



**BELLE PLAINE PLANNING & ZONING COMMISSION  
NOTICE OF REGULAR MEETING AND AGENDA  
CITY HALL, 218 NORTH MERIDIAN STREET  
PLEASE USE THE NORTH ENTRANCE**

**MONDAY, JANUARY 13, 2025  
6:00 P.M.**

**PLEDGE OF ALLEGIANCE**

6:00 **1. CALL TO ORDER.**  
P.M. 1.1. Roll Call.

**2. APPROVAL OF AGENDA.**

**3. APPROVAL OF MINUTES.**

3.1. Regular Session Minutes of December 9, 2025.

6:05 **4. RECOGNITION OF INVOLVED CITIZENS.**

P.M. *Persons may make statements to the Planning Commission pertaining to items **not** on the agenda. Maximum of three (3) minutes per speaker. No official action will be taken.*

**5. PUBLIC HEARINGS.**

None.

**6. BUSINESS.**

6.1. Subdivision Code (Ordinance) Update.

6.2. Resolution 25-01: Resolution Recommending Approval of Final Plat for Belle Plaine Water Resource Recovery Facility.

**7. ADMINISTRATIVE REPORTS.**

7.1. Commissioner Comments.

7.2. Director's Report.

7.3. Upcoming Tentative Meetings.

1. Regular Meeting, 6:00 p.m., Monday, February 10, 2025.

**8. ADJOURNMENT.**

There may be a quorum of the Belle Plaine City Council present at the meeting.

**BELLE PLAINE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
DECEMBER 9, 2024**

**PLEDGE OF ALLEGIANCE**

Chair Romness led those present in the Pledge of Allegiance.

**1. CALL TO ORDER. 1.1. Roll Call.**

The Planning and Zoning Commission met in Regular Session on Monday, December 9, 2024 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Romness called the meeting to order at 6:00 PM with Commissioners Schmitz, Crapser and Petersen present. Commissioner Duklet was not present.

Also present was Council Liaison Woletz and Community Development Director Smith Strack.

**2. APPROVAL OF AGENDA.**

MOTION by Commissioner Petersen, second by Commissioner Crapser, to approve the Agenda as presented. ALL VOTED AYE. MOTION CARRIED.

**3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of November 12, 2024.**

MOTION by Commissioner Schmitz, second by Commissioner Petersen, to approve the Regular Session Minutes of November 12, 2024. ALL VOTED AYE. MOTION CARRIED.

**4. RECOGNITION OF INVOLVED CITIZENS.**

*Persons may make statements to the Planning Commission pertaining to items **not** on the agenda. Maximum of three (3) minutes per speaker. No official action will be taken.*

No one stepped forward.

**5. PUBLIC HEARINGS. None.**

**6. BUSINESS.**

**6.1. Subdivision Code (Ordinance) Update.**

Community Development Director Smith Strack explained the Commission will begin review of an updated subdivision ordinance noting this will be a multi-meeting discussion. Smith Strack reviewed the update with a slideshow. Smith Strack explained the update will be a complete repeal and replace due to the amount of references needing to be updated. Smith Strack reviewed the Anatomy of Subdivision Code, Introductory Provisions, General Provisions, Definitions and Restrictions on Filing and Recording.

The Commission held brief discussion.

**7. ADMINISTRATIVE REPORTS.**

**7.1. Commissioner Comments.**

No comments were made.

**7.2. Director's Report.**

Community Development Director Smith Strack highlighted the Director's Report.

**7.3. Upcoming Tentative Meetings.**

1. Regular Meeting, 6:00 p.m., Monday, January 13, 2025.

The Commission was reminded of the upcoming tentative meetings.

**8. ADJOURNMENT.**

MOTION by Commissioner Romness, second by Commissioner Petersen, to adjourn the meeting at 6:45 PM. ALL VOTED AYE. MOTION CARRIED.


Respectfully Submitted,

Renee Eyrich  
Recording Secretary



# MEMORANDUM

Planning and Zoning Commission

<b>DATE:</b>	January 13, 2025
<b>FROM:</b>	Cynthia Smith Strack, Community Development Director
<b>AGENDA ITEM:</b>	Continue review of subdivision ordinance update
<b>BACKGROUND:</b>	<p>The PZC is to continue review of an updated subdivision ordinance. This is the second of a series of meetings at which we will work through proposed amendments.</p> <p>The City Attorney recommended an update of Subdivision Code (Ordinance) standards to address inconsistencies and to add process clarity. CDD drafted the amendment, the City Engineer reviewed/commented on the draft, and the City Attorney reviewed/commented on all proposed changes.</p> <p>Included in your packet you will find a review guideline and a redlined subdivision code. Your printed copies will be in the desk drawer at your seat on the dais.</p> <p>We will continue to walk through the review guideline and redlined item by item.</p>
<b>ACTION:</b>	The PZC is to continue review of the proposed amendment.
<b>SIGNATURE:</b>	

# **SUBDIVISION CODE (ORDINANCE) UPDATE REPEAL/REPLACE REVIEW GUIDELINE**

## **BACKGROUND**

**What is “subdivision code”:** The subdivision code/ordinance regulates how land is divided into smaller plots for development or sale.

**Why we do this:** to help make sure new subdivisions are done consistent with: state/federal law, city infrastructure standards, city planning goals, and public safety principles in a manner that “leaves the place better than we found it”.

### **City policy approach (since the 1970’s):**

- Development should pay for itself including new roads/pipes/facilities; ‘buy into’ what others have built; and take care of initial expenses (cleaning, seal coating)
- Development should not impede future development

### **Typical parts of subdivision code:**

- Administrative & general standards and definitions
- Processing of plats: preliminary & final plats from application through review by staff, engineer, attorney, PZC, and Council.
- Design standards: streets/alleys, pipes, lots, blocks, private (dry) utilities, & drainage/erosion
- Park & public land dedication, easements, sidewalks, trails, trees, turf
- Required improvements: developers agreement, monuments (stakes), streets/curb/gutter, utility mains/service stubs, drainage structures and facilities, street signs, sidewalks, trails, streetlights, GPS locations, record drawings of what was installed
- Minor (Administrative) subdivisions – lot splits primarily

### **Related items:**

- Title review (commitment & insurance)
- Developer’s agreement
- Development fees: trunk area, civil defense, administrative, seal coat, pond cleaning
- Financial guarantee (cash or letter or credit, can drawdown to a certain extent)
- Who designs improvements
- Subdivision improvements construction installation/inspection
- Utility and infrastructure required testing
- Interim acceptance by staff, and final acceptance of improvements by Council
- Two year warranty for improvements
- Comprehensive plan
- Zoning district standards
- Planned Unit Developments: HOA, mixed uses, flexibility through ‘entitlements’ in exchange for public benefit

## **OVERVIEW OF AMENDMENTS (BY SECTION)**

### **1. Section 1200 – Introductory provisions**

- A. 1200.02 – Updated statutory reference
- B. 1200.04 – Added statement providing for city's authority to require plat, organize subdivision improvements and require agreement to guarantee improvements are installed to city specifications.

### **2. Section 1201 – General provisions**

- A. 1201.03 – Clarified what is exempt from subdivision standards (most statutory)
  - Lot combinations (b/c they are not subdivisions). We process lot combinations by simple resolution.
  - Cemetery lots
  - Residential separations where all resulting parcels are 20 or more acres and at least 500' in width.
  - Commercial/industrial separations where all resulting parcels are five or more acres.
  - Lot line adjustments.
- B. 1201.04 – Added language that building permits won't be issues for:
  - Non-compliant subdivisions.
  - Outlots.
  - Structure on a lot in a subdivision not approved by the city.
  - Lot that lacks frontage on an improved street.

### **3. Section 1202 – Definitions**

- Updated definition of outlot
- Enhanced definition of right of way.
- Added definition for improved street.

### **4. Section 1203 – Restrictions on filing and recording conveyances.**

- A. Removed entire section as recommended by City Attorney.

### **5. Section 1204 – Procedures for Filing.**

- A. 1204.01 – Added requirement for preapplication consultation with staff. Renumbered remaining items in the section.
- B. 1204.02 – Language added to concept plan stating concept plan review is non-binding on both subdivider and city.
- C. 1204.02, B – adds detail to what is needed for application review.
- D. 1204.02, C – provides for review of concept plans.
- E. 1204.03, Subd. 1 – corrects statutory citation regarding processing time limit for preplats.

- F. 1204.03, Subd. 1 A – updates application requirements
- G. 1204.03, Subd. 1 D – Amends language for planning commission review process and criteria for preplats. Incorporates language from a different section pertaining to premature subdivisions.
- H. 1204.03, Subd. 1 E – Corrects reference to “Parks Commission” from “Park Board”.
- I. 1204.03, Subd. 1 F – Amends language for Council review of preliminary plats. No longer requires Council also holds public hearing.
- J. 1204.03, Subd. 1 H – Extended time period phased final plats can be submitted for approval under original preplat approval from one to two years. Final plats must still be filed within one year of prel plat approval, unless extended by Council.
- K. 1204.03, Subd. 2 – reduce amount of large scale paper copies of preplat required, require electronic version.
- L. 1204.03, Subd. 2 B – remove duplicate reference to tree cover/inventory.
- M. 1204.03, Subd. 2 C – add requirement for subdivider to submit a table of lots that references individual lots/blocks with setbacks, lot area, foundation type, driveway slope, garage elevation, and lowest floor elevation.
- N. 1204.04, Subd. 1 A – Updated general info related to filing final plats for review.
- O. 1204.04, Subd. 1 C. Requires current title commitment with city as proposed insured at time of final plat submittal. Alludes to required title insurance policy for the city that the subdivider must have issued after plat is recorded. The title insurance protects the city’s interests in the plat including rights of way and easements.
- P. 1204.04, Subd. 2, A. Final plat review process updated.
- Q. 1204.04, Subd. 2, B – review by other agencies removed – this is done at time of preliminary plat in advance of public hearing.
- R. 1204.04, Subd. 2, C – Simplifies Council review of final plat.
- S. 1204.04, Subd. 2, D – Identifies process currently in place but not included in code.
- T. 1204.04, Subd. 4 – Amended to require electronic plan sets, record drawings.

**6. 1205.00 Design Standards**

- A. 1205.02, Subd. 1 – Street Locations. Added language requiring platting of ROW to boundary of subdivision to allow for continuation of streets upon platting of adjacent property. Removed duplicate reference to reserve strips. Numbered accordingly.
- B. 1205.02, Subd. 3 A – Street Improvements cul-de-sacs/dead ends. Propose to remove Y or T turn around option for permanent dead end streets. Propose to add language providing for turnarounds at temporary dead ends at subd. boundaries. Require installation, design approval by city engineer, require temporary easement or ROW dedication, and require removal when street is extended.

- C. 1205.02, Subd. 3 C – Half Streets. Propose to remove language requiring Subdivider deposit half payment for the street improvements. Statutes don't allow impact fees for roadways. Subdivision development agreement negotiations could provide for this as escrow.
- D. 1205.02, Subd. 3 E – Private streets. Add "in perpetuity" to language requiring private streets to be maintained privately.
- E. 1205.02, Subd. 5 A – Add "B6-24" reference to allowable high back curb requirement. Previously only B6-18 was listed.
- F. 1205.05, Subd. 5 D – Correct section reference pertaining to reserve strips.
- G. 1205.02, Subd. 5 J – Street surfacing add "approved" to requirement for gravel base, change reference to turf 'sodding' to turf restoration which would accommodate seeding or naturalizing in addition to sodding.
- H. 1205.03 A & B – Sanitary sewer and water mains must be extended through a subdivision to avoid stopping mid-property and keeping adjacent properties from accessing the main. The requirement facilitates future subdivisions. The requirement to extend main is currently described as to the 'edges' of the development. Proposed language is to the 'extents' of the development.
- I. 1205.03 D – Private utilities. Amended language to describe telecom facilities and media vs. cable.
- J. 1205.03 E – New subdivisions are required to install streetlights at developer expense (most streetlights are owned by electric companies). We have traditionally required this through development agreements. Proposed language codifies the requirement.
- K. 1205.03 F – New subdivisions are required to install traffic, directional and street signs at developer expense. We have traditionally required this through development agreements. Proposed language codifies the requirement. References MN Sign manual.

## **7. 1205.05 Lot and Block Standards.**

- A. 1205.05, Subd. 1 C – Double Frontage Lots (i.e. streets on front and rear or side/side – not a corner lot); most often abut arterial roadway. Propose to expand required screening from 10' to 20'.
- B. 1205.05, Subd. 1 E – Every lot must abut a public street. Current standard alludes to minimum frontage required under zoning district. This requirement doesn't exist in zoning code. Amended language requires minimum frontage on an improved public street of not less than 50% of minimum lot width or 30' in districts where minimum width isn't defined.
- C. 1205.05, Subd. 1 M – Most times residential lots in new subdivisions aren't allowed to allowed access county and state highways. This existing language allows for that if approved by the other jurisdictions. If such access is allowed the language requires vehicle turnarounds on the lot so that backing out onto highway isn't required.

## **8. 1205.06 Park/Public Land Dedication.**

- A. 1205.06, Subd. 1 – Insert language as proposed by City Attorney Council conclusion 10% dedication of land or value is 'reasonable'.

- B. 1205.06, Subd. 2 A – add statement referencing park plan/comp plan.
- C. 1205.06, Subd. 3 A – add language allowing Subdivider to submit evidence a subdivision will create less demand for public parks/spaces than a typical subdivision rendering 10% dedication requirement ‘unreasonable’.
- D. 1205.06, Subd. 3 C – Change reference from Park Board to Parks Commission.
- E. 1205.06, Subd. 3 E – Remove churches as exempt from park dedication requirements. Schools and government exemptions retained.
- F. 1205.06, Subd. 3 F – remove language pertaining to park dedication by zoning district.
- G. 1205.06, Subd. 3 G – remove language pertaining to minimum park land frontage on streets.
- H. 1205.06, Subd. 3 H – remove language pertaining to access points to parks.
- I. 1205.06, Subd. 3 I – remove language requiring parking on lands adjacent to park land dedicated.

**9. 1205.07 Easements**

- A. 1205.07, Subd. 1 – Drainage easements. Adjusted language to require easements receive appropriate turf restoration rather than requiring sodding.
- B. 1205.07, Subd. 2 – changed reference from Park Board to Parks Commission.
- C. 1205.07, Subd. 4
  - Adjust size of accessory structure allowed to be placed in easement or bluff setback through issuance of an administrative easement encroachment permit from 120 sf to 200 sf. This reflects a previous change in the square footage requirement for building permit issuance.
  - Clarify private utilities need to obtain an easement encroachment permit if they are placed in a public easement.
  - Remove requirement that permits for encroachment into blufflands be forwarded to Scott County for review. This is not current practice as city is local government unit implementing such rules.

**10. 1205.08 – Other**

- A. 1205.08, Subd. 3 – Turf. Replace current requirement sod be installed in disturbed areas. Replacement language provides for seeding, native plantings, and sod under the umbrella of turf restoration.
- B. 1205.08, Subd. 4 – Trees. Removes language relating to developer providing tree ‘escrow’ and places requirement to plant trees on new subdivision lots on the developer. One tree per interior lot, two trees per corner lot. Planted on private property in front yard.

## **11. 1206.00 – Required Improvements**

- A. 1206.01 – Language adjustment per City Attorney provides for review of developers agreement in conjunction with or as a condition of final plat approval rather than after final plat approval.
- B. 1206.01, Subd. 1 D changed reference from drain tile to “edge drains”.
- C. 1206.01, Subd. 1 E – allows option for city to order and place subdivision signage at expense of developer.
- D. 1206.01, Subd. 1 F – clarifies sanitary mains have to be extended to all extents of property being platted.
- E. 1206.01, Subd. 1 I – clarifies storm facilities are to be maintained by the developer until accepted by the City.
- F. 1206.01, Subd. 1 L – makes final subdivision grading and ground cover establishment a requirement of subdivision improvement acceptance rather than saying it may be.
- G. 1206.01, Subd. 1 M – adds “media” to reference to private utilities.
- H. 1206.01, Subd. 1 O – requirement developer seal coats new streets is proposed for deletion as we collect an escrow at the time the developers agreement is signed and we make sure it is done.
- I. 1206.04 – all references to ‘as built’ are replaced with ‘record drawings’ requirement for improvements to be GPS located (we don’t do tracer wire any more) added.

