

**MAJOR SUBDIVISION
ZONING CODE: 152.020 ET SEQ.**

Concept Plan Application Checklist

- A completed Major Subdivision Zoning Application form including a project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- Financial bill-back agreement
- One electronic copy and one paper copy of the required submittals
- Certificate of Survey of existing conditions and subdivision concept
- Additional information as required by City staff

Preliminary Plat Application Checklist

- A completed Major Subdivision Zoning Application form including a project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- Financial bill-back agreement
- Proof of ownership or legal interest in the property
- One electronic copy and one paper copy of the required submittals
- Certificate of Survey of existing conditions and proposed Preliminary Plat

The Preliminary Plat shall include the following information:

- A north indicator and scale not greater than 1 inch = 100 feet shall be shown on all drawings.
- The proposed name of the plat. The name shall not duplicate or be substantially similar to a plat previously recorded in Washington County.
- Date of application, name, address, phone number, email address, and applicable license or registration number of the owner, developer, agent, applicant, engineer, surveyor, planner, attorney, or other principal involved in the development of the plat.
- Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat.
- Any zoning changes needed or reference to any zoning or similar land use actions that are pertinent to the proposed development.
- Total acreage of the land to be subdivided and total upland area
- Boundary line survey and legal description.
- Existing covenants, liens, or encumbrances.
- Proposed lot lines, dimensions, the gross acreage, and the acreage net of any wetlands, floodplains, surface waters, and other encumbered areas of all lots.
- Proposed lot and block numbers.

- Building pad and minimum building setbacks shown on each lot indicating dimensions of the setbacks.
 - Layout of streets, showing right-of way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and proposed street names for consideration and acceptance by the City. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan.
 - Parks, trails, sidewalks, or other areas intended for public use or common ownership.
 - Minimum lot areas, lot widths, and setback dimensions shall be shown and the minimum lot areas, lot widths, and setback areas shall conform with the proposed zoning for the site, unless the subdivision is a PUD.
 - Topographical contours at 2-foot intervals. Low-floor elevations for riparian lots.
 - All delineated wetlands, floodplain areas, the ordinary high water level (OHWL) of DNR protected waters, and any encroachments.
 - Utility easements, drainage easements, wetland easements, wetland buffers, and shoreland setback requirements, if applicable.
 - Development staging plan, if applicable
- Preliminary grading, drainage (storm system) and erosion control plan
 - Preliminary Utility Plan, including information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent property
 - Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review.
 - Examples of building product showing illustrations of building footprint, floor plans, building elevations, and exterior building materials
 - Street lighting plans showing proposed location and type of fixture
 - Preliminary landscape plans
 - Wetland replacement plan shall be provided (if applicable)
 - Tree inventory and woodland preservation plan (if applicable)
 - Any additional information as requested by City staff.

Final Plat Application Checklist

- A completed Major Subdivision Zoning Application form including a project narrative
- Application Fee per the current City Fee Schedule
- One electronic copy and one paper copy of the required submittals
- Preliminary Plat retitled "Final Plat," incorporating any changes required by the City during the Preliminary Plat review and approval process
- *Note:** The City requires submittal of proof of ownership and title work for the preparation of the Development Agreement.

MAJOR SUBDIVISION

ZONING CODE: 152.020 ET SEQ.

Major Subdivision Process

A Major Subdivision is a process in which more than three new lots are created and new streets and public infrastructure are constructed to serve the new lots. The application for a Major Subdivision is processed and reviewed by staff, the Planning Commission and City Council in three separate steps:

Step 1: Concept Plan

A concept plan is defined as the written and graphic documents submitted by the Applicant that indicate in a conceptual or minimally detailed form, the proposed land uses, design, and overall impact on the subject tract and surrounding lands.

Step 2: Preliminary Plat

Following receipt of a concept plan and application, a Public Hearing will be scheduled before the City of Forest Lake Planning Commission for the Preliminary Plat. Notice will be provided to the public and property owners as required by code. Following the Public Hearing, the Planning Commission will make a recommendation to the Forest Lake City Council for approval or denial of the Preliminary Plat.

