each is defined herein:

1. Coniferous Tree. A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.
2. Deciduous Tree. A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.
3. Significant Tree. A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of twelve (12) feet in height for coniferous trees.
4. Significant Tree Stand. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees between four (4) inches and twelve (12) inches or larger in diameter or coniferous trees between four (4) feet and twelve (12) feet or higher in height.
5. Specimen Tree. A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Vegetation, Native – The pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region that were not introduced as a result of European settlement or subsequent human activity.

Watercourses – Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This

term does not include man-made piping systems commonly referred to as storm sewers.

Wetland – Lands transitional between terrestrial and aquatic ecosystems, where the water table is usually at or near the surface or the land is covered by shallow water. Consistent with the WCA, wetlands are to be identified and delineated using the methodology set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Interagency Task Force on Wetland Delineation, 1987). For purposes of this definition, wetlands must have three (3) of the following attributes:

1. A predominance of hydric soils;
2. Inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions;
3. Under normal circumstances support a prevalence of such vegetation. This definition does not include wetlands created from uplands either for stormwater storage and management purposes, or by actions not intended to create the wetland and approved, permitted, funded or overseen by a public entity.

Building and Zoning Official – The person duly appointed by the City Council as the individual charged with the responsibility of administering and enforcing this Ordinance.

#### **13.04 ADMINISTRATION**

1. **Platting Authority.** The City Council shall act as the platting authority for administration of this Chapter and approval of final plats of land subdivisions, unless and until it shall elect to appoint the City Planning Commission as the platting authority. The Planning Commission is hereby authorized and directed to assist the Council in the review of the plats and the administration of this ordinance, and to exercise the powers and duties granted it herein. No plat or replat shall be filed or accepted for filing by the Office of the Houston County Recorder unless adopted by the affirmative vote of the majority of the members of the platting authority approving such plat or replat.
2. **Fees.** A subdivision shall be accompanied by a fee established by City ordinance to pay for costs associated with the application processing and review. Said fee ordinance will be annually reviewed and updated. Any and all expenses incurred by the City for engineering, planning, fiscal, administrative, legal or other services related to the review and processing of the subdivision application that exceeds the established application fee shall be collected from the applicant. The acceptance of all applications, issuances of permits, or recording of any plat

shall not occur until a complete application has been filed and the appropriate fees have been paid.

Expenses may be billed monthly and must be paid within thirty (30) days of billing. Failure to pay within sixty (60) days may result in suspension of the project, at the City option. If said expenses are not paid within reasonable time after billing, as determined by the City of La Crescent, the City of La Crescent shall certify the same as unpaid against the real property and shall collect the same in the same manner as real estate taxes are collected. The City of La Crescent shall have the option to collect said amounts in a civil action in lieu of certification for collection.

### **13.05 REQUIREMENT TO CONFORM**

Hereafter, before approval, all land subdivisions, as defined herein, shall be subject to, and shall conform to, these regulations, and to other applicable law and applicable plans and regulations by the City Council or Planning Commission, including land use plan, community facilities plan, major thoroughfare plan, official map, zoning plan, utility plan, and others.

### **13.06 PREMATURE SUBDIVISION**

Any preliminary plat or final plat deemed premature pursuant to the following criteria shall be denied by the City Council.

1. Conditions for Establishing a Premature Subdivision. A subdivision may be deemed premature should any of the following conditions be found:
  - A. Inconsistency with any of the following:
    - 1) La Crescent Comprehensive Plan.
    - 2) La Crosse and La Crescent Sewer Service Area Plan
    - 3) Bicycle and Pedestrian Plan
    - 4) Capital Improvement Plan
    - 5) La Crosse and La Crescent Metropolitan Area Transportation Plan
    - 6) Other applicable system plans

- B. Inconsistency with Growth Policies. A proposed urban subdivision shall be deemed premature unless it is shown to meet the City's infill policies:
- 1) The urban subdivision must be located within the staged growth area as established by the City's Comprehensive Plan.
  - 2) The cost of utilities and street extensions must be covered by one or more of the following and approved by the City Council:
    - I. An immediate assessment to the proposed subdivision.
    - II. One hundred (100) percent of the street and utility costs are privately financed by the developer.
    - III. The cost of regional and/or oversized trunk utility lines can be financed with available City trunk funds.
    - IV. The cost and timing of the expenditure of City funds are consistent with the City's capital improvement plan.
    - V. The cost, operation and maintenance of the utility system are consistent with the normal costs as projected within the City's water, sewer, and stormwater utility rates.
    - VI. The developer payments will offset additional costs of utility installation or future operation and maintenance.
- C. Roads or Highways That Are Inadequate to Serve the Subdivision. A proposed subdivision shall have inadequate roads or highways when:
- 1) Roads or highways providing access to a subdivision are functioning at a level of service (LOS) below that determined appropriate by the City Engineer.
  - 2) Traffic generated by a proposed subdivision will exceed the levels of service (LOS) as determined appropriate by the City Engineer.
  - 3) Existing roads providing access to the subdivision do not have the structural capacity to accommodate projected traffic from the proposed subdivision, (unless the developer has made arrangements to pay to correct any structural deficiencies).
  - 4) The traffic generated from a proposed subdivision requires City street improvements that are inconsistent with the La Crescent Capital Improvement Plan, (unless the developer has made arrangements to pay to correct any deficiencies).

- 5) Upgrades are required by the City's Comprehensive Plan or County Highway Department to insure proper traffic flow and traffic safety, (unless the developer has made arrangements to pay to correct any deficiencies).
- D. Inadequate Water Supply. A proposed subdivision shall be deemed to have an inadequate water supply when:
- 1) The City water system has inadequate wells, storage, or pipe capacity to serve the subdivision.
  - 2) The water utility extension does not offer the opportunity for water main looping to serve the urban subdivision.
  - 3) The extension of water mains will not provide adequate water pressure for personal use and fire protection.
  - 4) Adequate well head protection measures have not been implemented for all abandoned wells.
- E. Inadequate Waste Disposal Systems. A proposed subdivision shall be deemed to have an inadequate waste disposal systems when:
- 1) The City has insufficient waste treatment plant and pipe capacity to serve the subdivision if developed to its maximum density.
  - 2) The subdivision will result in a sewer extension inconsistent with La Crosse and La Crescent Sewer Service Area Plan and Capital Improvement Plan.
- F. Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
- 1) Surface or subsurface water retention and runoff are such that it constitutes a danger to the structural security of existing or proposed structures.
  - 2) The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
  - 3) The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.

- 4) Proposed ponds, including location, changes to natural drainage patterns, outflows, or any other impacts, will result in damage or flooding to other property
- 5) Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to floodplains; the nature of soils and subsoils and their ability to adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

G. Environmental Review (EAW, AUAR, EIS, etc.). A proposed subdivision shall be deemed to be premature when an environmental review process requires substantial changes to the layout, density, utility service provision, grading design, or other aspects of the subdivision.

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

### **13.07 DENIAL OF PLAT**

The Planning Commission may recommend denial and the City Council may deny the subdivision if it makes any one or more of the following findings:

1. That the proposed subdivision is in conflict with adopted applicable general and specific comprehensive plans of the City.
2. That the physical characteristics of this site, including but not limited to topography, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.
3. That the site is not physically suitable for the proposed density of development.
4. That the design of the subdivision or the proposed improvements is likely to cause environmental damage.
5. That the design of the subdivision or the type of improvements is likely to cause public health problems.
6. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

7. That the proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
8. The proposed subdivision is inconsistent with the policies and standards of the State defined shoreland, floodplain, and wetland regulations.
9. The subdivision is determined to be premature.
10. The design of the subdivision does not conform to minimum City development standards.
11. The time period for review of the plat has reached expiration without resolution of design features or conformance with City development regulations that would allow for City approval.

### **13.08 SKETCH PLAN**

While not mandatory, it is suggested that subdividers prepare a sketch plan depicting the subdivision proposal for informal review prior to filing a formal application. A sketch plan may be required with all annexation petitions. On the basis of the sketch plan, the City shall informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision generally conforms to the design standards of this section and to other sections of this Ordinance. Sketch plan review does not convey any legal development rights to the applicants.

1. Information Required for Sketch Plan. The sketch plan shall include six (6) large scale copies and one (1) reduced scale (11" by 17") copy of detailed written materials, plans and specifications to include the following information:

NOTE: One/two additional large scale copies shall be provided for each of the following, if applicable:

- Project is adjacent to a county road or county state aid highway (1)
- Project is adjacent to a state highway (1)
- Project lies within a Shoreland or Flood Plain Overlay Districts (1)

A. General Location and Site Description.

- 1) Name and address of developer/owner.
- 2) Date of plan preparation and dates of revision.



- 3) Scale of plan (engineering scale only – one (1) inch equals one hundred (100) feet).
- 4) North arrow indication.
- 5) Legal description.
- 6) Property location map illustrating the site location relative to adjoining properties and streets.
- 7) Scaled drawing (engineering scale only) illustrating property boundaries.
- 8) Proof that the person is a qualified applicant pursuant to Section 13-03.
- 9) Current and proposed land use and zoning.
- 10) Evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and Subdivision Ordinance.
- 11) Additional information as required by the Building and Zoning Official.

B. Resource Inventory. A resource inventory, mapped at a scale of one (1) inch to one hundred (100) feet or less shall include:

- 1) Topographic contours at two (2) foot intervals showing rock slopes of more than fifteen (15) percent.
- 2) Soil type locations and identification of soil type characteristics such as hydric soils, depth to bedrock, depth to water table and suitability for wastewater disposal systems, if applicable (Houston County Soil Survey information).
- 3) Hydrologic characteristics including surface water courses, floodplains, delineated wetlands, natural swales, and drainageways.
- 4) Site vegetation including:
  - I. Cover type (pasture, woodland, etc.).
  - II. Woodland area boundaries.

- III. Individual trees having a diameter at breast height of eighteen (18) or more inches.
  - IV. Vegetative type descriptions (deciduous, coniferous or mixed) by plant community, relative age, and condition.
  - 5) Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
  - 6) Transportation systems including:
    - I. Adjoining streets.
    - II. Functional classifications.
    - III. Current and projected traffic volumes.
    - IV. General conditions.
    - V. Neighborhood context. General outlines of existing neighborhoods, land uses, buildings, streets, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within three hundred (300) feet of the tract. This information shall be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.
- C. Sketch Subdivision Plan. One (1) or more of the subdivision sketch plans meeting the intent of this Ordinance and including at least the following information:
- 1) Open space areas indicating which areas are to be protected and defined by the purpose of the open space.
  - 2) Boundaries of areas to be developed and proposed general street and lot layout. Number and type of housing units and/or approximate size and location of commercial and industrial buildings as may be applicable.
  - 3) Areas proposed for stormwater management.
  - 4) Street system that interconnects neighborhoods that is consistent with the Comprehensive Plan and La Crosse & La Crescent Metropolitan Area Transportation Plan.
  - 5) Location of utility trunks intended to serve the site.

