

## **CHAPTER 7**

### **SUBDIVISION REGULATIONS**

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##### **1-7-1: PURPOSE:**

The purpose of this Chapter is to establish application requirements, review processes and review standards for subdivision and development permits in Hawley Township.

##### **1-7-2: WHEN REQUIRED:**

All proposed divisions of land in Hawley Township by minor subdivision, by a platted subdivision, or by a common interest community plat shall fully comply with the provisions of this Ordinance.

##### **1-7-3: SUBDIVISION APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS:**

No permit for the construction of a building or sewage treatment system shall be issued until all final approvals required by this Chapter have been granted, including, but not limited to, final approvals for required improvements. No improvements shall be installed until preliminary plat approval has been granted.

##### **1-7-4: COMPLIANCE WITH ZONING PROVISIONS:**

The requirements of this Chapter provide for processes to divide land in Hawley Township. The zoning

requirements of this Ordinance establish zoning districts, allowed uses, density and design requirements for land use and structures in the Township. All divisions of land submitted for approval under this Chapter, whether by minor subdivision, platted subdivision, or common interest community plat, shall conform to the zoning requirements of this Ordinance for the zoning district where the parcel(s) of land are located. No development permit authorized under this Chapter shall be issued unless all zoning requirements of this Ordinance are met.

#### **1-7-5: SUBDIVISION REVIEW WITHIN EXTRATERRITORIAL JURISDICTION OF CITIES:**

Applications for development within Hawley Township where the development parcel lies within the extraterritorial jurisdiction area of a municipality that has exercised extraterritorial jurisdiction shall be subject to the subdivision review of such municipality which may vary from county subdivision provisions. However, the zoning regulations of Hawley Township as contained in this Ordinance shall remain in effect within any municipal extraterritorial jurisdiction. Any approvals required by Hawley Township shall only be issued after proof is submitted to Hawley Township that required municipal approval has been officially granted. Township authority for review and approval of new roads, as provided for in Section 1-7-6, shall exist within extraterritorial jurisdiction areas.

#### **1-7-6: TOWNSHIP REVIEW AND APPROVAL OF NEW ROADS**

The lot on which the unit is located must have frontage along a public right of way. If the creation of new right of way is required to service proposed parcels or lots, the developer must obtain a written agreement from the Township Board stating the Township will accept full and permanent responsibility for the maintenance of and snow removal on any new right of way created as a result of the development proposal. This agreement must be approved by a majority of the Township's officers at a duly held meeting of the Township Board. The agreement shall be in recordable form and shall be recorded with the plat. A copy of the executed township agreement must be presented, by the developer, to the Township planning office prior to Township consideration of the development proposal.

#### **1-7-7: ENVIRONMENTAL REVIEW**

An environmental review may be required for projects that could result in significant environmental impacts. The Minnesota Environmental Policy Act of 1973 and 6 MCAR 3.021 allow for the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) for mandatory development thresholds or discretionary environmental reviews ordered by Hawley Township or Clay County. The following provisions apply to environmental review when required:

- A. Complete Before Consideration of Preliminary Plat:** If an environmental review is required, no preliminary plat may be approved, nor may any land disturbance activity be allowed, until such EAW or EIS, whether mandated by the state or ordered by Hawley Township or Clay County, has been prepared, referred for review and acted upon.
- B. Payment for Cost of Review:** The Township shall prepare, at the developer's expense, and with the developer's input and assistance, any mandatory or discretionary EAW or EIS.

#### **1-7-8: TRANSFER AND DIVISION OF LAND DESCRIBED BY METES AND BOUNDS:**

- A. Survey Required for Transfer of Land Described by Metes and Bounds:** When the ownership of a parcel or tract of land is transferred by a metes and bounds description, the County Auditor shall require such parcel or tract to be surveyed and its description to be accompanied by a surveyor's certificate showing the dimensions and location of such parcel in relation to the nearest section corner.

The legal description on the survey must match the legal description on the transferring document.