Step 3: Final Plat

Following the Planning Commission Public Hearing and recommendation and City Council approval of the Preliminary Plat, the Final Plat will be presented to the Forest Lake City Council for review and approval or denial. A Public Hearing is not required in this step.

Step 1: Concept Plan

Purpose:

The preparation and submittal of a concept plan shall be required. The purpose of the concept plan is to obtain informal review comments prior to filing a formal preliminary plat application. On the basis of the concept plan, staff will informally advise the Applicant as promptly as possible of the extent to which the proposed subdivision generally conforms to City standards. Concept plan review does not convey any legal development rights to the Applicant.

Information Required for Concept Plan

1. The Applicant shall submit one electronic copy and one paper copy of the concept plan and required accompanying information, including fees and escrow, to the Community Development Department at least 30 days prior to the Planning Commission meeting.
2. Required Accompanying Information:
 - a. Name and address of Applicant and owner, if different
 - b. Date of plan preparation
 - c. Scale of plan
 - d. North arrow indication
 - e. Property location map illustrating the site location relative to adjoining properties and streets
 - f. Aerial photo with concept plan overlay detailing density, lot size, lot layouts, streets, possible park areas, preliminary wetland delineation and surface waters, existing right-of-way, buildings, developments, and other significant features
 - g. Scaled drawing illustrating property boundaries
 - h. Street and trail systems that interconnect neighborhoods and are consistent with the Comprehensive Plan
 - i. Approximate total area of wetlands and uplands on site
 - j. Additional information as required by the City staff

Review Process

1. *Pre-Application Meeting:* Prior to any formal submission and review of a concept plan, the Applicant shall request and meet with staff for a staff-level review of the proposal.
2. *Pre-Development Agreement:* The City requires that the Applicant enter into an agreement with the City in which the Applicant agrees to reimburse the City for its costs incurred in considering and reviewing the proposed development. This includes, but is not limited to administrative fees, legal fees, engineering fees, planning fees, and other consultant fees. The agreement also requires that the Applicant pre-pay a portion of these fees. The amount required shall be set forth in the pre-development agreement. This agreement may also be in the form of a signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application.
3. *Application and Placement on Agenda:* The City must receive a concept plan application form and requisite accompanying documentation. Upon receipt, the matter will be placed on the next Planning Commission meeting agenda at least 30 days after the date the complete application is received. Copies of the concept plan and required accompanying information shall be conveyed to City staff, committees, consultants, or agencies as appropriate; such parties may make

written comments. If substantial changes are required, a revised concept plan shall be submitted to the City prior to the submission of the plan to the Planning Commission.

4. *Parks and Recreation Commission:* The Applicant shall meet with the Parks and Recreation Commission to review the concept plan and receive comments. The Parks and Recreation Commission shall make a preliminary determination as to park needs and/or location. This preliminary determination shall be forwarded to the Planning Commission for review and consideration.
5. *Watershed District:* The Applicant encouraged to approach the applicable watershed district early in the concept plan development process.
6. *Planning Commission Meeting:* The concept plan shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, utility availability, and development regulations. A recommendation may be made at that time or the matter may be tabled to allow further review and consideration.
7. *City Council Meeting:* The Planning Commission's recommendation shall be conveyed to the City Council. The City Council shall review and comment on the project's acceptability in relation to the Comprehensive Plan, utility availability, and development regulations. Action may be taken at that time by the City Council to review or deny the concept plan, or it may be tabled for allow further review and consideration. Comments on the concept plan shall not be considered binding in regard to subsequent plat review. Concept plan review does not convey any legal development rights to the Applicant.
8. *Attendance at Meetings is Mandatory:* The Applicant or Applicant's representative is required to attend all meetings with advisory boards/commissions and the City Council. Failure of the Applicant or Applicant's representative to attend a meeting may result in denial of the application.