- 6) Said plans shall be drawn at a scale of one (1) inch to one hundred (100) feet or less.
      - 7) Total area of wetlands and uplands on site.
    - D. Application fee and deposit or escrow security to pay for review costs of the City staff and consultants.
2. Filing and Review of Application.
  - A. Procedure
    - 1) Pre-Application Meeting. An applicant shall meet with City staff to discuss a proposed development and investigate the City requirements for pursuing a development application including but not limited to improvements required to be installed by subdivider, land use issues including conformity with City Plans and design standards, and conformity with Storm Water Pollution and Erosion Control (12.185), Grading, Drainage, Flood Control and Erosion Control Plan (13.09.2.D), Conservation Development District (12.105).
    - 2) An application for sketch plan along with the associated information and fee established by the City Council shall be submitted to the Building and Zoning Official.
    - 3) The Building and Zoning Official shall submit copies of the sketch plan and associated information to other staff, committees, consultants, or agencies as appropriate.
    - 4) The Building and Zoning Official shall forward the sketch plan submission to the City's advisory boards and City Council for their consideration at regularly scheduled meetings to solicit informal review and comment on the project's acceptability in relation to the City's Comprehensive Plan and development regulations. Such meetings should be attended by the applicant.
    - 5) Sketch plan review does not convey any legal development rights to the applicants.
3. Determination of Requirement for Environmental Review Documents.
  - A. The City Engineer may review the sketch plan and may determine if an Environmental Assessment Worksheet (EAW), Environmental Impact Statement (EIS), or Alternative Urban Area-Wide Review (AUAR) is

required pursuant to Minnesota Rules. If such documents are required, the City Engineer may notify the developer of the requirement.

- B. An escrow deposit in addition to the standard requirements shall be submitted by the applicant to cover City costs reviewing and administering an EAW.
- C. From the time such determination that environmental review is required, to the time that the City Council or other agency acts on the environmental review, the time for processing the proposed subdivision under Minn. Stat. Section 15.99 shall be suspended, (the 120-day clocks stops at this point until the environmental review is completed.) In the event that a proposed subdivision is required to be substantially altered in layout, density, public utility service provision, grading design, or other manner, the original subdivision shall be found to be premature according to Section 13.06 1.G., and any subsequent subdivision proposal shall be considered to be a new application.

### **13.09 PRELIMINARY PLAT**

After the completion of the sketch plan process, if submitted, the owner or developer shall file with the City an application for preliminary plat. The preliminary plat is a plan of how property will be subdivided and developed. The preliminary plat state is the point in the process that all information pertinent to the proposed development is furnished by the developer for review by the City staff and consultants, City advisory committees, the City Council, and any other applicable agencies and the public. The information provides a basis for approval or denial of the application. The information submitted in the application shall address both existing conditions and changes that will occur during and after development.

Additional information or modifications may be required by the Building and Zoning Official, City staff and consultants, City advisory committees, City Council and additional information may be required during the review process. In certain cases some information required by these standards may not be appropriate or may need to be modified in order to provide an adequate basis for making a decision.

- 1. Submittal and Distribution of Preliminary Plat. The principal steps to be taken by subdividers in preparing subdivision plats and securing approval are those enumerated hereafter in this section.
  - A. The owner/applicant shall schedule a predevelopment meeting with appropriate City staff to discuss the preliminary plat application. Through this meeting, City staff may summarize the City's review comments and

offer suggestions pertaining to additional information or design changes that may assist in expediting the preliminary plat process.

B. The person applying for preliminary plat approval shall prepare a preliminary plat according to the requirements in Sections 13.09.2 and other sections hereof, and file copies of the plat and accompanying data with City staff, according to the deadline and meeting schedule established by the City, with the required filing fee. The preliminary plat application shall include six (6) large scale copies (one (1) inch equals one hundred (100) feet or less) and one (1) reduced scale copy (11" x 17") and one (1) digital electronic copy in a format compatible with the City's computer system of detailed graphic materials, plans and specifications along with any written materials.

1) If Land Abuts a Highway. When land to be subdivided abuts a State trunk highway or a County highway, additional copies shall be filed and shall be transmitted to the State Highway Commissioner or to the County Engineer with the request that their recommendations, if any, be returned within fourteen (14) days after the date of filing for consideration by the Planning Commission and City Council in acting on the plat.

One/two additional large scale copies shall be provided for each of the following, if applicable:

- Project is adjacent to a county road or county state aid highway (1)
- Project is adjacent to a state highway (1)
- Project lies within a Shoreland or Flood Plain Overlay Districts (1)

C. City staff will review all application materials for completeness. If application materials are incomplete, City staff will inform the applicant of the deficiencies in writing within fifteen (15) business days of the date the application was submitted. Deficiencies can be corrected and application materials can be resubmitted to City staff who again have fifteen (15) business days to review all materials for completeness.

D. The Building and Zoning Official shall refer copies of the preliminary plat to other staff, committees, consultants, or agencies as appropriate.

E. The application may be reviewed by City advisory committees (such as the Park Board). The advisory committee's recommendations will be forwarded to the Planning Commission for their consideration of the application at the public hearing.

F. Notice of public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing.

- G. Written notification of the hearing shall be mailed at least ten (10) days prior to the hearing to all owners of land within three hundred fifty (350) feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceeds as set forth within this Ordinance, provided a bona fide attempt has been made to comply with the notice requirements of this Ordinance.
- H. The Planning Commission shall conduct a public hearing, take public testimony and recommend that the City Council approve, approve with conditions, or disapprove the preliminary plat. No preliminary plat will be reviewed by the Planning Commission unless materials have been declared complete and the Planning Commission has been given copies of the pertinent application materials seven (7) days prior to any meeting. This timetable can be waived in writing under special circumstances. The Planning Commission may request additional information, clarifications, and changes to the preliminary plat.
- I. The Building and Zoning Official shall prepare a staff report of the findings and recommendations of the Planning Commission. The findings may include specific conditions of approval or findings related to denial of the plat.
- J. If the improvements are to be financed by the City, the developer should submit a petition for City financed improvements to City staff in accordance with Minnesota Statutes 429 prior to City Council review of preliminary plat.
- K. The City Council shall take action on the application within one hundred twenty (120) days following delivery of an application completed in accordance with the regulations of this Ordinance, unless an extension is agreed to by the applicant. The City Council shall review the preliminary plat and approve, approve with conditions, or disapprove the preliminary plat and accept or reject the petition for City financed improvements, as necessary. If the City Council approves the preliminary plat, it may impose conditions it considers necessary to protect the public health, safety and welfare. If the City Council denies the preliminary plat it must state in writing the reasons for denial at the time it denies the request.
- L. The City Council shall take action on the application which shall include findings of fact, and shall be entered in the proceedings of the City Council and be transmitted to the applicant and Planning Commission in writing. The lack of a majority Council vote to affirmatively approve a preliminary plat shall be a denial of the requested application. If the preliminary plat is denied, an amended plat can be submitted and reviewed following the same procedure noted above in Section 13.09.1.A through 13.09.K.

- M. Considerations for Approval. The Planning Commission and City Council shall take into consideration the prospective character of a development of the area included in the plat and shall require that it be harmonious with that existing and planned in the general vicinity.
  - N. Failure to Act. Failure of the City Council to act within one hundred twenty (120) days after filing with the City of the complete preliminary plat, unless an extension time is arranged with the consent of the subdivider, shall be deemed to be tentative approval of the preliminary plat. In such case, City staff and the City Engineer shall inform the subdivider of the proper procedure and guidance in completing the survey of the subdivision and making the final plat thereof. In the event of disapproval of the preliminary plat, a new preliminary plat will be required and the survey and all data relating to the new plat following its approval shall conform to the new plat filed.
  - O. Expiration of Preliminary Plat Approval. City approval of a preliminary plat shall expire twelve (12) months from the date of City Council approval unless a final plat application has been submitted prior to the expiration date or unless an extension has been approved by the City Council. If such preliminary plat approval expires, then a new preliminary plat application shall be required and will be processed in the same manner as a new preliminary plat.
2. Preliminary Plat Requirements. A preliminary plat shall be clearly and legibly drawn on paper the same size as used for the final plat. An owner or applicant shall submit six (6) large scale copies (one (1) inch equals one hundred (100) feet or less) and one (1) reduced scale copy (11" x 17") and one (1) digital electronic copy in a format compatible with the City's computer system of detailed graphic materials, plans and specifications along with any written materials including the following:
- A. Certificate of Survey. Prepared by a licensed land surveyor identifying the following:
    - 1) Scale (engineering only) at one (1) inch equals one hundred (100) feet or less.
    - 2) North arrow indication.
    - 3) Existing parcel boundaries to be platted with dimensions and area.
    - 4) Existing legal description.
    - 5) Easements of record.

- 6) Delineated wetland boundary, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters. Floodplain as shown on Federal Emergency Management Agency (FEMA) FIRM map.
- 7) All encroachments.
- 8) Existing buildings structures and improvements within the parcel to be platted and those three hundred fifty (350) feet outside the boundaries of the subject parcel.
- 9) Location, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within three hundred fifty (350) feet.
- 10) The outside boundary of the subject property is to be clearly marked with survey monuments.

B. Resource Inventory.

- 1) Topographic ground contours at vertical intervals of two (2) foot intervals showing rock outcrops slopes of more than fifteen (15) percent.
- 2) Soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, depth of water table and suitability for wastewater disposal systems, if applicable (Houston County Soil Survey information).
- 3) Hydrologic characteristics, including surface water courses, floodplains, delineated wetlands, natural swales, and drainageways. Ordinary high water level (OHWL) and one hundred (100) year storm elevations of adjoining water courses, lakes, wetlands, streams, etc. at the date of the survey and approximate high and low water elevations. An applicant that is proposing any new development will be required to submit a Minnesota Routine Assessment Method for Evaluating Wetland Functions (MNRAM) form filled out for each wetland if located on the subject property. This MNRAM form will need to be filled out by a consultant trained in wetland science.
- 4) Tree inventory identifying vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of significant tree stands and individual significant trees as defined by Section 13.03 and in compliance with Section 13.15 of this Ordinance. Vegetative types shall be classified as generally



deciduous, coniferous or mixed and described by plant community, relative age and condition.

- 5) Neighborhood Context. General outlines of existing buildings, land use, and natural features such as waterbodies or wooded areas, roads, driveways, and property boundaries within three hundred fifty (350) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.
- 6) Percentage of impervious surface with existing and proposed conditions.