- B. Government Lot Descriptions May be Used for Transfer of Land for Agricultural Use:** A transfer of ownership of a parcel or tract of land described by United States Government Land Survey Description may be transferred without the requirement of a survey or surveyor's certificate; however, no parcel described as an area less than ten (10) acres or an area including a reference to a measurement by feet may be transferred under this provision. In addition, the transferred parcel shall be used for agricultural purposes only. Transfers for development purposes shall comply with the subdivision provisions of this chapter.
- C. Division of Land Using Government Lot Descriptions:** The division of a parcel or tract of land described by United States Government Land Survey description shall be allowed only if in compliance with the minor or major subdivision provisions of section 1-7-13 or 1-7-14 of this Chapter.
- D. Survey Requirements Under This Section:** Surveys required under this section must be made by a registered land surveyor (RLS) under the laws of the State of Minnesota. All such surveys shall be certified by the surveyor and shall bear his registration number. Required surveys shall be filed with the Planning Commission and the Office of the County Recorder.
- E. Recording of Deeds:** The county recorder shall not record nor file for record any deed for the transfer of ownership of any tract made in violation of this section.

#### **1-7-9: SITE SUITABILITY REQUIRED:**

- A. Site Suitability:** No development permit shall be issued unless the proposed development site meets all the following general development suitability requirements:
  - 1. Flood Plain:** The site shall contain sufficient usable land under the flood plain regulations.
  - 2. Drainage:** The site shall possess adequate drainage.
  - 3. Topography:** The site shall not have topographical limitations such as rock formations, eroded areas and similar defects.
  - 4. Sewage Disposal:** The site shall possess sufficient land for sewage treatment facilities.
  - 5. Drinking Water:** The site shall have access to a drinking water supply adequate for the proposed use. A volume of five (5) gallons per minute for residential uses shall be adequate.
  - 6. Building Site:** All lots within the floodplain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
  - 7. Road Access:** All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet (2') below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- B. Proof of Suitability:** The proof of site suitability shall rest with the applicant, who, before a development is approved, shall furnish percolation tests, soil borings, water samples or similar proof that all land for development is adequate for use as building sites. In the General Flood Plain District and for lakes and wetlands within Zone A, applicants shall provide the information required in Section 1-5A-8A(3) through (4) of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

- C. Removal of Special Flood Hazard Area Designation:** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

**1-7-10: ADDITIONAL STUDIES:**

In considering a land division or development proposal, the Planning Commission or Township Board may request a report by the Zoning Administrator or other Township staff or a consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

## LAND DIVISION AND DEVELOPMENT REVIEW PROCESS

### 1-7-11: PRE-APPLICATION MEETING:

- A. **Pre-application Meeting:** Prior to the submission of an application for a minor subdivision, a preliminary plat for a major subdivision, cluster subdivision plat or a common interest community plat the applicant and landowner, if different than the applicant, shall meet with Planning Commission staff in order to be made fully aware of all applicable ordinances, regulations and plans that apply to the area proposed for subdivision.
- B. **Sketch Plan:** In order to facilitate discussion at the pre-application meeting, the applicant shall submit a general sketch plan of the proposed land division. The sketch plan shall include the following information:
  - 1. A line drawing to accurate scale with the scale indicated on the plan;
  - 2. Topography of the site;
  - 3. Proposed lot lines;
  - 4. General location of all proposed buildings and their proposed use;
  - 5. General location of roads and access; and
  - 6. Other information as may be requested by Planning Commission staff.

### 1-7-12: STAFF REVIEW OF LAND DIVISION AND DEVELOPMENT PERMIT APPLICATIONS:

- A. **Application Forms:** Applications for land division and development permits shall meet the requirements of this Chapter and shall be submitted on forms developed by the Planning Commission.
- B. **Staff Review of Applications for Completeness and Date of Submission:** Applications shall be reviewed within ten (10) working days for completeness by the Zoning Administrator upon receipt and prior to forwarding an application to the Planning Commission or Township Board. An incomplete application shall be returned to the applicant with specific information on deficiencies in the application and remedies for such deficiencies. Any date referring to the date of submission of a completed application shall mean the date upon which a complete application was submitted, it shall not mean the date upon which an incomplete application was submitted.
- C. **Compliance and Site Suitability Review:** Upon receipt of a completed application, the Planning Commission shall review the application for conformance with regulations and site characteristics for development suitability meeting the provisions of Section 1-7-9, above.
- D. **Field Trip:** As part of the general application review procedure, the Planning Commission shall schedule a field trip in order to evaluate the site characteristics and limitations, if any, of the proposed site of the development. The field trip shall not be part of the completeness review in subsection B of this Section.

