

LA CRESCENT TOWNSHIP SUBDIVISION REGULATIONS

SECTION 1 ~ PREAMBLE

0101 PURPOSE

The Subdivision Ordinance of La Crescent Township sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provision of this Ordinance are designed to accomplish the following.

Subdivision 1. Health, Safety and Welfare. To assure that all lands to be developed will provide for the health, safety and general welfare of the public by requiring necessary services such as properly designed streets and adequate sewage and water service.

Subd. 2. Natural Resources Protection. To assure that the natural resources and **environmentally sensitive** areas of the Township are protected from pollution and erosion as the result of land use activities.

Subd. 3. Development Standards. To establish development standards that will assure well-planned subdivisions of land.

Subd. 4. Public Services. To assure that the development includes provisions for transportation, public facilities, and other public services.

Subd. 5. Public Funds. To assure that the cost of improvements is assessed to the development and not assessed against the local tax base.

Subd. 6. Land Records. To provide accurate land records by the establishment of standards for surveys and plats.

SECTION 2 ~ TITLE AND SHORT TITLE

0201 TITLE

Provided by Minnesota Statutes, Section 462.358 inclusive, and Section 505 the Town Board of La Crescent Township ordains the La Crescent Township Subdivision Ordinance.

0202 SHORT TITLE

The "La Crescent Township Subdivision Ordinance;" when referred to herein, shall be known and may be cited as "this Ordinance."

SECTION 3 ~ IMPLEMENTATION

0301 JURISDICTION

This Ordinance shall govern the platting, subdivision, and re-subdivision of all unincorporated land within the Township.

Subdivision 1. Subdivisions of Record. Except in the case of re-subdivision of land, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Land Record Office prior to the effective date of this Ordinance.

Subd. 2. Dual Jurisdiction. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this Township and the other municipality or municipalities concerned.

0302 INTERPRETATION

When interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

0303 CONSISTENCY

All subdivisions of land shall be consistent with the township's official map if one exists, its zoning ordinance, other official controls and the comprehensive plan.

0304 ABORGATION OF GREATER RESTRICTIONS

Where the provisions of any statute, ordinance, regulation, or recorded covenant, contract or deed, impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, regulation or recorded covenant, contract or deed, shall be controlling.

0305 SEPARABILITY

If any clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

0306 AMENDMENTS

The provisions of this Ordinance may be amended by the La Crescent Township Board.

0307 SUITABILITY FOR DEVELOPMENT

No land shall be subdivided into lots for development unless each lot has the required buildable area as defined in Part 0402 of this Ordinance.

0308 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

Before any plat shall be recorded or be of any validity, it shall be approved by the La Crescent Township Board as having fulfilled the requirements of this Ordinance. Where any municipality has adopted extra-territorial subdivision platting regulations as provided by State Law, any proposed plat lying within two miles of the municipality shall also be submitted to and approved by the municipality.

0309 COMPLIANCE

No plat of any subdivision shall be entitled to record in the Houston County Recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Ordinance.

0310 BUILDING LOCATION PERMITS

No Building Location Permit shall be issued by the La Crescent Township Board for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been fully complied with.

0311 ADMINISTRATION

This Ordinance shall be administered by the La Crescent Township Zoning Administrator.

SECTION 4 ~ RULES AND DEFINITIONS

0401 WORD USAGE AND RULES

Subdivision 1. Mandatory and Permissive Terms. For the purpose of this Ordinance, words used in the present tense shall include the future tense; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the words "parcel" and "plot"; the words "shall" and "will" are mandatory and not discretionary; and, the words "should" and "may" are permissive.

Subd. 2. Conflicting Provisions. In the event of conflicting provisions in the text of this Ordinance, the more restrictive provision shall apply.

0402 DEFINITIONS.

For the purpose of this Ordinance, the terms defined in this Section have the meanings given them.

Alley. A minor way which is used primarily for secondary vehicular service access to the back of a lot.

Arterial Street. A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

Attorney. The Attorney employed by the Township unless otherwise stated.

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

Bluff. A topographic feature such as a hill or embankment having the following characteristics:

1. The slope rises at least 25 feet above the ordinary high water level of the body of water in Shoreland.
2. The grade of the slope averages 24 percent or greater.
3. An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.

Bluff Impact Zone. Means land located within 20 feet from the top of a bluff.

Board. The La Crescent Township Board of Supervisors.

Boulevard. The street right-of-way located between the curb line and property line.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance and which has 150 foot frontage on an improved and maintained public road. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

1. Area of a slope in excess of twenty-four (24) percent.
2. A shoreland impact zone as defined by this Ordinance.
3. Protected waters as defined in this Ordinance.
4. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

Butt Lot. A lot at the end of a block and located between two (2) corner lots.

Cluster Development. A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.

Collector Street. A street which carries traffic from local streets to arterial streets.

Community. La Crescent Township, Minnesota.

Comprehensive Plan or Policies Plan. “Comprehensive Plan” means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitutes the guide for the future development of the Township.

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

Copy. A print or reproduction made from a tracing.

Corner Lot. A lot bordered on at least two (2) sides by streets.

County. Houston County, Minnesota.

County Board. The Houston County Board of Commissioners.

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

Cul-de-sac. A turn around with only one outlet.

Development. The act of building structures and installing site improvements.

Double Frontage Lots. Lots which have a front lot line abutting on one street and a back or rear lot line abutting on another street.

Drainage Course. A water course or indenture for the drainage of surface water.

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

Engineer. The registered engineer employed by the County unless otherwise stated.

Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Township Board for approval and which, if approved, will be submitted to the County Recorder.

Flood Plain. The beds proper and the areas adjoining a wetland, lake or stream which have been, or hereafter may be covered, by the regional flood.

Governing Body. The La Crescent Township Board of Supervisors.