## **12. 1207.00 Minor Subdivisions**

- A. 1207.01, Subd. 1 A – This section has been rewritten for clarification and to remove a provision that allowed administrative approval of minor subdivisions. The requirement for Council approval was instituted at the direction of the City Attorney. Most of the requirements mirror those existing at this time.
- B. 1207.01, Subd. 1 B & C – requires specific application be filed and corresponding certificate of survey.
- C. 1207.01, Subd. 2 – reflects adjustments to approval process as directed by the City Attorney.
- D. Strikethrough is existing text of the section.

## **13. 1208 Premature Subdivisions**

- A. This section is proposed for removal as existing language has been incorporated into Section 1204.03, Subd. 1 D

## **14. 1209 Variances/Waivers**

- A. 1209.01 minor adjustment to verbiage.

**15. 1210 Official Maps**

Entire section proposed for deletion at direction of City Attorney. In PZC speak 'official map' typically means official zoning map. That is not what this section references. The entire section is statutory language about a process that local jurisdictions can follow to protect future right of way corridors. City Atty indicates not appropriate to have in local code.

**16. 1211 Compliance/Enforcement**

A. No changes contemplated.

**17. 1212 Validity.**

A. No changes contemplated.

**18. 1213 Repeal.**

A. No changes contemplated.

Section 1200.00. SUBDIVISION ORDINANCE.

- 1200.01 Official Subdivision Ordinance.
- 1200.02 Regulations.
- 1200.03 Short Title.

1200.01 OFFICIAL SUBDIVISION ORDINANCE. The official Subdivision Ordinance regulates and governs the subdivision or platting of land in the City of Belle Plaine, Scott County, Minnesota.

1200.02 REGULATIONS. The City of Belle Plaine has adopted a comprehensive plan for the future physical development and improvement of the City pursuant to Minnesota Statutes, ~~473.859~~ ~~MSA 362.555~~, and finds it necessary to regulate the division of land for future development and use. The City finds that the public health, safety and general welfare require that the division of land into two or more parcels requires regulation to assure adequate space, light and air; to provide proper ingress and egress to property; to facilitate adequate provision for water, waste disposal, fire protection, open space, schools, public uses and adequate streets and highways; and to assure uniform monumenting, legal description and conveyance of subdivided land. The Minnesota Statutes authorize municipalities to so regulate the subdivision and platting of land pursuant to MSA 412.221 Subdivision 28; and 462.358.

1200.03 SHORT TITLE. This ordinance shall be known as the "Subdivision Ordinance of the City of Belle Plaine" and is referred to herein as "subdivision ordinance."

1200.04. PLATTING AUTHORITY

No plat or replat shall be filed in the Office of the County Recorder or Registrar of Titles unless approved by a majority of the members of the City Council voting on such plat or replat. No public improvement shall be installed in a platted subdivision unless the final plat is approved. Grading and installation of services shall not be permitted prior to a development agreement being approved by the City Council and the applicant having filed all required financial securities.

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Section 1201.00 GENERAL SUBDIVISION PROVISIONS.

- 1201.01 Purpose.
- 1201.02 Applicability.
- 1201.03 Exceptions.

1201.01 PURPOSE. This Ordinance is adopted in order to safeguard the best interests of the City and to assist the Subdivider in harmonizing the Subdivider's interests with those of the City at large. Because each new subdivision becomes a permanent unit in the basic structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring on an undesirable, disconnected patchwork or pattern and poor circulation of traffic unless its design and arrangement is correlated to a comprehensive plan of the City aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the City and the Planning Commission shall, in all respects, fully comply with the regulations hereinafter set forth in this ordinance. It is the purpose of this ordinance to make certain regulations and requirements for the platting of land within the City to provide for health, safety, and the general welfare and to:

1. provide for and guide the orderly, economic and safe development of land and urban services and facilities;
2. encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;
3. facilitate adequate provision for streets, transportation, City water, City sewer, storm drainage, schools, parks, playgrounds, and other public services and facilities;
4. assure that a reasonable portion of any proposed subdivision is dedicated to the public or preserved for public use as streets; roads; sewers; electric, gas and water facilities; storm water drainage and holding areas or ponds; and similar utilities and improvements;
5. assure that public improvements are constructed to adequate standards;
6. place the cost of improvements against those benefiting from their construction;
7. secure the rights of the public with respect to public land and waters;
8. assure that new subdivisions are consistent with the Comprehensive Plan, the Growth Development Plan, and overall development objectives of the City;
9. achieve a more secure tax base; and,
10. set the minimum requirements necessary to protect the public health, safety, and general welfare.

1201.02 APPLICABILITY. Every division of land for the purpose of lease or sale into two (2) or more lots, parcels or tracts within the incorporated area of the City of Belle Plaine or any combination of two or more lots which would result in a parcel over thirty thousand (30,000) square feet shall proceed in compliance with this Ordinance. It is the purpose of this Title to make certain regulations and requirements for the platting of land within the City pursuant to the authority contained in Minnesota Statutes chapters 412, 429, 471, 505 and 58, which regulations the City Council deems necessary for the health, safety, general welfare, convenience and good order of this community.

1201.03 EXCEPTIONS. The lot combinations and the following land subdivisions are exempted from the provisions of this Ordinance ~~shall not apply to:~~

1. ~~a Cemetery lots or burial plot while used for that purpose;~~
2. ~~Court ordered divisions or adjustments, any division of land made by testamentary provision, the laws of descent, or upon court order;~~
3. ~~land which the Planning Commission or the Council finds to be unsuitable for land subdivision due to flooding, inadequate drainage, steep slopes, rock formations or other features likely to be harmful to the safety and general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots; and,~~
4. ~~in the case of re-subdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds, or Registrar of Titles prior to the effective date of this Ordinance. Nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by or in conflict with this Ordinance, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provisions of the law, ordinance, contract or deed, the provisions of this Ordinance shall control.~~
5. Separations where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses.
6. Separations where all the resulting parcels, tracts, lots, or interests will be five acres or larger in size for commercial and industrial uses.
7. The subdivision of land where the purpose is to permit the adding of a portion of an existing lot to a single abutting lot (lot line adjustment) when the newly created property line will not cause the land or any structure to be in violation of the provisions of the Subdivision Code or the Zoning Code.

4.—

1201.04 BUILDING PERMITS.

1. No building or other permits will be issued by the city for grading, buildings, structures, or improvements to any lot unless there has been full compliance with the provisions of this chapter.
2. No building permit shall be issued for Outlots intended to be final platted into lots and blocks. Building permits may be issued for Outlots that are to be used for a specific purpose designated in a subdivision developer's agreement between the city and the developer.
3. No building permit shall be issued for any structure on a lot in any subdivision that has not been approved by the City Council.
4. No building permit shall be issued for any lot that lacks frontage on an improved street.

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Section 1202.00 DEFINITIONS.

1202.01 Definitions.

1202.01 DEFINITIONS.

- A. ACCESS WAY: A public or private right-of-way across a block or within a block to provide non-vehicular access, to be used by the general public.
- B. ALLEY: A public right-of-way, other than a street, which affords a secondary means of access to abutting property.
- C. APPLICANT: The owner of land proposed to be subdivided or the owner's representation. Consent shall be required from the legal owner of the premises.
- D. BLOCK: An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary or boundaries of the subdivision or by a combination of the above with a river, lake or park.
- E. BOULEVARD: A portion of the street right-of-way between the curb line and the property line.
- F. BUILDABLE LAND: Land that is not classified as floodplain or wetland or bluff, that is contiguous and not separated by streams, wetlands.
- G. BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy, which is permanently affixed to the land.
- H. BUILDING SETBACK: The minimum horizontal distance between the building and the ordinary high water mark or the specified lot line as prescribed in this Ordinance.
- I. CERTIFICATE OF SURVEY: A document prepared by a Registered Engineer or Registered Land Surveyor which precisely describes area, dimensions and locations of a parcel or parcels of land.
- J. CITY: The City of Belle Plaine.
- K. CONVEYANCE: The sale, trading, donation, or offer of sale or other transfer of land.
- L. COMPREHENSIVE PLAN: A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City and its vicinity. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- M. CONCEPT PLAN: A sketch drawing or map which depicts a proposed subdivision by showing proposed lots, streets, use, relationship to surrounding area, generalized natural features, easements, and any requested zoning change and other information required by this Ordinance for review by the City.

- N. DESIGN STANDARDS: The specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks as set forth in Section 6.
- O. DEVELOPER: A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. This shall be synonymous with subdivider.
- P. DRAINAGE COURSE: A watercourse or surface area for the drainage or conveyance of surface water, including channel, creek, ditch, drain, river, and stream.
- Q. EASEMENT: A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining drives, roadways, walkways, bicycle trails, utilities, including, but not limited to wetlands, ponding areas, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, gas lines, pipelines, and cable television lines.
- R. ENGINEER: The person or persons, individual or corporate, designated from time to time by the City Council as the City Engineer.
- S. FINAL PLAT: The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved and properly executed, will be submitted to Scott County for recording in public records.
- T. HIGHWAY: A right-of-way with a minimum of four divided lanes, two in each direction, that allows limited street crossings and no new access to abutting property.
- U. GRADE: The slope of a road, street, or other public way, specified in percentage terms.
- V. LOT: Previously platted land, excluding outlots, occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
- W. LOT, CORNER: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
- X. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two streets.
- Y. 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 bearings and distances of the lines

forming the boundaries of the property or delineating a fractional portion of a section, lot or area by describing lines or portions thereof.

- Z. MINOR SUBDIVISION: The division of a single parcel, lot, or tract, into two (2) separate parcels, lots or tracts.
- AA. NATURAL WATERWAY: A natural passageway on the surface of the Earth so situated and having such a topographical nature that surface or percolating water flows through it from other areas before reaching a final ponding area.
- BB. OFFICIAL MAP: A map adopted in accordance with this Ordinance showing existing streets, proposed future streets, and the area needed for widening of existing street of the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.
- CC. OUTLOT: ~~A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended within this plat and for which no building permit shall be issued.~~ A parcel of land shown on a subdivision plat as an outlot, and designated alphanumerically, (for example - Outlot A). OUTLOTS are used to designate: land that is part of the subdivision but is to be final platted into lots and blocks at a later date or land that is to be used for a specific purpose as designated in a development agreement or other agreement between the city and the developer.
- DD. OWNER: Any individual, firm, association, syndicate, co-partnership, corporations, trust, limited liability corporation, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided or commercially used to commence and maintain proceedings under this Chapter.
- EE. PARCEL: A contiguous tract of land, which may consists of un-platted land or one or more platted lots.
- FF. PARKS, PLAYGROUNDS AND PUBLIC OPEN SPACE: Public lands and local open spaces in the City dedicated and owned by the City to be reserved for recreation or conservation purposes.
- GG. PEDESTRIAN WAY: A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others, which may be used for the installation of utility lines. Pedestrian ways include sidewalks and trails for bicycle and pedestrian traffic.
- HH. PERCENTAGE OF GRADE ON STREET CENTERLINE: The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.
- II. PERSON: Any individual, firm association, syndicate or partnership, corporation, trust, or any other legal entity.
- JJ. PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of the City of Belle Plaine.

- KK. PRELIMINARY PLAT: The preliminary map, drawing or chart indicating the proposed layout of the subdivisions to be submitted to the Planning Commission and Council for their consideration, including required data.
- LL. PROTECTIVE COVENANTS: Contracts made between private parties as to the manner in which land may be used, with a view to protecting and preserving the physical, social and economic integrity of any given area.
- MM. PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- NN. RIGHT-OF-WAY: Property dedicated to public use and ~~is~~ intended to be established for use as occupied or which is occupied by a street, alley, trail, location of utility lines, oil or gas pipeline, railroad lines, storm sewer, or other similar use.
- OO. SINGLE FAMILY DWELLING: A detached dwelling unit designed for occupancy of one family.
- PP. STREET: A public or private right-of-way which affords primary access by pedestrians and vehicles to abutting properties or carries traffic from one part of the City to another, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.
- QQ. STREET, ARTERIAL: Those streets primarily intended to carry larger volumes of traffic from one part of the City to another and are intended to provide for collection and distribution of traffic between highways and collector streets; hence direct access to property is not intended and regulation is critical.
- RR. STREET, COLLECTOR: A street that carries traffic from local streets to arterial streets and highways. Collector streets primarily provide principal access to residential neighborhoods, including, the principal entrance streets of a residential development and principal streets for circulation within such development and to a lesser degree direct land access.
- SS. STREET, CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- TT. STREET, IMPROVED: A street constructed to the specifications of this chapter in a dedicated Right-Of-Way and which has been accepted for public use.
- UU. STREET, LOCAL: Those streets, which are used primarily for access to abutting properties and for local traffic movement.

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- VV. STREET, PRIVATE: A street, serving as vehicular access to two (2) or more parcels of land or buildings, which is not dedicated to the public and is owned by one (1) or more private parties.
- WW. STREET WIDTH: The shortest distance between the lines of lots delineating the right-of-way of a street.
- XX. SUBDIVIDE: The creation of a subdivision, lot, parcel, or tract of land by dividing a lot, parcel, or tract into two (2) or more parcels, or resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.
- YY. SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. This shall be synonymous with Developer.
- ZZ. SUBDIVISION: A described tract of land which is to be or has been divided into two (2) or more lots, outlots, or parcels for the purpose of transfer of ownership, or building development, or if a new street is involved, any division of land. The combination of two or more parcels, lots, or tracts which would result in the creation of a lot over thirty thousand (30,000) square feet shall also be considered a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- AAA. TANGENT: A straight line, which is perpendicular to the radius of a curve at a point on the curve.
- BBB. TOWNHOMES: Structures housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by sharing one (1) common wall. No single structure shall contain in excess of eight (8) dwelling units, and each dwelling unit shall have separate and individual front and rear entrances.
- CCC. TRACT: A defined area of land, similar to a lot or parcel, that is occupied or will be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of the current City zoning regulations, having not less than the minimum area required by said zoning regulations for a building site in the district in which such lot is situated and having its principal frontage on a street.
- DDD. TWO-FAMILY DWELLING: A dwelling designed exclusively for occupancy by two (2) families living independently of each other.
- EEE. UTILITIES: Public or Private systems for the distribution or collection of water; gas; sewer (wastewater); storm water; electricity including all transformers, streetlights, etc.; telephone; and cable television service.
- FFF. VARIANCE: The waiving action of the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to individual property under consideration.

GGG. WATERS OF THE STATE: As defined in Minnesota Statute Section 115.01, subdivision 22, the term “waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon state of any portion thereof.

HHH. ZONING ORDINANCE: The Zoning Ordinance controlling the use of land, as adopted by the City of Belle Plaine, including the Official City Zoning Map.

(Ord. 11-09, Section 1202, Definitions, Adopted September 19, 2011)

Section 1203. Reserved

~~Section 1203.00 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES~~

~~1203.01 Restrictions on Filing and Recording Conveyances.~~

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~~1203.01 RESTRICTIONS ON FILING AND RECORDING CONVEYANCES. Upon the adoption of this Ordinance, no conveyance of land to which this Ordinance is applicable shall be filed or recorded, and no building permit shall be issued for construction or alteration on any property, if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey, or to an unapproved plat made after the effective date of this Ordinance. The foregoing provisions does not apply to a conveyance if the land described:~~

- ~~1. was a separate parcel of record prior to the date of the adoption of this Ordinance, or~~
- ~~2. was the subject of a written agreement to convey entered into prior to such time, and the instrument showing the agreement to convey was recorded in the office of the Registrar of Deeds within one year of such agreement, or~~
- ~~3. was a separate parcel of not less than two and one half (2 ½) acres in area, and one hundred fifty (150) feet in width on the effective date of this Ordinance.~~

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~~In any case in which compliance with the foregoing provision will involve an unnecessary hardship, and failure to comply does not interfere with the general purpose and spirit of this regulation, the City Council may waive such compliance by adoption of a resolution to that effect with the consent of the Planning and Zoning Commission, and may attach to such waiver such conditions as may be deemed necessary to require maximum reasonable compliance with the provisions of this ordinance; the conveyance may then be filed and recorded, and/or a building permit issued. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the foregoing provisions shall forfeit and pay to the City a penalty of not less than one hundred dollars (\$100) for each lot or parcel so conveyed. (Pursuant to State Law MSA 462.358 (Sub-4)).~~

Section 1204.00 PROCEDURES FOR FILING.

- 1204.01 Pre-Application Consultation.
- 1204.02 Concept Plan.
- 1204.03 Preliminary Plat.
- 1204.04 Final Plat.