### 1-7-13: LAND DIVISION BY MINOR SUBDIVISION:

- A. **When Required:** A minor subdivision shall be required for proposed land divisions that will result in a total of two lots and where the resulting developable lot shall be used for residential purposes only. Minor subdivision shall not be required if both resulting lots are five (5) acres in size or greater

and both lots shall be used for agricultural purposes only.

- B. Application for Development Permit and Sketch Plan:** The applicant for a minor subdivision shall submit to the Planning Commission a sketch plan of the development meeting the information requirements of Section 1-7-11B, above, together with an application for a development permit as required in Section 1-7-11A, above.
- C. Administrative Approval of Application:** After the submission of a completed application and sketch plan the Planning Commission shall review the application and sketch plan and conduct a field trip. After the field trip, the Zoning Administrator shall within ten (10) days, approve with conditions, or disapprove the application and sketch in writing and advise the applicant of any stipulations or conditions that are required in the layout or character of development. The applicant shall certify in writing that he/she agrees to all requirements of these regulations together with any additional requirements or conditions as stipulated in the Zoning Administrator's approval.
- D. Appeal of Application Review:** Within thirty (30) days of receipt of the Zoning Administrator's action, the applicant may appeal any disapproval or any additional requirements or conditions stipulated in the Zoning Administrator's approval. The application and sketch plan shall then be forwarded to the Planning Commission for consideration at the next regularly scheduled meeting. For the purpose of reviewing the application and sketch plan, the Planning Commission may hold one or more public hearings. Following review, the Planning Commission shall approve, approve with conditions, or disapprove the application and sketch plan.
- E. Registration of Surveyor's Certificate:** Approval of the application and sketch plan shall constitute authorization to prepare a surveyor's certificate and file it with the Zoning Administrator.

#### **1-7-14: LAND DIVISION BY REGISTRATON OF A PLAT OF SUBDIVISION/MAJOR SUBDIVISION:**

- A. When Required:** Except for land divided under the provisions of section 1-7-12, above, of this Chapter, land division by registration of a plat of subdivision shall be required for proposed land divisions that will result in either of the following:
  - 1. Nonresidential:** One or more nonresidential lot; or
  - 2. Three or More Lots:** Two (2) or more developable residential lots and the remainder of the parcel, totaling three (3) or more lots.
- B. Preliminary Plat Requirements and Review Procedure:** An applicant for a land division by registration of a plat of subdivision shall meet the following requirements:
  - 1. Application and Preliminary Plat:** After the pre-application meeting as required in Section 1-7-11, an applicant shall submit copies of the following:
    - a. Application:** An application on forms provided by the Planning Commission;
    - b. Preliminary Plat:** An electronic version and One (1) large size ( 22' x 34') paper copy of a preliminary plat meeting the data requirements of Section 1-7-14D, below; and
    - c. Improvement plans:** Improvement plans meeting the requirements of Section 1-7-14E, below.
  - 2. Time of Submission:** A subdivision application may be reviewed at a regularly scheduled Planning Commission meeting only if submitted to the Planning Commission at least thirty (30) days before the meeting.
  - 3. Review of Application and Preliminary Plat:**