Hardshell. Refers to the white mat card stock on which a final plat is prepared and when appropriate signatures are affixed, is presented to the County Recorder for official recording.

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

Local Street. A street of limited continuity used primarily for access to abutting properties and the local need of a neighborhood.

Lot. A parcel of land occupied or to be occupied by a principal structure or group of structure and accessory structures together with such yards, open spaces, lot width and lot area as are required by the Zoning Ordinance, and having its principal frontage upon a public street or officially approved access.

Lot Area. The area located within the lot lines. Lot area must conform to the lot area standards stated in the Zoning Ordinance.

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

Minimum Subdivision Design Standards. The guides, principles, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of various elements set forth in the plan.

Mylar. A reproducible copy of the plat which is produced by a photographic process.

Natural Waterway. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

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

Pedestrian Way. A public right-of-way across or within a block to be used by pedestrians.

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

Planning Agency. The organization of the La Crescent Township planning commission or zoning administrator.

Plat. A map or drawing which graphically delineates the boundary of parcels of land for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all applicable Minnesota State Laws.

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision.

Private Street. A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties. Private streets may not be petitioned to become public right-of-ways unless they comply with the all applicable provisions of this Ordinance.

Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use such as land over which essential service utilities pass.

Right-of-Way Width. The shortest distance between the lines delineating the right-of-way of a street.

Service Street. Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties.

Shore Impact Zone. Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.

Sketch Plan. A drawing showing the proposed subdivision property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, land, place or however otherwise designated.

Street Width. The shortest distance between the lines delineating the surface area of a street.

Subdivider. Any person or persons commencing proceedings under this Ordinance to effect a subdivision of land for themselves or for another.

Subdivider's Agreement. A written agreement, signed by the subdivider, which sets forth a schedule for the completion of improvements and such other issues, as determined by the Planning Agency, that relate to the subdivision of property.

Subdivision. For the purpose of this Ordinance, the term "Subdivision" includes the following:

1. A described tract of land which is to be or has been divided into two or more lots or parcels, for the purpose of transfer of ownership or building development.
2. Any division of a parcel of to land in which a new street or road is involved.
3. The term shall also include the re-subdivision of land.
4. Where it is appropriate to the context, the term relates either to the process of subdividing, or to the land that has been subdivided.

Surveyor. A registered land surveyor.

Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Tracing. A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Utilities. Shall refer to all utility services, whether they are public municipally-owned facilities or furnished by private utility companies. The term "Utilities" does not include those, which by regulation, have been placed under the exclusive jurisdiction of the State or Federal Government.

Zoning Ordinance. An official control, adopted by a majority of the Township Board of Supervisors, to regulate land use within the Township.

SECTION 5 ~ PLATTING PROCEDURE

0501 PLATTING REQUIRED

All subdivisions which create five or more lots or parcels which are 2-1/2 acres or less in size shall be platted.

0502 APPLICATION MEETING

Subdivision 1. Identification of Issues and Concerns. Prior to the filing of an application for conditional approval of a preliminary plat, the subdivider shall meet with, the County Zoning Administrator, the Township Zoning Administrator, the County Engineer, and the County Soil and Water Conservation District. The purpose of these meetings is to identify any issues or concerns associated with the proposed plat.

Subd. 2. General Sketch Plan. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should include at least the following:

- 1. Existing Facilities.** The relationship of the proposed subdivision to existing community facilities that would serve it.
- 2. Neighboring Development.** The relationship to neighboring subdivisions and development.
- 3. Site Topography.** The relationship to the topography of the site.
- 4. North Arrow.**

0503 PRELIMINARY PLAT PROCEDURE.

Subdivision 1. Application General. After the pre-application meeting, and at least forty-five (45) days prior to the meeting at which it is to be considered, the sub-dividers or owners shall file nine (9) copies of a preliminary plat together with the required application fees with the Zoning Administrator.

Subd. 2. Preliminary Plat Distribution. Upon receiving an application for preliminary plat, but at least forty (40) days before the scheduled public hearing, the Zoning Administrator shall refer copies of the preliminary plat for review and comment as follows:

- 1. County Board.** To the County Board for comment.
- 2. County Engineer.** To the County Engineer and Surveyor for comment.

3. SWCD. To the SWCD for comment.

4. Municipality. To any municipality within two (2) miles of the proposed plat for comment.

5. MNDOT. To the Minnesota Department of Transportation if the proposed plat abuts, or has access to a State Highway for comment.

6. DNR. If the proposed subdivision is wholly or partially located in either Shoreland or Flood Plain Districts, copies shall be submitted to the Commissioner of Natural Resources for review and comment.

7. Coordinator 911. To the 911 coordinator for assignment of street numbers and comment.

Subd 3. Deadline for Comments on the Proposed Plat. All comments regarding the plat shall be returned to the Township Zoning Administrator within 30 days, but in no case, not less than ten (10) days before the scheduled Planning Commission public hearing.

0504 PUBLIC HEARING ON PRELIMINARY PLAT

Subdivision 1. Public Hearing Required by Statute. Within forty-five (45) days after the plat has been filed and after reports and certifications have been received as requested, the Township Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law.

0505 REPORT TO TOWN BOARD ON PRELIMINARY PLAT

Subdivision 1. Planning Commission Report. Within fifteen (15) days of the date of the public hearing, the Planning Commission shall make its report to the La Crescent Township Board.

Subdivision 1. Findings Required. The Township Planning Commission and the Township Zoning Administrator may forward to the Township Board a favorable, conditional or unfavorable report and the reports shall contain a statement of findings and recommendation.

0506 TOWN BOARD ACTION ON PRELIMINARY PLAT

Subdivision 1. Township Board Action. The La Crescent Township Board shall, within sixty (60) days act to approve or disapprove the preliminary plat. If the Township Board disapproves the preliminary plat, the grounds for such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.

