

ORDINANCE NO.4- 2006

**A SUBDIVISION ORDINANCE IN
SPRINGVALE TOWNSHIP
ISANTI COUNTY, MINNESOTA
Effective 1/30/08**

The Board of Supervisors of Springvale Township Ordains as follows:

An Ordinance establishing regulation for the subdivision and platting of land within Springvale Township Isanti County, defining certain terms used herein, providing for the preparation of plats; providing for the installation of streets, roads, and other improvements; establishing procedures for the approval and the recording of plats; and providing penalties for violations of this Ordinance.

SECTION I. GENERAL PROVISIONS

SUBDIVISION 1. SHORT TITLE

This Ordinance shall be known as the "Subdivision Ordinance of Springvale Township" and will be referred to herein as the "Ordinance."

SUBDIVISION 2. PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: To safeguard the best interests of Springvale Township; to assist the subdivider in harmonizing his interests with those of the Township at Large; to prevent piecemeal and unplatted development of subdivisions, undesirable disconnected patchwork of pattern, and poor circulation of traffic; to correlate land subdivisions within the Township's Comprehensive Plan; to secure the rights of the public, with respect to public land and waters; to improve land records by establishing standards for surveys and plats; to discourage inferior development which might adversely affect property values; and to establish subdivision development of standards compatible with the County.

It is the purpose and intent of this Ordinance to make certain regulations and requirements for the platting of land in Springvale Township pursuant to "an act authorizing Township planning and zoning activities, establishing a Planning Commission; authorizing the enactment of official controls, and providing penalties for violations thereof@ as authorized by Minnesota Statutes Chapter 394, as amended, which regulations the Town Board deems necessary for the health, safety, and general welfare of the Township.

SUBDIVISION 3. JURISDICTION

The regulations herein governing plats in the subdivision of land shall apply to all the areas of the Township.

Lots that would require use of holding tanks will not be approved.

SUBDIVISION 4. SEPARABILITY

If any part or provisions of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any Court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved, and shall not affect or impair the validity of the remainder of these regulations or their application.

SUBDIVISION 5. CONSISTENCY WITH ISANTI COUNTY

The standards in this Ordinance shall be deemed minimum standards, and in the event of an inconsistency between this Ordinance and the requirements of Isanti County's Ordinance, the more restrictive shall apply.

SECTION II. RULES AND DEFINITIONS

SUBDIVISION 1. RULES

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; and the word "shall" is mandatory and not discretionary.

SUBDIVISION 2. DEFINITIONS

The Township adopts the definitions found in the Isanti County Subdivision Ordinance Section II Subdivision 2.

SECTION III. DESIGN STANDARDS

SUBDIVISION 1. BLOCKS

The minimum standards for Blocks shall be as set by Isanti County.

SUBDIVISION 2. LOTS

Every new lot must have direct frontage of at least sixty (60) feet on a public road which is publicly maintained or which is the subject of a signed developer's agreement providing for future public road maintenance. The minimum lot standards shall comply with the requirements of the zoning district in which the plat is situated as required by the Isanti County Zoning ordinance, and any Springvale Township Ordinances that may in the future be adopted.

SUBDIVISION 3. ROADS, HIGHWAYS, STREETS, AND ALLEYS

1. Except for cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads in the nearest subdivided tracts. The arrangement of highways shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff storm water, to public convenience and safety, and then their appropriate relation to the proposed uses of the area to be served.

1. Dead end streets and roads shall be prohibited, but cul-de-sacs shall be permitted where topography and other conditions justify their use.
2. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street and road system for the unsubdivided portion shall be prepared and submitted by the subdivider.
3. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future roads and appropriate resubdivision, with provision for adequate utility connection for such resubdivision.
4. Under normal conditions, roads shall be designed as to intersect as nearly as possible at right angles, except where topography and other conditions justify variations. The minimum angle of intersection of roads shall be eighty (80°) degrees. Intersection jogs shall have an offset of not less than one hundred fifty (150') feet. Intersection jogs shall not be allowed unless it is unavoidable in the opinion of the Town Board.
5. Wherever the proposed subdivision contains or is adjacent to the right-of-way of a State highway, provision may be required for a marginal access street or road approximately parallel and adjacent to the boundary of such right-of-way, or for a road at a distance suitable for the appropriate use of land between such road and right-of-way. Such distance shall be determined with due consideration for the minimum distance required for the approach connections to future grade separations, or for lot depths.
6. Dedication of half street or half roads will not be approved.
7. For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, roads, highways, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimension for each classification as follows:

State Highway	As Required by the Minnesota Department of Transportation
County Highways – Major Collector	120 feet
County Highways – All Other	100 feet
Township Roads	66 feet
Marginal Service Access Roads	66 feet

Alleys	20 feet
Pedestrian Way	15 feet

Where the existing, or anticipated traffic on State, County or Township roads warrants greater widths of right-of-ways, such greater widths as the Town Board deems necessary shall be required.

8. Access to State and Federal highways shall be as required by the Minnesota Department of Transportation.
9. Road and highway 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:

State Highways	As Required by the Minnesota Department of Transportation
County Highways	As required by the Isanti County Highway Department
Marginal Service Access Roads	6%
Alleys	6%
Township Roads	As required by the Springvale Township Ordinance regulating town road right-of-ways

1. Road and highway alignments. The minimum horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

- a. Horizontal MBOL 66 \f "WP TypographicSymbols" \s 12 Radii of Centerline

State Highways	As Required by the Minnesota Department of Transportation
County Highways	As required by the Isanti County Highway Department

Township Roads	As required by the Springvale Township Ordinance regulating town road right-of-ways
Marginal Service Access Roads	215 feet

- b. Vertical OL 66 \f "WP TypographicSymbols" \s 12 All changes in street grades shall be connected by vertical parabolic curves at such lengths as follows:

State Highways	As Required by the Minnesota Department of Transportation
County Highways	As required by the Isanti County Highway Department
Township Roads	As required by the Springvale Township Ordinance regulating town road right-of-ways

2. All proposed streets or roads shall be offered for dedication as public rights-of-ways. Public roads shall be allowed as part of the Planned Unit Development and shall be subject to the provisions of an approved "homeowners' association" agreement approved by the Township as part of the plat approval.

- a. Additional conditions for private roads shall include:

(1) A duly executed and recordable contract applicable to all property owners in the plat which specifies the method of assessment of maintenance costs, and a mechanism to enforce payment by each benefiting property owner.

(1) Written reasons why it is in the best interest of the subdivider and future property owners that the road system be private and non-accessible to the public and not to be accepted or maintained as a Township road. Each deed of

conveyance must contain reference to the contract for maintenance cost sharing as stated above. The plat shall also make reference to the contract for maintenance sharing.

- (2) The private road request shall also provide for access of emergency vehicles, should the road be capable of being blocked or gated, the individuals in the subdivision shall have the separate ability to open the road.
 - b. If the Planning Commission finds the reasons and enforcement mechanisms in place, it shall make a recommendation of approval to the Town Board as part of the final plat submission.
 - c. Any private road approved by the Township Board of Supervisors shall be constructed in accordance with the standards set forth for public roads in this Ordinance.
 - d. The private road shall be memorialized on the plat.
13. Cul-de-sacs shall be limited to six hundred (600) feet in length. All cul-de-sacs shall have a minimum paved radius of 50 feet and a right-of-way radius of 60 feet.
14. All road construction plans and specifications shall be reviewed by the Township Engineer. Upon recommendation for approval by the Township Engineer, the Town Board shall take action on the approval of the roadway final plans and specifications. All roads improved as part of the subdivision plat shall meet the following road cross-section requirements:
 - a. Road improvements shall meet the standards in the Springvale Township Ordinance and Specifications for Road Construction in Springvale Township.

SUBDIVISION 4. EASEMENTS

1. An easement for utilities at least seven (7') feet wide shall be provided along the side lines of lots, front line and/or rear line of lots where necessary to form a continuous right-of-way, at least fourteen (14') feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.
2. Utility easements shall connect with the easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the Town Board, by ordinance, upon the recommendation of the Planning Commission.
3. Drainage and wetland easements shall be required when necessary to ensure

proper drainage, and protect the interest of the public and the environment.