- a. **Review by Planning Commission:** The Planning Commission shall review the plat and application material for conformance with regulations, development suitability, and policy conformance with the Land Use Plan. For the purpose of reviewing the preliminary plat the Planning Commission shall hold one or more public hearings.
  - b. **Decision by Planning Commission:** Within forty (40) days of the close of the public hearing, the Planning Commission shall approve the preliminary plat with findings that contain conditions for approval or shall state reasons for denial of the plat. An approved preliminary plat shall continue through process described in this Chapter. A denial of a plat by the Planning Commission shall be reviewed by the Township Board for final action on the plat.
  - c. **Acceptance of Conditions and Revisions to Application and Preliminary Plat:** The Planning Commission action and findings shall be specified in writing the record of such action shall be forwarded to the applicant and one copy retained by the Planning Commission. The mailing to the applicant shall include an "Acceptance of Conditions" form provided by the Zoning Administrator. The Acceptance of Conditions form shall state that the applicant has read, understands and agrees to the conditions recommended by the Planning Commission and shall be signed by the applicant and returned to the Zoning Administrator within ten (10) working days of receipt.
    - (1) **Development Agreement:** A development agreement may be used in place of the "Acceptance of Conditions" form if agreed upon by the applicant and the Zoning Administrator. The development agreement shall be approved by the Township Board as part of the final plat approval process. If used, the development agreement shall include the following minimum terms:
      - i. Conditions of plat approval
      - ii. Description of standards and conditions for improvements
      - iii. Schedule for installing improvements
      - iv. Ownership of improvements
      - v. Guarantees of performance and maintenance
      - vi. Remedies for default
  - d. **Conditional Approval Authorizes Preparation of Final Plat:** Conditional approval of the preliminary plat and return of the "Acceptance of Conditions" form shall authorize the applicant to prepare a final plat in conformance with the conditions approval of the preliminary plat.
  - e. **Waiver of Planning Commission Review of Final Plat:** In order to expedite final plat review, the Planning Commission may waive its authority to review the final plat. In those instances where the final plat is determined to be substantially different from the preliminary plat authorized by the Township Board, the Planning Commission's waiver shall be void and the Planning Commission shall forward the final plat to the Township Board for final review.
- C. **Final Plat Requirements and Review Procedure:** An applicant for a land division by registration of a plat of subdivision shall meet the following requirements.
- 1. **Time Limitation for Submittal of Final Plat:** Within six (6) months of the date of the preliminary plat approval, the applicant shall submit a final plat. If requested in writing by the applicant, the plat may constitute only that portion of the approved preliminary plat which the applicant proposes to record. Failure to meet with the time limitation in this provision shall void the preliminary plat.

2. **Number of Copies:** The applicant shall file with the Planning Commission an electronic copy and sufficient number of paper copies, as determined by the Planning Commission, for distribution to the appropriate County departments and state agencies.
  3. **Form of Final Plat Submittal:** The final plat shall meet the following requirements:
    - a. The data requirements of Section 1-7-14D, below;
    - b. The requirements contained in the conditional approval of the preliminary plat; and
    - c. Shall be drafted in accordance with Minnesota Statutes Annotated Chapter 505.
  4. **Time of Submission:** A final plat may be reviewed at a regularly scheduled planning commission meeting only if submitted to the Planning Commission at least twenty (20) days before the meeting.
  5. **Review by County Recorder:** All plats shall be submitted to the County Recorder for review at least ten (10) days prior to the scheduled Planning Commission meeting.
  6. **Review by Commissioner of Natural Resources:** All plats consistent with shoreland management provisions of this Ordinance shall be reviewed by the Commissioner of Natural Resources before final Township approval can be made. A copy of the proposed plat shall be reviewed by the Planning Commission at least ten (10) days before the hearing on the final plat is scheduled. A lack of response by the Commissioner of Natural Resources shall not delay Township action.
  7. **Forwarding to Township Board:** Upon approval by the Planning Commission, or upon waiver of Planning Commission review as provided for in Section 1-7-14B(3)(e), above, the Planning Commission shall forward the plat to the Township Board for issuance of the final development order and signatures.
  8. **Notice to Commissioner of Natural Resources:** Copies of all plats within shoreland areas approved by the Township shall be submitted to the Commissioner of Natural Resources within ten (10) days of their final approval.
  9. **Filing:** The development order approving the final plat shall become final upon receipt of a certified copy of the plat and the filing of the plat and any additional agreements or issuances with the County Recorder.
  10. **Electronic Version of Final Approved Plat:** Upon receiving final approval, the applicant shall submit a copy of the approved version of the plat in electronic format compatible with the software in use by the Township and County at the time of submittal. The electronic plat shall be reference as Clay County coordinates and provide a seamless edge match to the existing County database.
- D. Data Requirements for Subdivision Applications for Preliminary and Final Plats:** An applicant for a land division by registration of a plat of subdivision shall meet the following requirements.
1. **General Information and Data:** Applications for subdivisions shall contain general information describing the existing conditions of the site and the proposed development. This information shall include, but is not limited to, data on existing or proposed covenants, land characteristics, utilities, and street improvements.
  2. **Survey Data:** All survey data shall be drafted in accordance with Minnesota Statutes Annotated Chapter 505.
  3. **Preliminary Plat:** Preliminary plats shall contain the information listed below.
    - a. **Scale:** One inch equals one hundred feet (1" = 100') (Minimum).