1. In no instance may the time from which the preliminary plat was filed with the Township for review, and the date of the final action by the Township Board exceed one hundred and twenty (120) days unless an extension of the review period has been agreed to by the applicant.

Subdivision 1. Authority to Prepare Final Plat. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the plat and this Ordinance.

Subd. 2. Engineering Plans Required. During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

Subd. 3. Certain Findings Require Denial of Preliminary Plat. In the case of all subdividers, the Planning Commission shall recommend denial of, and the Town Board shall deny, approval of a preliminary plat if it makes any of the following findings:

1. That the proposed subdivision is in conflict with adopted applicable general and specific plans of La Crescent Township.
2. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of La Crescent Township.
3. That the physical characteristics of the site, including but not limited to topography, vegetation, 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 or use contemplated.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgement of a court.

0507 FINAL PLAT PROCEDURE

Subdivision 1. Timely Submission of Final Plat. The owners or sub-dividers shall file eight (8) copies of the final plat with the Zoning Administrator. If this is not done within ninety (90) days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Board.

Subd. 2. Abstract or Title of Registered Property Required. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.

Subd 3. Must Incorporate All Changes Recommended on the Preliminary Plat. The final plat shall have incorporated all changes recommended by the Planning Agency and County Engineer, County Surveyor, and Township Board regarding roads, and the County Board as to conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this Ordinance.

Subd. 4. Final Review by Planning Commission and Agencies. Upon determining that all required changes have been incorporated into the final plat and related documents, the Zoning Administrator shall accept the final plat and refer an appropriate number of copies of the final plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the Town Board within thirty (30) days of the date of submission of the plat and the Town Board shall act on the final plat within sixty (60) days of the filing of the final plat for approval.

Subd. 5. Recording the Final Plat. Upon approval of the final plat by the La Crescent Town Board, the subdivider shall record the final plat with the County Recorder, as provided for by that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void.

Subd. 6. Copies of Plat and Evidence of Recording. The subdivider shall, within thirty (30) days of recording, furnish the Zoning Administrator with three black line prints and a reproducible print or mylar of the final plat showing evidence of the recording.

Subd. 7. Notification of the Commissioner of Natural Resources. Copies of all plats within Flood Plain and Shoreland Districts approved by the Township shall be submitted to the Commissioner of Natural Resources, within ten (10) days of approval by the Town Board.

0508 EFFECT OF SUBDIVISION APPROVAL

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

Thereafter, pursuant to its regulations, the governing body may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application.

In connection with a subdivision involving planned and staged development, the governing body may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

SECTION 6 ~ PRELIMINARY AND FINAL PLAT PREPARATION

0601 GENERAL INFORMATION FOR PRELIMINARY PLAT

The following information must be included with the preliminary plat.

Subdivision 1. Name of the Subdivider and Surveyor. The name, address and telephone number of the subdivider and surveyor or engineer preparing plat.

Subd. 2. Proof of Ownership. Proof of ownership, or sufficient interest in property to legally make the application.

Subd. 3. Location of Plat. Location of the plat by quarter, quarter section, section, town and range.

Subd. 4. Abstract of Title or Registered Property Certificate. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and current Title Opinion.

Subd. 5. Subdivision and Street Names. Proposed subdivision name and all intended street names. The proposed names shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County and the name must have approval of the Zoning Administrator.

Subd. 6. Key Map. A Key Map as defined in this Ordinance including area within one (1) mile radius of plat.

0602 PRELIMINARY PLAT DRAWING AND SCALE.

The preliminary plat shall be drawn on suitable tracing paper, mylar, or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one-hundred (100) feet equals one (1) inch. Legible reproductions of said drawing may be submitted to the Planning Commission for purposes of receiving conditional approval.

0603 EXISTING INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

Subdivision 1. Exterior Boundaries. Length and bearings of the exterior boundaries of the land being subdivided.

Subd. 2. Total Acreage of Plat. Total acreage of land to be subdivided.

Subd. 3. Existing Zoning. Existing zoning classifications for land within and abutting the subdivision.

Subd. 4. Boundary Lines of Adjacent Property. Boundary lines of adjoining subdivided or non-platted land, within one hundred fifty (150) feet. Identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

Subd. 5. Date, Cardinal Point and Scale. Include the date of preparation of the plat, the north point and graphic scale to which the plat is drawn.

Subd. 6. Topography. Topographic information, unless otherwise approved by the Planning Agency because of site specific conditions, shall show the contour as follows:

1. Two (2) foot intervals where the slope is seven (7) percent or less.
2. Five (5) foot intervals where the slope is from seven (7) to fifteen (15) percent.
3. Ten (10) foot intervals where slope is greater than fifteen (15) percent.
4. Twenty (20) foot intervals of all areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated.

Subd. 7. Existing Street, Easements and Other Physical Features. The location, widths, and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Planning Agency within the area being subdivided and within one hundred (150) feet of the exterior boundaries of the area being subdivided.

Subd. 8. Existing Utilities and Drainage Features. The location, size, capacity of agricultural tiles, abandoned wells, that can be reasonably determined, and existing storm drainage, sewer, water, utility facilities including poles, and utilities stubbed into the property.

Subd. 9. Elevations of Adjoining Lakes, Rivers and Streams. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall be referenced to a durable benchmark described on the plat together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such bench mark with known sea level datum is available within one-half mile, or such longer distance as may be practicable.

Subd. 10. Boundaries of Water Related Features. Waterways, watercourses, and lakes, with ordinary high water level, and delineated wetlands, floodway and flood fringe zones.

Subd. 11. Riparian Survey Line. When the subdivision borders a lake, river or stream, a survey line shall be established and shown at an elevation four (4) feet above the recorded high water elevation of the lake, river or stream.

Subd. 12. Near-shore Aquatic Conditions. In shoreland areas, information shall be submitted regarding near-shore aquatic conditions including depth, types of bottom sediments and aquatic vegetation.