1204.01 PREAPPLICATION CONSULTATION. Prior to any formal submission and review of a concept plan, the Subdivider may request and attend a staff meeting for staff level review. Through this meeting, the city staff may offer suggestions pertaining to additional information or design changes that may assist in expediting plat review.

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1204.02 CONCEPT PLAN.

SUBD. 1. In order to ensure that all applicants are informed of the procedural requirements and minimum standards of this Title and the requirements or limitations imposed by other City ordinances or plans, prior to the development of a preliminary plat, all applicants shall present a concept plan to the City prior to filing a preliminary plat. Concept plan review is non-binding on the part of both the Subdivider and the City. Any recommendations shall not be deemed subdivision approval or denial and shall in no way bind the City to subsequent action. The concept plan is submitted for conceptual review and does not constitute a preliminary plat.

A. CONTENTS OF PLANS: Subdividers shall prepare, for review by the Planning and Zoning Commission and City Council, subdivision concept plans which shall contain the following information: tract boundaries, north point, streets on and adjacent to the tract, significant topographical and physical features, proposed general street layout, proposed general lot layout, and any zoning changes.

B. APPLICATION/CITY REVIEW: An application for review of a concept plan shall include, but not be limited to the following:

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1. A completed application on the form provided by the City which shall include the name, address and phone number of the Subdivider and the property owner, the location of the property, a description of the proposed subdivision, and the working name for the proposed subdivision.
2. The required filing fee(s) as established by the City Council and set forth in the City Fee Schedule.
3. One large scale printed copy of the concept at a scale not less than one inch equals 100 feet.
4. One scalable digital PDF copy of the concept plan.

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~~The subdivider is responsible for providing at least ten (10) copies of the proposed subdivision to City Staff and completion of an application for concept plan review. The Planning and Zoning Commission will review the concept plan and provide a recommendation to the City Council. The City Council shall review the concept plan and may deny or approve the concept plan with conditions. The subdivider will need to use the Engineering Policy as established by the City.~~

C. ~~REVIEW~~~~MODIFICATIONS~~: As far as may be practical on the basis of a concept plan, ~~Community Development the Planning and Zoning~~ staff will informally advise the Subdivider as promptly as possible of the extent to which the proposed subdivision is consistent with the Comprehensive Plan, City Code, required actions, review procedures, surrounding properties, land dedication requirements, and subdivision ~~conforms to the design standards of this Title~~ and will discuss possible plan modifications necessary to secure conformance. The Planning and Zoning Commission will review the concept plan and provide a recommendation to the City Council. The City Council shall review the concept plan and determine the general acceptability of the land uses proposed and their interrelationship with plans and code. The City Council may deny or approve the concept plan with conditions. The Subdivider will be required to use the Engineering Policy established by the City.

1204.023 PRELIMINARY PLAT.

SUBD. 1. PROCEDURE FOR SUBMITTAL AND REVIEW: Pursuant to Minnesota Statutes ~~462.35815.99~~, as may be amended, an application for a preliminary plat shall be approved or denied by the City Council within one-hundred and twenty (120) days from the date of its official and complete submission, unless the city and applicant have agreed to an extension notice of extension is provided by the City or a time waiver is granted by the applicant.

A. FILING: ~~Ten (10) copies of the preliminary plat shall be filed with the Zoning Administrator at least twenty (20) days prior to the regular Planning and Zoning Commission meeting, at which time the plat is to be considered, together with the filing fee. A completed application on the form provided by the city for a preliminary plat, signed by the Subdivider and the property owner, shall be submitted to the Community Development Department. The application shall be accompanied by the following:~~

1. One (1) large scale paper copy and one (1) digital, scalable PDF copy of the preliminary plat.
2. All applicable information required in Subsection 1204.03, Subd. 2 of this Chapter.
3. The required filing fee(s) as established by the City Council and set forth in the city fee schedule.
4. Required escrow for legal and engineering review costs.
5. Applications for any necessary variances from the provisions of this Chapter shall be submitted along with the required fee.

B. ~~The city shall review the application and notify the Subdivider within 15 business days of submittal whether or not the application is complete. FILING FEE: The filing fee shall be as set by the City Council, to be used for the expenses of the City in connection with the approval or disapproval of said plans.~~

C. REZONING: If the property must be rezoned for the intended use, an application for rezoning, pursuant to the procedure in the Zoning Code, shall be filed with the preliminary plat.

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D. PLANNING COMMISSION ACTION:

1. The Community Development Department, upon receipt of a complete application, shall set a public hearing date before the Planning Commission for public review of the preliminary plat. Notice of the hearing shall consist of the date, time and place of the hearing, a description of the property reasonably calculated to inform a person of the location, and description of the preliminary plat request and where and when information pertaining to the preliminary plat may be obtained. The hearing notice shall be published in the official newspaper at least ten (10) days prior to the hearing. Notice of the proposed subdivision shall also be posted on the City's website at least 10 days prior to the scheduled public hearing date. Written notification of the hearing shall be mailed to all owners of land within three hundred feet (350') of the boundary of the property in question at least ten (10) days prior to the hearing. Any omission or defect, which has not precluded surrounding property owners from participating in the proceedings, shall in no way impair the validity of the proceedings on the proposed application.

2. Community Development staff shall refer copies of the preliminary plat to County, Metropolitan, State or other public entities for their review and comment, as appropriate.

3. Appropriate staff shall prepare technical reports as appropriate and provide general assistance in preparing a recommendation on the action.

4. The Planning and Zoning Commission shall conduct the public hearing. At the close of the public hearing, upon discussion and review, the Planning and Zoning Commission shall recommend approval, approval with conditions, disapproval of the preliminary plat, shall otherwise forward the plat for consideration to the City Council, or may table the matter or continue the public hearing. If disapproval is recommended, the reasons for disapproval shall be stated.

5. The Planning Commission shall base its recommendation on the purposes and requirements of this chapter on comments received from staff, other governmental entities and agencies, utilities, the public, and the Subdivider. The Planning Commission shall consider, and may address in its recommendation, whether:

A. The proposed subdivision is consistent with Comprehensive Plan planned land use and systems plans.

B. The proposed subdivision is consistent with the official zoning map.

C. The proposed subdivision is consistent with zoning performance standards or standards approved through planned unit development entitlements or required variance(s) are approved.

D. The physical characteristics of the site, including but not limited to

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topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and stormwater drainage are suitable for the proposed development.

E. The proposed subdivision makes adequate provision for water supply, storm drainage, sanitary sewage disposal, streets, erosion control and all other improvements required by this Chapter;

F. The proposed subdivision is premature. A subdivision may be deemed premature if any of the following exist;

- 1) Lack of adequate stormwater drainage.
  - a. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural integrity of proposed structures within the subdivision.
  - b. Technical documentation or analysis concluding the proposed subdivision is inconsistent with the drinking or water management plans and will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.
  - c. Technical documentation or analysis the proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
  - d. Factors to be considered in making stormwater determinations may include but are not limited to: average rainfall for the area, relation of the land to floodplains, the nature of soils and subsoils and their ability to adequately support surface water runoff; the slope of the land and its effect on effluents, and the presence of streams as related to effluent disposal.
- 2) Lack of dedicated and improved public streets to serve the proposed subdivision.
- 3) Lack of adequate drinking water or sanitary sewer systems within the proposed subdivision.
- 4) Lack of adequate off-site public improvements or support systems.
- 5) The burden shall be upon the Subdivider to show the proposed subdivision is not premature.

~~ACTION BY PLANNING AND ZONING STAFF: Prior to the meeting of the Planning and Zoning Commission at which the preliminary plat is to be considered, the City Planner and other appropriate Department Directors shall examine the plat for compliance with this and other ordinances of the City, and shall submit a written report to the Commission.~~

~~E. ACTION BY THE PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission shall conduct a public hearing to accept public input on the proposed preliminary plat at their first regular meeting after the plan has been filed in accordance with the procedure outlined above. Notice of said hearing shall be published in the official City newspaper at least ten (10) days prior to the hearing. Mailed notice of this hearing shall be sent to surrounding property owners within two hundred fifty feet (250'), each utility company, the City Attorney, City Engineer and to the following, if~~

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appropriate:

1. ~~Commissioner of Transportation if the proposed subdivision includes land abutting an established or proposed trunk highway;~~
2. ~~County Engineer if the proposed subdivision includes land abutting a county or county state aid highway.~~
3. ~~State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water.~~

~~The Planning and Zoning Commission shall consider the preliminary plat together with the reports from City Staff and Consultants, compliance with the City Ordinances and public input. The Planning and Zoning Commission shall formulate a recommendation concerning the preliminary plat within thirty (30) days, and shall promptly transmit it to the City Council, or the Council may take action without a recommendation. Notice of the action taken by the Commission will be forwarded to the applicant within ten (10) days.~~

EF. PARKS COMMISSION ACTION BY THE PARK BOARD RECOMMENDATION

PARKS COMMISSION: The Parks ~~Commission Board~~ shall make a recommendation to the City Council as to the location, size and type of park improvements and sidewalk/trail system proposed. If the City Council grants approval of the preliminary plat prior to review by the Parks ~~Commission Board~~, such approval shall be contingent on review of the Parks ~~Commission Board~~.

GF. ACTION BY THE CITY COUNCIL:

1. Following recommendation of the Planning and Zoning Commission, the City Council shall consider the preliminary plat. The City Council shall consider items listed in Section 1204.03, Subd. 1(5) above.
2. If the preliminary plat is denied by the City Council, the reasons for such action shall be recorded in the proceedings of the City Council.
3. If the preliminary plat is approved, such approval shall constitute acceptance of the layout subject to legal and engineering review and compliance with all other requirements of this Chapter to be indicated on the final plat. The City Council may require the final plat to contain such revisions as it deems necessary to carry out the purpose and intent of this Chapter.

~~The recommendation of the Planning and Zoning Commission and the Park Board on the preliminary plat shall be considered by the City Council, and the City Council shall hold a public hearing and shall approve, disapprove or conditionally approve the plat within thirty (30) days. If the City Council disapproves said plan, the grounds for any such refusal shall be set forth in the proceedings of the City Council and reported to the applicant. Notice of the action(s) taken by the City Council shall be forwarded to the applicant within ten (10) days.~~

H. TERM OF APPROVAL: Approval of the preliminary plat shall be effective for period of twelve (12) months, unless an extension is granted by the City Council. The Subdivider applicant may file a Final Plat limited to such portion of the preliminary plat as he/she proposes to record and develop at the time, provided that such portion conforms to all requirements of this Ordinance. If some portion of the Final Plat has not been submitted for approval within two one years, a preliminary plat must again be submitted

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to the Planning and Zoning Commission and City Council for approval.

I. PRELIMINARY APPROVAL: Approval of the preliminary plat shall not be construed to be approval of the final plat. Subsequent approval will be required of the engineering proposals pertaining to water supply, storm drainage, sewage disposal, grading, gradients and roadways widths by the Public Works Department, City Engineer and other public officials having jurisdiction prior to the approval of the final plat by the City.

J. DRAINAGE: No plat will be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage to the streets and lots ~~impossible~~ impractical. However, if the Subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the preliminary plat of the subdivision may be approved. Plats along the Minnesota River and other recognized waterways shall show the 100-year flood line on the preliminary plat.

SUBD. 2. DATA REQUIRED FOR PRELIMINARY PLAT: Any land owner or purchaser under an executed purchase agreement his/her agent, trustee, or attorney in fact (Subdivider) desiring to subdivide a piece of land in the City (Subdivider) shall submit to the City ~~Planner~~ one ten (10) large scale paper copies and one (1) digital, scalable PDF copy of preliminary drawings ~~or prints and one 8 1/2" x 11" reproducible copy, application fee as identified in the City Fee Schedule and written documents~~ containing the following information unless the information in the opinion of the Community Development Department does not apply to the proposed subdivision:

A. IDENTIFICATION AND DESCRIPTION:

1. The name of the proposed subdivision. Said subdivision name shall not duplicate or nearly duplicate the name of any other subdivision in the County, unless the proposed subdivision is an addition to an existing subdivision.
2. The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision.
3. The names, addresses and telephone numbers of all persons, firms and corporations holding interests in said land.
4. An indication as to which lands are registered property or abstract property.
5. The name, address, telephone number and professional license number and seal of the registered land surveyor who made, or under whose supervision was made, the survey of the proposed subdivision.
6. The date of said survey and revision dates for all subsequent submissions.
7. A graphic scale or plat, not less than one inch equal to one hundred feet (1"=100').
8. Existing and proposed covenants, liens or encumbrances.
9. Elevation benchmarks use for the topographic survey, which match the County's coordinates.
10. Reference to the coordinate system use for the survey.

B. EXISTING CONDITIONS:

1. A vicinity map at a scale acceptable to the Planning and Zoning Commission showing the relationship of the proposed subdivision to adjacent properties,

- roads, right-of-ways, and other property and subdivision within five hundred (500) feet of the proposed subdivision, and the relation of the plat to the surrounding zoning districts.
2. All existing monuments and markers found and set.
  3. The location, names and widths of all existing streets, roads and easements within the proposed subdivision and adjacent thereto.
  4. The approximate boundaries of all areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses.
  5. ~~The approximate location of tree cover and general identification thereof. A more detailed tree inventory may be required in areas of concern for natural resources. The City Planner and/or Planning and Zoning Commission may request a detailed tree inventory in such instances.~~
  6. The location and, where ascertainable, sizes of all existing structures, wells, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important features existing upon, over or under the land proposed to be subdivided.
  7. The location of soil test holes, together with data regarding soil bearing qualities, etc., attesting to the suitability of soils for the specific uses proposed in the subdivision.
  8. North arrow and scale.
  9. Contours existing and proposed, at two-foot intervals, and spot elevations to determine the general slope of the land, and high and low points thereof. Said contours and elevations shall be based upon datum acceptable to the City Engineer.
  10. Areas in the plat which have been designated as wetlands and/or floodplains by the Department of Natural Resources and/or identified on the National Wetland Inventory (NWI) maps.
  11. All Significant Trees as defined by the Tree Manual shall be identified on a map and an accompanying chart listing their size, species, and condition rating.

*(Ord. 23-05, Section 1204.02, Subd. 2,B, Adopted October 16, 2023)*

C. PROPOSED CONDITIONS:

1. The boundaries of all blocks and lots within the proposed subdivision, together with the numbers and letters proposed to be assigned each lot and block.
2. ~~A table of The total number of proposed lots signed by the Subdivider's engineer information: proposed individual lot and block with the following information: - lot width at setback line, lot area, foundation type, driveway slope, garage elevation, and lowest floor elevation their minimum, maximum and average size.~~
3. The layout of proposed streets showing rights-of-way widths, centerline grades of streets and proposed street names.
4. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the preliminary map or on the vicinity map, as appropriate.
5. Provisions for surface water disposal, ponding, drainage and flood control.
6. Where the Subdivider owns property adjacent to that which is being proposed for subdivision, it shall be required that the Subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions

shall be required to relate well with existing or potential adjacent subdivisions.

7. Proposed pad elevations on each lot. Pad elevations shall be eighteen (18) inches to thirty-six (36) inches above the center of the adjacent street.
8. Minimum front, side and rear setback lines on each lot. When lots are on a curve, the width of the lot at the building setback line shall be shown.
9. The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
10. Proposed right-of-way widths of alleys, if any, pedestrian ways, trails drainage easements and utility easements.
11. Preliminary Utility Plan including the proposed sizes and locations of water, sanitary sewer, and storm water.
12. Preliminary Grading and Drainage Plan, including the types of houses proposed to be constructed on the lots, i.e. FB=Full Basement, SE L/O= Split Entry Lookout, SE W/O= Split Entry Walkout, or FB W/O = Full Basement Walk-out.
13. Significant Trees to be removed or impacted by development.

*(Ord. 23-05, Section 1204.02, Subd. 2,C, Adopted October 16, 2023)*

D. SUPPLEMENTAL INFORMATION: Any or all of the supplementary information requirements set forth in this subsection shall be submitted when deemed necessary by the City staff, consultants, advisory bodies and/or the City Council.

1. If zoning changes are contemplated, the proposed zoning plan for the area, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the applicant.

