

3.00 APPLICATIONS FOR SUBDIVISION

3.01 APPLICATION FORM

To initiate a subdivision, the subdivider shall complete an application form provided by the City Administrator and shall include all required information specified in the application instructions. An incomplete or inaccurate form shall not be accepted by the City.

3.02 SIGNATURE(S) REQUIRED

The application form must be signed by the subdivider and land owner prior to submission to the City. Any application form not properly signed may be rejected as incomplete.

3.03 PROOF OF OWNERSHIP

At the time of filing the application form, the subdivider shall file Proof of Ownership on a form acceptable to the City. The City may require Proof of Ownership including current Abstract of Title or a Registered Property Certificate along with all applicable unrecorded documents affecting title and an Opinion of Title by the subdivider's attorney. Failure to file the required Proof of Ownership shall be a basis for the City to deny the application or to discontinue processing the application until such Proof of Ownership is submitted.

3.04 APPLICATION FEE

The subdivider shall pay to the City at the time of filing the application, the appropriate application fee and establish an escrow account for each subdivision as established from time-to-time by resolution of the City Council. An application form need not be accepted if the application fee and escrow account are not paid.

3.05 COST RECOVERY

It is the intent of the City to recover all expenses incurred in the review and approval process. The subdivider shall establish an escrow account with the City for any expenses incurred over the amount of the application fee. This amount may be increased dependent on the cost of application review. In the event the actual cost of the review is less than the estimate, the City shall refund to the subdivider the

difference

between the actual cost and the amount of money actually deposited by the subdivider. In no case shall the application fee or any part of it be refunded.

3.06 PRELIMINARY PLAT PROCEDURE

For those subdivisions requiring a plat as specified herein, the procedure specified in this section shall be followed.

- A. Review of Preliminary Plat. The City Administrator, after receipt of the application (18 copies), application fee and proof of ownership, shall on a timely basis, distribute copies of the application and preliminary plat for review, comment and recommendation as follows:

- 1 copy to each City Council Member (5 total)
 - 1 copy to each Planning Commission Member (7 total)
 - 1 copy to the City Attorney (including Proof of Ownership)
 - 1 copy to City Engineer
 - 1 copy to School District #2144
 - 1 copy to Minnesota Department of Transportation for projects abutting state trunk highways.
 - 1 copy to Watershed District
 - 1 copy to Minnesota Department of Natural Resources for areas located in the Shoreland District or delineated wetland.
- Copies shall be provided to the Public Works Department, utility companies, governmental agencies as needed.

- B. Reports and Recommendations. The Administrator shall advise the Planning Commission of any reports or comments that have been received from review agencies about the preliminary plat. If no report or comments are received within fifteen (15) days from date of receipt by review agencies, it may be assumed by the Planning Commission that there are no objections to the preliminary plat as submitted.

- C. Public Hearing. The City Administrator on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing. Such notice shall also be mailed not less than ten (10) days prior to the date of the public hearing to:
1. All property owners of record according to the county assessment records within 500 feet of the property.
 2. The Commission of the Minnesota Department of Natural Resources if the proposed subdivision is located in part or in total within the "S" Shoreland or "FP" Flood Plain District.
 3. The Commissioner of the Minnesota Department of Transportation and the Chisago County Engineer if the proposed plat abuts or indicates access to a State Trunk Highway or County State Aid Road.
 4. Watershed District or other water regulating agencies.
 5. All utility companies which may be affected.
- D. The Planning Commission shall consider the preliminary plat and hold a public hearing at its next regular meeting unless the filing date falls within 20 days of said meeting, in which case the preliminary plat would be placed on the agenda and considered at the regular meeting following the next regular meeting. The City Administrator shall refer said application along with all related information to the Planning Commission in order to present the subdivision and answer questions concerning the preliminary plat.
- E. Approval Factors. In considering the preliminary plat, the Planning Commission shall consider the following factors:
1. Consistency with the design standards and other requirements of this ordinance.
 2. Consistency with the City's Comprehensive Plan or other development plans.
 3. Conformance with the Zoning Ordinance.
 4. The physical characteristics of the site, including but not limited to, topography erosion and flooding potential, wetlands and soil limitations and suitability road access for the type of development or use contemplated.
 5. The fiscal or environmental impact upon the City.