Subd. 13. Bluffs. The toe and top of any bluffs present.

0604 PLAT DESIGN FEATURES

Subdivision 1. New Streets, Right-of-Ways and Easements. The layout and width of all new streets, rights-of-way and easements, whether public or private, shall show the right of way widths, centerline gradients, typical cross section, and proposed names of streets. The name of any street heretofore used in the County or its environs shall not be used unless the proposed street is a logical extension of an already named street in which event the same name shall be used.

Subd. 2. Curved Features. Approximate radii of all curves and lengths of all tangents.

Subd. 3. Pedestrian Ways. Locations and widths of proposed pedestrian ways.

Subd. 4. Lots and Blocks. Layout, numbers and preliminary dimensions of lots and blocks.

Subd. 5. Building Setback Lines. Minimum front and side street building setback lines.

1. When lots are located on a curve, show the width of the lot at the building setback line shall be shown.

Subd. 6. Sewage Treatment System Easements. Show the location of easements for two sites suitable for on-site individual sewage treatment systems for each lot except where there is an improved central sewage treatment system.

Subd. 7. Water Drainage and Related Easements. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies including storm-water storage areas.

Subd. 8. Potable Water Supply. A water feasibility study shall also be required to determine if water is readily available. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells, or public community water supply wells.

Subd. 9. Reservation of Property for Public and Semi-public Use. Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development, including the size of such area or areas in acres, with a statement of the conditions of such dedication or reservation.

0605 DEDICATION OF PUBLIC SITES AND OPEN SPACES

Subdivision 1. Dedication For Public Use Or Other Open Space Required. All new subdivisions shall dedicate land for public use such as parks, playgrounds or other open space use according to the following types of subdivision:

1. Residential subdivision of up to ten (10) dwelling units per gross acre - five (5) percent of the total gross area.

2. Residential subdivision in excess of ten (10) dwelling units per gross acre - seven (7) percent of the total gross area.

3. Commercial and industrial subdivision - five (5) percent of the gross area.

Subd. 2 New Subdivision. The term "new subdivision" shall not apply where property lines are being surveyed for the purpose of correcting previous descriptions, situations where individuals are buying and/or selling land only to increase their yard space for individual properties or the resubdivision of an area where a previous dedication was made.

Subd. 3. Payment In-lieu. When in the judgment of the Planning Agency, a subdivision is of insufficient size to include an area for park and playground, the owner or subdivider, in lieu of property dedication, shall pay to the Township a sum of money equal to the required dedication percentage multiplied by the gross value of the subdivision.

1. The gross unimproved value of the subdivision shall be determined in accord with the intended use of the property. The Township shall request the County Assessor to establish a market value on the proposed use minus any improvements.

2. Payment to the Township of the required open space dedication, whether in dedicated property moneys, shall be accomplished by the property owner or subdivider at the time of final platting, provided further that where money in lieu of land is to be paid to the Township, such money may be paid in a manner established by policy of the governing body.

3. In no case shall the plat be signed or building permit issued for any lot within the subdivision until such transfer of land or payment in lieu of land has been completed.

4. Any money paid to the Township shall be placed in a special fund to be used for the acquisition of land for parks and playgrounds only.

0606 ADDITIONAL PLANS AND INFORMATION

Subdivision 1. Use of Lots. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

Subd. 2. Potential for Re-subdivision of Large Lots. Potential re-subdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.

Subd. 3. Relationship to Potential Future Subdivisions. Where the subdivider owns property adjacent to that which is being proposed for the subdivision. The Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

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Subd. 4. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas.

Subd. 5. Soil Analysis. A soil analysis obtainable from the United States Department of Agriculture, Soil Conservation Services, when requested.

Subd. 6. Soil Borings. Minimum of two deep soil borings for each major soil type, or additional borings as required by the Planning Agency to address specific geological conditions.

Subd. 7. Percolation Test. Minimum of two percolation test per lot, or additional test as required by the Planning Agency to address specific geological conditions.

Subd. 8. Community Sewage Disposal System. An engineering feasibility report for the installation and operation of community type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.

Subd. 9. Storm Drainage Plan. Grading and storm drainage plans showing how the site will be graded.

Subd. 10. Soil Erosion and Sediment Control. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design velocity and erosion control measures, and landscaping of the erosion and sediment control system.

Subd. 11. Vegetation Preservation Plan. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

Subd. 12. Restrictions and Covenats. Documents outlining the content of proposed restrictions, covenants, and establishment of homeowners' associations in sufficient detail to review.

Subd. 13. Other Information. Such other information as may be requested by the Zoning Administrator or Planning Commission.

0607 DATA FOR FINAL PLAT

Subdivision 1. General. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of State Statutes and this Ordinance.

Subd. 2. Surveying Requirements. Surveying requirements of the final plat shall be under the regulation of the Houston County Surveyor and/or Engineer.

Subd. 3. Existing Utilities. The subdivider or owner shall provide a map showing location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty (150) feet beyond. Such data as

grades, invert elevations, and locations of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

Subd. 4. Existing and Proposed Easements. The subdivider or owner shall prepare a map showing all existing and proposed easements and private restrictions.

Subd. 5. Title Opinion Required. Title opinion by a practicing attorney at law based upon an examination of an abstract of the records of the Houston County Recorder for the lands included within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with County Recorder.

Subd. 6. Execution of Interest in Land by All Owners. Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the Responsible Government Unit of sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney.

0608 CERTIFICATIONS

The certifications shown below shall be included on the final plat and signed by the applicable official in black ink, (not a ball point pen), as follows:

Subdivision 1. Certifications. Certifications in the form shown below shall be included on the final plat and signed by the applicable official in black ink, (not a ball point pen), as follows:

1. County Engineer:

Checked and approved this plat.

Dated this ____ day of _____ A. D. 20 ____.