1204.034 FINAL PLAT.

SUBD. 1. PROCEDURE FOR SUBMITTAL AND REVIEW: The procedure for approval of the final plat shall be as follows:

A. FILING: Within twelve (12) months following approval of a preliminary plat, the final plat shall be submitted for review as set forth in the subsections which follow. The final plat shall incorporate all changes or modifications to the preliminary plat as required by the City Council, and in all other respects shall conform to the preliminary plat. A Subdivider may request to final plat only that portion of the approved preliminary plat which the Subdivider proposes to record and develop at that time provided that such portion conforms with all the requirements of these regulations. A final plat application, signed by the Subdivider shall be submitted to the Community Development Department accompanied by the following information:

1. One (1) full-scale copies and one (1) digital copy of the final plat,
2. All information required in Subsection 1204.04, Subd. 3 of this Chapter,
3. The required filing fee(s) as established by the City Council,

~~The final plat shall be submitted, along with written application for approval of the final plat and fee, as established in the City Fee Schedule, at least ten (10) days prior to a Planning and Zoning Commission meeting at which consideration is requested. The final plat shall be reviewed separately from the preliminary plat unless the City agrees to review the preliminary and final plats simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise it shall conform to the preliminary plat. If the final plat is not submitted within twelve (12) months, the approval of the preliminary plat shall be considered void unless time has been extended by the City Council.~~

B. All final plats shall comply with the provisions of Minnesota Statutes and requirements of this Ordinance.

C. The applicant shall submit with the final plat a current title commitment with the City as the proposed insured, Abstract of Title or Registered Property Certificate, or other such evidence as the City Attorney may require showing title or control in the applicant. A title insurance policy in favor of the City to protect City interests in dedications and easements in the plat shall be required.

D. The applicant shall submit with the final plat, certification to the City that there are no delinquent property taxes, special assessments, interest and City utility fees due upon the parcel of land to which the subdivision application relates.

SUBD. 2. REVIEW OF FINAL PLAT.

A. STAFF REVIEW: The City shall refer copies of the final plat to the City Engineer and County Surveyor, for review ~~of engineering standards and specifications, and utilities companies.~~ The title commitment abstract of title, registered property report or other such evidence and the final plat shall be submitted to the City Attorney for examination and report. The Subdivider shall reimburse the City for the fees of the City Attorney.

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~~B. REVIEW BY OTHER AGENCIES. Review by all other appropriate agencies that have jurisdiction within or adjacent to the final plat. Agencies may include, but not limited to, the Minnesota Pollution Control Agency, Scott County Soil and Water Conservation District, Army Corps of Engineers, Mn/DOT, etc.~~

~~CB. ACTION OF THE PLANNING AND ZONING COMMISSION: A recommendation of approval or disapproval of the final plat will be forwarded to the City Council after the meeting of the Planning and Zoning Commission at which such plat was considered.~~

~~DC. APPROVAL OF THE CITY COUNCIL: The final plat and a Developer's Agreement shall be submitted to the City Council for review. The City shall act on the final plat within 60 days of complete application submittal. If the City Council approves the final plat, the City Council shall adopt resolutions approving the final plat and Developer's Agreement. The resolutions shall provide for the acceptance of all agreements for basic improvements, public dedication, payment of fees and other requirements as indicated by the City Council. If the City Council denies the final plat, the City Council shall adopt a resolution with written findings supporting the basis for the denial.~~

~~After a review of the final plat by the Planning and Zoning Commission, such final plat, together with the recommendations of the Planning and Zoning Commission shall be submitted to the Council for approval. If accepted, the final plat shall be approved by resolution, which resolution shall provide for the acceptance of all streets, alleys, easements or other public ways, and parks, or other open space dedicated to public purposes. Pursuant to Minnesota Statute 15.99, as may be amended, an application for a final plat shall be approved or denied by the City Council within sixty (60) days from the date of its official and complete submission unless notice of extension is approved by the City or a time waiver is granted by the applicant. If applicable, procession of the application through required State or Federal agencies shall extend the review and decision making period an additional sixty (60) days, unless this limitation is waived by the applicant. Failure of the Council to act on the application within sixty (60) days shall be deemed as approval. If disapproved, the ground for any refusal to approve a plat shall be set forth in the proceedings of the Council and reported to the person or persons applying for such approval.~~

~~No final plat shall be approved that:~~

- ~~1. Does not conform to the preliminary plat.~~
- ~~2. Does not meet the design standards and engineering specifications set forth in this Ordinance.~~
- ~~3. Does not have the required documents calling for means to finance the public improvements as well as other required data.~~

~~D. RELEASE OF PLAT. The City shall not release the final plat for recording until all of the following have been completed:~~

- ~~1. The plat has been executed.~~
- ~~2. A letter of instruction drafted by the City Attorney is signed by the Subdivider or its agent and returned to the Community Development Director.~~

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3. The submission of necessary financial guarantees and development fees to the City.

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4. The submission to the City of the final plat in digital format compatible with the county coordinate system; and

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5. The submission in recordable form of all required easements and deeds as required by the City for trails, ponding, parks, utilities or similar purposes in a form approved by the City Attorney.

Upon release of the final plat, the Subdivider shall record it with the County Recorder or Registrar of Titles as provided by law, along with any other documents required by the City to be recorded with the Plat.

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E. RECORDING: If the final plat is approved by the City Council, the Subdivider shall record it with the County Recorder's Office within one hundred eighty (180) days after the date of approval; otherwise the approval shall be considered void.

#### SUBD. 3. CONTENTS OF FINAL PLAT:

When a final plat is approved, it shall include the following:

1. Name of Plat.
2. Detailed plans and specifications for construction of public utilities including sanitary sewer, municipal water supply, drainage and flood control plans- all approved by the City Engineer.
3. Letter of credit, as provided for in Ordinance.
4. Evidence that ground water control is at least five (5) feet below the level of finished grades of plan for solving ground water problems.
5. Any supplemental engineering data required by the City Engineer.
6. Data required under regulation of the County Surveyor - accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
7. When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the width of the building setback lines shall be shown.
8. All lots and blocks clearly numbered, shown in the center of the block.
9. True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described on the plat.
10. City County, or section lines accurately tied to the lines of the subdivision by distances and angles.
11. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
12. Accurate location of all monuments. A permanent marker shall be deemed to be a steel rod or pipe, three-fourths (3/4) inch or larger in diameter extending at least fourteen (14) inches below the finished grade. In situations where conditions prohibit the placing of markers in locations prescribed above, offset markers shall be shown on the final plat, together with accurate interior angles, bearing and distances.
13. Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

14. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, and other public areas.
15. A statement dedicating all easements, streets, alleys, parks and public open spaces and other public areas not previously dedicated.
16. Approval by signature of the chairman and secretary of the Planning and Zoning Commission, Mayor, City Administrator and applicable, County and State officials.
17. Scale of the plat.
18. A written opinion of the final plat shall be obtained from the City Attorney.

SUBD. 4. SUPPLEMENTARY DOCUMENTS.

The following shall also be provided to the City:

1. A mylar copies, provided in full ~~size and 8 1/2 X 11~~ size, of the subdivision as approved by the City.
2. A complete, electronic set of subdivision development plans containing plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the City requirements
3. A certified copy of the plat evidencing filing of the plat with the County within ninety (90) days after approval by the City. No building permits shall be approved for construction of any structure on any lot in said plat until the City has received evidence of the plat being recorded by Scott County.
4. A complete set of ~~as built~~Record construction drawings for any public improvements constructed in the subdivision shall be furnished to the City within one hundred and twenty (120) days after the construction is complete and approved by the City.
5. Copies of any protective or restrictive covenants affecting the subdivision or any part thereof.
6. Upon adoption and filing of a final plat, the City shall prepare a street address map-  
~~and distribute it to the applicant, utility companies, police department and County.~~

7. A letter of credit per the Developer's Agreement, for the utility and street improvements and, for the site grading and erosion control shall be placed with the City. The City may release a portion of the letter of credit as public utility and street improvements are approved by the City Engineer, as grading and erosion control has been certified and signed by the developer's engineer.
8. A disk of the recorded plat in ~~digital AutoCad~~ format for inclusion in the City's base map.

Section 1205.00 DESIGN STANDARDS.

- 1205.01 Monuments.
- 1205.02 Street Improvements.
- 1205.03 Public Utilities.
- 1205.04 Erosion and Sediment Control.
- 1205.05 Lot and Block Standards.
- 1205.06 Park/Public Land Dedication.
- 1205.07 Easements.
- 1205.08 Other.

1205.00 DESIGN STANDARDS. All plats shall conform to the design standards set forth in this Ordinance, except in cases of changes permitted in a planned unit development, by the City Council approval of a waiver of platting requirements, or by specific exceptions designated by this Ordinance.

1205.01 MONUMENTS: When finished, all subdivisions must have block corner monuments replaced. Survey error may not be more than 1 in 7500.

SUBD. 1. Said monuments shall be as approved by the Scott County Surveyor's Office for use as judicial monuments and shall be set at each corner or angle on the outside boundary of the final plat or in accordance with a plan as approved by the City. The boundary line of the property to be included with the plat to be fully dimensioned; all angles of the boundary excepting the closing angle to be indicated; all monuments and surveyor's irons to the indicated, each angle point of the boundary perimeter to be so monumented.

SUBD. 2. Pipes or steel rods shall be placed at each lot corner and at each intersection of street center lines. All Unites States, Minnesota, and County or other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position and shall be recorded on the plat. All lot and block dimensions shall be shown on the plat and all necessary angles pertaining to the lots and blocks, as an aid to future surveys shall be shown on the plat. All property pin markers removed or damaged during the building process must be replaced.

1205.02 STREET IMPROVEMENTS.

SUBD. 1. STREET LOCATIONS:

A. The street layout of every subdivision shall be in conformity with the City's Transportation Plan, and shall provide for the continuation of major streets which serve property contiguous to the subdivision. Street networks shall provide ready access for fire and other emergency vehicles, and the Planning and Zoning Commission may require additional access points if such are found to beneficial or necessary to protect the public safety.

B. 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 system for the un-subdivided portion shall be prepared and submitted by the subdivider.

C. Right-Of-Way shall be platted to the boundary of the subdivision to allow for continuation of streets upon platting of adjacent property.

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~~D. Reserved strips controlling access to streets are prohibited.~~

SUBD. 2. STREET ACCESS: No land situated in the City which has been subdivided or laid out into separate tracts shall be sold for use for dwellings unless such tracts of land shall abut upon a public or private street or public highway. This limitation shall not apply to planned developments approved by the City Council pursuant to the Zoning Ordinance.

Street access shall not be denied by creation of parcels of land of substandard depth which are held in private ownership.

SUBD. 3. CLASSIFICATION OF STREETS: Classification of streets shall be determined with reference to the Transportation Plan and official street maps including highway, arterial, major and local collector and local streets.

A. CUL-DE-SACS/DEAD END STREETS: Cul-de-sacs or Dead End Streets designed to have one end permanently closed or in the form of cul-de-sac, (turn-around) shall be provided at the closed end with a turn-around having a minimum right-of-way radius of not less than sixty feet, ~~or with a Y or T permitting comparable ease of turning.~~ Temporary dead-end streets will be required at the end of streets that are intended for extension with a subsequent phase of subdivision or when the abutting parcel is subdivided. Temporary dead-end street design shall be approved by the City Engineer, include appropriate surfacing, and provide a code-compliant turnaround for both public and emergency service vehicles. Temporary dead-ends shall be provided for by easement or right-of-way dedication. Temporary dead-ends shall be removed by the Subdivider at the time of street connection or extension.

B. CURVED STREETS: The location of all curved streets should be so arranged as to fit the natural topography as closely as possible and to make possible desirable land subdivisions and safe vehicular traffic.

C. HALF STREETS: Half streets shall be prohibited, except where essential to reasonable development of future subdivisions. In cases where the entire right-of-way has been dedicated to the public, but the property of the owner and subdivider is located on one side of such street, the owner and subdivider shall be required to grade the entire street in accordance with the plans to be approved by the City Engineer, ~~but the owner and subdivider shall only be required to deposit payment for one half of the engineer's estimated cost for the improvement required.~~ Building permits shall be denied for lots on the side of the street where the property is owned by persons who have not entered into a development agreement with the City for the installation of the improvements required under this ordinance, or Subdivision Boundary Streets: A street lying along the boundary of a subdivision may be dedicated less than the required width if it is practical to require the dedication of the remaining portion when the adjoining property is subdivided. Whenever there exists a dedicated portion of a street in a subdivision adjoining a proposed subdivision, the other portion shall be dedicated on the proposed subdivision to make the street complete. To assure that this occurs, a one foot reserve strip shall be deeded to the City on the subdivision boundary along the street for the purpose of withholding access from the unsubdivided property to said street until such time as the completed street is constructed. The same procedure will be required when a street dead ends without a cul-de-sac at the boundary of any subdivision.

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D. LOCAL STREETS: Local Streets shall be designed so their use by through traffic will be discouraged.

E. PRIVATE STREETS: Private Streets may be permitted, upon approval of a Planned Unit Development overlay district, of narrower width than public streets where connection with a public street is provided and utility and snow storage easements adjacent to the right-of-way are provided of sufficient width to total the width requirements for similar public streets. Such streets are to be maintained privately [in perpetuity](#).

#### SUBD. 4 Classification of Alleys

A. ALLEYS: Alleys within subdivisions shall have a minimum width of twenty (20) feet and shall be improved to the same standards provided for streets generally. Dead end alleys and alleys with sharp changes in direction are prohibited.

#### SUBD. 5. Design Standards - Streets

A. CURB RADIUS: The minimum curb radii for thoroughfares, collector streets, local streets and alleys shall be as follows:

1. Arterial and Collector Streets – Twenty-five (25) feet.
2. Local Street – Fifteen (15) feet.
3. Alleys - Ten (10) feet.

Where required, curbs and gutters shall be installed as per Minnesota Department of Transportation construction specifications Plate B6-18 [or B6-24](#).

B. CURB DESIGN: All developments shall include B-6, high back, curb, unless a waiver is granted by the City Council.

C. RESERVE CURVES: Minimum design standards for collector and arterial streets shall comply with Minnesota State Aid Standards.

D. RESERVE STRIPS: Reserve Strips controlling access to streets shall be prohibited except under conditions accepted by the City Council. See Section [1205.02, Subd. 3\(C\)-6.24](#).

E. STREET ACCESS: Where a subdivision borders upon a railroad or limited access highway right-of-way, a street may be required approximately parallel to, and at a distance suitable for, the appropriate use of the intervening loan as for park purposes in residential districts or for parking, commercial or industrial purposes in appropriate districts. Such distances shall be determined with regard for the requirement of approach grades and possible features grade separations.

F. STREET ALIGNMENT: Connecting street center lines deflecting from each other at any point more than ten degrees shall be connected by a curve of at least one hundred foot radius for collector and local streets, and at least a three hundred foot radius for arterial streets. A tangent at least one hundred feet long shall be introduced between curves on arterial streets.

G. STREET GRADES: Whenever feasible, street grades shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Percent Grade
Arterial	4%
Collector	6%
Local	7%

All streets shall be graded in accordance with the specifications of the City Engineer. Such grading shall be for the full right-of-way width of the dedicated street.

H. STREET INTERSECTIONS: Street intersections shall be as nearly at right angles as is practicable. No street should intersect any other street at less than eighty (80) degrees. Street intersection spacings shall follow the guidelines set forth in the City's Transportation Plan.

I. STREET JOGS: Street jogs shall be discouraged and proposed jogs with center line offsets of less than one hundred twenty-five feet (125') are not permitted.

J. SURFACING: All streets shall be surfaced for the full roadway or curb-to-curb width as described in this Ordinance. Such surfacing shall consist of an approved gravel base over a suitable sub-grade and an approved bituminous or concrete surface in accordance with the specifications of the City Engineer. Any ditches required for suitable drainage shall be constructed in the unpaved portion of the street and shall receive appropriate turf restoration~~be sodded~~. Unsuitable soil lying within one foot of the subgrade shall be removed and replaced with suitable material. The drop from the centerline of the street to the outer edge of the street shall be a minimum of one-quarter (1/4) inch per foot of street width.

K. TANGENTS: A tangent at least five hundred (500) feet long must be introduced between reverse curves on collector streets and a tangent of at least fifty (50) feet in length must be introduced between reverse curves and vertical curves on all other streets.