C. Preliminary Plat Information

- 1) The proposed name of the plat which name shall not duplicate the name of any plat theretofore recorded in the County.
- 2) Date of application, name, address, phone number and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney or other principle involved in the development of the plat.
- 3) Proof that the person is a qualified applicant pursuant to Section 13.03.
- 4) Evidence of conformance with the Existing Comprehensive Plan guiding land use designation(s) and zoning designation(s) within or abutting the proposed plat. Any zoning changes needed or reference to any zoning or similar land use actions that are pertinent to the proposed development.
- 5) Total acreage of the land to be subdivided and total upland area.
- 6) Boundary line survey (including quarter and sixteenth section lines) and legal description.
- 7) North arrow and graphic engineering scale of one (1) inch equals one hundred (100) feet.
- 8) Existing covenants, liens, or encumbrances.
- 9) Proposed lot lines, dimensions, and the gross and buildable acreage of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown.

- 10) Proposed lot and block numbers and associated dimensions.
  - 11) Building pad and minimum building setbacks shown on each lot indicating dimensions of the required front, side and rear setbacks.
  - 12) Location and width of buffer yards where the subdivision adjoins a collector or arterial street.
  - 13) Layout of streets, roads, alleys and walks showing right-of-way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and names of streets. The name of any street heretofore used in the City or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. Street names shall follow City policy and be approved by the City Street Superintendent.
  - 14) Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan.
  - 15) Parks, trails, or other areas intended for public use or common ownership.
  - 16) Any additional information as requested by the Building and Zoning Official.
  - 17) Dates of plan preparation and revision dates.
- D. Preliminary grading, drainage, flood control and erosion control plan. The developer shall submit a preliminary grading, drainage and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer, depicting the following information:
- 1) Scale (engineering only) one (1) inch equals one hundred (100) feet or less.
  - 2) North point indication.
  - 3) Location of natural features including, but not limited to, significant trees, tree lines or other ground cover, delineated wetlands, marshes, water courses, ponds, lakes, streams, drainage courses and ditches, areas subject to flood, ordinary high water level (OHWL) and 100 year storm elevations, bluffs, steep slopes, slope in excess of fifteen (15) percent, etc.

- 4) The delineation of all wetlands in accordance with criteria established by the Wetlands Conservation Act 1991, as may be amended, the Army Corps of Engineers, and/or Minnesota Department of Natural Resources.
- 5) Wetland mitigation plan consistent with the criteria established by the Wetland Conservation Act 1991, as may be amended.
- 6) Existing contours at two (2) foot intervals shown as dashed lines for the subject property and extending one hundred (100) feet beyond the outside boundary of the proposed plat.
- 7) Proposed grade elevations at two (2) foot intervals shown as solid lines.
- 8) Proposed plan for surface water management, ponding, drainage and flood, control consistent with the recommendations and standards of Section 12.185.
- 9) Provision for groundwater management including sub-surface drains, disposals, ponding, and flood controls.
- 10) Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within one hundred (100) feet of the subject property. Existing pipe grades, rim and invert elevations and normal and high water elevations must be included.
- 11) If the subject property is within or adjacent to a one hundred (100) year floodplain, flood elevation and locations must be shown. Proposed fill, levees, channel modifications, and other methods to overcome flood or erosion hazard areas and by use of the one hundred (100) year flood profile and other supporting technical data in the Flood Insurance Study.
- 12) Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
- 13) Lot and block numbers, building style, building pad location and elevations at the lowest floor and garage slab for each lot.
- 14) Locations, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property.
- 15) Phasing of grading.

- 16) The location and purpose of all oversize, non-typical easements.
  - 17) All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan.
  - 18) All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates.
  - 19) Drainage plan, including the configuration of drainage areas and calculations for two (2) year, ten (10) year, and one hundred (100) year storm events.
  - 20) Layout of proposed streets showing centerline gradients, section widths, and typical cross sections, subject to the review and approval by the City Engineer with recommendation from the Fire Official.
  - 21) Date of plan preparation and dates of all revisions.
  - 22) For subdivisions which shall disturb five (5) or more acres of land, the subdivider shall submit a Notice of Intent (NOI) to the Minnesota Pollution Control Agency (MPCA) for a storm water program permit.
- E. Preliminary Utility Plan. The developer shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared by a licensed engineer, depicting the following information:
- 1) Scale (engineering only) one (1) inch equals one hundred (100) feet or less.
  - 2) The location, dimensions, and purpose of all easements of record.
  - 3) Location and size of existing sanitary sewers, storm sewers, water mains, culverts, or other underground facilities within the subject property and to a distance of one hundred (100) feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.

- 4) Locations and routing of proposed sanitary sewer lines, stormwater lines, and water mains. Identification of gravity, force main, and alternative service lines.
  - 5) Water mains shall be provided to serve the subdivision by extension of an existing community system. Service connections shall be stubbed ten (10) feet into each lot and all necessary fire hydrants shall also be provided. Extensions of the public water supply system shall be designed so as to provide public water in accordance with the standards of the City.
  - 6) Sanitary sewer trunk lines, laterals, and service connections shall be illustrated in accordance with the standards of the City with regard to location, size, and service type, subject to final review and approval of the City Council.
  - 7) The location and finished elevations of hydrants and valves for all proposed water mains.
  - 8) All other utilities shall be located and designed in accordance with the requirements of the City Engineer.
  - 9) Submit storm sewer design flow calculations with the utility plans.
  - 10) Date of plan preparation and dates of all revisions.
- F. Environmental Review Documents (if determined necessary). The City Engineer may review the preliminary plat and may determine if an Environmental Assessment Workshop (EAW), Environmental Impact Statement (EIS), or Alternative Urban Area-Wide Review (AUAR) is required pursuant to Minnesota Rules. If such documents are required, the City Engineer may notify the developer of the requirement. An escrow deposit in addition to the standard requirements shall be submitted by the applicant to cover City costs reviewing and administering an EAW.
- G. Additional Information Required
- 1) Evaluation by the applicant that the subdivision would not be determined to be premature pursuant to the criteria outlined by the Comprehensive Plan and Subdivision Ordinance.
  - 2) Phasing Plan. All preliminary plats shall include a phasing plan that includes:
    - I. A phasing plan identifying the sequence of development and approximate areas, number of lots in each phase, total area

and buildable area per phase, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each. Each phase of a preliminary plat shall be consistent with growth management criteria of the City.

- II. Any trail/sidewalks within the approved phase of the preliminary plat shall be constructed along with streets and utilities and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
  - III. Site grading shall be coordinated with the phasing plan to avoid premature disruption of land or long term storage of excess materials.
  - IV. Each phase of developer improvements as specified in the final plat and development agreement shall be completed prior to initiating any subsequent phase. Developer improvements shall be limited to those specifically illustrated and/or enumerated in the final plat and development agreement.
- 3) Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long term maintenance of these open spaces areas.
  - 4) Information or easements showing how public and/or private utilities, drainage, and roads can be extended to serve adjacent property.
  - 5) Landscape and screening plans showing landscape plantings for street boulevards, subdivision entrances, and buffer yards, and specifying plant locations, varieties, sizes, ownership, maintenance responsibilities, and monument signs.
  - 6) Traffic study for the subdivision including pre and post development information regarding traffic generation, traffic distribution, capacity of existing streets, and level of service (LOS) on existing streets.
  - 7) Examples of Housing Product. Illustration of building footprint, floor plans, and building elevations proposed within the subdivision.

- 8) Other information deemed necessary for a complete application.

### **13.10 LAND SURVEY**

1. Permanent Monuments Installed After Plat Approval. After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed, staked and monumented by a Registered Land Surveyor, and a final plat prepared. Permanent monuments shall be set at the intersections of all boundary angles of the subdivision at each point where the boundary intersects a section, quarter section or sixteenth section line and at intersections of street, alley, and boundary lines.
2. Other Monuments Required. Stakes or monuments consisting of iron pipe or rebar of one-half (1/2) inch or more in diameter and eighteen (18) inches or more in length, set flush with the finished grade, shall be located at the boundary angles, intersections and points of curvature of all lots, streets, alleys and boundary lines, where permanent monuments are not set.

### **13.11 FINAL PLAT**

Approval of a preliminary plat by the City Council is an acceptance of the general layout, as submitted, and indicates that the developer may proceed toward final plat approval in accordance with the City Council approval of the preliminary plat, including conditions and the City growth management standards.

A complete application for final plat shall be submitted no later than twelve (12) months after the date of approval of the preliminary plat, or a time as provided in the developers agreement. Otherwise, the preliminary plat approval shall be considered void, unless an extension is requested in writing, and for good cause, is granted by the City Council. The final plat application shall have incorporated all the conditions of City Council approval of the preliminary plat. In all other respects, the final plat shall substantially conform to the preliminary plat. It may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at that time, provided that such portion conforms with all the requirements of this Ordinance.

Approval of the engineering specifications required by this Ordinance pertaining to water supply, drainage, domestic waste water, potable water, street lighting, gas and electric service, grading, roadway standards, widths, and surfacing of streets, shall be completed by the City Engineer and appropriate development contracts prepared prior to approval of the final plat by the City Council.

1. Submittal and Distribution of Preliminary Plat. The principal steps to be taken by subdividers in preparing subdivision plats and securing approval are those enumerated hereafter in this section.
  - A. The final plat and accompany data shall be submitted to City staff within twelve (12) months after the date of action on the preliminary plat, otherwise such action shall be voided.
  - B. Checking. The City staff shall check the filed material for conformity with the requirements of law and with these regulations, including conformity with any conditions of approval of the preliminary plat, and the City Engineer shall check the plat and survey for required accuracy. A traverse of the boundaries of the plat and of all lots and blocks, when computed from field measurements, must close within a limit of error of one (1) foot to seven thousand five hundred (7,500) feet of perimeter.
  - C. If Plan Found Satisfactory. If satisfactory, City staff shall accept and issue a receipt for the plat. If not satisfactory, City staff shall inform the subdivider of the deficiencies in writing within fifteen (15) business days. The subdivider shall then cause the required changes and additions to be made before acceptance for submittal and issuance of a receipt.
  - D. Filing Fee. Whenever a final plat and not a preliminary plat is required, as provided in Section 13.12, 1, D hereof, the subdivider shall be charged a fee equivalent to the fee required for filing the final plat. The amount of such fee is set forth in the Appendix to this Code.
  - E. The Planning Commission will conduct a public hearing and recommend that the City Council approve, approve with conditions, or disapprove the final plat. The Planning Commission may request additional information, clarifications, and changes to the final plat. The City Council may act on the final plat without consideration of the Planning Commission recommendation(s) if the Planning Commission fails to provide such recommendation(s).
  - F. The following requirements shall be met before City Council consideration of the final plat:
    - 1) The final plat shall substantially conform to the approved preliminary plat and phasing plan.
    - 2) Completed development contract including all required financial securities and timeframe for final plat and final grading.
    - 3) Conditions attached to approval of the preliminary plat shall be fulfilled or secured by the development agreement, as appropriate.