6. The dedication of land or payment of fee for parks and trails.
 7. The need for environmental review pursuant to Minnesota Statutes Chapter 116D.
- F. City Authority. The Planning Commission and City staff may request additional information from the applicant concerning the preliminary plat or retain consultant services for review of the preliminary plat information.
- G. Recommendation. Within 45 days from the date of the public hearing, the Planning Commission shall make the findings of fact and recommendation on the preliminary plat to the City Council.
- H. Council Action. After the public hearing and upon receiving the report and recommendation of the Planning Commission, the City Council shall either:
1. Approve or disapprove the request as recommended by the Planning Commission; or
 2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alteration or differing condition shall be in writing and made part of the Council's record; or
 3. The City Council may refer the preliminary plat request back to the Planning Commission for reconsideration;
 4. In all cases, the preliminary plat shall be approved or denied by the City Council within 120 days of the date of the completed preliminary plat application, unless an extension of the review period has been agreed to be the applicant.
 5. Action on the preliminary plat shall be by majority vote of a quorum of the City Council. The City Administrator shall notify the applicant of the Council's action and reasons thereof.
- I. After Preliminary Plat Approval. Upon approval of the preliminary plat by the City Council, the subdivider shall submit the final plat to the Planning Commission within one year after said approval or approval of the preliminary plat shall be considered null and void. Prior to the expiration of the preliminary plat approval, the Planning Commission may extend the approval for an additional year upon request of the subdivider. The extension request shall be in writing specifically designating the expiration and extension period. The extension shall not be subject to an additional fee and only one extension may be granted per preliminary plat.
- J. Phased Development. In the case of a phased subdivision to be developed in stages, the subdivider shall prepare a preliminary plat for the entire property and a final plat for only that portion of the property which he proposes to develop at that time, provided such portion conforms with all the requirements of these regulations. Each phase of the subdivision shall be self-sustaining and park

lands dedicated or fees paid. The subdivider shall submit an estimated time schedule for further staging of the development and final platting.

- K. Compliance with Law. All plats shall comply with the provisions of Minnesota State Statutes and the requirements of the ordinance.
- L. Improvements. Prior to approval of the final plat, the subdivider shall have installed all required improvements or have a signed development agreement with the City Council for their installation. Required improvements shall conform to minimum design standards and approved engineering standards established by the City Engineer or any applicable state or county regulatory agency.

3.07 FINAL PLAT

- A. Filing the Final Plat. The subdivider shall file:
 - 1. Eighteen (18) copies of the application and final plat with the City Administrator.
- B. Review of Final Plat. The City Administrator, after receipt of the application, shall distribute copies of the application and final plat for review, comment, and recommendation as follows:
 - 1 copy to the City Administrator
 - 1 copy to each City Council Member (5 total)
 - 1 copy to each Planning Commission Member (7 total)
 - 1 copy to the City Attorney (including Proof of Ownership)
 - 1 copy to the City Engineer
 - 1 copy to School District #2144
 - 1 copy to Minnesota Department of Transportation for projects abutting state trunk highways.
 - 1 copy to Watershed District
 - 1 copy to Minnesota Department of Natural Resources for areas located in the Shoreland District or delineated wetland.
- C. Reports and Recommendations. The administrator shall advise the Planning Commission of any comments received from the review agencies about the final plat.

- D. Public Hearing. The City Administrator, at the direction of the Planning Commission, shall set a date for a public hearing. Notice of the public hearing shall be published in the official newspaper of the municipality at least 10 days prior to the date of the hearing. Such notice shall also be mailed not less than 10 days prior to the date of the public hearing to:
1. All property owners of record according to the county assessment records within 500 feet of the property.
 2. The Commission of the Minnesota Department of Natural Resources if the proposed subdivision is located in part or in total within the "S" Shoreland or "FP" Flood Plain District.
 3. The Commissioner of the Minnesota Department of Transportation and the Chisago County Engineer if the proposed plat abuts or indicates a State Trunk Highway or County State Aid Road.
 4. Watershed District or other water regulating agencies.
 5. All utility companies which may be affected.
- E. The City Administrator shall refer said application and final plat to the Planning Commission for consideration at least seven (7) days before the next regular meeting.
- F. The Planning Commission shall consider the final plat and hold a public hearing at its next regular meeting. The City Administrator shall refer said application along with all related information to the Planning Commission for consideration. The applicant or a representative shall appear before the Planning Commission in order to answer questions concerning the final plat.
- G. Recommendation. The Planning Commission shall review the final plat to assure consistency with the approved preliminary plat. The Planning Commission shall make a recommendation for approval or disapproval with conditions and reasons thereof to the City Council. In the event the plat is disapproved, the subdivider shall be notified in writing of the reason of such disapproval and what recommendations are necessary to meet the approval of the Commission.
- H. Council Action. The final plat, together with the recommendation of the Planning Commission shall be submitted to the City Council at its next regularly scheduled

meeting. If approved, the action shall be by resolution, including acceptance of all agreements for basic improvements, park and trail dedications and other requirements as indicated by the City Council. If denied, the reasons for such refusal shall be set forth in the proceedings of the Council and reported to the subdivider.

- I. Subdivider Responsibility. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after the final approval pursuant to the Subdivision Ordinance and Minnesota Statutes 508.08 as amended. Failure to do so within two (2) years of final plat approval shall render the plat null and void and require a new application. The City Council, at their discretion, may grant an extension of the final plat for up to three (3) years from the date the plat is to expire.

- J. DNR Requirements. A copy of all final plats located in total or in part within "FP" Flood Plain District and "S" Shoreland District shall be submitted to the Commissioner of the Minnesota Department of Natural Resources within ten (10) days of final plat approval by the City.

(Adopted: June 1997. Amended: July 2008. Amended: February 2023.)