SUBD. 6. Minimum Street/Access Standards\*

Class of Street	R/W Width + (Feet)*	Curb Width (Feet)*	Grade (%)	Sidewalk Width(Ft)	Trail Width ROW/Paved
Arterial	100 -120	52-68	4	6	20/8
Collector	80	40-52	6	5	15/8
Local	60	32-40	7	5	15/8
Turn-around	60' radius	45' radius	7	5	15/8

\* The Council may require larger or smaller than minimum widths upon recommendation of the Planning and Zoning Commission. A street which intersects or crosses a railroad shall have a right-of-way of sufficient width to permit construction of a grade-separated crossing.

1205.03 PUBLIC UTILITIES. Where sewer and water systems are installed, the mains shall be

of adequate size to accommodate future growth and utilization. Stubs shall be provided to each lot from the utility main to the lot line for future connection. Wherever practical, similar utilities shall be placed in the same general location on streets of the same direction.

A. SANITARY SEWERS: Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to the City sanitary sewer system is available or where detailed plans and specifications for sanitary sewers to serve the subdivision are available. Sanitary sewer lines shall be extended to the ~~edges~~-~~extends~~ of the development to facilitate future subdivisions. The size of the sanitary sewer main shall be determined by the City Engineer. Sewer mains shall conform to the City's Wastewater Collection Plan or as directed by the Public Works Committee and approved by the City Council.

B. WATER. Water distribution facilities including pipe fittings, hydrants, valves, etc., shall be installed to serve all properties within the subdivision. Water lines shall be extended to the ~~edges~~-~~extends~~ of the development to facilitate future subdivisions. The size of the water-main shall be determined by the City Engineer. Water-mains shall conform to the City's Comprehensive Water Plan or as directed by the Public Works Committee and approved by the City Council.

C. STORM WATER: All subdivision design shall incorporate adequate provisions for storm water runoff consistent with the Belle Plaine Storm Water Plan, as amended, and be subject to review and approval of the City Engineer.

D. ELECTRIC/TELEPHONE/~~CABLE~~~~MEDIA~~: All new electric distribution lines (excluding main line feeders and high voltage transmission lines), telephone service lines, cable television lines and similar telecom facilities or services constructed within the confines of and providing service to customers in a newly platted residential area shall be buried underground. Such lines, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Transformer boxes shall be located so as not to be hazardous to the public. The City Council may waive the requirements of underground services as set forth in this section if, after study and recommendation by the Planning and Zoning Commission, the City Council establishes that such underground utilities would not be compatible with the planned development or unusual topography, soil or other physical conditions which would make underground installation unreasonable or impractical.

E. STREET LIGHTING. All subdivision design shall incorporate adequate provisions for street lights conforming to City specifications and installed at locations approved by the City Engineer.

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F. SIGNS. Traffic and street signs shall be installed by the City at the Developer's in accordance with the Minnesota Manual on Uniform Traffic Control Devices as approved by the City Engineer.

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#### 1205.04 EROSION AND SEDIMENT CONTROL.

SUBD. 1. EROSION AND SEDIMENT CONTROL. Grade and drainage requirements for each plat shall be subject to approval of the City Engineer. The following controls shall be practiced to manage erosion and sediment control:

A. Where topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. Top soil shall be restored or provided to a minimum depth of six (6) inches and shall be of a quality at least equal to the soil quality prior to development.

B. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

C. Erosion and siltation control measures shall be coordinated with the different stages of construction and approved by City staff. Appropriate control measures shall be installed prior to development when necessary to control erosion. Silt fences or sod shall be installed development wide, prior to issuing a building permit. The silt fence shall be installed right behind the curb or if a sidewalk is in place right behind the sidewalk. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued.

D. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

E. When soil is exposed, the exposure shall be for the shortest feasible period of time, as specified in the development agreement.

#### 1205.05 LOT AND BLOCK STANDARDS.

SUBD. 1. Lots shall be designed to meet the following minimum standards:

A. AREA: The minimum lot area, width and depth shall be sufficient to satisfy Zoning Ordinance requirements.

B. CORNER LOTS: Corner lots for residential uses shall have additional width to permit appropriate building setback from both streets as required in the Zoning Ordinance.

C. DOUBLE FRONTAGE LOTS: Double Frontage Lots (or "through" lots) should be avoided, except where the subdivision abuts a major highway, major road or arterial. A planting screen easement approved by the City of not less than at least twenty (20) feet and across which there may be no right of access, will be provided along the line of lots abutting such traffic artery or other disadvantageous use.

D. FEATURES: In the subdividing of land, due regard shall be shown for all natural features, such as tree growth, watercourses, bluffs, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

E. FRONTAGE/ACCESS: Every lot ~~shall must~~ have approved the minimum frontage on a public City approved street other than an alley, ~~as required by the City Zoning Ordinance~~, except where permitted under a planned unit development. The minimum frontage required shall be at least fifty percent (50%) of the minimum lot width required by the applicable zoning district. Where no minimum lot width is assigned for the applicable zoning district, the frontage shall be a minimum of thirty (30) feet.

F. LOT BOUNDARIES: No lot shall be divided by a boundary line between registered land and abstract property, nor by a boundary line between two (2) owners.

G. LOT CORNERS AT STREET INTERSECTIONS: Curbs at street intersections shall be rounded by an arc, the minimum radius of which shall be twenty-five (25) feet or by a straight line not less than twelve (12) feet in length at approximately forty-five (45) degree angles from the lot lines.

H. LOT LINE ANGLES: Side lot lines shall be straight lines running within twenty (20) degrees of perpendicular to the road upon which the lots front. Side lot lines on curved roads should run at or near radially to the curve.

I. LOT PADS: The top of the foundation and the garage floor of all structures shall be at minimum eighteen (18) inches and at maximum thirty-six (36) inches above the grade of the crown of the street upon which the property fronts. Exceptions to this standard may be approved by the Zoning Administrator for special circumstances such as increased setback, site topography, flooding potential, and the like, provided that proper site and area drainage is maintained and the elevation of the structure is in keeping with the character of the area.

J. 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.

K. RE-SUBDIVISION OF LOTS: When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate re-subdivision, with provision for adequate utility connections for such re-subdivision.

L. SETBACK LINES: On the Preliminary Plat, setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the City Zoning Ordinance, as may be amended.

M. TURN-AROUND ACCESS: Where proposed residential lots [are permitted to access](#) ~~abut~~ a collector or arterial street, they ~~shall~~ ~~should~~ be platted in such a manner as to encourage turn-around access and egress on each lot.

N. WATERCOURSES: Lots abutting a watercourse, wetland, ponding area or stream shall have additional depth and width, as required under the provisions of the City Zoning Ordinance.

SUBD. 2. Block Standards: All blocks shall be designed to meet the following minimum standards.

A. BLOCK ACCESS: Pedestrian ways or bicycle trails ten (10) feet wide may be required between streets paralleling a block if pedestrian access to schools or other areas of pedestrian destination is deemed desirable by the Planning and Zoning Commission and City Council.

B. ARRANGEMENT: A block shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad or limited access highway and unless topographical conditions

necessitate a single tier of lots.

C. BLOCK LENGTH: In general, intersecting streets, determining block lengths, shall be provided as such intervals so as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions should not exceed twelve hundred (1200) feet in length nor be less than four hundred (400) feet in length, except where topography or other conditions may justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required near the center of the block.

D. BLOCK SHAPE: Blocks shall be shaped so that all blocks fit readily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public open space areas.

E. BLOCK USE: Blocks intended for commercial, institutional and industrial use must be designated as such and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

#### 1205.06 PARK/PUBLIC LAND DEDICATION

SUBD. 1. INTENT AND PURPOSE: The process of subdividing land into separate parcels for parks and open space is one of the most important factors in the growth of any community. Once the land has been dedicated to parks and open space, the basic character of the permanent addition to the City has become firmly established. It is, thereof, in the interest of the general public, the developer, and the residents of the community, that parks and open space areas be conceived, designed and developed in accordance with the highest possible standards of excellence. In review of the practices of other growing communities, and in recognition of the needs identified in the City's parks plan, the City Council concludes that dedication of 10% of the gross buildable land of all property being subdivided for parks, playgrounds, trails, recreational areas, or public open space is reasonable and necessary for development of the City's parks system, provided that the City will also consider unique circumstances presented by any particular subdivision or Subdivider in establishing final dedication requirements.

All parks and open space areas hereafter dedicated shall comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

1. Provide for a variety of activities within the park system, including various cultural and social activities, and active and passive recreation.
2. Establish and promote high quality design standards in the development of the park system.
3. Encourage cooperative planning development and use of park and recreational facilities by the school district and the City so that the City facilities can be useful to the School District and the School District facilities will be available to city residents.
4. To insure that all areas of the City have equal access to parks and open space areas by providing for equal distribution of parks and open spaces throughout all sections of the City relative to user population densities.

#### SUBD. 2. General Requirements.

A. Where a park, playground, or open space area is proposed to be located in whole or in

part in a subdivision ~~or is represented as a need in a park plan/comprehensive plan~~, the Planning Commission shall require that such area or areas be shown on ~~the plats~~ in accordance with the requirements specified to the City by the developer, if the City Council approves such dedication.

B. The Planning Commission shall require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission shall require that the developer satisfactorily grade any such recreation areas shown on the plat to insure maximum advantage of natural features, notable waterways, etc.

C. Land to be dedicated for parks and open spaces shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served.

### SUBD. 3. Dedication Requirements

A. ~~The City does hereby require that in all plats of s~~Subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned unit development which includes residential, commercial and industrial uses, or any combination thereof, ~~shall include dedication of~~ ten (10) percent of the gross buildable land of all property being subdivided ~~shall be dedicated~~ for parks, playgrounds, trails, recreational areas, or public open space ~~provided that a Subdivider may submit evidence that a particular subdivision will create less demand for such public space than is typical rendering such requirement unreasonable for such proposed subdivision.~~ -Such percentages shall be in addition to the property dedicated for streets, alleys, drainage ways, pedestrian ways or other public ways. Storm water ponding areas may be incorporated into the park land but shall not be considered a part of the park land dedication.  
(ORD. 11-09, Section 1205.06, Adopted September 19, 2011.)

B. The City shall have the option of requiring a cash contribution in lieu of the land dedication. The required cash contribution shall be in accordance with the Fee Schedule as set forth by resolution adopted by the City Council. The City may elect to accept a combination of land dedication for park use and a cash payment.

C. During review of the ~~preliminary plat, concept plan,~~ the ~~Park Board~~Parks Commission shall forward their recommendation to the ~~Planning and Zoning Commission and~~ City Council regarding the appropriate park dedication. The Subdivider shall be required to pay said dedication upon execution of the Developer's Agreement.

D. All revenue obtained as park dedication fees shall be placed in the City's park fund.

E. ~~Church, School and, government plats buildings and other non-profit organizations who operate and are based within the city limits may be are~~ exempt from the requirements specified in this section, ~~by action of the City Council. If the property that is exempt from park dedication is ever subdivided, replatted or sold and used for other purposes, then those mentioned above, it will be subject to the requirements specified in this Section.~~

F. ~~The following zoning classifications shall be used to determine public site and open space requirements for this section:~~

- ~~1. Residential – R-1, R-2, R-3, R-7, and R-MH~~
- ~~2. Commercial/Industrial – B-2, B-3, I/C and I-2~~

~~G. New parks shall have a minimum percentage of perimeter land adjacent to streets, based on the classification of the park as established by the City Council.~~

<del>Park Classification</del>	<del>% Perimeter to be Adjacent to a Street</del>
<del>Neighborhood Park</del>	<del>50%</del>
<del>Special Area/Park</del>	<del>50%</del>
<del>Community Park</del>	<del>60%</del>
<del>Play Fields/Ball Fields</del>	<del>65%</del>

~~\* Parks bordered on one (1) or more sides by existing or native rivers, lakes or streams will be exempt from the perimeter provision above, provided that the following conditions are met:~~

- ~~1. Access to the park is provided from an arterial roadway or collector street.~~
- ~~2. Pathways that allow emergency motorized vehicle traffic within the park are present.~~

~~H. All new parks shall provide access ways, from all practical directions, as determined by the Planning and Zoning Commission. All access ways shall be in compliance with the American with Disabilities Act.~~

~~I. Parking areas shall be established on land adjacent to the required park land area, sized to meet the needs of the planned facilities. Said parking areas shall be dedicated to public use.~~

#### 1205.07 EASEMENTS.

SUBD. 1. DRAINAGE. Where a subdivision is traversed by a watercourse, there shall be provided a drainage way, channel, outlet, or drainage right-of-way conforming substantially with the lines of such watercourse, together with such further width of construction of both, as will be adequate for storm water conveyance. All drainage easements shall be so identified on the plat and shall be graded and ~~receive appropriate turf restorationsodded in accordance with Section 6.8.~~

If a storm water management plan involves direction of some or all runoff off the site, the applicant shall obtain any easements or other property interests needed to establish the required drainage facilities from the adjacent property owner or owners. This is necessary in order for the city to provide the proper maintenance and long-term protection and operation of facilities created for the public benefit and constructed and permitted by the City. The stormwater management plan, or other permit or agreement governing site runoff, shall identify responsibility for future maintenance of the stormwater facilities.  
(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)

SUBD. 2. PUBLIC TRAILS/WALKWAYS. In addition to other open space, dedication of easement to provide connections to public trails will be required where shown on a Comprehensive Plan, ~~or~~ and recommended by the ~~Park Board~~Parks Commission. Where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, pedestrian easements with rights-of-way widths of not less than ten (10) feet shall be required.

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SUBD. 3. UTILITIES. Easements at least twenty (20) feet wide, centered on rear and front lot lines, and easements at least ten (10) feet wide shall be centered on side lot lines, unless the side lot line abuts a public right-of-way where it shall be twenty (20) feet wide, shall be provided for all utilities. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

SUBD 4. EASEMENT AND BLUFF ENCROACHMENT REQUIREMENTS. The erection and/or placement of any structure in an easement or bluff setback require an Easement and Bluff Encroachment Permit submitted to the City, along with the building/zoning permit. City staff will consider factors such as the type and use of the easement, location and stability of the bluff, erosion and sediment control, resulting drainage patterns, and the type and use of the proposed structure when making a decision. An Easement and Bluff Encroachment Permit must be signed by the property owner and approved by the City prior to the zoning/building permit being issued.

The following structures may be allowed in easements and the bluff setback with approval of an Easement and Bluff Encroachment Permit provided they could be easily moved or removed as determined by city staff:

1. Accessory structures ~~420200~~ square feet or less in area, ~~(without permanent foundations.)~~
2. Retaining walls for landscaping ~~(provided drainage patterns are not affected).~~
3. Fences ~~(provided drainage patterns are not affected).~~
4. Above ground, non-permanent swimming pools.

If, for any reason, the City or other authorized agency needs to perform work in an easement, the property owner must remove, at their expense, any structure or landscaping located within the easement within 30 days of being notified. If the items are not removed by the property owner within the time specified in the notice, or if an emergency situation exists, representatives of the City may remove these items and may charge the property owner for any removal and restoration expenses incurred. If the removal and restoration expenses remain unpaid, the City Council may assess the property.

If private utilities such as cable, gas, electric or telephone/media are located within the public easement, an easement encroachment permit is required. the City will notify the affected utility company of the structure proposed to be located in the easement prior to the City issuing a permit.

The City or any other authorized agency is not liable for repair or replacement of any structure or landscaping in the event it is moved, damaged or destroyed by virtue of the lawful use of the easement and bluff setback.

~~All permits received for encroachment of the bluff setback will be sent to Scott County WMO for review prior to approval of the request. Any land disturbing activities must receive approval from the Scott County WMO.~~

Any approved easement and bluff encroachment permit for construction within an easement or bluff setback does not absolve a property owner of the above responsibilities and shall not be construed as an approval to violate any codes or ordinances of the City of Belle Plaine. (Ord. 12-04, Section 1205.07, Adopted September 17, 2012.)

1205.08 OTHER.

SUBD. 1. PLANTING, GATEWAYS, ENTRANCES. The planting of trees, the type and spacing on public property will be subject to the regulations of the City Council. No planting, gateways, entrances and similar improvements may be made on public property except with permission and approval of the Council.

SUBD. 2. SIDEWALKS/PEDESTRIAN WAYS. In those cases where the City Council deems it appropriate or as designated by the Comprehensive Plan, sidewalks of not less than five (5) feet in width shall be provided. Where a proposed plat abuts or includes an arterial street, sidewalks of not less than five (5) feet in width shall be provided on both sides of the paved surface, unless a trail is included as designated by the Comprehensive Plan. Where the proposed plat abuts or includes a collector street, sidewalks of not less than five (5) feet in width shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for handicapped access.