Step 2: Preliminary Plat

Purpose:

1. An application for a Preliminary Plat shall be filed with the City after the completion of the concept plan process. The Preliminary Plat is a plan of how property will be subdivided and developed. The preliminary plat stage is when all information pertinent to the proposed development is provided by the Applicant for review by City staff, consultants, City advisory commissions, the City Council, other applicable agencies, and the public. The information provides a basis for approval or denial of the application. The information submitted in the

application shall address both existing conditions and changes that will occur during and after the development.

2. Additional information or modifications may be required by consultants, City staff, City advisory commissions, the City Council, or other applicable agencies. Additional information may also be requested during the review process. In certain cases, some information required by these standards may not be appropriate or may require modification in order to provide an adequate basis for making a decision.

Information Required for Preliminary Plat

1. The Applicant shall submit one electronic copy and one paper copy of the Preliminary Plat and required accompanying information, including fees and escrow, to the Community Development Department.
2. Contents of Preliminary Plat and accompanying information:
 - a. Preliminary Plat shall include the following:
 - i. A north indicator and scale not greater than 1 inch = 100 feet shall be shown on all drawings.
 - ii. The proposed name of the plat. The name shall not duplicate or be substantially similar to a plat previously recorded in Washington County.
 - iii. Date of application, name, address, phone number, email address, and applicable license or registration number of the owner, developer, agent, Applicant, engineer, surveyor, planner, attorney, or other principal involved in the development of the plat.
 - iv. Proof of ownership or legal interest in the property.
 - v. Existing Comprehensive Plan land use and zoning designation within and abutting the proposed plat.
 - vi. Any zoning changes needed or reference to any zoning or similar land use actions that are pertinent to the proposed development.
 - vii. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes, and rivers).
 - viii. Boundary line survey and legal description.
 - ix. Existing covenants, liens, or encumbrances.
 - x. Proposed lot lines, dimensions, the gross acreage, and the acreage net of any wetlands, floodplains, surface waters, and other encumbered areas of all lots. When lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown. Lot areas shall consist of buildable land as defined by the Zoning Ordinance and lots which contain water bodies, power line or pipeline easements shall show the lot area outside of the water body/easement.
 - xi. Proposed lot and block numbers.

- xii. Building pad and minimum building setbacks shown on each lot indicating dimensions of the setbacks.
 - xiii. Layout of streets, showing right-of way widths, centerline street grades and approximate radii of all curbs, proposed contours within the entire plat, and proposed street names for consideration and acceptance by the City. Access, right-of-way widths, driveways, and street classifications shall be consistent with the Comprehensive Plan.
 - xiv. Parks, trails, sidewalks, or other areas intended for public use or common ownership.
 - xv. Minimum lot areas, lot widths, and setback dimensions shall be shown and the minimum lot areas, lot widths, and setback areas shall conform with the proposed zoning for the site, unless the subdivision is a PUD.
 - xvi. Topography map showing topographical contours at 2-foot intervals.
 - xvii. All delineated wetlands, floodplain areas, the ordinary high water level (OHWL) of DNR protected waters, and any encroachments.
 - xviii. Wetland replacement plan shall be provided (if applicable).
 - xix. Tree inventory and preservation plan.
 - xx. Utility easements, drainage easements, wetland easements, wetland buffers, and shoreland setback requirements if applicable.
 - xxi. Preliminary landscape plans.
 - xxii. Any additional information as requested by City staff.
- b. *Certificate of Survey.* A certificate of survey prepared by a licensed land surveyor must be submitted which identifies the following:
- i. Scale not greater than 1 inch = 100 feet
 - ii. North point indicator
 - iii. Existing parcel boundaries to be platted with dimensions and area
 - iv. Existing legal description
 - v. Easements of record
 - vi. Delineated wetland boundary, including the Ordinary High Water Level (OHWL) of any lakes, rivers, or DNR waters
 - vii. All encroachments
 - viii. Existing buildings, structures, and improvements within the subject property and those 100 feet outside the boundaries of the subject property; and
 - ix. Location, widths, and names of all existing public streets, right-of-ways, or railroad right-of-ways showing types, width, and condition of improvements, if any, which will pass through and/or are within 100 feet.
- c. *Preliminary grading, drainage (storm system) and erosion control plan:* The Applicant shall submit a preliminary grading, drainage, and erosion control plan utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed

by a licensed engineer. The grading plan shall be designed to avoid premature disruption of land and long-term storage excessive materials.