Houston County Engineer :

2. County Surveyor:

Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this ____ day of _____ A. D. 20 ____.

Houston County Surveyor

3. County Auditor.

I hereby certify that there are no delinquent taxes and/or special assessments.

Dated this ____ day of _____ A. D. 20 ____.

Houston County Auditor

4. County Treasurer

I hereby certify that the current taxes have been paid.

Dated this ____ day of _____ A. D. 20 ____.

Houston County Treasurer

5. Planning Commission Chairperson:

Checked and approved as in compliance with the La Crescent Township Zoning Ordinance and Subdivision Regulations.

Dated this ____ day of _____ A. D. 20 ____.

Chairperson, La Crescent Township Planning Commission

6. Form for approval by County Board of Commissioners:

Approved by Houston County Board of Commissioners this ____ day of _____ A. D., 20____ .

Chairperson, Houston County Board of Commissioners

Attest: _____
County Auditor

7. Form for approval by La Crescent Township Board:

Approved by the La Crescent Town Board this ____ day of _____ A. D. 20 ____.

Chairperson, La Crescent Town Board

8. Form for approval by the Township Attorney:

I hereby certify this plat as to form and execution.

Dated this ____ day of _____ A. D. 20 ____

La Crescent Township Attorney

9. County Recorder:

Document Number _____.

I hereby certify this instrument was filed in the office of the County Recorder for record on this ____ day of _____ 20____ at ____ o'clock __.M., and was duly recorded in Book ____ of ____ on ____ page.

County Recorder, Houston County

SECTION 7 SUBDIVISION DESIGN STANDARDS

0701 GENERAL REQUIREMENTS

Subdivision 1. Standards of Review. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the Township, the County and the best use of the land being subdivided.

Subd. 2. Planning Considerations for Streets. The arrangement, character, extent, width and location of all streets shall be considered in their relation to the following:

1. Existing and planned streets.
2. Reasonable circulation of traffic.
3. Topographic conditions.
4. Runoff of storm water.
5. Public convenience and safety.
6. The appropriate relation to the proposed uses of the land to be served by such streets.

Subd. 3. Continuation of Existing Streets From Adjoining Areas. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas.

Subd. 4. Projection of New Streets Into Adjoining Areas. Where adjoining land is not subdivided, but areas may be subdivided in the future, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

0702 STREETS AND HIGHWAYS

Subdivision 1. Right of Way Widths. The following minimum right of way widths shall be followed on all streets and highways.

Arterial Highway	100 feet
Collector Highway	66 feet
Local Streets and Roads	60 feet
Service Access Roads	50 feet
Alley	30 feet
Pedestrian Way	10 feet

Exceptions. Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of rights of way, they shall be required. Right of way, widths for major inter-city highways shall meet standards established by the Minnesota State Highway Department.

Subd. 2. Street Grades. The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Arterial Highways	10 percent
Collector Highways	10 percent
Local Streets and Road	10 percent
Alley	10 percent

In addition, there shall be a minimum grade on all roads and highways of not less than five tenths (5/10) of one (1) percent.

Subd. 3. Road and Highway Alignments. The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

1. Horizontal. Radii of curves from the center line:

Arterial Highways	500 feet
Collector Highways	300 feet
Local Streets and Roads	100 feet

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

2. Vertical. Changes in street grades shall be connected by vertical parabolic curves of such lengths as follows:

Arterial Highways	150 minimum
Local Streets and Roads	50 minimum

Subd. 4. Street Intersections. Insofar as practical, streets and highways shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees.

1. Intersections having more than four corners shall be prohibited.

2. Adequate land for future intersection and interchange construction needs shall be dedicated.

Subd. 5. Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.

Subd. 6. Deflections. When connecting 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:

Arterials	500 feet
Collectors	300 feet
All Other Streets	100 feet

The Planning Commission may allow greater or lesser sight distances at the recommendation of the County Engineer.

Subd. 7. Street Jogs. Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.

Subd. 8. Local Streets. Minor streets shall be laid out so their use by through traffic is discouraged.

Subd. 9. Cul-de-sac. The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.

Subd. 10. Access to Arterial Streets. In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and established crossroads where possible.

Subd. 11. Platting of Small Tracts Fronting on Arterial Streets. In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrance and where access from such plat would be closer than one-fourth (1/4) mile from an existing access point, a Temporary Entrance Permit may be granted.

1. Provision shall be made in such plats for connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, the such Temporary Entrance Permits shall become void.

Subd. 12. 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 such instances, the dedication of a half street may be permitted. The estimated length of time elapsing before dedication of the remainder of the street shall be considered in this decision.

Subd. 13. Private Streets. Private streets may be permitted, if they conform to the same standards as public streets.

Subd. 14. Hardship to Owners of Adjoining Property. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

0703 BLOCKS

Subdivision 1. General. The length, width and acreage of blocks shall provide for convenient access, circulation, control and safety of street design.

1. Blocks may not be longer than 1300 feet nor shorter than 300 feet unless both the Zoning Administrator and Highway Engineer agree that an exception is warranted.

Exceptions may be warranted to foster design originality provided that such exceptions do not violate sound planning principles.

2. Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks and other destinations.

Pedestrian ways shall be at least ten (10) feet wide and shall be located to minimize intersections with streets.

Subd. 2. Block Width. The width of blocks shall normally be sufficient to allow two (2) tiers of lots of appropriate depth.

1. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

0704 LOTS

Subdivision 1. Lot Size. The lot dimensions shall comply with the minimum lot sizes specified in the Zoning Ordinance.

Subd. 2. Location of Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

Subd. 3. Lot Grading and Drainage. Lots shall be graded to provide drainage away from building locations.

Subd. 4. Natural Features. In the subdividing of any land, consideration shall be given to the preservation of natural features, such as tree growth, wetlands, steep slopes, water courses, historic interest, or similar conditions. Plans shall preserve those which will add attractiveness, safety and stability to the proposed development.