SUBDIVISION 5. SHORELAND SUITABILITY ANALYSIS

Springvale Township has not separately adopted Shoreland regulations. All shoreland development must comply with Isanti County, state, and federal requirements.

SECTION IV. PLATS: SUBDIVISION PROCEDURE AND DATA

All Plats submitted to Isanti County for approval must be submitted to the Town Board for road approval in accordance with Township ordinances. The Township shall hold a public hearing on all plats in accordance with the requirements of Minnesota Statutes Chapter 462.

SECTION V. BASIC IMPROVEMENTS

SUBDIVISION 1. GENERAL

Before a final plat is approved by the Town Board, the subdivider of the land shall execute and submit to the Town Board an agreement, ("Developer's Agreement") which shall be binding on his or their heirs, personal representatives and assigns. The Developer's Agreement shall be in form appropriate to record against the property in the plat. It will set forth the terms of the agreement between the Township and the Developer concerning the development of the plat, require financial security for the Town, and require the Developer to be responsible for all of the Town's costs and expenses, including engineering, attorney, and other fees, associated with the plat. All of the required improvements to be installed under the provisions of this ordinance shall be designed by a civil engineer or registered land surveyor and be inspected by the Township engineer during the course of the construction. All of the inspection costs pursuant thereto shall be paid by the subdivider.

1. The Town Board will not sign the final plat until the Developer has completed the following:
 - A. All roads and other public dedications in the plat shall have been dedicated to the Township free and clear of all liens and encumbrances on the dedicated property and public improvements. This may be accomplished by the dedications in the final plat itself, where appropriate.
 - B. The Developer and the Township shall have entered into a Developer's Agreement in form acceptable to the Town Board.
 - C. The Developer shall have posted the financial guaranty or other security, if any, required by the Developer's Agreement, in form and subject to conditions satisfactory to the Town Board.

2. Final plats may be approved by the Township Board on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage

of the streets or roads and lot impossible, provided the subdivider has obtained the necessary permits or authorizations required by all applicable units of government (i.e. Army Corp. of Engineers, Department of Natural Resources, Minnesota Board of Water and Soil Resources, and other Federal or State agencies). All improvements necessary for development in these areas shall be designed by a civil engineer or registered land surveyor and filed with and approved by the Township Engineer, to ensure the area is suitable for use without interfering with the flow of water under flood conditions.

3. Following approval of the final plat, and not before, the Developer is permitted to begin selling lots.
4. The Developer shall comply with the following regarding roads in the plat:
 - A. A first lift shall be laid upon roads within the plat following sale of 20% of the total lots. No additional lots may be sold until such improvement has been completed.
 - B. The second and final lift shall not be laid upon roads within the subdivision until the later of 1) 12 months have elapsed, and 80% of the lots (excluding outlots) in the plat have been sold since the first lift, or 2) 60 months have elapsed since the first lift.
3. The Town Board will not accept maintenance responsibility of the roads in any plat, or release the financial security concerning the roads and improvements in any plat until all of the following are met:
 - A. It receives a report from the Township Engineer certifying completion of the improvements described herein, and in the applicable Developer's Agreement as well as certifying compliance with all applicable State, County and Township laws or ordinances and any other written agreements between the Developer and the Township,
 - B. It receives a report from the Township Engineer certifying that that all roadway design standards contained in Section III, Subdivision 3 of this Ordinance have been met, and that drawings in form and substance acceptable to the Township showing all improvements as built have been prepared by the Developer, at Developer expense, and filed with the Township Engineer and the Town Board.
 - C. 12 months have passed since the final lift has been placed on all roads in the plat, and all warranty repairs required by the Town Board, in consultation with the Township Engineer, have been made.