- i. A north indicator and scale not greater than 1 inch= 100 feet shall be shown on all maps/drawings
- ii. Location of natural features, including but not limited to, tree lines, delineated wetlands, water courses, ponds, lakes, streams, floodplain, drainage channels, ordinary high water level (OHWL), and 100-year storm elevations, bluffs, and steep slopes. If wetlands are proposed to be impacted, a mitigation plan shall also be submitted
- iii. Existing contours at 2-foot intervals shown as dashed lines for the subject property and extending 100 feet beyond the outside boundary of the proposed plat
- iv. Proposed grade elevations at 2-foot intervals shown as solid lines
- v. Proposed plan for surface water management, ponding, drainage, and flood control, including the normal water level and high water level of all ponds and water courses
- vi. Provisions for groundwater management including subsurface drains, disposals, ponding, and flood controls.
- vii. Location of all existing storm sewer facilities including pipes, manholes, catch basins, pond swales, and drainage channels within 100 feet of the subject property. Existing pipe sizes, grades, rim and invert elevations, and normal and high water elevations must be included
- viii. If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations must be shown
- ix. Spot elevations at drainage break points and directional arrows indicating site, swale, and drainage on lots and streets
- x. Lot and block numbers, building style, building pad location, and elevations at the lowest floor and garage slab for each lot
- xi. Locations, sizes, grades, rim and invert elevations of all proposed storm water facilities, including ponds, proposed to serve the subject property
- xii. Phasing of grading
- xiii. Location and purpose of all oversize, non-typical easements
- xiv. All soil erosion and sediment control measures to be incorporated during and after construction must be shown. Locations and standard detail plates for each measure shall be in accordance with City standards and included on the plan
- xv. Soil tests for areas where streets and building pads are proposed and other soil information as requested by the City Engineer
- xvi. All re-vegetation measures proposed for the subject property must be included on the plan, including seed and mulch types and application rates

- xvii. Drainage plan, including the configuration of drainage areas and calculations for 2-year, 10-year, and 100-year 24 hour storm events. A 500-year event may also be required by the City Engineer
 - xviii. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections; and
 - xix. Date of plan preparation and dates of all revisions.
- d. *Preliminary Utility Plan.* The Applicant shall submit a preliminary utility plan utilizing a copy of the current certificate of survey as a base plan of the site in question prepared by a licensed engineer, depicting the following:
- i. Scale not larger than 1 inch = 100 feet
 - ii. Location, dimensions, and purpose of all easements
 - iii. Location and size of existing sanitary sewers, water mains, culverts, and/or other underground facilities within the subject property and to a distance of 100 feet beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes, and hydrants shall also be shown.
 - iv. Location and size of proposed sanitary sewers, water mains, culverts, and other storm water facilities or other underground municipal facilities within the subject project.
 - v. All other utilities shall be located and designed in accordance with the requirements of the City Engineering Standards
 - vi. Date of plan preparation and dates of all revisions
- e. *Miscellaneous Information.* The following shall be submitted to the City, if applicable:
- i. A signed financial bill-back agreement that consents to the Applicant being billed by the for all legal, engineering and administration costs pertaining to the City review of the application.
 - ii. An evaluation by the application that the subdivision would be not be premature pursuant to the criteria outlined by the Comprehensive Plan and the Zoning Ordinance
 - iii. All Preliminary Plats that will not be subsequently final platted or improved in their entirety shall include a phasing plan with the following information submitted with the Preliminary Plat:
 - 1. The sequence of development and approximate areas, approximate number of lots in each phase, total area, and buildable area per phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each phase. Each phase of a Preliminary Plat shall be consistent with growth management criteria of the City
 - 2. Any trails, sidewalks, and parks within the approved phase of the Preliminary Plat shall be constructed along with streets and utilities and