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Subd. 5. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Subd. 6. Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.

0705 SEWAGE TREATMENT

For proposed plats in rural areas, the size and relative location of Individual Sewage Treatment Systems shall be governed by Part 2822 of the La Crescent Township Zoning Ordinance.

0706 TREE REMOVAL AND CONSERVATION OF VEGETATION

The standards contained in Part 2818 of the La Crescent Township Zoning Ordinance shall be applicable to all subdivisions.

0707 EROSION AND SEDIMENT CONTROL

The erosion and sediment control standards in Section 24 of the La Crescent Township Zoning Ordinance shall be applicable to all subdivisions.

0708 EASEMENTS

All easements shall be dedicated by appropriate language on the plat as required by Section 505.02, Subdivision 2, M.S.A.

Subdivision 1. Easements Provided for Utilities. Easements at least twelve (12) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment from block to block.

Subd. 2. Easement for Two Soil Treatment Areas Required. All lots created after January 23, 1996, shall include at least two designated soil treatment areas which can support an Individual Sewage Treatment System, or must be connected to an approved community sewage treatment system.

Subd. 3. Drainage Easements. Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient, to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. 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.

0709 STEEP SLOPES

Subdivision design shall be consistent with limitations presented by steep slopes.

0710 SUBDIVISIONS WITHIN THE FLOOD PLAIN DISTRICTS

All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation.

SECTION 8 ~ IMPROVEMENTS REQUIRED

0801 IMPROVEMENTS LISTED AND DESCRIBED

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances.

0802 MONUMENTS

Monuments of permanent character, as required by Section 505.02, M.S.A., shall be placed in each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerlines.

0803 CONSTRUCTION OF ROADS AND STREETS

Subdivision 1. Width of Roadway Paving. Roads or streets shall be paved with a bituminous layer twenty-four (24) feet wide and cul-de-sacs shall be paved within a fifty (50) foot radius measured from the center of the cul-de-sac to the outside edge of the driving lane.

Subd. 2. Roadway Base Construction. The Township Board shall decide which of the following roadway base construction shall be used.

1. Two Inch Bituminous. For roadway base with 2-inch bituminous, the paved portion shall have a twelve (12) inch compacted base of coarse crushed limestone and paved with a 2-inch bituminous layer to provide a road of 7-ton design.

2. Double Bituminous Seal Coat. For a roadway base with a double bituminous seal coat, the paved portion shall have a fourteen (14) inch compacted base of coarse crushed limestone and paved with a double layer of bituminous seal coat to provide a road of 7-ton design.

Subd. 3. Roadway Shoulder Construction.

1. Residential Subdivisions. In residential subdivisions a one (1) foot wide shoulder shall be constructed adjacent to each side of the paved road consisting of a twelve (12) inch compacted base of coarse crushed limestone and paved with a two (2) inch bituminous layer.

2. Commercial Subdivisions. In commercial subdivisions a three (3) foot wide shoulder shall be constructed adjacent to each side of the paved road consisting of a fourteen (14) inch compacted base of coarse crushed limestone,

Subd. 4. Road Ditch Construction. Ditch slope from the shoulder to the ditch shall be a minimum of 3-to-1 slope and the back slope from the ditch toward the right of way shall be a minimum of 2-to-1.

Subd. 5. Roadway Paving Delay. The subdivider may postpone installation of paving until sixty (60) percent of the lots within the subdivision have been developed, but in all cases paving must be completed within a maximum period of thirty (30) months after development has begun.

Subd. 6. Erosion Control. All areas disturbed during construction of streets or roadways except the paved width and gravel shoulders shall be fertilized, seeded, and mulched. The developer is responsible for the necessary repairs and reseeding and/or mulching until a uniform thatch is obtained.

0804 SIDEWALKS

Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.

0805 WATER SUPPLY

Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of land constructing of the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

Subdivision 1. Municipal Services Not Practical. Where a municipal connection is determined to be unfeasible, the subdivider shall either:

1. Install a system providing each lot with an adequate supply of potable water; or,
2. State on the final plat that purchasers of individual lots will be required to install their own approved wells.

0806 STREET LIGHTING

Street lighting of a type approved by the community may be required at all intersections within the subdivision.

0807 SEWAGE TREATMENT

Subdivision 1. Sanitary Sewer Required When Available. Sanitary sewer mains and service connections shall be installed to serve all the lots in the subdivision and shall be connected to the public system when reasonably available.

Subd. 2. Temporary Sewage Treatment Plant May Be Required. When a subdivision cannot be connected immediately to a trunk line of the community system, but in the opinion of the County Engineer, a trunk line will be extended to serve the area within five years through the

Parts 0807-0810

community disposal system, the Township may require that sewer mains and service connections be installed within the subdivision and the entire system connected to a temporary package sewage treatment plant.

Subd. 3. Individual Sewage Treatment Systems. In areas being platted for rural estate development with large lots, individual on-site sewage treatment facilities shall be provided for each lot and include the following:

1. The subdivider or owner shall be required to provide appropriate soil borings and percolation tests to determine proper sewage system design.
2. Where Individual Sewage Treatment Systems are to be installed, the standards in Part 2822 of the Zoning Ordinance shall be applicable.
3. On site sewage treatment facilities shall be located to permit easy and the least expensive connection to the sewer when it becomes available and useable.
4. Where such on-site units are installed, the subdivider shall provide underground plumbing to extend three (3) feet beyond the footing, which plumbing shall be plugged.
5. The area around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the public sanitary sewer system.

0808 DRAINAGE

A system that will adequately take care of the surface water runoff within the subdivision shall be provided.

Subdivision 1. Storm Sewers and Culverts. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets.

Subd. 2. Cross Drains. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes.

Subd. 3. Erosion Prevention. Drainage ditches shall be sodded to prevent erosion.