- 4) All fees, charge, and escrow related to the preliminary or final plat shall be paid in full.
- G. The Plan Commission shall review the Final Plat for conformity with the Preliminary Plat, and in all other respects, and make recommendation to the City Council. The City Council shall act on the final plat by motion within sixty (60) days of the City's receipt of a complete Final Plat Application. The motion shall include findings of fact supporting the approval or denial and be entered in the proceedings of the City Council and reported to the Plan Commission and the applicant in writing. The lack of a majority Council vote to affirmatively approve the Final Plat shall be a denial of the requested approval.
- H. No site work, including grading, shall be allowed until final plat approval and recording.

## 2. Form and Content

The final plat shall be of the form and content as prescribed in the Minnesota Land Surveyors Association Plat Manual of Minnesota Guidelines, as may be amended.

## 3. Recording

If the final plat and development contract are approved by the City Council, the developer shall record the plat within ninety (90) days after the date of approval. Otherwise, the approval of the final plat shall be considered void, unless the developer request and receives an extension from the City Council. The City may record the development contract immediately upon receipt of signatures.

## 4. Record Plans

The developer shall submit for review and approval all proposals to change the original plans regarding road construction, drainage, and stormwater management. The developer shall obtain written approval by the City prior to changes to the plans. The developer shall submit the following:

- A. One (1) mylar copy of the final plat.
- B. Six (6) sets and one digital electronic copy in a format compatible with the City's computer system of record plans indicating all changes in the work, including accurate as-built locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the completed work.

## 5. Final Plat Requirements.

#### A. Revised Preliminary Plat

- 1) The City may require six (6) large scale (22" x 24"), one (1) reproducible reduction at 11" x 17", and one digital electronic copy in a format compatible with the City's computer system of the preliminary plat and of supporting documents illustrating all changes and conditions that were required as part of the preliminary plat approval. This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.

#### B. Title Restrictions

The City may require one (1) copy of any title declaration, conservation easement, deed restriction, restrictive covenant, or homeowner's association documents.

#### C. General Information

Six (6) large scale (22" x 34") copies and one digital electronic copy in a format compatible with the City's computer system of the final plat and supporting documents, plus any additional copies deemed necessary by the Building and Zoning Official plus one (1) reproducible copy reduced to 11" x 17".

The final plat shall include all the requirements of the Minnesota State Statutes 505 and the following:

- 1) Name of subdivision.
- 2) Location by section lines and quarter and sixteenth section lines within the platted area, tied to the plat. If there are none within the area, there should be ties to at least one outside.
- 3) Outside boundary lines and all angles and distances necessary for closure of boundaries by latitude and departure.
- 4) Scale (engineering only) one (1) inch equals one hundred (100) feet or less.
- 5) North point indication.
- 6) Street lines and centerlines, lines of alleys, right-of-way, easements, lots, outlots, all other sites and reservations, and all

land deeded to the public with dimensions, angles and all curve functions.

- 7) Lot numbers in each block, starting with one (1) in the northeast corner and continuing respectively.
- 8) Block numbers, consecutive.
- 9) The exact location, widths and names of all proposed streets, alleys and rights-of-way to be dedicated.
- 10) All distances included in the dedication and all monuments, angles, curve functions, etc. necessary for checking the entire description. Pipe or steel rod shall be at the corners of each lot and at each intersection of street centerlines.
- 11) A listing of the total area of each lot measured in gross square feet per lot and total area of the plat.
- 12) The location and width of all easements to be dedicated.
- 13) Statement dedicating all easements as follows: easements for installation and maintenance of trails, utilities and drainage facilities are reserved over, under, and along the areas designated as drainage and utility easements.
- 14) Accurate outlines and legal description of land to be dedicated as parks, trails, ponds, or other public use shall be illustrated on the final plat and dedicated with the final plat.
- 15) A certificate by the surveyor who prepared the plat that all required improvements have been satisfactorily installed or that, in lieu thereof, the subdivider has made satisfactory arrangements to cover the cost of improvements to be installed later within a specified time.
- 16) Final grading, construction plans shall be prepared and submitted in accordance with City standards.
- 17) Other data, certificates, affidavits and endorsements required by law, by the Planning Commission and City Council and by County and Township officials.

#### D. Development Agreements

- 1) The developer shall meet with the City staff to finalize the terms of the development agreement.
- 2) Upon finalization of the development agreement, the City Clerk shall have the final copy of the contract signed by all the appropriate parties.
- 3) Financial guarantees shall be posted with the City as outline in the development agreement.
- 4) Final grading and utility plans shall be approved by the City Engineer and made a part of the development contract – No Grading shall be allowed until the Final Plat and Development Contract are approved and the Development Contract is signed and a financial security is in place with the City.

E. Other Additional Final Plat Materials Required.

- 1) Plans, specifications and grades of proposed improvements as approved by the City Engineer, and a statement of those completed and those not yet completed.
- 2) Deed to land offered for park, playground or other public purpose.
- 3) Protective covenants in form for recording.
- 4) Proof that all conditions placed on the approval of the preliminary plat have or will be met.
- 5) Certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown thereof exist as located and that all dimensional and geodetic details are correct.
- 6) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat, and the dedication of streets and other public areas.
- 7) Approval by signature of City and County officials concerned with the approval of the plat.
- 8) Form for approval of the Council as follows: Approved by the Council of the City of La Crescent, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.  
 Signed \_\_\_\_\_ (Mayor)  
 Attest \_\_\_\_\_ (City Clerk)

## **13.12 ADMINISTRATIVE SUBDIVISIONS**

The provisions of this section shall apply only to those subdivisions classified as administrative subdivisions.

1. Qualification. The following shall be considered an administrative subdivision:
  - A. Lot Boundary Line Adjustment. Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots. Newly created lots shall conform to the design and performance standards of the La Crescent Subdivision and Zoning Ordinances.
  - B. Lot Split. The simple division of a single parcel, tract or lot to create no more than two (2) lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with this Ordinance or the La Crescent Zoning Ordinance.
  - C. Base Lot Subdivision. In the case of a request to divide a base lot upon which a two family dwelling, townhouse or a quadraminium, which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance or the La Crescent Zoning Ordinance.
  - D. Vacating a previous plot.
2. Information Required for Administrative Subdivisions. Whenever any subdivision of land as outlined in Section 13.12.1 is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure on such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall file an application and secure approval of an administrative subdivision.

The administrative subdivision application shall be considered to be officially filed when the Building and Zoning Official has received the application and has determined that the application is complete. Administrative subdivisions shall consist of maps and accompanying written documents. An owner or applicant shall submit six (6) large scale copies (one (1) inches equal one hundred (100) feet or less) and one (1) reduced scale copy (11 inches by 17 inches) of detailed graphic materials to include the following information:

- A. Certificate of survey prepared by a licensed land surveyor identifying the following:

- 1) Scale (engineering only) one (1) inch equals one hundred (100) feet or less.
- 2) Name and address, including telephone number, of legal owner and/or agent of property.
- 3) North point indication.
- 4) Existing boundaries of parcel to be platted with dimensions and area and proposed new property lines with dimensions noted.
- 5) Existing legal description/proposed legal description of new lots.
- 6) Easements of record.
- 7) Delineated wetland boundary, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters, 100 year flood elevations.
- 8) All encroachments, easements, or rights-of-way encumbering the property.
- 9) Existing buildings, structures, and improvements within the parcel to be platted and those one hundred (100) feet outside the boundaries of the subject parcel.
- 10) Locations, widths and names of all public streets, rights-of-way or railroad rights-of-way showing type, width and condition of the improvements, if any, which pass through and/or are within one hundred (100) feet.
- 11) Proposed driveway locations and locations of existing driveways on the same side of the road.
- 12) Location of any existing tile lines, abandoned wells, drainageways, waterways, water courses, lakes, and wetlands.
- 13) Additional preliminary plat data requirements determined appropriate by the Building and Zoning Official.

### 3. Filing and Review of the Application

- A. Applicant shall file an administrative subdivision application with all required information and accompanying fee with a schedule established by the City.

- B. Upon receipt of an application, the Building and Zoning Official shall refer copies of the complete administrative subdivision application to City staff and consultants for review and the preparation of a report.
- C. The Building and Zoning Official shall have the authority to request additional information pertinent to the administrative subdivision. Failure to provide the necessary supportive information may be grounds for denial of the request.
- D. Decision. The Planning Commission shall make a recommendation to the City Council who will reach a decision on the requested administrative subdivision within one hundred twenty (120) days of complete application, unless the applicant agrees to an extension of the review period.
- E. Variations. The Planning Commission may recommend to the City Council a variance from the minimum standards of this Ordinance (not procedural provisions) when, in its opinion, regulations or requirements herein are not applicable, or would cause intended hardship, to a proposed land subdivision or to a preliminary or final plat thereof. It shall be in the sole discretion of the City Council to permit any such variations. In permitting variations, the City Council may impose such conditions as are deemed reasonable and necessary under the circumstances, for securing the objectives of these regulations. The City Council may waive the requirement of preparation of a preliminary plat if both of the lots or parcels are of adequate size, adjoining a public street and where no dedication of land for an additional street or for widening or relocation of the existing street is necessary.

#### 4. Recording

If the administrative subdivision is approved by the City Council, the applicant shall record the deed, and the accompanying survey, in the Office of the City Recorder or County Registrar of Titles within ninety (90) days after the date of approval, otherwise the approval of the administrative subdivision shall be considered void.

### **13.13 DESIGN STANDARDS FOR LAND SUBDIVISIONS**

A preliminary plat and a final plat shall be in conformity with such of the following design standards as are applicable, such standards being established for the purpose of guiding and accomplishing a coordinated, as well as adjusted and harmonious, development of the City of La Crescent and its environs which will, in keeping with

existing and future needs, best promote the public health, safety, order, convenience and general welfare and efficiency and economy in the development of urban services and facilities. The following design standards are hereby established, subject to such variances as the Planning Commission and City Council may approve, as provided in Section 13.04.3 hereof.