- shall be clearly marked on a site map which shall be an attachment to all sales and agreements for individual lots
3. A site grading plan that is coordinated with the phasing plan to avoid premature disruption of land or long-term storage of excess materials
 4. A development agreement that includes financial security to ensure completion of common facilities, trails, and landscaping shall be provided. A master subdivision development agreement that governs subsequent phases shall also be required
 5. Unless otherwise clearly noted on the phasing plans or stated in the development agreement, all improvements shown within each phase shall be constructed and completed with that particular phase
- iv. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long-term maintenance of these open space areas
 - v. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent property
 - vi. Landscape and screening plans showing landscape plantings for yards and subdivision entrances, and specifying plant locations, varieties, and sizes
 - vii. Plans showing the elevations of signs and location, ownership, and maintenance responsibilities of the signs
 - viii. Examples of building product showing illustrations of building footprint, floor plans, building elevations, and exterior building materials
 - ix. Street lighting plans showing proposed location and type of fixture
- f. *Staking.* At a minimum, street centerline, parks, and trails identified to be staked by the Applicant during the Preliminary Plat process shall be staked in the field at least 15 days prior to the Planning Commission Preliminary Plat Public Hearing to allow City staff, Planning Commissioners, and City Council members to view the subject site

Filing and Review of the Preliminary Plat Application

1. *Pre-Application Meeting:* Prior to submitting a Preliminary Plat application, the property Applicant shall meet with City staff to discuss the Preliminary Plat application process. Through this meeting, City staff may summarize the City's concept plan review comments and offer suggestions pertaining to additional information or design changes that may assist in expediting the Preliminary Plat review.
2. *Neighborhood Meeting.* On large subdivision or developments with uses significantly different from adjacent subdivision regulation properties, the City recommends that the Applicant hold a neighborhood meeting for informal comment and feedback from citizens prior to submitting a

Preliminary Plat application. The Applicant is responsible for organizing and conducting the meeting. The Applicant shall give the City notice of date, time, and location of the meeting.

3. *Environmental Review:* The Applicant shall determine if the proposed plat meets or exceeds the mandatory threshold for an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) pursuant to Minnesota Rules regulated by the Environmental Quality Board (EQB); and, if necessary, the Applicant shall immediately complete those requirements. No further action will be taken by the City until the environmental review process is completed.
4. *DNR Review.* Preliminary Plats located within a shoreland district or floodplain district shall be subjected to review by the Minnesota Department of Natural Resources.
5. *Transportation and Highway Department Review.* A Preliminary Plat abutting any existing or proposed trunk highway, county road or highway, or county state-aid highway right-of-ways shall be subject to review by the Minnesota Department of Transportation (MNDOT) and/or the County Highway Department. Written notice and copy of the proposed Preliminary Plat shall be filed with MNDOT and/or County Highway Department for review and comment.
6. *Watershed District Review.* Preliminary Plats located within a watershed district shall be subject to review and comment by the applicable watershed district. The Applicant is encouraged to approach the applicable watershed district early in the preliminary plat development process.
7. *Parks and Recreation Commission Meeting:* The Applicant shall attend a Parks and Recreation Commission meeting to review the draft Preliminary Plat. The Parks and Recreation Commission shall make a recommendation as to park needs and/or location. This recommendation shall be forwarded to the Planning Commission for review and consideration.
8. *Advisory Committees:* The draft Preliminary Plat may also be reviewed by additional City advisory commissions/committees/boards. Such commission/committee/board recommendations will be forwarded to the Planning Commission and City Council for consideration at a Public Hearing and public meetings.
9. *Application and Placement on the Planning Commission Agenda:*
 - a. The City must receive a Preliminary Plat application along with electronic copies and paper copies of the Preliminary Plat as well as all requisite accompanying information.
 - b. Upon receipt, the matter will be placed on the next Planning Commission meeting agenda, within 30 days of receipt of the application. Community Development staff shall submit copies of the Preliminary Plat and related information to other staff, commissions/committees/boards, consultants, or agencies who may make written comments to the Planning Commission. If substantial changes are required to the Preliminary Plat, the may be advisable to submit a revised Preliminary Plat to City staff prior to Planning Commission submission.