0809 STREET SIGNS

Street signs of standard design approved by the Town Board shall be installed at each intersection.

0810 PUBLIC UTILITIES

All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

SECTION 9 ~ PAYMENT FOR INSTALLATION OF IMPROVEMENT

0901 GENERAL

The required improvements to be furnished and installed by the subdivider, which are listed in the Subdivider's Agreement, are to be paid for by the subdivider, except as follows:

Subdivision 1. Public and Privately Jointly Funded Improvements. In the case of an improvement, the cost of which normally would be assessed in part to the improved property and the remaining cost to be paid out of general tax levy. The Township Board may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the public.

Subd. 2. Cost of Improvements May Be Assessed to Benefiting Properties. If any improvement installed within a subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Township Board may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same. In such case the subdivider will be required only to pay for such portions of the whole cost of the improvements as will represent the benefit to the property within the subdivision.

0902 SUBDIVIDER'S AGREEMENT

Subdivision 1. Subdivider's Agreement Required. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the Township requiring the subdivider to furnish and construct the improvements at his sole cost in accordance with the plans and specifications and usual contract conditions all approved by the Township Board.

Subd. 2. Authority Granted to the County Engineer. The agreement shall include provisions for supervision of details of construction by the County Engineer and grant to the Engineer the authority to correlate the work to be done under the contract by a subcontractor authorized to proceed thereunder and with any other work being done or contracted by the County in the vicinity.

Subd. 3. Financial Assurance. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in Part 0903 of this Ordinance.

1. The amount of the deposit and the penal amount of the bond shall equal 125% of the Houston County Highway Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County.
2. The time for completion of work and the several parts thereof shall be determined by the Township Board upon recommendation of the County Engineer and for Surveyor after consultation with the subdivider and shall be reasonable in relation to the work to be

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done, the season of the year, and proper correlation with construction activity in the subdivision.

0903 FINANCIAL GUARANTEE

The contract provided by Part 0902 above shall require the subdivider to make an escrow deposit or in lieu thereof furnish a performance bond as follows:

Subdivision 1. Escrow Deposit. An escrow deposit shall be made with the Township equal to 125% of the estimated cost of completion of the project, including cost of inspection by the Township of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the final plat.

1. Township Reimbursement Authorized in the Case of Default. The township shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the Township for completion of the work in case of default of the subdivider under the contract and for any damages sustained by the Township on account of any breach thereof.

2. Return of Escrow. Upon completion of the work and termination of any liabilities to the Township or the subdivider under the contract, the balance remaining of the deposit shall be returned to the subdivider.

Subd. 2. Performance Bond. In lieu of making an escrow deposit above described, the subdivider may furnish the Township with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to 125% of the total cost as estimated by the County Engineer including cost of inspection pursuant to the contract and which have not been completed prior to the approval of the final plat.

1. Approval and Filing of the Bond. The bond shall be approved by the Township Attorney and filed with the County Recorder.

0904 CONSTRUCTION PLANS

Subdivision 1. Construction Plans Prepared by a Registered Engineer. Construction plans for the required improvements, conforming in all respects to the standards of the Township and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of ____ and Minnesota; and the plans shall contain his seal.

Subd. 2. Plans to be Approved by County Engineer. Such plans, together with the quantity of construction items, shall be submitted to the County Engineer for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in Part 0902.

Subd. 3. Plans to be Filed by Township. The tracings of the plans approved by the county, plus two prints, shall be furnished to the Township to be filed by the Township.

SECTION 10 ~ VARIANCES, VACATIONS AND EXCEPTIONS

1001 VARIANCE

Subdivision 1. Planning Commission May Recommend a Variance of This Ordinance. The Planning Commission may recommend a variance to the requirements of this Ordinance in specific cases which, in its opinion, an undue hardship exist and the granting of the variance is consistent with the comprehensive plan and the intent of this Ordinance.

1. Any variance thus recommended shall be entered in the minutes of the Planning Commission and setting forth the reasons which justify the variance and referred to the Township Board.

Subd. 2. Township Board May Grant Variance of this Ordinance. The Township Board may grant a variance upon receiving a report from the Planning Commission in any particular case where the subdivider can show, by reason of exceptional topography or other physical conditions, that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations and Township Comprehensive Plan.

1002 APPLICABILITY

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as refined herein.

1003 EASEMENTS

Subdivision 1. Township Board Approval of Easements for Public Purpose. All easements required for public purposes shall be provided at locations approved by the Township Board.

Subd. 2. Easements for Public Purpose. Easements for public purpose may be for utilities, drainage, flood plain protection, lakeshore access, walking trails, and other similar uses.

Subd. 3. Conveyance of Easements. All easements, other than utility and drainage easements, must be conveyed and recorded with the County Recorder prior to final plat approval.

Subd. 4. Easements May Not be Detrimental to Public Utility Plans. No plat shall be approved that may for any reason be detrimental to local, county, or regional utility plans.

Subd. 5. Over Sizing of Utilities. Over sizing of utilities to provide future service for more intense development of land or to provide future service to other areas may be required.

Parts 1004-1005

1004 VACATIONS

The governing body may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways.

1005 UNPLATTED PARCELS

This Ordinance applies to parcels which are taken from existing parcels of record by metes and bounds descriptions. The governing body or building authority may deny the issuance of permits or approvals, building permits, or other permits or approvals to any parcels so divided, pending compliance with subdivision regulations.

SECTION 11 ~ DIVISION OF LAND

1101 GENERAL

In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership, or building development does not come within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the Zoning Administrator who shall submit copies of such division to the County Engineer. A Building Location Permit shall not be issued until the description has been received by the Zoning Administrator.

1102 REGISTERED LAND SURVEYS

Subdivision 1. Planning Commission Review Required. It is the intention of this Ordinance that all registered land surveys in La Crescent Township shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats.