1. Conformity with the Comprehensive Plan and Zoning Ordinance. A proposed subdivision shall conform to the Comprehensive Plan, to related policies adopted by the City, Section 12.185 of this code entitled: Stormwater Pollution and Erosion Control and to the La Crescent Zoning Ordinance, as may be amended.
2. Land Requirements
  - A. Land shall be suited to the purpose for which it is to be subdivided. No plan shall be approved if the site is not suitable for the purposes proposed by reason of potential flooding, topography, adverse soil conditions, rock formations, or wetlands.
  - B. Land subject to hazards to life, health, or property shall not be subdivided until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plan.
  - C. Proposed subdivisions shall be coordinated with surrounding properties and/or neighborhoods, so that the City as a whole may develop efficiently and harmoniously.
3. Blocks.
  - A. Length. The maximum length of blocks shall be not longer than six hundred (600) feet and the minimum length of four hundred (400) feet, unless approved by the Planning Commission and City Council. Blocks over five hundred (500) feet long may require dedication of pedestrianways at least ten (10) feet wide at their approximate center across the block in specified locations and for midblock turnarounds as per State Fire Code requirements. The use of additional pedestrianways to schools, parks, and other destinations may be required.
  - B. Width and Arrangement. A block shall be so designed as to provide two (2) tiers of lots unless it adjoins a major collector or an arterial street or where topographic wetland or other conditions render the block arrangement unreasonable, a frontage road must be provided for subject to the review and approval by the Planning Commission and City Council.
  - C. Sizes of blocks and lots having multiple dwelling, commercial, industrial, school, church and institutional uses shall have adequate area for the principal use and all required accessory uses, including but not limited to



off-street parking and loading spaces and service areas for automobiles, trucks and buses.

4. Lots.

- A. Area. The minimum lot area, width and depth shall not be less than that established by the La Crescent Zoning Ordinance and other regulations, in effect at the time of adoption of the final plat. Minimum lot area residential lots shall consist of buildable land and be exclusive of utility transmission easements that encumber lot development.
  - 1) In absence of such other regulations, no residential lot may be less than eight thousand four hundred (8,400) square feet in area, sixty five (65) feet in width and one hundred (100) feet in depth.
  - 2) For lots not served by City sanitary sewer or other approved sanitary sewer system, no residential lot may be less than one half (1/2) acre in area, one hundred feet in width and one hundred fifty (150) feet in depth.
- B. Corner Lots. Corner lots for residential use shall have additional width to permit appropriate building setback from both streets and a side yard buffer yard where the side yard abuts a collector or arterial street as required in the La Crescent Zoning Ordinance.
- C. Side Lot Lines. Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.
- D. Width. Every lot must have the minimum width measured at the minimum front yard setback and at the setback from the OHWL of an abutting lake or stream and extending to the location of the principal building. All lots shall have frontage on a public street.
- E. Lot Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
- F. Building Sites. Each lot shall provide an adequate building site at least eighteen (18) inches above the top of the adjacent curb unless approved by the City Engineer upon the basis of plans submitted showing alternative, acceptable surface drainage measures.
- G. Access to Arterial Streets and Major Collector Streets.

- 1) Each lot shall have general accessibility, including accessibility for fire fighting, refuse collection and delivery purposes from a public street.
  - 2) In the case where a proposed plat is adjacent to a major collector or arterial street, said streets to be defined by the City's Comprehensive Plan, there shall be no direct vehicular access from individual residential lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways, arterial, or major collector streets where there is no other alternative, a temporary entrance may be granted, subject to terms and conditions defined by the City Council and application County or State agencies. As neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void. In such cases where direct lot access to major collector or arterial streets is allowed, special traffic safety measures including, but not limited, provisions for on-site vehicle turn around shall be required. In cases where a proposed plat is adjacent to the County or State highway, the plat shall be subject to County and/or State approval.
- H. New commercial, industrial, and multiple family lots fronting on an arterial or major collector street shall be designed to minimize the number of direct access points through the following methods listed in preferential order. If the highest preference is not possible, the next preference shall be utilized until an access method is possible.
- 1) Access from a local street.
  - 2) Frontage road serving multiple properties.
  - 3) Frontage driveway or connected parking lots with cross easements serving multiple properties.
  - 4) Shared driveways.
  - 5) One driveway access, no closer than two hundred (200) feet to another driveway and that meets the City's minimum spacing standards from a street intersection. All driveways shall be reviewed for consistency with the policies of the Comprehensive Plan.
- I. Setback Lines. Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the La Crescent Zoning Ordinance, as may be amended.

- J. Water Courses. Water courses may be contained within abutting lots. Water courses shall be protected by easement that will include a buffer strip extending outward from the delineated wetland boundary or the water course ordinary high water level as defined by Section 13.03 of this Ordinance. Lots with easements protecting water courses shall have sufficient dimensions and contiguous area outside the water course easement to meet or exceed the minimum lot area and width specified in the zoning chapter for the district in which the lots are located.
- K. Grading for drainage. Lots shall be graded so as to provide drainage away from building locations and shall conform to the approved final grading plan. Storm water drainage from an improved subdivision or lot shall not be directed at an adjoining property at a rate above a predevelopment condition except where drainage is directed to a designed drainage easement.
- L. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic places or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- M. Frontage on Two Streets. Double frontage, or lots with frontage on two (2) parallel streets shall not be permitted except where lots back on major collector or arterial streets, County or State highways, or where topographic or other conditions render subdividing otherwise unreasonable. Additional lot depth and a twenty (20) foot wide landscaped buffer yard shall be provided where a lot backs onto a major collector or arterial streets.
- N. Irregular Shaped Lots. On single family residential lots determined to be irregular in shape, the developer shall demonstrate to the City an ability to properly place principal buildings and accessory structures upon the site which are compatible in size and character to the surrounding area.
- O. Building Expansion. All single family residential lots shall be designed in consideration of potentials for buildings accommodating three (3) garages, porches and decks, etc. without need for setback variance. Said buildings and structures are to be compatible in size and character with the surrounding area.
- P. Lot Remnants/Outlots. All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels. Outlots may be platted within a subdivision to delineate future development phases or commonly owned open spaces. The outlet shall be sized in a manner to accommodate its intended use. Any outlot shall be platted into a lot and block prior to

issuance of a building permit. No building permits shall be issued for any outlot except for open air structures allowed as a recreational component in an open space area.

5. Streets and Alleys

- A. General layout, street pattern, proposed private and public areas and uses shall conform to City plans and regulations, to County and State highway plans and other applicable plans, to these regulations and to other applicable law.
- B. Alleys. Alleys shall be allowed, and may be required by the Planning Commission and City Council to serve lots used for more than one (1) single family dwellings.
- C. Streets, Continuous. Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of major collector and arterial streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served in compliance with the Comprehensive Plan.
- D. Local Streets and Dead End Streets.
  - 1) Local streets should be so planned as to discourage their use by non-local traffic.
  - 2) Dead-end streets are prohibited, but cul-de-sacs shall be permitted where topography or other physical conditions justify their use. Cul-de-sacs shall be no longer than one hundred fifty (150) feet, shall have a turnaround at the closed end with a right-of-way radius of not less than sixty-five (65) feet. A fifty-five (55) foot street radius is required. Another form may substitute for a circular form if recommended by the Planning Commission after seeking advice from the Fire Official and approved by the City Council.
- E. Street Plans for Future Subdivisions. Where the plat application includes only part of the tract owned or intended for development by the subdivider, or abuts an undeveloped tract, a build out plan (ghost plat) illustrating a proposed future street system for the unsubdivided tract, prepared and submitted by the subdivider, may be required by the City.

- F. Temporary Cul-de-Sac. In those instances where a street is terminated pending future extension in conjunction with future subdivision and the street segment is more than one hundred fifty (150) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary roadway easement if it is located outside street right-of-way. Financial guarantee will be required for removal or restoration as determined by the City Engineer.
- G. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- H. Subdivision Abutting Major Rights-of-Way. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a U.S. or State highway, County road, local major collector, or local arterial street, provision may be made for a service street approximately parallel and adjacent to the boundary of such right-of-way; provided that due consideration is given to proper circulation design, setbacks from an intersection on the major rights-of-way, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
- I. Half Streets. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision. No permanent street improvement shall be permitted within a half street right-of-way. All lots having frontage or access solely from a half street are prohibited from being eligible for building permits.
- J. Dedication. All proposed streets shown on the plat shall be in conformity to City, County, and State plans and standards and be offered for dedication as public streets unless otherwise determined by the City Council.
- K. Additional Right-of-Way. Additional right-of-way and roadway widths may be required by the Council to promote public safety and convenience when special conditions require it. Where a subdivision abuts or contains

an existing street of inadequate width, sufficient additional width shall be provided to meet the standards of this Ordinance.

- L. Restriction of Access. Access of local streets onto arterial and collector streets shall be discouraged at intervals of less than five hundred (500) feet.
- M. Street Design. Design of street rights-of-way and roadway widths shall conform to the following minimum standards:

Type of Road	ADT	Minimum Width		Number Traffic Lanes	Number Park Lanes	% Grade	
		Right-of-Way	Roadway Width*			Min.	Max
<b>Local Access</b>							
Alley	150	20 feet	16 feet	2	0	.5	8
Cul-de-Sac Street	150	60 feet	36 feet	2	2	.5	8
Cul-de-Sac Turnaround	150	65 feet radius	55 feet radius	2	0		
Low	300	60 feet	36 feet	2	2	.5	10
Medium	300 – 1,000	60 feet	36 feet	2	2	.5	9
High	1,000	60 feet	36 feet	2	2	.5	8
<b>Minor Collector</b>							
	1,000-1,500	66 feet	36 feet	2	1	.5	8
<b>Major Collector</b>							
Low	1,500	80 feet 70 feet	44 feet 36 feet	2 2	2 1	.5 .5	8 8
Medium	1,500-5,000	100 feet	44 feet	2	2	.5	7
High	5,000	100 feet	48 feet	4	0	.5	6
<b>Arterial</b>							
Low	10,000	86 feet***	48 feet	4	0	.5	6
Medium	10,000-15,000	100 feet***	52 feet	4	0	.5	5
High**	15,000	110 feet***	2 @ 28 feet	4	0	.5	4

\* Face of curb to face of curb.  
 \*\* Parkway design (optional for medium arterial.)  
 \*\*\* At major intersections increase to 120 feet.

- N. Curb Radius. The minimum curb radii for thoroughfares, collector streets, local streets, and alleys shall be as follows:
  - 1) Arterial Streets and Collector Streets. Twenty-five (25) feet.
  - 2) Local Streets. Ten (10) feet.

- 3) Alleys: Ten (10) feet.
- O. Reverse Curves. Minimum design standards for collector and arterial streets shall comply with Minnesota Department of Transportation (MnDOT) State Aid standards.
- P. Street Intersections. Insofar as possible, all roadway intersections shall be at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than seventy-five (75) degrees. Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersection construction needs shall be dedicated.
- Q. Tangents. A tangent of at least one hundred (100) feet shall be introduced between reverse curves on arterial and collector streets.
- R. Deflections. When connection street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and two hundred (200) feet for all other streets. The City Council may allow greater or lesser sight distances.
- S. Street Intersection Offsets. Street intersection jogs with centerline offsets of less than one hundred twenty five (125) feet shall be prohibited.
- T. Centerline Curvature. The minimum horizontal curvature of streets shall be in accordance with the MnDOT Highway Design Manual for the type of street and design speed. The minimum curvature shall be two hundred fifty (250) feet radius for any collector street and one hundred (100) feet radius for any local street.
- U. Streets in Flood Hazard Area. No street shall be approved if its final surface is at a lower elevation than two (2) feet below the regulatory flood protection elevation. The City Council shall require profiles and elevations of finished streets for areas subject to flooding. Fill may be used for streets, provided such fill does not unduly increase flood heights and provided any such fill would not result in a stage increase violating the requirements of the La Crescent Floodplain Ordinance, as may be amended.
- V. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions accepted by the City Council.
- W. Private Streets. Private streets, except in the case of planned unit developments, shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public

use. All private streets shall meet the construction design standards for City streets.