10. *Incomplete Application:* The City shall have authority to request additional information. An application will not be heard by the Planning Commission if incomplete. City staff shall notify Applicant of missing information within 15 days of application submittal. If the requested information is not received within 60 days of notification, the application will be considered null and void and returned to Applicant.
11. *Planning Commission Meeting:* The Preliminary Plat shall be submitted to the Planning Commission for its review and recommendation. The Planning Commission shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Regulations, official map, and any other applicable rules and regulations. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- a. *Report.* Community Development staff shall prepare a report of the findings and recommendations for the Planning Commission. The report may include specific conditions of approval or findings related to denial of the plat.
 - b. *Public Hearing.* The Planning Commission shall hold a Public Hearing on the proposed Preliminary Plat. Notice of the Public Hearing shall be published in the official newspaper at least 10 days prior to the hearing. The City shall mail written notification of the Public Hearing on the proposed Preliminary Plat within 10 days of the Public Hearing to property owners located within 350 feet of the subject site. The failure to provide mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made.
 - c. *Recommendation.* The Planning Commission shall take public testimony at the Public Hearing and evaluate the requested Preliminary Plat against the premature subdivision criteria of Chapter 152.073(B) of City code, applicable City standards, the Zoning Ordinance, the Comprehensive Plan, and other City requirements.
 - d. The Planning Commission shall make findings and offer a recommendation for either Preliminary Plat approval, modification, or denial. The Planning Commission may offer a recommendation of approval with conditions necessary to satisfy City regulations.
12. *City Council Meeting.* The Planning Commission's recommendation shall be conveyed to the City Council. The City Council shall review and comment on the project's acceptability in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Regulations, official map, and any other applicable rules and regulations. A recommendation may be made at that time or the matter may be tabled to allow further time for review and consideration.
- a. *Council Action:* The City Council shall take action on the application within 120 days following delivery of a complete application in accordance with the regulation outlined in the Subdivision Regulations of the City Code, unless an extension is agreed to in writing by the Applicant. The City Council may act on the Preliminary Plat if it does not receive a recommendation from the Planning Commission within 60 days of receipt of a

completed application. In approving the Preliminary Plat, the City Council may impose conditions as deemed necessary to protect public health, welfare, and welfare.

- b. *City Council Findings:* The City Council shall take action on the application which shall include findings of fact. The action shall be entered into the proceedings of the City Council meeting and the same findings shall be transmitted to the Applicant in writing.

- 13. *Generally.* Upon recommendation of City staff and the submittal of an executed interim development agreement, including all subdivision fees and financial securities, the City may, at its discretion, authorize site grading as a condition of pre-plat approval and allowable activity prior to Final Plat approval.

Approval or Denial of Preliminary Plat

- 1. *City Council Action.* The City Council shall act on the Preliminary Plat by motion. The motion shall include findings of fact supporting the approval or denial and shall be entered into the written record of the proceedings of the City Council.
- 2. *Premature Subdivisions.* Any plat of a proposed subdivision deemed premature for development shall be denied by the City Council.
 - a. *Conditions Establishing Premature Subdivisions:* A subdivision may be deemed premature should any of the conditions set forth in the provisions which follow exist:
 - i. Lack of adequate drainage
 - ii. Lack of adequate water
 - iii. Lack of adequate roads or highways to serve subdivision(s)
 - iv. Inconsistency with the adopted Comprehensive Plan
 - v. Public improvements, such as recreational facilities or other public facilities reasonably necessitated by the subdivision which must be provided at public expense cannot be reasonably provided for within the next two (2) fiscal years
 - vi. The proposed subdivision is inconsistent with the Minnesota Environmental Review Program, Minnesota Rules Ch. 4410, as may be amended from time to time, and could adversely impact critical environmental areas, or potentially disrupt or destroy historic area which are designate or officially recognized by the City, in violation of federal and state historical preservation laws
 - b. The burden shall be upon the Applicant to show that the proposed subdivision is not premature.
- 3. *Denial of Preliminary Plat:* The City Council may deny the subdivision if any of the following findings are made:
 - a. The proposed subdivision is in conflict with the adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Surface Water Management

Plan, Engineering Standards, Airport Zoning Regulations, official City map, or Subdivision Regulations.