Subd 2. Planning Commission Approval and Dedication of Easements Required. That the Planning Commission shall first approve the arrangement, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated.

Subd. 3. Building Location Permits May Be Withheld. Unless such approvals have been obtained from the Planning Commission and Township Board in accordance with the standards set forth in this Ordinance, Building Location Permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys.

Subd. 4. Local Road Jurisdiction May Refuse Roads. The local unit of government with road jurisdiction may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless the Registered Land Survey is so approved.

1103 CONVEYANCE BY METES AND BOUNDS

Subdivision 1. Certification of Metes and Bounds Description. Any parcel of land, a portion of which is being conveyed by metes and bounds, shall be accompanied by the certification of a Registered Land Surveyor or the County Surveyor as to the description therein, and by the filing of a diagram or print thereof with the Zoning Administrator, unless the description of such parcel was of record at the effective date of this Ordinance.

Subd. 2. Building Location Permits May Be Withheld. If the provisions of this section are violated, Building Location Permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method.

Subd. 3. Local Road Jurisdiction May Refuse Roads. The local unit of government with road jurisdiction may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts conveyed in violation of this Ordinance.

1104 CERTIFICATE OF SURVEY

Subdivision 1. Certificate of Survey Required. All divisions and conveyance of land by a metes and bounds description shall be accompanied by a Certificate of Survey when to recording the document with the County Recorder.

Subd. 2. Information to Be Included on a Certificate of Survey. All Certificates of Survey shall include the following:

1. All mathematical closures shall be shown on the Certificate.
2. All overlaps or gaps shall be shown on the Certificate.
3. All encroachments shall be shown on the Certificate.
4. All bearing references shall be shown on the Certificate.
5. Show the total area in square feet, or acreage, on both the Certificate and deed.
6. All Certificates shall be tied to a minimum of two (2) Government corners, either section or quarter section corners.
7. All Certificates shall be tied to any NAD 83 County Coordinates that exist within one (1) mile of the project.

Subd. 3. Geographic Information System, GIS, Protocol Required. All land transfers by legal description shall conform the Houston County GIS protocol.

1. When practicable, all other survey data shall be furnished in a digital format that is compatible with the County GIS protocol.

Subd. 4. Section Subdivision Sheets. Section subdivision sheet shall be filed with the County Surveyor.

SECTION 12 ~ RESTRICTIONS, VIOLATIONS AND PENALTIES

1201 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES

Subdivision 1. Restrictions on Filing and Recording Conveyances. No conveyance of land to which this Ordinance is applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective.

The foregoing provision does not apply to any conveyance described below:

1. The land described was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later, or of the adoption of subdivision regulations pursuant to a home rule charter.
2. The land described was the subject of a written agreement to convey entered into prior to such time.
3. The land described was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966.
4. The land described was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980.
5. The land described is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width.
6. The land described is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

Subd. 2. Unnecessary Hardship. In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the platting authority may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded.

Subd. 3. Penalty for Violation of Part 1201. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of part 1201 shall forfeit and pay to the township a penalty of not less than \$100 for each lot or parcel so conveyed.

Subd. 4. Enforcement. The township may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

1202 SALE OF LOTS FROM UNRECORDED PLATS

It shall be unlawful to sell, trade, or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or re-plat of any subdivision or area located within the jurisdiction of this Ordinance unless such plan, plat or re-plat shall have been first recorded in the Office of the County Recorder of Houston County and recorded with the Zoning Administrator.

1203 RECEIVING AND RECORDING UNAPPROVED PLATS

It shall be unlawful to receive or record in any public office any plans, plats, or re-plat of land laid out in building lots and highways, streets, roads, 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 by endorsement or otherwise the approval of the Planning Commission and the Township Board.

1204 MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the Township to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision has been constructed according to the plans and specifications approved by the Township Board, or has been supervised or inspected by the Township, when such improvements have not been so constructed, supervised or inspected.

1205 PENALTIES

Subdivision 1. Violation of this Ordinance a Misdemeanor. Anyone including landowners and contractors violating any of the provisions of this Ordinance shall be guilty of a misdemeanor offense, and may be punished as allowed by law with fine and jail.

Subd. 2. Permits Revoked. Any permit or governmental approval may be revoked or denied for said violation.

Subd. 3. Each Day a Separate Offense. Each day during which compliance is delayed shall constitute a separate offense.

1206 BUILDING LOCATION PERMIT MAY BE DENIED

A Building Location Permit will not be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this Ordinance have been fully complied with.

SECTION 13 ~ REPEAL, ADOPTION AND EFFECTIVE DATE

1301 REPEAL

The La Crescent Township Subdivision Ordinance, adopted December 13, 1993, as amended, is hereby repealed upon the adoption and publication of this Ordinance. Any other ordinances or parts of ordinances of La Crescent Township in conflict with the provisions of this Ordinance are hereby repealed.

The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said La Crescent Township Subdivision Ordinance, adopted December 13, 1993, as amended, if the violation is also a violation of this Ordinance.

1302 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The La Crescent Township Planning Commission, after proper notice and publication, held a public hearing at the La Crescent Community Building, 336 South 1st Street, La Crescent, Minnesota on the adoption of this Ordinance on July 29, 2002. After hearing public testimony and with due deliberation, the planning commission voted ___ Ayes and ___ Nays to recommend adoption of this Ordinance to the La Crescent Township Board of Supervisors.

1303 ADOPTION

The La Crescent Township Board of Supervisors, after proper notice and publication, met at the said La Crescent Community Building on July 29, 2002, and after considering the Planning Commission's recommendation, voted ___ Ayes and ___ Nay to adopt this La Crescent Township Subdivision Ordinance.

1304 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after publication.

Adopted: July 29, 2002

Published: _____, 2002.

Chairperson, La Crescent Township
Board of Supervisors

Attest: _____
County Auditor