SUBD. 3. ~~TURF. Prior to the issuance of occupancy permits, seeding shall be established and maintainable as a lawn, sod shall be installed upon the unpaved street right-of-way fronting the lot and in any drainage swales adjacent to the lot SODDING. One row of good quality, weed-free sod shall be installed in the boulevard adjacent to the curb. If a sidewalk is located in the front of the lot the developer will be responsible for sodding the boulevard between the sidewalk and the curb before a Certificate of Occupancy will be issued. All drainage swales shall be graded and sodded with a good quality seed approved by the Public Works Superintendent.~~

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SUBD. 4. TREES. ~~The developer will provide the City with an escrow amount based on the number of lots in the subdivision to provide for future planting of trees. The City will provide the homeowners with a certificate to obtain trees for planting in the yard. One tree having a trunk diameter (measure 12 inches above the ground) of not less than one and one-half inches (1 ½ ") shall be planted in a naturalistic way in the front yard of each lot in the subdivision, except corner lots shall have two (2) trees. They shall be accepted by the City only after one growing season as a live and healthy plant. Trees shall not be allowed to be planted in the boulevard area. Variance from this procedure requires written approval by the City Planner.~~

SUBD. 5. TRUNK AREA CHARGES. All unplatted land, shall be charged Water, Sanitary Sewer, and Storm Sewer Trunk Area Charges calculated in the manner set forth in the City of Belle Plaine Special Assessment Policies and Procedures for Public Improvements. The charges will be set in the annual fee schedule during the first City Council meeting in January of or as amended during the year.

SUBD 6. ADMINISTRATION FEE. All new plats shall be charged an administration fee of 1.5% of the total construction cost for public improvements for the reimbursement of staff time.

Section 1206.00 REQUIRED IMPROVEMENTS

- 1206.01 Developers Agreement.
- 1206.02 Participation by the City.
- 1206.03 Inspection.
- 1206.04 ~~As-Built~~Record Drawings.

1206.01 DEVELOPER'S AGREEMENT. ~~In conjunction with, or as a condition of City~~After the Council approval of a final plat, the Subdivider/owner/developer shall execute a developer's agreement for the new subdivision which contains satisfactory assurance that he/she will provide the following improvements at his/her expense. The owner or Subdivider, shall deposit with the City an amount agreed to in the development agreement, either in cash or a letter of credit.

SUBD. 1 GENERAL IMPROVEMENTS.

- A. Monuments at all lot corners, block corners, angle points, points of curves and streets and at intermediate points as required by the City Engineer.
- B. All streets graded and surfaced in accordance with applicable standard specifications of the City, and subject to inspection and approval by the City Engineer.
- C. Concrete curbs, gutters, drainage, and drainage structures in accordance with standards of the City, and subject to the inspection and approval of the City Engineer.
- D. ~~Edge drains~~ Drain tiles placed behind the curb for all lots to provide adequate sump pump access to homes.
- E. Street name signs at all street intersections within or abutting the subdivision of a type approved by the City and placed in accordance with the standards of the City. Note the City may elect to order and place the street signs and charge ~~said~~associated expenses to developer.
- F. Installation of sanitary sewer and watermains including extension of both to ~~the all~~ appropriate extents ~~extremities~~ of the property being platted.
- G. Connection of each lot to public sanitary sewer subject to the approval of the City Engineer.
- H. Watermains and service connections, sufficient to serve all lots in the subdivision, stubbed to the property line.
- I. Provisions shall be made for the proper drainage of all streets through the installation of adequately designated culverts, storm sewers, retention ponds, etc., and the installation thereof shall be considered part of the essential street construction requirements. The developer will be responsible for the first cleaning of the stormwater ponds, and will be maintained by the Developer ~~not be maintained by the City~~ until approved by the City Engineer and Public Works Superintendent.
- J. Provisions shall be made for the installation of sidewalks or trails at locations designated by the City.

K. Decorative street lighting with underground wiring in accordance with approved specifications.

L. Plans for final grading and planting of appropriate ground cover on vacant lots ~~may be required of the Subdivider~~ as a condition of City acceptance of the public improvements identified in this Section.

M. Franchised and public utilities including telephone/~~media~~, cable TV, electric, and gas service lines are to be placed underground. Conduits, pipes or cables shall be placed within easements or in rights-of-ways adjacent to streets in such manner as not to conflict with other underground services.

N. Every buildable lot shall be identified by a sign that indicates the lot and block number, and is approved by City staff prior to issuing any building permits. These signs can be removed as lots are developed.

~~O. All streets shall be sealcoated according to City approved standards, two (2) years after the final wear paving is applied.~~

~~PO.~~ Developer shall fee civil defense sire fee as set by Section 108 of this Code for newly developed land outside of the original plat of the City of Belle Plaine. .

1206.02 PARTICIPATION BY THE CITY. The City may elect to install any, all, or none of the required improvements subject to a cash escrow agreement or other financial arrangement with the Subdivider. The terms of these arrangements shall be specified in the developer's agreement.

1206.03 INSPECTION. All required improvements shall be inspected by the City Engineer during construction at the expense of the Subdivider. The contract shall contain a provision for supervision of details of construction by the City Engineer and shall grant to the Engineer the authority to correlate the work to be done under such contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the City in the vicinity.

1206.04 ~~AS-BUILT~~RECORD DRAWINGS. Upon completion of the project, ~~as-built~~Record drawings of all improvements shall be filed with the Public Works Superintendent. Such ~~as-built~~Record drawings shall show the date of construction and shall be drawn in such a manner and on such materials to meet the standards of the City. ~~As-built~~Record drawings must be completed and filed with the Public Works Superintendent within one hundred and twenty (120) days of the completion of such improvements. If ~~as-built~~Record drawings are not filed within the time period specified, the City Engineer may be authorized to ~~collect GPS data~~, conduct surveys and complete drawings, with all of the costs pursuant thereto to be paid by the owner, and the City Council may elect to withhold building permits for construction within the subdivision.

Section 1207.00 MINOR SUBDIVISIONS.

1207.01 Minor Subdivisions/Waiver of Subdivision Platting Requirements.

1207.01. MINOR (NON-PLATTED) SUBDIVISIONS/WAIVER OF SUBDIVISION  
PLATTING REQUIREMENTS.

SUBD. 1. APPLICATION. Minor (Non-Platted) Subdivisions.

A. City Council Approval. The City Council may authorize a non-platted subdivision upon finding:

1. For a subdivision, the division will not result in more than two parcels;
2. The parcels of land shall not have been part of a minor subdivision within the past five (5) years;
4. The minor subdivision or combination is consistent with Comprehensive Plan planned land use and systems plans.
5. The subdivision will not cause any lot or structure to be in violation of the Zoning Chapter or any other provision of the City Code;
6. The resulting parcel(s) generally conform to the shape and area of existing or anticipated land subdivisions in the surrounding areas;
7. The owners of land contiguous to the parcel(s) being divided or combined file no written objections within ten (10) days following written notification to them or otherwise indicate in writing that they have no objections;
8. The parcels of land shall not have been part of a minor subdivision within the past five (5) years;
9. All lots front on an existing public street which does not require extension; and
10. No public improvements or dedications of right of way are required.

In the case of a request to divide a lot where the division is to permit the adding of a parcel of land to an abutting lot.

B. In the case of a request to divide a lot from a larger tract of land and thereby creating no more than two (2) lots. To qualify, the parcels of land shall not have been part of a minor subdivision within the last five (5) years.

C. In the case of a request to divide a base lot upon which a two-family dwelling, townhouse, or a quadraminium which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance.

B. Application. Any person having a legal or equitable interest in a property may file an application for minor subdivision or combination. An application shall be filed with the Community Development Department on an approved application form and shall be accompanied by an accurate certificate of survey and legal description of the

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existing and proposed parcel(s).

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C. Certificate of Survey Required Information. The required survey shall include: north point indication, original and proposed lot boundaries, existing and resulting legal descriptions, locations of existing structures on the site, existing and proposed driveway locations, existing and proposed easement locations, environmental constraints of the site, delineated wetlands and waterways, and a statement of proposed use of the property.

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### SUBD. 2. REVIEW

A. Application Review. The Community Development Director or designee shall review all applications for minor subdivision or combination to determine compliance with the standards identified in this Section and all other pertinent requirements of this Chapter.

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B. Council Action. The City Council may approve or deny the request. Upon approval of the request, the applicant shall be responsible for creating new deeds for the resulting parcels and obtaining a deed stamp from the Community Development Department. The Applicant is responsible for filing the deeds with the County Recorder's or Registrar of Title's office as applicable.

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C. Conditions. The City may impose conditions on any proposed minor subdivision or combination that are deemed reasonable and necessary to protect the public interest and to ensure compliance with the provisions of this Chapter including, but not limited to, the following:

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1. Provision of wetland buffers, trail, sidewalk, conservation, and utility and drainage easements and responsibility for the cost of filing and recording written easements with the County Recorder's or Registrar of Title's office as applicable;
2. Vacuation of easements no longer required as determined by the City; and

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### SUBD. 2. CONTENTS AND DATA REQUIRED.

A. CERTIFICATE OF SURVEY: The requested minor division shall be prepared by a registered land surveyor in the form of a Certificate of Survey. Said survey shall contain a legal description for the parcels to be created. Ten (10) copies of the survey shall be submitted to the City Planner not less than two (2) weeks prior to the next Planning and Zoning meeting.

B. PROPERTY DESCRIPTION AND SUBMISSION INFORMATION: The data and supportive information detailing the proposed subdivision shall be the same as required for a preliminary plat as described in Section 1204.02. of this Ordinance. Exceptions, as stipulated in writing, may be granted by the City Administrator.

### SUBD. 3. DESIGN STANDARDS.

A. The minor subdivision shall conform to all design standards as specified in Section 1205 of this Ordinance. Any proposed deviation from said standards shall

~~require the processing of a variance request.~~

~~SUBD. 4. PROCESSING.~~

~~— A. If the land division involves property which has been previously platted, or the total property area included is greater than ten (10) acres, the City Administrator may approve the subdivision, provided that it complies with applicable provisions of this Ordinance.~~

~~—~~

~~—~~

~~— B. In the case of applications involving property not previously platted, and is property less than ten (10) acres in total area, applicable processing provisions of Section 5 shall be followed.~~

~~SUBD. 5. FILING. Upon execution of the Council's resolution approving the petition for a minor subdivision, the City Administrator or Community Development Director shall be authorized to stamp and sign the deed or registered land survey as meeting the requirements of the City. The survey or deed shall be filed and recorded at the Office of the County Recorder within thirty (30) days of approval.~~

Section 1208.00. ~~RESERVED.~~ ~~PREMATURE SUBDIVISIONS~~

~~1208.01 Purpose~~

~~1208.02 Conditions Establishing Premature Subdivisions~~

~~1208.03 Burden of Establishing~~

~~1208.01 PURPOSE.— Any preliminary plat of a proposed subdivision deemed premature for development shall be denied by the City Council.—~~

~~1208.02 CONDITIONS ESTABLISHING PREMATURE SUBDIVISIONS.— A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist.~~

~~SUBD. 1. LACK OF ADEQUATE DRAINAGE.— A condition of inadequate drainage shall be deemed to exist if:~~

~~A. Surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures.~~

~~B. The proposed subdivision will cause pollution of water sources or damage from erosion and siltation on downhill or downstream land.~~

~~C. The proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.~~

~~D. Factors to be considered in making these determinations may include, but are not limited to:~~

~~3. Average rainfall for the area.~~

~~4. The relation of the land to floodplains.~~

~~5. The nature of soils and subsoil's and their ability to adequately support surface water runoff and waste disposal systems.~~

~~6. The slope of the land and its effect on effluents.~~

~~7. The presence of streams as related to effluent disposal.~~

~~SUBD 2. LACK OF ADEQUATE WATER SUPPLY.— A proposed subdivision shall be deemed to lack an adequate water supply if the proposed subdivision, if developed to its maximum permissible density, does not have adequate sources of water to serve the proposed subdivision without causing an unreasonable depreciation of existing water supplies for surrounding areas.~~

~~SUBD 3. LACK OF ADEQUATE STREETS OR HIGHWAY TO SERVE THE SUBDIVISION.— A proposed subdivision shall be deemed to lack adequate streets or highways to serve the subdivision when:~~

~~A. Streets which currently serve the proposed subdivision and/or streets that are proposed to serve the subdivision are of such a width, grade, stability, site distance and surface conditions that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare and, when with due regard to the advice of the county or state, said roads are inadequate for the intended use.~~

~~B. The traffic volume generated by the proposed subdivision as calculated by the City Engineer and subject to generally accepted generation computation formulas and design standards would create unreasonable highway congestion at the time of the application or proposed for completion within the next two (2) years.~~

~~SUBD. 4. LACK OF ADEQUATE WASTE DISPOSAL SYSTEMS. A proposed subdivision shall be deemed to lack adequate waste disposal systems if there is inadequate sewer capacity in the present system to support the subdivision if developed to its maximum permissible density after reasonable sewer capacity is reserved for schools, planned public facilities, and commercial and industrial development projected for the next five (5) years. Expected wastewater generation rates applicable to a proposed subdivision shall be based on generally accepted generation computation formulas as assigned by the City Engineer.~~

~~SUBD. 5. LACK OF ADEQUATE CITY SUPPORT FACILITIES. A proposed subdivision shall be deemed to lack adequate support facilities, such as parks and recreational facilities and police, fire, and ambulance protection and services when said support facilities are reasonably expected to be necessitated by the subdivision and can not be reasonably provided for within the next five (5) fiscal years.~~

~~SUBD. 6. INCONSISTENCY WITH THE COMPREHENSIVE PLAN. A proposed subdivision shall be deemed premature if it is found to be inconsistent with the purposes, objective, and recommendations of the duly adopted Comprehensive Plan of the City of Belle Plaine, as may be amended from time to time.~~

~~SUBD. 7. INCONSISTENCY WITH ENVIRONMENTAL PROTECTION POLICIES. A proposed subdivision shall be deemed premature if it is found to be inconsistent with environmental protection policies set forth within the city, state and federal rules and regulations, as may be amended.~~

~~1208.03 BURDEN OF ESTABLISHING. The burden shall be upon the applicant to show that the proposed subdivision is not premature.~~

#### Section 1209.00 VARIANCES/WAIVERS

##### 1209.01 Variances/Waivers.

##### 1209.01. VARIANCES/WAIVERS.

SUBD. 1. VARIANCES. ~~When necessary,~~ The Council upon recommendation by the Planning and Zoning Commission, may authorize variances to the requirements of this Ordinance ~~(not procedural provisions)~~. Such variances shall be requested by the Subdivider in writing at the time of the application for preliminary plat approval, and the grounds for such variances shall be stated by the applicant. A variance may be granted only if the Planning and Zoning Commission and the Council find that all of the following factors pertain thereto:

- A. That there are special circumstances or conditions affecting the property that are not common to all other properties in the area.
- B. That the variance is necessary for the preservation and enjoyment of substantial

property rights enjoyed by other properties of the same vicinity, and that extraordinary hardship would result from strict compliance with these regulations because of special circumstances or conditions affecting the property.

- C. That the granting of a variance will not be detrimental to the public health, safety or public welfare nor injurious to other property in the vicinity of the property involved. In granting a variance, both the Planning Commission and the Council shall make a written record of the findings of fact in connection therewith.
- D. That the special conditions and circumstances causing the practical difficulty ~~undue hardship~~ do not result from the actions of the applicant.

SUBD. 2. WAIVERS. The Council may waive compliance with any of the provisions of this ordinance by adoption of a Resolution specifying which provisions have been waived after review of the application by the Planning and Zoning Commission in any case.

- A. In which compliance will involve an unnecessary hardship and where failure to comply does not interfere with the purpose of this article; or
- B. Where an improved plat can be achieved by a deviation from the provisions of this chapter.
- C. There is a 4/5 or greater vote (super majority) to approve the waiver(s).

Section 1210.00 ~~RESERVED.~~ OFFICIAL MAPS.