**b. Identification and Description:**

- (1) **Name of Subdivision:** Proposed name of subdivision, provided the name shall not duplicate or be similar in spelling or pronunciation to the name of any plat previously recorded in the County.
- (2) **Location:** Location by section, township, range or by other legal description.
- (3) **Names and Addresses:** Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
- (4) Graphic scale.
- (5) North point.
- (6) Date of preparation.

**c. Existing Conditions:** Existing conditions in the tract proposed for development and in the surrounding area to a distance of three hundred feet (300'), including the following:

- (1) Boundary line of proposed subdivision, clearly indicated.
- (2) Total approximate acreage.
- (3) Platted streets, railroad right of way, and utility easements.
- (4) Boundary lines and ownership of adjoining unsubdivided land.
- (5) Sewers, water mains, culverts or other underground facilities.
- (6) Permanent buildings and structures.
- (7) Topography, showing lakes, watercourses, wetlands and contours at vertical intervals of not more than two feet (2'), unless the grade is greater than fifteen percent (15%). All elevation data shall be mean sea level or some other assumed, workable datum.
- (8) Other information, such as soils tests, if requested by the Planning Commission or Township Board to aid in their review.
- (9) Designation of areas which, before improvements, are subject to inundation or stream overflow. For purpose of information only, the outline of the flood plain, present shorelines, ordinary high water level and water elevation.

**d. Subdivision Design Features:** The following subdivision design features shall be shown.

- (1) **Streets and Utility Easements:** Layout and width of proposed streets and utility easement showing street names, lot dimensions, and public areas. Street names and numbering shall conform to the established county street numbering system. The street layout shall include all contiguous land owned by the subdivider.
- (2) **Use:** Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.
- (3) **Street Grades and Drainage Plan:** Preliminary street grades and drainage plan shall be shown on a copy of the contour map.
- (4) **Stormwater and Erosion Control:** A stormwater and erosion control plan meeting Minnesota Pollution Control Agency standards shall be submitted.
- (5) **Tree Removal Plan:** A tree removal plan, conforming to the provisions of Section 1-5D-4C(4), shall be included for a major subdivision on wooded or marginal soils in the AG District.

4. **Final Plat:** Final plats shall contain the information listed below.
- a. **Water, Sewage Disposal, Drainage and Flood Control:** Plans for the provisions of safe and potable water, sewage disposal, drainage and flood control.
  - b. **Soil Borings:** Soil borings, if required by the Planning Commission or Township Board.
  - c. **Ground Water Control:** Evidence that ground water control is at least ten feet (10') below the level of any finished grades, or a plan is provided for solving ground water problems.
  - d. **Survey Data:** Data required as set forth in Minnesota Statutes Annotated Chapter 505, and also the following requirements:
    - (1) **Boundary Lines and Lot Lines:** All interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle, radii and arc links for all curves.
    - (2) **Buildable Area:** The size of the buildable area shall be indicated for each lot. Buildable area shall not include shoreland setbacks, regulated wetlands, or road right-of-way. Buildable area may include building setbacks other than shoreland setbacks.
    - (3) **Monuments:** Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in lines. The plat shall indicate that the monuments have been set.
  - e. **Identification System:** An identification system for all lots and blocks.
  - f. **Lot Size:** The size (in square feet) and dimension of all lots.
  - g. **Lots Located in Flood Plain Districts:** All lots located in 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 feet (2') below the regulatory flood protection elevation. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
  - h. **Certification By Surveyor:** Certification by a registered land surveyor to the effect that the plan represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
  - i. **Surveying Requirements:** Point of beginning or point of commencement must be at a recorded government corner.
  - j. **Owner Certification:** Certification by the owner shown in the title opinion shall be that of the owner of record of the platted lands on the date of recording of the plat with the County Recorder.
  - k. **Owner, Mortgage Holder Notarized Certification:** Notarized certification by owner shown in the title opinion shall be that of the owner and any mortgage holder of records on the date of the adoption of the plat and the dedication of streets and other public areas.
  - l. **Tax Certification:** Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
  - m. **Township Board Certification:** Certification by the township board showing plat approval.
  - n. **Certification of Plat Approval:** Certifications by the Township Board, Township Planning Commission Chairman, County Engineer, Township Zoning Administrator showing plat

approval.