- X. Curb and Gutter. All urban streets, and all streets in commercial and industrial areas, shall have concrete curb and gutter in compliance with established City standard design detail plates.
- Y. Street Names. Street names shall be subject to Planning Commission and City Council approval. Wherever possible the street name shall be the same for new streets that are extensions of existing streets.

6. Sidewalks and Trails

- A. Except as otherwise determined by the City Council, concrete sidewalks not less than five (5) feet in width and/or bituminous trails not less than eight (8) feet in width shall be provided in accordance with the following:

<u>Street Type</u>	<u>Sidewalk/Trail Requirements</u>
Arterial and Major Collector Streets	Sidewalk on one side of street and trail on opposite side of the street or trails on both sides of the street*
Minor Collector and Local Streets, excepting Cul-de-sacs	Sidewalk on one side of street*
Cul-de-sacs	No requirements

\*All sidewalks and trails shall be placed back from the street wherever possible to provide a green strip for tree planting and to promote pedestrian safety and reassurance.

7. Easements

- A. Width and Location. An easement for utilities at least twelve (12) feet wide along front and rear lot lines and six (6) feet wide along all abutting side lot lines shall be provided. An easement for utilities not less than ten (10) feet wide shall be provided adjacent to all plat boundaries. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
- B. Drainage. Easements shall be provided along each side of the centerline of any waterway or drainage channel of a sufficient width to provide proper maintenance and protection, and to provide for stormwater runoff and installation and maintenance of drainage systems. Where necessary,



drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

- C. Screen Planting and Boulevard Reserves. An easement for screen planting and boulevard reserves shall not be less than ten (10) feet wide.
  - D. Continuous Utility Easement Locations. Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council after a public hearing.
  - E. Guy Wires. Additional easements for pole guys should be provided, when appropriate, at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys fall alongside of the lot lines.
8. Public Utilities.
- A. Sanitary sewer and municipal water plans shall be consistent with the La Crosse & La Crescent Sewer Service Area Plan.
  - B. Final sanitary sewer and municipal water plans shall conform to the City's design guidelines and shall be approved by the City and/or municipal utility with the final plat.
  - C. Telephone, electric, cable, gas service lines and/or other public utilities are to be placed underground in accordance with City standards.
  - D. Developers shall apply for City permits to install underground utilities in public rights-of-way.
  - E. The City shall approve all utilities prior to installation.
  - F. Public utilities shall be installed in a joint trench in accordance with City standards.
  - G. Conduit shall be installed for all road crossings.
  - H. Public utility installation shall not occur until one (1) week after all curb has been backfilled.
  - I. Any utility not installed in a joint trench shall not be allowed installation for five (5) years following the joint trench installation.

### **13.14 PROPERTY DEDICATION**

1. A portion of any subdivision shall dedicate to the City a reasonable portion of the proposed subdivision for public streets, roads, utility easements, water facilities, storm water drainage and holding areas or ponds and other similar utilities and improvements.
2. As a prerequisite to any subdivision approval, and at the sole determination by the City, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the City's park dedication fund roughly related to the anticipated effect of the subdivision on the park and trail system. The amounts listed in this Section are the City's best estimate of the dedication or cash contribution needed to offset the effect of the subdivision on the park and trail system. The requirement may also be met with a combination of land and cash if approved by the City Council.
3. Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location, and future park needs pursuant to the Bicycle and Pedestrian Plan. Wetlands, ponding areas, and drainage ways shall not be eligible for park dedication credit. Park land to be dedicated shall be above the ordinary high water level. Grades exceeding fifteen (15) percent, or land within the Conservation Development District (at or above elevation of eight hundred sixty (860) feet), or areas unsuitable for park development shall not be considered for dedication. Land with trash, junk, pollutants and/or unwanted structures is not acceptable.
4. The applicant shall confer with City Staff and the Park and Recreation Commission at the time the preliminary plat is under consideration, to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property. The preliminary plat shall show the location and dimensions of all areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the Planning Commission for review and comment and subsequently to the City Council for their approval.
5. When a proposed park, playground, recreation area or other public ground has been indicated in the City's official map or Comprehensive Plan and is located in whole or in part within a proposed plat, it shall be dedicated to the appropriate governmental unit. If the applicant elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the City may consider acquiring the excess land through purchase or condemnation.

6. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.
7. The City, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the City's park and trail system.
8. In all new residential, commercial and industrial subdivisions, ten (10) percent of the area subdivided shall be dedicated for public park land as established by City Council resolution. A different percentage may be applied as the City Council shall determine to be reasonably necessary as a result of the subdivision approval. This ten (10) percent shall be calculated on the net buildable area, as defined in Section 13.03. The land dedicated for public recreation shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the health, safety, convenience and general welfare of the City.
9. Additional Dedication Requirement. If the proposed subdivision is not in the Conservation Development District, all lands above the nine hundred (900) foot elevation contour shall be deeded to the City of La Crescent.
10. When a subdivision is proposed, the developer shall make a dedication of land for Public Park and trail use, as provided for in Subdivision 13.14, of this Section, or shall pay a fee in lieu of such land dedication as established by City Council ordinance. Said amount is the City's best estimate of the effect of the subdivision on the City's park system.
11. Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this Section based upon the percentage of land devoted to the various uses.
12. The Planning Commission shall, in connection with its initial review of a preliminary plat, among others, make recommendation for review by the City Council concerning such areas and whether or not a contribution in cash is appropriate in lieu of land dedication. The City Council by resolution duly enacted with factual findings incorporated therein as the basis therefore may require the land dedication or waive the requirement, provided the developer pays to the City cash in an amount equivalent to five thousand dollars (\$5,000.00) per residential unit or fifteen thousand dollars (\$15,000.00) per acre

for commercial subdivisions. If the City Council waives only a portion of the requirement, it shall determine a prorated amount for the land and cash required.

13. Cash contributions for parks shall be deposited in the City's Park Fund and shall only be used for park acquisition or development, and trail acquisition or development as determined by the City.
14. Property being replatted with the same number of lots or same number of dwelling units shall be exempt from all park land dedication requirements. If the number of lots or the number of dwelling units is increased, or if land outside of the previously recorded plat is added, then the park land dedication and/or park cash contributions shall be based on the additional units/lots and on the additional land being added to the plat.
15. If the applicant or developer does not believe that the estimates contained in this Section fairly and accurately represent the effect of the subdivision on the park or trail system of the City, the applicant or developer may request that the City prepare an in-depth study of the effect of the subdivision on the park and trail system and an estimate of that effect in money and/or land. All costs of such study shall be paid by the developer or applicant. If the developer requests the preparation of such a study, no application for the development shall be deemed complete until the study has been completed and a determination is made as to the appropriate amount of land or money necessary to offset the effects of the subdivision.

### **13.15 TREE PRESERVATION**

1. Purpose. The City finds it is in the best interest of the public to protect, preserve, and enhance the natural environment and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the tree preservation regulations herein.
2. Scope of Application. A tree preservation plan (see definition on 13.03) shall be submitted to and approved by the City and implemented in accordance with all subdivisions of five (5) or more lots. If no significant trees or woodlands are present on the site, a tree preservation plan will not be required. Tree Preservation Plans shall be a required submission for all subdivisions meeting this threshold, and may be made a requirement for other development and determined by the City Council as recommended by the Planning Commission.
  - A. Minimum Tree Preservation. No development shall be permitted to occur as a part of any new subdivision, regardless of lot count, or newly subdivided lot unless at least thirty (30) percent of the predevelopment

tree crown cover is retained. The City shall have the authority to consult tree surveys or other data (such as aerial photos) to ensure compliance with this provision. This provision shall apply in addition to other tree preservation and replacement requirements of this ordinance. Where a developer has been found to violate this provision, tree replacement for this section shall be required at a rate of one tree per one hundred fifty (150) square feet of illegally removed crown cover. Trees utilized to meet replacement requirements on the subject site shall be six inch caliper size, minimum.

3. Tree Preservation for Subdivisions of five (5) or more lots.

A. Required Actions. Applicants shall:

- 1.) Incorporate the preservation of trees into the overall design of the plat.
- 2.) Prepare a tree preservation plan superimposed on the grading plan, as described below.
- 3.) Ensure the tree preservation plan is followed during the plan development (mass grading).
- 4.) Provide a financial guarantee as part of the development agreement to guarantee the preparation and implementation of the preservation plan and the replacement of all significant trees which were to be saved but were actually destroyed or damaged. The financial security in an amount determined by the City Council and adopted by ordinance shall be provided for:
  - I. Each mass graded lot with at least one (1) significant tree to be saved, and
  - II. Each custom graded lot with at least one (1) significant tree on the lot, and
  - III. Each outlot with at least one (1) significant tree.
  - IV. Install snow fencing or polyethylene laminar safety netting at the drip line or critical root zones of trees to be saved.
  - V. Install signage at all tree protection areas that instructs workers to stay out.
- 5.) Install erosion control measures.

- 6) Keep tree protection measures in place and in good condition until all grading and construction activity is terminated.
- 7) Prevent change in soil chemistry due to concrete wash out and leakage or spillage of toxic materials such as fuels or paints.

B. Prohibited Actions

- 1) No soil disturbance shall occur within the subdivision until the tree preservation plan is approved, financial securities have been submitted and development agreement approved, and tree protection measures are in place on site.
- 2) Construction staging areas and areas for the storage of equipment and stockpiling of materials shall not be within tree protection areas.
- 3) Fill shall not be placed against tree trunks, under the drip line, or in critical root zones of trees to be saved.
- 4) Pruning of oak trees shall not take place from April 1st through July 15th. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately. Excavators shall have a non-toxic tree wound dressing with them on the development site

C. Tree Preservation Plan

The tree preservation plan shall be submitted by a forester or landscape architect or other approved professional retained by the applicant and shall consist of the following items:

- 1) Tree inventory that includes the size, species, tag numbers, and locations of all significant trees, specimen trees, and significant tree stands on the property being platted.
- 2) Identification of mass graded areas and proposed grades. Changes in grades should be well planned with the objective of preserving significant trees.
- 3) Identification of custom graded lots.
- 4) All significant trees proposed to be saved and significant trees proposed to be removed in soil disturbance areas.
- 5) The plan shall designate tree save zones for:

- I. Areas not in soil disturbance areas or within 50 feet of such areas, and
  - II. All specimen trees to be saved, and
  - III. All significant tree stands to be saved.
- 6) Measures proposed to protect significant trees including, but not limited to:
- I. Tree removal procedures including directional felling away from existing trees to be saved and trenching to separate root systems prior to bulldozing trees or stumps.
  - II. Installation of signage at all tree protection areas that instructs workers to stay out.
  - III. Installation of snow fencing or polyethylene laminar safety netting at the drip line or critical root zones of trees to be saved.
  - IV. Installation of erosion control measures.
  - V. Designation of a construction staging area along with a designated area for the storage of equipment and stockpiling of materials that is not within tree save zones.
  - VI. Construction access locations.
  - VII. Overlay of the subdivision utility plan on the tree preservation plan to strategically lay out utility locations and trenches in a manner that protects trees to be saved. Individual utility stubs to home sites shall be reviewed for compliance with tree preservation plans.