- ~~1210.01 Purpose.~~
- ~~1210.02 Initiation of Proceedings.~~
- ~~1210.03 Reference to Planning Commission.~~
- ~~1210.04 Notice and Hearing.~~
- ~~1210.05 Preparation and Filing of Maps.~~
- ~~1210.06 Effect.~~
- ~~1210.07 Appeals.~~

~~1210.01 PURPOSE. Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this Ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.~~

~~1210.02 INITIATION OF PROCEEDINGS. Proceedings for adoption, amendment or repeal of an official map or any part thereof may be initiated by (1) the City's City Planner, (2) a recommendation of the Planning Commission; or (3) action by the City Council.~~

~~1210.03 REFERENCE TO PLANNING COMMISSION. Every proposed official map or change in a map shall be referred to the Planning Commission for review and recommendation. Such recommendation shall be submitted to the City Council within forty five (45) days after reference to the Planning Commission, along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. If no recommendation is received by the Council from the Planning Commission within forty five (45) days after reference of the proposal to the Commission by the Council, the Council may take such action as it may deem proper upon the proposal without further action by the Planning Commission.~~

~~1210.04 NOTICE AND HEARING.~~

~~SUBD. 1. NOTICE. Upon receiving the recommendation of the Planning Commission or after forty five (45) days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Council shall call a public hearing on the proposal. A notice of the time, place and purpose of the hearing and a description of the property to be included in the mapped streets and public grounds shall be published in the official newspaper at least ten (10) days prior to the date of the hearing. At least ten (10) days prior to the hearing, notice shall be sent to each owner of land situated within or abutting any street or other public ground shown on the official map. Failure to serve any such notice shall not invalidate the proceedings.~~

~~SUBD. 2. HEARING. At the time and place specified in the notice, the Council shall hear evidence and arguments concerning the proposal.~~

~~1210.05 PREPARATION AND FILING OF MAPS. The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall be made prior to the preparation of the~~

~~final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested by a licensed land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance related together with an attached copy of the Ordinance shall be filed with the County Recorder.~~

~~1210.06 EFFECT. After an official map has been adopted and filed, the issuance of building permits and requests for rezoning by the City shall be subject to the provision of this Ordinance. The City shall deny every application for a permit to construct a new building or structure, or expand an existing building or structure, or any request for rezoning within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation or conditions of a permit within the limits of the mapped street or outside any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the City any right, title or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.~~

~~1210.07. APPEALS. Whenever a building permit or request for rezoning is denied pursuant to this Ordinance, the Board of Appeals, per Chapter 1103.04, shall, upon appeal filed with it by the owner of the land, grant a permit for building or request for rezoning in an area designated on the official map for a street or other public purpose in any case in which the Board finds, upon evidence and arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, or (b) that balancing the interest of the City in preserving the integrity of the official map and of the comprehensive land use plan and the interest of the property owner in the use of his/her property and in the benefits of ownership, the granting of such a permit is required by considerations of justice and equity. The Board of Appeals shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least ten (10) days before the hearing. If the Board authorizes the issuance of a permit or request for rezoning, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted. Authorization of issuance of the building permit or rezoning shall not be construed as issuance of any other permit needed, such a conditional use permit. If the Board authorizes issuance of a permit or rezoning, the Council or other Board or Commission having jurisdiction shall have six (6) months from the date of the decision of the Board to institute proceeding to acquire such land or interest therein, and if no such proceedings are started within that time, the City shall issue the permit or rezoning, if the application otherwise conforms to local ordinances.~~

Section 1211.00 COMPLIANCE/ENFORCEMENT.

- 1211.01 Compliance/Enforcement.
- 1211.02 Violations and Penalty.

1211.01 COMPLIANCE/ENFORCEMENT.

SUBD. 1. CONDITIONS FOR RECORDING. No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

SUBD. 2. BUILDING PERMITS. No building permits will be issued by the City 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 Chapter have been fully complied with.

1211.02 VIOLATIONS AND PENALTY.

SUBD. 1. SALE OF LOTS FROM UNRECORDED PLATS. It is unlawful for any person to sell, trade or otherwise convey 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 replat of any subdivision or area located within the jurisdiction of this Chapter unless said plan, plat or replat shall have first been recorded in the Office of the Scott County Recorder or waived as provided for in Section 1203.00 of this Ordinance.

SUBD. 2. RECEIVING OR RECORDING UNAPPROVED PLATS. It is unlawful for any person to receive or record in any public office any plans, plats or replats of land laid out in building lots and street rights-of-way, 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 City, unless the same shall bear thereon, by endorsement or otherwise, the review of the Planning and Zoning Commission and the approval of the City Council or waived as provided for in Section 1203 of this Ordinance.

SUBD. 3. MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION OR INSPECTION OF IMPROVEMENTS. It is unlawful for any person, owning an addition or subdivision of land within the City, to represent that any improvements upon any of the street rights-of-way, alley or avenues of said addition or subdivision, or any utility in said addition or subdivision have been constructed according to the plans and specifications approved by the City Council, or have been supervised or inspected by the City, when such improvements have not been so constructed, supervised, or inspected.

SUBD. 4. VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this ordinance when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 1212.00 VALIDITY.

1212.01 Validity.

1212.01 VALIDITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance shall not affect the application of the provisions to other person or circumstances.

Section 1213.00 REPEAL.

1213.01 Repeal.

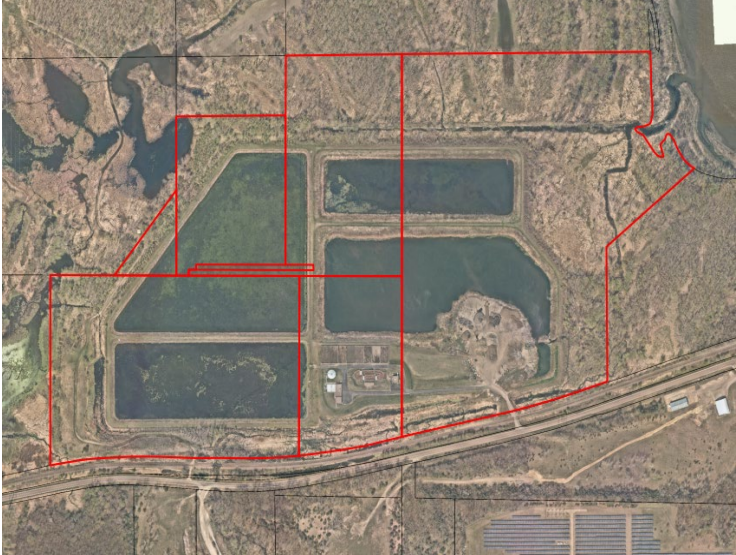

1213.01 REPEAL. All ordinances previously in effect pertaining to the subdivision or platting of land within the City are hereby repealed.

(Ord. 03-18, Chapter 12, Adopted November 3, 2003.)  
(Ord. 11-09, Sections 1202, 1205.06, Adopted September 19, 2011).  
(Ord. 11-11, Sections 1107.21, 1109.08, 1205.07, Adopted December 5, 2011.)  
(Ord. 12-04, Section 1205.07, Adopted September 17, 2012.)  
(Ord. 18-06, Section 1204.03, Subd. 2 € , Adopted November 19, 2018.)



# MEMORANDUM

Planning and Zoning Commission

<b>DATE:</b>	January 13, 2025
<b>FROM:</b>	Cynthia Smith Strack, Community Development Director
<b>AGENDA ITEM:</b>	6.2. Final Plat Belle Plaine Water Resource Recovery Facility
<b>REVIEW:</b>	<p>The City owns seven separate parcels that combined constitute the WWTP facility. The proposed plat combines the lots and reestablishes the contour of the lot line abutting the river as it has meandered over time.</p> <p>The City Council approved a preliminary plat on September 16, 2025.</p> <p>Plat check with Scott County completed.</p> <p>The City Attorney has completed title review.</p> <p>PZC is to review the final plat.</p> 
<b>ACTION:</b>	Review/recommendation to Council
<b>ATTACHMENTS:</b>	Final Plat Belle Plaine Water Resource Recovery Facility. Resolution 25-01 Resolution Recommending Approval of a Final Plat for Belle Plaine Water Resource Recovery Facility
<b>SIGNATURE:</b>	

# BELLE PLAINE WATER RESOURCE RECOVERY FACILITY

## INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: that the City of Belle Plaine, a Minnesota municipal corporation under the laws of Minnesota, owners and proprietors of the following described property situated in the County of Scott, State of Minnesota, to wit:

PARCEL 1: All that part of the Southwest Quarter of the Northeast Quarter of Section 2, Township 113, Range 25, lying North of Railroad Track and also Lot 2 of Section 2, Township 113, Range 25, Scott County, Minnesota.

AND

PARCEL 2: That part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, described as follows:

Beginning at the southwest corner of the East 7 rods 17 links of said Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of North 0 degrees 03 minutes 12 seconds West along the west line of the East 7 rods 17 links of said Northwest Quarter of the Northwest Quarter, a distance of 500.00 feet; thence South 38 degrees 51 minutes 27 seconds West, a distance of 636.79 feet to the south line of said Northwest Quarter of the Northwest Quarter; thence South 89 degrees 24 minutes 32 seconds East along said south line, a distance of 400.00 feet to the point of beginning.

AND

PARCEL 3 (and part of Parcel 7): The West 35 rods of the Northeast Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, except the north 340.00 feet.

ALSO:

The East 7 rods, 17 lengths (links) of the Northwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, except the North 340 feet thereof.

AND

PARCEL 4 (and part of Parcel 7): East 24 acres of the Northeast Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota.

EXCEPTING therefrom that portion of the North 340 feet of the West thirty-five (35) rods of the Northeast Quarter of the Northwest Quarter (NE 1/4 of NW 1/4), all in Section Two (2) Township One Hundred Thirteen (113), Range Twenty-five (25).

AND

PARCEL 5:  
(Tract A) That part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, described as follows:

Beginning at the northwest corner of the East 7 rods 17 links of the Southwest Quarter of the Northwest Quarter of said Section 2; thence on an assumed bearing of North 89 degrees 24 minutes 32 seconds West along the north line of said Southwest Quarter of Northwest Quarter, a distance of 808.37 feet; thence South 0 degrees 03 minutes 12 seconds East parallel with the east line of said Southwest Quarter of the Northwest Quarter, a distance of 1,158.34 feet, more or less, to the northerly line of the Chicago Northwestern Railway property; thence easterly along the northerly line to the intersection with the west line of said East 7 rods 17 links of Southwest Quarter of Northwest Quarter; thence North 0 degrees 03 minutes 12 seconds West along said west line of the East 7 rods 17 links of the Southwest Quarter of the Northwest Quarter, a distance of 1,096.17 feet to the point of beginning.

(Tract B) That part of the west half of the Southeast Quarter of the Northwest Quarter and that part of the East 7 rods 17 links of the Southwest Quarter of said Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, lying North of the following described line:

Beginning at a point where the east line of the south one-half of said Northwest Quarter intersects a line drawn parallel with and 50 feet distance northerly, measured at right angles, from the center line of the main tract of the railroad of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, as the same is, at the date hereof, located, constructed and operated; thence westerly, in a straight line for a distance of 500 feet to a point which is 75 feet distance northerly, measured at right angles from said center line; thence continuing westerly, in a straight line, for a distance of 500 feet to a point which is 75 feet distant northerly, measured at right angles, from said center line; thence continuing westerly for a distance of 500 feet to an intersection with a line drawn 50 feet distant northerly measured at right angles, from said center line and there terminating.

AND

PARCEL 6: All that part of the east half of the Southeast Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, lying north of the Railroad track.

Has caused the same to be surveyed and platted as BELLE PLAINE WATER RESOURCE RECOVERY FACILITY.

In witness whereof said City of Belle Plaine, a Minnesota municipal corporation under the laws of Minnesota, has caused these presents to be signed by its proper officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Michael Woletz, Mayor

\_\_\_\_\_  
Dawn Meyer, City Administrator

NOTARY'S CERTIFICATE  
State of Minnesota )

County of \_\_\_\_\_) ss

The foregoing instrument was acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by Michael Woletz, Mayor and Dawn Meyer, City Administrator on behalf of the City of Belle Plaine, a municipal corporation under the laws of Minnesota.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

State of Minnesota, My Commission Expires \_\_\_\_\_.

## SURVEYOR'S CERTIFICATE

I, Janele Fowlds, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet land, as defined in Minnesota Statutes, Section 505.01, Sub. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Janele Fowlds, Land Surveyor  
Minnesota License Number 26748

NOTARY'S CERTIFICATE  
State of Minnesota )  
County of Blue Earth ) ss

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ by Janele Fowlds, Land Surveyor, Minnesota License Number 26748.

\_\_\_\_\_  
Nathan P. Myhra, Notary Public  
State of Minnesota  
My Commission Expires January 31, 2028

## APPROVALS

Be it known that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the Planning Commission of the City of Belle Plaine, Minnesota, did duly approve this plat.

\_\_\_\_\_  
Planning Commission Chair

Be it known that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the City Council of the City of Belle Plaine, Minnesota, did duly approve this plat of BELLE PLAINE WATER RESOURCE RECOVERY FACILITY, and is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2.

\_\_\_\_\_  
Ryan Ladd, Mayor

\_\_\_\_\_  
Dawn Meyer, City Administrator

## SCOTT COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 389.09, Subd. 1, as amended, this plat has been reviewed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Scott County Surveyor

## COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Scott County Auditor

\_\_\_\_\_  
Scott County Treasurer

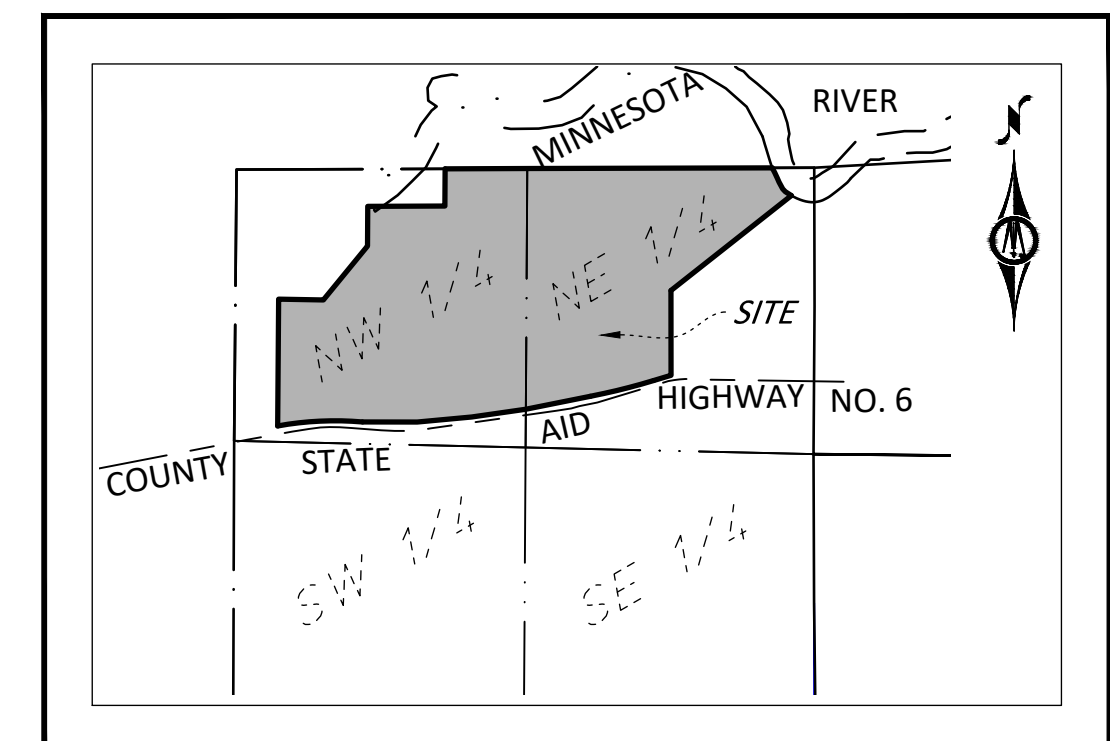
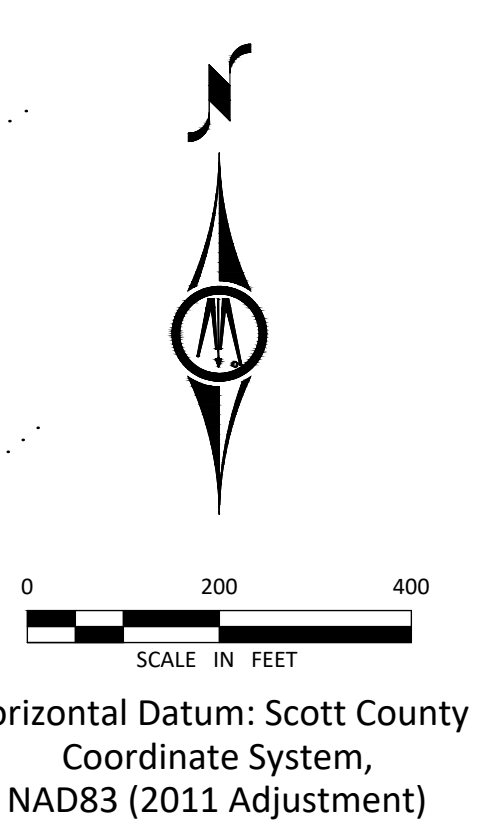
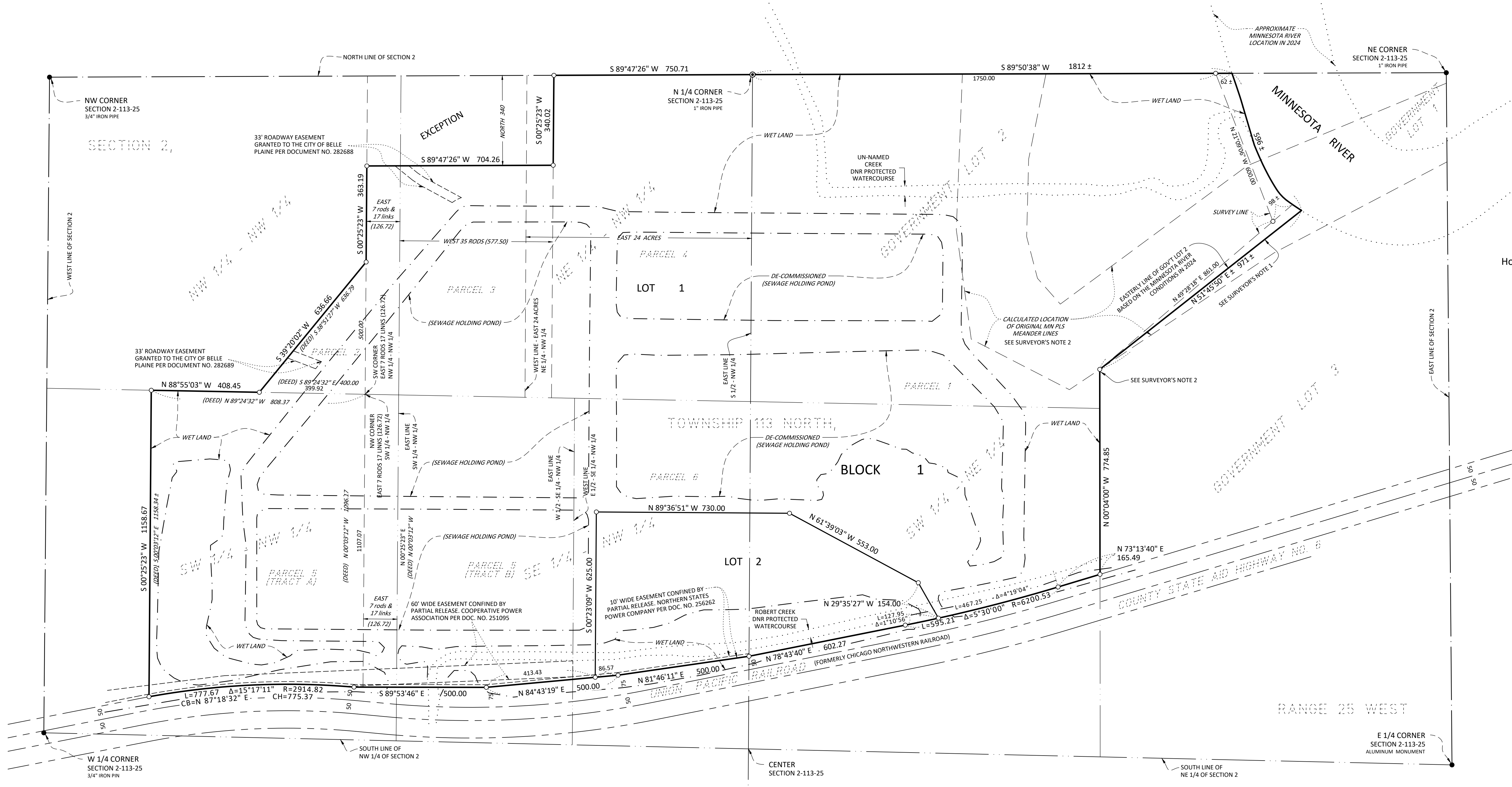
\_\_\_\_\_  
Deputy

## COUNTY RECORDER

I hereby certify that this plat was filed in this office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m. as Document No. \_\_\_\_\_.

\_\_\_\_\_  
Scott County Recorder

# BELLE PLAIN WATER RESOURCE RECOVERY FACILITY



- LEGEND**
- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 26748
  - MONUMENT FOUND
  - - - WET LAND
  - ..... RIVER OR CREEK

- SURVEYOR'S NOTES:**
- For the purpose of this survey, the southeasterly line of Government Lot 2 (the same as the northwesterly line of Government Lot 3) was established by connecting a straight line from the "most easterly" northeast corner of Government Lot 2 to a point on the southwesterly edge of the current Minnesota River at the same proportions as the frontage of the Minnesota River along Government Lots 2 and 3 based on the original Government Survey (1853-1855), being 50.5% for Government Lot 2 and 49.5% for Government Lot 3.
  - For the purpose of this survey, the location of this bend point was determined by projecting the east line of the Southwest Quarter of the Northeast Quarter of Section 2 to the intersection with the south line of the calculated Original Minnesota Government Survey PLS Meander Line positioned into the current Section Lines using the compass rule adjustment. This position can move North or South if the Minnesota River moves back to the South.

**BELLE PLAINE PLANNING COMMISSION  
RESOLUTION PZ 25-01**

**RESOLUTION RECOMMENDING APPROVAL OF A FINAL PLAT  
FOR BELLE PLAINE WATER RESOURCE RECOVERY FACILITY**

**PID: 209020030, 209020060, 209020050, 209020040, 209020070, 209020080, & 209020090**

**Legal: Attached as Exhibit A**

WHEREAS, The City of Belle Plaine owns the aforementioned properties; and,

WHEREAS, the City Council on September 16, 2024, approved Resolution 24-141 approving the preliminary plat as presented; and,

WHEREAS, the Planning Commission has reviewed the final plat for Belle Plaine Water Resource Recovery Facility and finds:

1. The final plat is consistent with a preliminary plat approved by the City Council on September 16, 2024.
2. The City Attorney has completed title review.
3. No plat improvements are required, therefore design standards and financing are not relevant

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF BELLE PLAINE, SCOTT COUNTY, MINNESOTA, THAT: It recommends the City Council approve a final plat for Belle Plaine Water Resource Recovery Facility, attached hereto as Exhibit B.

The adoption of the foregoing resolution was duly moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, and after full discussion thereof and upon a vote being taken thereon, the following Commissioners voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted. Dated this 13<sup>th</sup> day of January, 2025.

\_\_\_\_\_  
Brian Romness  
Planning Commission Chairperson

\_\_\_\_\_  
Cynthia Smith Strack  
Community Development Director

EXHIBIT A  
RESOLUTION PZ 25-01  
LEGAL DESCRIPTION

PARCEL 1: All that part of the Southwest Quarter of the Northeast Quarter of Section 2, Township 113, Range 25, lying North of Railroad Track and also Lot 2 of Section 2, Township 113, Range 25, Scott County, Minnesota.

AND

PARCEL 2: That part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, described as follows:  
Beginning at the southwest corner of the East 7 rods 17 links of said Northwest Quarter of the Northwest Quarter; thence on an assumed bearing of North 0 degrees 03 minutes 12 seconds West along the west line of the East 7 rods 17 links of said Northwest Quarter of the Northwest Quarter, a distance of 500.00 feet; thence South 38 degrees 51 minutes 27 seconds West, a distance of 636.79 feet to the south line of said Northwest Quarter of the Northwest Quarter; thence South 89 degrees 24 minutes 32 seconds East along said south line, a distance of 400.00 feet to the point of beginning.

AND

PARCEL 3 (and part of Parcel 7): The West 35 rods of the Northeast Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, except the north 340.00 feet.

ALSO:

The East 7 rods, 17 lengths of the Northwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, except the North 340 feet thereof.

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AND

PARCEL 5:

(Tract A) That part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, described as follows:

Beginning at the northwest corner of the East 7 rods 17 links of the Southwest Quarter of the Northwest Quarter of said Section 2; thence on an assumed bearing of North 89 degrees 24 minutes 32 seconds West along the north line of said Southwest Quarter of Northwest Quarter, a distance of 808.37 feet; thence South 0 degrees 03 minutes 12 seconds East parallel with the east line of said Southwest Quarter of the Northwest Quarter, a distance of 1,158.34 feet, more or less, to the northerly line of the Chicago Northwestern Railway property; thence easterly along the northerly line to the intersection with the west line of said East 7 rods 17 links of Southwest Quarter of Northwest Quarter; thence North 0 degrees 03 minutes 12 seconds West along said west line of the East 7 rods 17 links of the Southwest Quarter of the Northwest Quarter, a distance of 1,096.17 feet to the point of beginning.

(Tract B) That part of the west half of the Southeast Quarter of the Northwest Quarter and that part of the East 7 rods 17 links of the Southwest Quarter of said Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, lying North of the following described line:

Beginning at a point where the east line of the south one-half of said Northwest Quarter intersects a line drawn parallel with and 50 feet distance northerly, measured at right angles, from the center line of the main tract of the railroad of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, as the same is, at the date hereof,

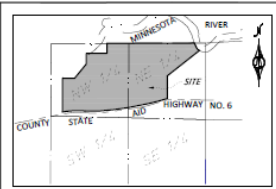
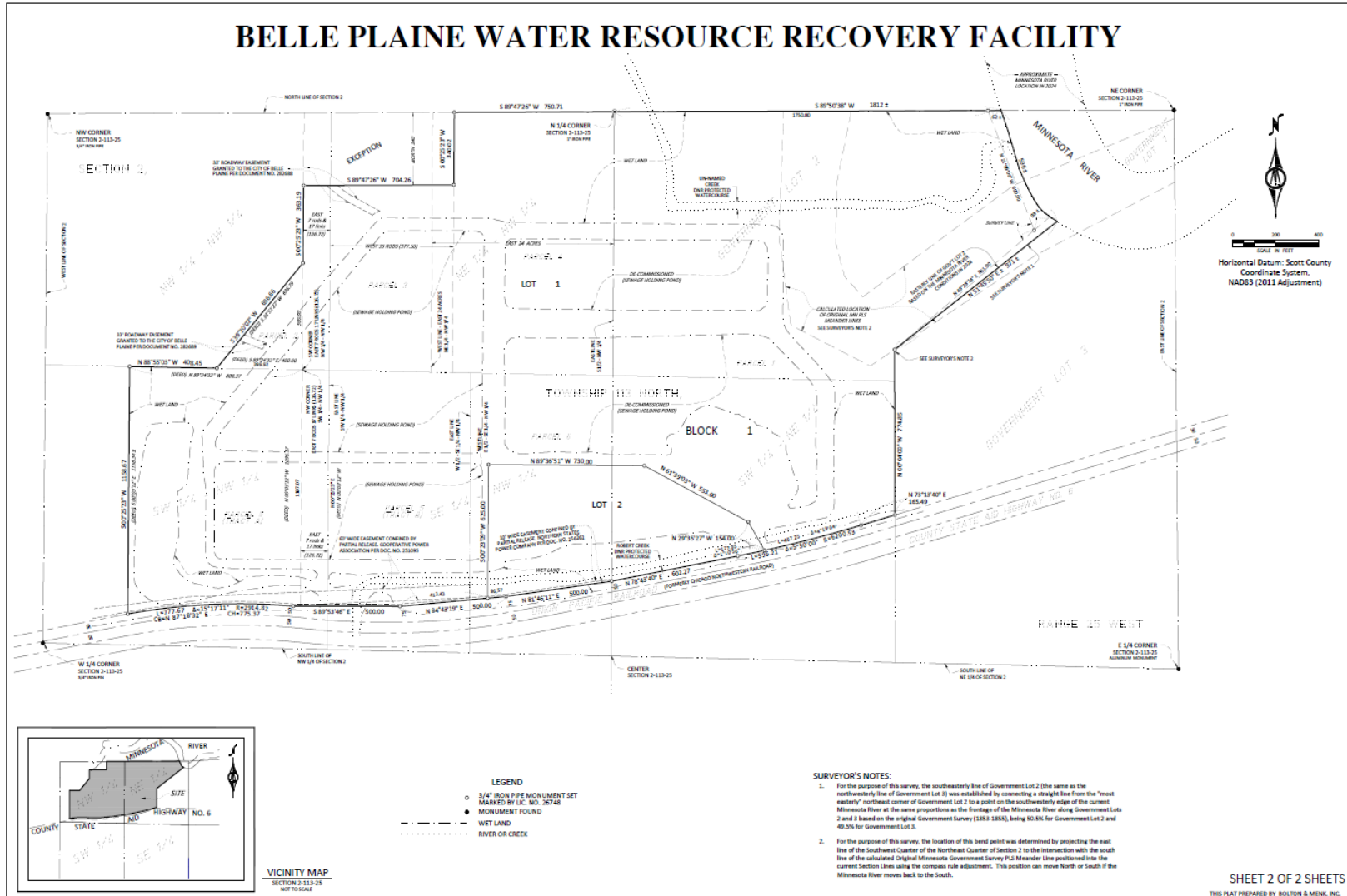
located, constructed and operated; thence westerly, in a straight line for a distance of 500 feet to a point which is 75 feet distance northerly, measured at right angles from said center line; thence continuing westerly, in a straight line, for a distance of 500 feet to a point which is 75 feet distant northerly, measured at right angles, from said center line; thence continuing westerly for a distance of 500 feet to an intersection with a line drawn 50 feet distant northerly measured at right angles, from said center line and there terminating.

AND

PARCEL 6: All that part of the east half of the Southeast Quarter of the Northwest Quarter of Section 2, Township 113, Range 25, Scott County, Minnesota, lying north of the Railroad track.

**EXHIBIT B**  
**RESOLUTION PZ 25-01**  
**FINAL PLAT: BELLE PLAINE WATER RESOURCE RECOVERY FACILITY**

# BELLE PLAINE WATER RESOURCE RECOVERY FACILITY



VICINITY MAP  
SECTION 2-113-25  
NOT TO SCALE

- LEGEND**
- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 26748
  - MONUMENT FOUND
  - WETLAND
  - RIVER OR CREEK

- SURVEYOR'S NOTES:**
- For the purpose of this survey, the southeasterly line of Government Lot 2 (the same as the northwesterly line of Government Lot 3) was established by connecting a straight line from the "most easterly" northeast corner of Government Lot 2 to a point on the southwesterly edge of the current Minnesota River at the same proportions as the frontage of the Minnesota River along Government Lots 2 and 3 based on the original Government Survey (1853-1855), being 50.5% for Government Lot 2 and 49.5% for Government Lot 3.
  - For the purpose of this survey, the location of this bend point was determined by projecting the east line of the Southwest Quarter of the Northeast Quarter of Section 2 to the intersection with the south line of the calculated Original Minnesota Government Survey PLS Meander Line positioned into the current section lines using the compass rule adjustment. This position can move north or south if the Minnesota River moves back to the South.

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# MEMORANDUM

Planning and Zoning Commission

<b>DATE:</b>	January 13, 2025
<b>FROM:</b>	Cynthia Smith Strack, Community Development Director
<b>AGENDA ITEM:</b>	7.2. Director's Update
<b>REPORT:</b>	<p><b>Design Committee</b> The Design Committee met on January 6<sup>th</sup> and reviewed a proposed projecting sign on Main St E.</p> <p><b>EDA</b> The EDA met prior to the Planning Commission and reviewed a draft 2024 annual report.</p> <p><b>Other</b></p> <ul style="list-style-type: none"><li>• Zoning information/assistance to three commercial entities.</li><li>• EDA annual report draft.</li><li>• Cannabis code amendment review.</li><li>• Attended SCALE Tech Team meeting.</li><li>• Attended SCALE meeting as cannabis panel discussion member.</li><li>• Attended Met Council Planners Advisory Board meeting.</li><li>• Subdivision code update</li><li>• Code review (zoning) assistance for building/zoning permits.</li><li>• City communications</li></ul>
<b>SIGNATURE:</b>	