- o. Certification of County Recorder:** Certification of County Recorder authenticating recording of the plat.
- p. Covenants:** All covenants affecting the platted parcels shall be in final form for recording.

**E. Design Standards for Subdivisions:** Proposed subdivisions shall meet all the design standards listed below.

- 1. Statement of General Design Standards:** Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the development objectives of the Township. In addition, design shall be harmonious with, reflect and connect to adjacent subdivisions.

**2. Streets:**

- a. General Street Design:** The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm waters and to proposed uses of the area to be served. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins un-subdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such subdivided land. In addition, the following specific street design criteria in subsection 3, below, shall be met.
- b. Access Standards:** Access design and permitting shall comply with the Clay County Development Code and, as applicable, any requirements or guidelines as set forth by the Minnesota Department of Transportation.
- c. Width and Grade:** The following standards of street design shall be observed by the subdivider:

	Minimum Width		
	(Lot Line to Lot Line)	Maximum Grade	Minimum Grade
Collector streets	10 feet	6%	0.5%
Minor streets	70 feet	6%	0.5%
Marginal access	50 feet	6%	0.5%

- d. Tangents:** Tangents of at least one hundred feet (100') in length shall be introduced between reverse curves on collector streets and fifty feet (50') on lesser streets.
- e. Alignment:** Local streets shall be aligned so that their use by through traffic will be discouraged.
- f. Street Jogs:** Street jogs with center line offsets of less than one hundred twenty five feet (125') shall be avoided.
- g. Intersections:** Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than sixty degrees (60°). It must be evidenced that safe and efficient traffic flow is encouraged.

- h. **Street Corners:** Street corners that are not at intersections shall be curved and shall not turn at right angles.
- i. **Cul-De-Sacs:** Unless approved by the Planning Commission, the maximum length of permanent cul-de-sac streets shall be one-thousand three hundred and twenty feet (1,320') measured along the center line from the intersection of origin to end of right of way. Each cul-de-sac shall be provided at the closed end with a turnaround having a minimum outside right-of-way diameter of seventy-five feet (75') and a minimum road surface diameter of sixty feet (60'). Cul-de-sacs in the UED shall meet city standards.
- j. **Township Roads Maintained by County:** Any township road in a new subdivision that is intended to be maintained by Clay County shall meet construction and design specifications established by the County Engineer.
- k. **Half Streets:** Half streets shall be prohibited except where the Planning Commission finds it to be practical to require the dedication of the other half when adjoining property is subdivided.
- l. **Street Names:** Street names and numbering shall conform to the established county street numbering system.
- m. **Surfacing:** Street surfacing done by the applicant shall be approved by the County Engineer.
- n. **Private Streets:** Private streets shall not be approved.
- o. **Local Service Drives:** Where a proposed plat is adjacent to a major thoroughfare or railroad right of way, the Planning Commission may require the applicant to provide local service drives along the right of way of such facilities or they may require that lots should back on the thoroughfare, in which case vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.
- p. **Street Arrangements:** The street arrangements shall reflect the design and connect to adjacent subdivisions and shall not be such as to cause hardship to owners of adjoining unplatted property in platting their own land and providing convenient access to it.
- q. **Property Lines at Intersections:** Property lines at street intersections shall be rounded at a radius of not less than ten feet (10') and curb lines on a radius of not less than twenty feet (20').

### 3. Easements:

- a. **Utility Easements:** Utility easements at least ten feet (10') wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley rights of way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
- b. **Storm Water Easement:** Where a subdivision is traversed by a watercourse or drainageway, there shall be provided a storm water easement or drainage right of way substantially within the lines of such watercourse, together with such further width or construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

### 4. Blocks:

- a. **Length:** Block lengths shall not exceed one thousand two hundred feet (1,200') and, if possible, shall not be less than three hundred feet (300') in length. In blocks longer than eight hundred feet (100'), a pedestrian crossway with a minimum right of way of ten feet (10') shall be required near the center of the block. The use of additional accessways to schools, parks,

and other designations may also be required.