SUBDIVISION 2. DEVELOPER'S AGREEMENT

Prior to installation of any required improvements and prior to approval of the final plat, the developer shall enter into an agreement in writing with the Town Board requiring the developer to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual agreement conditions. Further, the agreement shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved preliminary plat and provide for the proper execution, recording or other action required. Approval of the developer's agreement shall be by Town Board resolution.

1. The developer's agreement shall include provisions for the supervision of the details of construction by the Township engineer or his agent, and grant to the Township engineer, or his agent, authority to coordinate the work to take place under said agreement by any subcontractors authorized to proceed, and with any other work being done or contracted by the Township in the vicinity.
2. The developer's agreement shall require the developer to provide a financial guarantee to ensure completion of all improvements.
3. The time for completion of the work, and the several parts thereof, shall be determined by the Town Board upon recommendation of the Township engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.
4. The developer's agreement shall require the developer to be responsible for all of the township's legal, engineering, surveying and other costs of any kind related to the development, the drafting of the agreement, the inspections, and any other activities reasonably related to the development.

SUBDIVISION 3 ROAD AND HIGHWAY IMPROVEMENT

1. The right-of-way shall be cleared, and the road construction shall be completed, in accordance with the standards and specifications for road construction as approved by the Town Board.
2. All roads shall be of an overall width in accordance with the standards and specifications for road construction as approved by the Town Board.
3. Curb and gutter, when required, shall be constructed as required by the standards and specifications for road construction as approved by the Township engineer.
4. Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required such drainage facilities shall be constructed in accordance with the standards and specifications for road construction as approved by the Township engineer.
5. Road signs of the standard design, approved by the Township engineer, shall be installed at each street or road intersection. Cost of all road signs shall be paid for by the developer.

6. Seeding and/or sodding shall be installed within all road right-of-ways and over slope easements in accordance with standards and specifications set forth in Section III, Subdivision 3, Item 15 of this Ordinance.

SUBDIVISION 4. UTILITIES

1. All utility lines for telephone and electric service shall be placed in utility easements when carried on overhead poles.

1. For telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways, in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations, which traverse privately owned property, shall be protected by easements.

SECTION VI. VARIANCES

SUBDIVISION 1. GENERAL

The Planning commission may recommend to the Town Board, for review and action, a variance when in its opinion an undue hardship may result from strict compliance with these regulations. The Town Board shall only permit a variance when:

1. A variance is in harmony with the general purposes and the intent of the subdivision regulations.
2. There are practical difficulties or particular hardship in the way of carrying out the strict letter of the subdivision regulations.
3. The terms of the variance are consistent with the Township's comprehensive plan.
4. The variance, if granted, will not alter the essential character of the locality.

The Town Board may impose conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest.

SECTION VII. VIOLATIONS AND PENALTY

SUBDIVISION 1. 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 part of, or in conformity with any plan, plat or replat of any subdivision or area located within the jurisdiction of this Ordinance unless said plan, plat or replat shall have first been recorded in the Office of the Register of Deeds of Isanti County.

SUBDIVISION 2. RECEIVING AND RECORDING UNAPPROVED PLATS

It shall be unlawful to receive or record in any public office any plans, plats or replats 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, 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 Town Board.

SUBDIVISION 3. MISREPRESENTATIONS AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OF IMPROVEMENTS

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 or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the Town Board, or has been supervised or inspected by the Town Board when such improvements have not been so constructed, supervised, or inspected.

SUBDIVISION 4. PENALTY

Anyone violating any of the provisions of this Ordinance shall be guilty of an offense punishable by a fine as specified in Minnesota Statutes. Each day during which compliance is delayed or this ordinance is violated shall constitute a separate offense. Costs of prosecution may be added pursuant to Minn. Stat. 366.01 subd. 7. The terms of this Ordinance may be enforced by criminal action, civil action or injunction, in the Town Board's discretion.

SECTION X. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage according to law.

Passage approved this 15th of June, 2006.

Amendment to Section 5 Sub. 1, Par. 2 this 25th day of October, 2006.

Amendment to entire ordinance, passage approved this 30th day of January, 2008.

Roger McNear
Springvale Town Board Chair

Attest

Michelle Kleven
Township Clerk