D. Certification of Plan Implementation

After mass grading has been completed and streets and utilities installed, the subdivider's forester, landscape architect or other approved professional shall:

- 1) Certify in writing to the City the status of all trees indicated as trees to be saved in the approved plan.
- 2) Certify in writing to the City whether tree protection measures were installed.

- 3) Certify the status of any remove-designated trees that were saved.

E. Damaged Trees

If a significant tree indicated to be saved on the tree preservation plan is destroyed or damaged, the applicant shall be replaced in accordance with the tree replacement requirements of Section 5.

F. Release of Financial Security.

The financial security will be released upon:

- 1) Certification in writing by the forester, landscape architect or other approved professional indicating that the tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary. These must be confirmed by the City.

4. Custom Graded Lots / Home Builders Requirements

A. Required Actions. Home builders shall:

- 1) Home builders shall furnish the following items for tree preservation at the time the building permit application is submitted for all lots with at least one (1) significant tree identified for preservation in a subdivision tree preservation plan.
  - I. A tree preservation plan with the elements described in Section 13.15.4.C. The individual lot tree preservation plan shall be certified by a forester, landscape architect or other approved professional and signed by the homebuilder or homeowner.
- 2) Builders shall be liable for their subcontractors that destroy or damage significant trees that were indicated to be saved on the individual lot tree preservation plan.
- 3) Tree protection measures shall remain in place until all grading and construction ability is terminated.
- 4) Site grading for individual lots shall comply with the final grading plan of the plat and shall not result in the flooding of tree preservation areas.

B. Prohibited Actions



- 1) No soil disturbance shall occur within the lot until the tree preservation plan is approved and tree protection measures are in place.
- 2) Pruning of oak trees shall not take place from April 15 through July 1. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately. Excavators shall have a non-toxic tree wound dressing with them on the development site.
- 3) Builders, contractors, or others working on site shall not fill, stockpile materials, or store equipment or vehicles against the trunk of the tree, in the critical root zone, or under the drip line of a tree to be saved.

C. Tree Preservation Plan

- 1) On mass graded lots with at least one (1) significant tree to be saved, home builders are required to follow the tree preservation plan for the plat.
- 2) For each custom graded lot with at least one (1) significant tree, the home builder shall submit an individual lot tree preservation plan along with the plot and erosion control plan. The plan shall be consistent with the original tree preservation plan for the plat. The homeowner and/or home builder, forester, landscape architect or other approved professional shall meet with City staff prior to the development of the individual lot tree preservation plan to determine the placement of the home where the fewest significant trees would be destroyed or damaged. The home builder shall be responsible for ensuring the tree preservation plan is followed during building construction.
- 3) The tree preservation plan shall be prepared and incorporated on the building site plan for a building permit and shall include the following:
  - I. Size, species, and location of all significant trees, specimen trees, and significant tree stands including significant trees with drip lines or critical root zones extending over the lot line of an adjoining lot.
  - II. Identification of all significant trees proposed to be saved and significant trees proposed to be removed, including significant trees with drip lines or critical root zones extending over the lot line of an adjoining lot.

- III. Location of snow fencing or polyethylene laminar safety netting placed at the drip line or critical root zones.
  - IV. Installation of signage at all tree protection areas that instructs workers to stay out.
  - V. Erosion control methods.
  - VI. Measures proposed to protect significant trees including but not limited to:
    - a. Tree removal procedures including directional felling away from existing trees to be saved and trenching to separate root system prior to bulldozing trees or stumps.
    - b. Coordination of utility planning with tree preservation plan to strategically extend utility connections from the street to the house in a manner that protects trees intended to be saved.
    - c. Measures for preventing changes in soil chemistry due to concrete wash out and leakage or spillage of toxic materials such as fuels or paints.
- VI. Creation of a temporary access road when temporary site access through a significant tree stand or a critical root zone of a significant tree to be saved is necessary that meets the following standards:
- a. The temporary access road shall be routed in a manner that is least disruptive to the significant tree stand per the approval of the Building and Zoning Official.
  - b. Temporary access roads shall not exceed twenty-five (25) feet in width and shall be delineated by snow fencing or safety fencing.
  - c. An eight (8) inch deep cover of wood chip mulch shall be placed over the temporary access road to cushion the critical root zones from compaction.
- D. The Building and Zoning Official shall monitor the tree protection measures at the time of routing inspections.

- E. If tree replacement is required on the individual lot because the builder destroyed or damaged a tree which was to be saved, the forester, landscape architect or other approved professional in conjunction with the property owner shall determine where the replacement trees shall be installed. Tree replacement shall be consistent with Section 13.15.5 of this Ordinance.
- F. Prior to the issuance of a certificate of occupancy and release of any security, the forester, landscape architect or other approved professional shall certify to the City in writing the final disposition of saved trees on the lot and that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.

## 5. Tree Replacement

- A. Subdividers and/or home builders shall be required to replace significant trees which were indicated on the tree preservation plan to be saved but ultimately were destroyed or damaged. The subdivider and home builder shall be required to replace each significant tree destroyed or damaged with two (2) replacement trees.
- B. Replacement trees shall consist of nursery stock and be no less than the following sizes:
  - 1) Deciduous Trees: No less than two and one-half (2.5) inches in diameter.
  - 2) Coniferous Trees: No less than six (6) feet high.
- C. Replacement trees shall be species similar to the trees which were destroyed or damaged and can include those species shown following:
  - 1) Deciduous Trees: Maple, oak, linden, honeylocust, birch hackberry
  - 2) Coniferous Trees: Fir, red pine, white spruce, eastern red cedar, Black Hills spruce, white pine, Austrian pine, northern white cedar
- D. Unacceptable Trees: The following trees are unacceptable because of structural instability, susceptibility to disease, or because they are invasive species.
  - 1) Deciduous: Silver maple, Siberian Elm, amur maple, black locust, Norway maple.

2) Coniferous: Colorado spruce

- E. Replacement trees shall not be placed on easements or street rights-of-way. The Building and Zoning Official shall determine the locations of tree replacement for subdividers' tree plans.
- F. Any replacement tree which is not alive or healthy, as determined by the Building and Zoning Official, or which subsequently dies due to construction activity within one (1) year after the date of project closure, shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.

6. Review Process

The tree preservation plan shall be reviewed by City staff to assess the best possible layout to preserve significant trees and significant woodlands and to enhance the efforts to minimize damage to significant trees and significant woodlands. The applicant shall meet with the City prior to submittal of the subdivision application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage and other physical features, in order that the fewest significant trees and significant tree stands are destroyed or damaged. The subdivision tree preservation plan shall follow the preliminary plat/final plat review process. Individual lot tree preservation plans shall be processed with the building permit.

7. Removal of Diseased Trees Required

Prior to any grading, all diseased and hazardous trees on the subject property shall be removed from the property.

8. Compliance with Plan

The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures of the plan shall remain in place until all grading and construction activity is terminated or until a request is made to and approved by the City. The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The City shall determine whether compliance with the tree preservation plan has been met.

### **13.16 REQUIRED IMPROVEMENTS**

1. Public Installation of Improvements (generally under Minnesota Statutes 425 or other provisions.)
  - A. Assurance Prior to Approval Required. As a condition of approval of a final plat of land subdivision within the City of La Crescent, the subdivider shall give satisfactory assurance, as required by the City Council and the Development Agreement, of the installation of at least the following improvements at their own expense for completion within a period of time specified by the Planning Commission and City Council.
  - B. Standards for Improvements. Improvements shall be according to standards and specifications established by the City Council which shall be subject to approval of the City Engineer. Grades shall be subject to approval of the City Engineer.
  - C. Grading and Drainage. Grade all streets, alleys and walks to specified grades, and surface all streets and alleys. Lots must be rough graded with building pads in place. All disturbed soil shall be sodded, seeded, mulched, or stabilized by some other acceptable method to prevent erosion. Stabilization must be completed within seven (7) days on slopes steeper than three to one (3:1), within fourteen (14) days on slopes between ten to one (10:1) and three to one (3:1), and within twenty-one (21) days on slopes flatter than ten to one (10:1). A building pad is the area on a lot within which the principal building will be constructed.
  - D. Water and Sanitary Sewer Distribution Improvements
    - 1) Sanitary sewers shall be installed in accordance with the standards and specifications as required by the City Council and subject to the approval of the City Engineer.
    - 2) Water and water hydrants from City of La Crescent public utilities shall be installed in accordance with the standards and specifications as required by the Public Works Department and subject to the approval of the Public Works Director and review of the Fire Official.
    - 3) Required installation of water mains and sanitary sewers may be waived by the Planning Commission, City Council, and/or the City Engineer, with the approval of the City Council, when extension of the municipal water system would be impractical at such time, and where individual wells are utilized and where lot areas are adequate to afford on-site sewer disposal facilities.

- 4) Schedule. Where water mains, storm and sanitary sewers, or additional drainage facilities are to be installed, the City Engineer may approve a time of completion of certain street improvements after completion of certain of these installations.
- E. Public Utilities. Telephone, electric, cable TV. and/or gas service lines are to be placed underground in accordance with the provisions of all applicable City ordinance. All necessary utility easements must be recorded prior to utility installation.
- F. Sidewalks and Trails. In those cases where the Planning Commission and City Council deems appropriate, concrete sidewalks of not less than five (5) feet in width or bituminous trail of not less than eight (8) feet in width shall be provided in accordance with 13.13.6 of this Ordinance. The Planning Commission and City Council may specifically determine that for pedestrian safety, topography, and/or limited right-of-way reasons that sidewalks are not required in the new subdivision.
- G. Street Improvements.
- 1) The full width of the right-of-way shall be graded in accordance with the provisions for construction as outlined in Section 13.13.5 of this Ordinance, Design Standards.
  - 2) All streets shall be improved in accordance with the standards and specifications for street construction as required by the City Council.
  - 3) All streets to be surfaced shall be of an overall width in accordance with the standards and specifications for construction as approved by the City Council. The portion of the right-of-way outside the area surfaced shall be seeded or sodded by the developer. Temporary seeding of a seed mix approved by the City of La Crescent and mulch will be required on all disturbed areas over winter; by September 1st. Slopes that are three to one (3:1) or greater need wood fiber blankets.
  - 4) Trees and boulevard sodding shall be planted in conformance with the standards and specifications as required by the City Council.
  - 5) Where required, the concrete curb and gutter shall be constructed in accordance to the standards and specifications for street construction as set forth and approved by the City Council.
  - 6) Street signs of the design approved by the City Council shall be installed at each street intersection.