- b. **Design:** A block shall be so designed as to provide two (2) tiers of residential lots of appropriate depth, unless it adjoins a railroad, limited access highway or county road, and unless the rear lot line abuts a different land use, body of water, or topographic conditions necessitate a single tier of lots.

**5. Lots:**

- a. **Side Lot Lines:** Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage of two (2) parallel streets shall be permitted only under unusual circumstances.
- b. **Design, Orientation:** The lot design and orientation shall be appropriate for the location of the subdivision and for the type of development or use proposed.
- c. **Minimum Setbacks:** Minimum lot line setbacks shall be those specified for the zoning district within which the subdivision is located.
- d. **Vehicular Access:** There shall be no direct vehicular access from residential lots to an arterial street and residential lots shall be separated from major arterial streets and railroad rights of way by a twenty five foot (25') buffer strip, which may be in the form of added depth or width of lots backing on or siding on the thoroughfare or railroad right of way.
- e. **Lot Remnants:** Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnants.

- 6. **Natural Features:** In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development.

**F. Required Improvements:** Before the Township Board approves a final plat, the subdivider shall give satisfactory assurance of the provision of the requirements listed below. Required assurance shall be satisfactory to the Township Board and may include financial assurances.

- 1. **Monuments:** Steel monuments shall be placed at all back corners, angle points, points of curves in streets and at intermediate points as referred by the Planning Commission. All U.S., State, County, Township, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. The material, size and length of all monuments shall be approved by the County Engineer.
- 2. **Streets:** All the streets shall be improved in accordance with the engineering specifications established by the County Engineer.
- 3. **Water Supply:** Safe and potable water shall be provided by a central distribution system serving the subdivision or by individual wells. In all cases, water shall be supplied in accordance with County specifications. In flood plain areas water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 4. **Sanitary Sewer:** Sanitary sewage disposal shall be by a central system serving the subdivision or by individual systems. In all cases, sewage disposal systems shall be provided in accordance with Section 1-1-6 of this Ordinance. The flood prone area's new and replacement sanitary sewers shall be designed to minimize or eliminate infiltration of the flood waters into the system into flood waters and on-site water disposal systems shall be located to avoid impairment or contamination during flooding.
- 5. **Drainage Facilities:** Drainage facilities and easements shall be installed as will adequately provide for the drainage of surface waters.

6. **Street Name Signs:** Street name signs will be provided and installed by the Township and/or County.
7. **Stop or Yield Signs:** Stop signs and yield signs shall be placed at streets intersecting highways, arterial streets and collector streets, where the intersection is not of the directional interchange type and as approved by the County Engineer.
8. **Specifications:** All of the required improvements shall conform to engineering standards and specifications as required by the County.

#### **1-7-15: CLUSTER SUBDIVISION REQUIREMENTS**

Cluster subdivisions are allowed in the AG Agricultural Zoning District. Cluster subdivisions shall conform to the following requirements:

- A. **Conformance with Zoning District Regulations Density, Location and Design:** A proposed cluster subdivision shall conform to the all of the provisions in Article 1-5D-4B of this Ordinance, which includes density, location and design provisions.
- B. **Pre-Application Requirements and Staff Review of Application:** An applicant for a cluster subdivision shall meet the pre-application meeting requirements of Section 1-7-10 of this Chapter, and shall meet the staff review provision of Section 1-7-11 of this Chapter.
- C. **Plat Review:** An application for a cluster subdivision shall be reviewed in the manner of a preliminary and final plat for land division by registration of a plat of subdivision in Section 1-7-13, above.
- D. **Required Improvements:** Required improvements for a cluster subdivision shall be those listed in Section 1-7-13, above.