- 7) Driveway approaches and sidewalks of standard design or pedestrian pathways as may be required by the City Council shall be installed.
- 8) Street lighting fixtures as may be required by the City Council shall be installed.
- 9) No street dedications will be accepted which require a crossing of a railroad unless sufficient land as determined by the City Council is dedicated to insure a safe sight distance.
- 10) The minimum requirement for street lighting facilities shall be one (1) eight thousand (8,000) lumen light, or equal, at each street intersection within or abutting the subdivision. At least one (1) street light shall be erected within blocks having a length of six hundred (600) feet or greater and no street light shall be located within two hundred fifty (250) feet of another street light except for white-way areas. Light standards and fixtures shall meet the standards established by the City.

#### H. Monuments.

- 1) Official monuments, as designated and adopted by the Houston County Surveyor's Office and approved by the Houston County District Court for use as judicial monuments, shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City Engineer. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to be indicated, each angle point of the boundary perimeter to be so monumented.
- 2) Proper survey monumentation shall be placed at each lot corner and points of curvature and tangency along street rights-of-way. All Federal, State, County, or other official benchmarks, monuments, or triangular stations or in adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys, shall be shown on the plat. No ditto marks will be permitted in indicating dimensions.
- 3) To insure that all irons and monuments are correctly in place following the final grading of a plat, a second monumentation shall

be in the form of a surveyor's certificate and this requirement shall additionally be a condition of certificate of occupancy as provided for in the City Zoning Ordinance, as may be amended.

- 4) All lot corners and survey control monuments shall be set and in place at the time the plat is recorded. An exception to this requirement may be granted for up to one (1) year by the City Council, provided such approval is made part of the development contract and a financial guarantee in a form determined by the City Attorney is provided.

2. Private Installation of Improvements (Improvements financed by the developer.)

A. Landscaping.

- 1) The developer shall post financial security, as listed in the development agreement and required by the City Council, for the installation of at least (2) trees; one (1) within the front yard of each lot and one (1) in the boulevard. The tree shall have no less than a two (2) inch diameter measure at breast height. Preferred tree species are identified in Section 13.13.5 of this Ordinance. Such tree(s) shall be installed within one (1) year of building permit approval for individual lots and guaranteed for one (1) year after installation.
- 2) The developer shall provide a detailed landscape plan for each required buffer yards. Buffer yard landscaping shall meet the design standards of Section 12.18, Subd. 3 of the La Crescent Zoning Ordinance. Buffer yard landscaping shall be installed within one (1) year of final plat approval and guaranteed for one (1) year after installation.
- 3) The developer shall submit a detailed landscape plan illustrating wetland restoration in conjunction with wetland mitigation plans. All wetland landscaping shall be installed within one (1) year of final plat approval and guaranteed for one (1) year after installation.

B. Tree Preservation

The applicants shall fulfill their obligations to implement the City approved tree preservation plan.



### **13.17 COST OF IMPROVEMENTS**

A subdivider shall finance the cost of improvements, whether such improvements are to be privately or publicly installed. The City shall determine which of these options is to be used. Any proposal for public installation shall be made prior to application for Preliminary plat.

#### 1. Private Installation

- A. Prior to the installation of any required improvements by the applicant and prior to approval of the final plat, the applicant shall enter into a development agreement in writing with the City requiring the applicant/developer to furnish and construct said improvements at their sole cost and in accordance with approved plans and specifications and usual agreement conditions. This shall include provisions for inspection of the construction of the public improvements by the City Engineer and other City staff.
- B. The development agreement shall require the applicant to post a financial security consisting of an escrow deposit, irrevocable letter of credit, or a certified check with the City, guaranteeing performance in accordance with the terms of the development agreement. The type and conditions of the financial security must be reviewed and approved by the City Attorney. The amount of the security is to be based on the project's estimate of the total cost of the improvements to be furnished under the agreement, including but not limited to, sanitary sewer, water main, on-site storm sewer, streets, grading, drainage, wetland mitigation, erosion control, street and traffic signs, street lights, sidewalks, trails, monumentation, engineering, surveying, planning, City administration and legal costs. The project costs must be reviewed by City staff. The security amount shall equal one hundred fifteen (115) percent of the project estimate.
- C. If evidence is presented that the described work and improvements have been paid for, the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.
- D. The schedule for completion of the work described in the final plat and the development agreement shall be determined by the City Council, upon recommendation of the engineer after consultation with the applicant. It shall be reasonable with relation to the work to be done, the seasons of the year, and proper coordination with construction activities in the plat and subdivision.
- E. Improvements shall be constructed only in platted real estate.

- F. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

## 2. City Installation

- A. Any person desiring to have utility and street improvements installed may request the City to install them, if such request is accompanied by a petition of one hundred (100) percent of the land owners and a waiver of assessment appeal, subject to the following conditions and to the approval and authorization thereof by the City Council and as authorized by State law.
- B. If so approved by the City Council, the person requesting the installation of said utility and street improvements shall supply a security approved by the City running to the City guaranteeing payment for the installation of the improvements in an amount based on the City Engineer's estimate of the total cost of the improvements to be installed and to agree in writing that between the time of such petition and the time of the certificates of the special assessments to the County Auditor, there will be no transfer of ownership of any part of the property being platted without first depositing with the City an amount sufficient to cover the estimated portion of such assessment applicable to the lot or parcel of land being transferred. The security amount shall equal five (5) years special assessments held until fifty (50) percent of the project special assessments have been paid. At such time, the City may reduce the amount of security required of the developer in amounts equivalent to subsequent assessments for which payment has been made.
- C. Improvements shall be constructed only in platted real estate.
- D. No applicant/developer shall be permitted to start work on any subdivision improvements without entering into a development agreement and posting a City approved financial security.

### **13.18 DEVELOPMENT AGREEMENT**

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into a development agreement in writing with the City requiring the developer to furnish and construct said improvements in accordance with plans and specifications and usual agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Plans shall include the final approved Preliminary Plat, all associated Grading, Drainage, Utility, Tree Preservation,

and other plans incorporated into the City's approval. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. In addition, the development agreement shall include such other terms and conditions as required by the City. Approval of the development agreement shall be by City Council resolution.

1. The signed development agreement shall be recorded with the final plat and shall be binding upon the developer, his or their heirs, personal representative, and assigns stipulating:
  - A. All improvements called for in the plat, or in any supplementary agreements, to be complete within the time specified by the City.
  - B. Unless approved by the City Council, no private construction shall be conducted on any lots in the plat or filing of applications for building permits for said construction on said lots, until all improvements required under the City regulations for the proposed subdivision have been made or arranged in a manner provided for in this section.
2. The development agreement shall include provisions for construction work inspection by the City and assurance that the developer will conform with current testing requirements and quality control procedures of the City of La Crescent. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
3. The development agreement shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements as provided in Section 13.17 of this Ordinance.
4. A time schedule for completion of the work shall be determined by the City upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
5. The development agreement shall include action remedies in the event of default including:
  - A. The City may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.
  - B. The City reserves the right to withhold building permits for violation of any terms of the development agreement.

### **13.19 CONSTRUCTION PLANS**

Construction plans for the required improvements shall conform in all respects with all applicable ordinances and standards of the City. Construction documents shall be prepared, at the expense of the developer, by a licensed professional who is registered in the State of Minnesota, and said plans shall contain his certification. Such plans, together with the quantities of construction items, shall be submitted to the City Engineer for his approval and for his estimate of the total cost of the required improvements. Upon approval, they shall become a part of the development agreement. A minimum of five (5) copies of the construction plans shall be furnished to the City for City Engineer review and approval. Additional copies may be required by the City.

### **13.20 MAINTENANCE OF IMPROVEMENTS**

The developer shall be required to maintain all improvements in the subdivision or on the individual subdivided lots and provide for snow removal and maintenance of streets, if required, until acceptance of said improvements by the City Council in coordination with the development agreement.

### **13.21 VIOLATIONS – WITHHOLDING BUILDING PERMITS**

The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to fine or imprisonment or both, as set forth in Minnesota Statutes plus, in either case, the cost of prosecution.

1. If Parcel Does Not Meet Zoning Regulations, Etc. Regardless of approval of a subdivision plat as provided herein, no building permit shall be issued for a building within the City of La Crescent on a lot or parcel inadequate with respect to zoning, or other applicable regulations, or inadequate in any other respect. No permit shall be for a building or use on a lot or parcel of land subject to flood or storm water overflow, without adequate provision for drainage and protection against flooding.
2. Sewer and Water Facilities Required. No permit shall be issued for a building permit not served by sanitary sewer and City water unless the application, therefore is accompanied by plans or proposals for water supply and for waste and sewage disposal approved by the City Engineer or a qualified sanitarian as being sanitary and in accordance with acceptable standards and specifications for such installations.

3. Sale of Lots from Unrecorded Plats. It shall be misdemeanor to sell, trade, or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance, unless said plan, plat or replat shall have first been recorded in the Office of the Recorder of Houston County.
4. Receiving or Recording Unapproved Plats. It shall be unlawful for a private individual to receive or record in any public office any plans, plats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon, be endorsement or otherwise, the approval of the City Council.
5. Misrepresentations. It shall be a misdemeanor for any person owning an addition or subdivision of land within the City to represent that any improvement upon any of the streets, alleys or avenues of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the City Council, or has been supervised or inspected by the City, when such improvements have not been so constructed, supervised or inspected.

### **13.22 PENALTY**

Violations of the provisions hereof shall be misdemeanors and upon conviction, punishable according to the laws of the State of Minnesota. These regulations are likewise enforceable by civil action, at law or in equity.

### **13.23 APPLICATION TO CITY PERSONNEL**

The failure of any officer or employee of the City to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

### **13.24 INJUNCTION**

In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of an approval issued pursuant to this Ordinance, the City,

in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

### **13.25 SEVERABILITY**

Every section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other properties, buildings or structures.

### **13.26 SUPREMACY**

When any condition imposed by a provision of this Ordinance on the use of land or building or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other City ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, or covenants relating to the use of land within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, covenant or the provision of any private agreement, the provisions of this Ordinance shall prevail.