#### **1-7-16: LAND DIVISION BY COMMON INTEREST COMMUNITY PLAT**

- A. **When Required:** Any proposed land division that involves the creation of a common interest community shall conform to the requirements of this Section 1-7-14.
- B. **Application and Plat Requirements:** An applicant for a land division by common interest community plat shall meet the following requirements.
  1. **Pre-Application Requirements and Staff Review of Application:** An applicant for a land division by common interest community plat shall meet the pre-application meeting requirements of Section 1-7-10 of this Chapter, and shall meet the staff review provision of Section 1-7-11 of this Chapter.
  2. **Preliminary Plat:** After the pre-application meeting and staff review of the application, an applicant shall submit three (3) copies of the following:
    - a. An application on forms provided by the Planning Commission;
    - b. A preliminary plat meeting the data requirements of Minnesota Statutes Chapter 515B.2-110; and
    - c. Improvement plans meeting the requirements of Section 1-7-14E, above.
- C. **Review of Common Interest Community Plat:** An application for land division by common interest community plat shall be reviewed in the manner of a preliminary and final plat for land division by registration of a plat of subdivision in Section 1-7-14, above.
- D. **Required Improvements:** Required improvements for an approved common interest community

plat shall be those listed in Section 1-7-14, above.

**1-7-17: UNITED STATES PUBLIC LAND SURVEY MONUMENT RECORD:**

- A. Preparation Required:** A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:
1. There is no United States public land survey monument record for the corner on file in the office of the county recorder for the county in which the corner is located; or
  2. The land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county recorder for the county in which the corner is located; or
  3. The witness ties referred to in an existing United States public land survey monument record have been destroyed.
- B. Certificate of Location of Government Corner:** A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in Minnesota Statutes Section 160.15, as amended and laid out herein.
- C. Position and Other Elements:** A United States public land survey monument record must show the position of the corner and must include all the following elements:
1. The identity of the corner, as referenced to the United States public land survey system;
  2. A description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;
  3. If possible, reference ties to at least three (3) witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;
  4. A plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;
  5. A description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;
  6. Whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;
  7. Whether the corner was restored through lost corner proportionate methods;
  8. The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions;
  9. Clay County Coordinates – A Northing and an Easting in the Clay County Coordinate System NAD 13 (1996 Adj.) shall be included on each certificate; and
  10. The signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.
- D. Manner Of Placement:** The permanent marking of the corners and establishment of reference or witness monuments shall be in the following manner: At the exact location of the corner there shall be placed a stone, concrete, or metal marker not less than four inches (4") in diameter at the top and not

less than eighteen inches (18") deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch (1") in diameter and two inches (2") in depth.

- E. Time Of Placement:** Reference or witness monuments evidencing the location of the corner shall be established before the obliteration of the corner in at least two (2) places most practicable and shall consist of stone, concrete, or cast iron.
- F. Filing Of Certificate:** The engineer or surveyor placing and establishing the markers or monuments shall file a certificate to that effect in the office of the county recorder in the county or counties wherein the markers or monuments were placed along with the survey. Each certificate shall contain only the record of markers and monuments at one corner. The county recorder will not charge a fee for filing the certificate, but may still charge a fee for the filing of the survey.
- G. Contents Of Certificate:** The certificates shall be on sheets of durable material, which sheets shall be eight and one-half by eleven inches (1 1/2 x 11") in size with a margin at the left for binding. The certificates shall contain the following:
  - 1. Identification of section, or quarter section corner.
  - 2. Description of monument removed.
  - 3. Description of replacement monument.
  - 4. Reference ties or witness monuments.
  - 5. Statements relating to physical and parol evidence relating to history and authenticity of the corner monument.
  - 6. Date of re-monumentation.
  - 7. Certification by a registered surveyor or registered engineer.
- H. Minnesota Statutes Provisions:** Subsections A through C of this Section are intended to incorporate the requirements of Minnesota Statutes Section 381.12, subdivision 3, and shall be deemed amended as that statute may be amended from time to time.
  - 1. Subsections D through G of this Section are intended to incorporate the requirements of Minnesota Statutes Section 160.15, and shall be deemed amended as that statute may be amended from time to time.
- I. Failure To Comply:** Failure to comply with the provisions of this section shall result in the Clay County Auditor rejecting any affected documents for recording or filing in the office of the Clay County Recorder, which documents may include, but not be limited to, deeds, mortgages, surveys, plats, etc.
- J. Document Number:** When a corner certificate is on file relative to an applicable corner, the document number of that certificate must be provided along with the survey, plat, or other document. In each and every circumstance, a document number or corner certificate must be filed along with the plat or survey.