- b. The physical characteristics of the site, including but not limited to, topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or use contemplated.
 - c. The site is not physically suitable for the proposed density.
 - d. The design of the subdivision or proposed improvements are likely to cause serious public health problems.
 - e. The proposed subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
 - f. The proposed subdivision, its site, or its design adversely affects the flood-carrying capacity of the floodway, increases flood stages and velocities, or increases flood hazards within the floodway fringe or within other areas of the City.
 - g. The Applicant has failed to provide all documents required by the City in order to adequately evaluate the application.
4. *Development Agreement.* Final approval of the Preliminary Plat shall be contingent upon the Applicant's entrance into a development agreement with the City.
- i. The Applicant shall provide an estimate of the project construction costs for review and approval by the City Engineer
 - ii. The Applicant shall meet with City staff and the City Attorney to finalize the terms of the development agreement
 - iii. Upon finalization of the development agreement, the City Attorney shall have the final copy of the agreement signed by all appropriate parties. The development agreement shall be recorded against the property
 - iv. Financial securities shall be posted with the City as outlined in the development agreement
 - v. Final grading and utility plans shall be approved by the City Engineer and made a part of the development agreement
 - a) No grading shall be allowed until the Preliminary Plat has been approved, an interim development agreement has been executed, and the required financial securities have been posted with the City
 - b) No construction or installation of sanitary sewer or water utilities shall be allowed until approval of a Final Plat and final development agreement and the required financial securities are posted with the City.

Step 3: Final Plat

Purpose:

After the City Council has approved the Preliminary Plat, the Final Plat shall be submitted for review and approval as set for in City code. The Final Plat shall conform to all Minnesota platting regulations and shall incorporate all changes, modifications, and revisions as required by the City. Otherwise, it shall strictly conform to the approved Preliminary Plat.

Information Required for Final Plat Application

1. At the time of application, the Applicant shall submit one electronic copy and one paper copy of the Final Plat and required information, plans and fees together with a grading plan, utility plan, landscape plan, and other related plans to the Community Development Department.
2. Final Plat preparation, prepared for recording purposes, shall be prepared in accordance with the provisions of Minnesota Statutes and Washington County regulations, and such Final Plat or accompanying submittals shall contain the following information:
 - i. An electronic copy (and large scale paper copy, if requested) of the approved Preliminary Plat and supporting documents illustrating all changes and conditions that were required as part of the Preliminary Plat approval. This revised Preliminary Plat will provide the historical record of the subdivision approval by which subsequent Final Plats shall be considered;
 - ii. The name of the subdivision, which name shall not duplicate or be substantially similar to a plat previously recorded in Washington County. The name shall be subject to City Council approval. The first phase of the development shall be called the First Addition; subsequent phases shall be consecutively numbered;
 - iii. Location by section, township, range, county, and state, as well as descriptive boundaries of the subdivision based upon an accurate traverse, giving angular and linear dimensions;
 - iv. A north arrow indicator and scale of not greater than 1 inch = 100 feet shall be shown on all drawings/maps;
 - v. The location of monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points and monuments;
 - vi. The location of all lots, outlots, streets, public highways, alleys, parks, and other features with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve to lot line;
 - vii. Lots shall be numbered clearly. Blocks are to be numbered with all numbers shown clearly in the middle of the block;
 - viii. The exact location, widths, and names of all streets to be dedicated;

- ix. The location and widths of all easements to be dedicated;
- x. The name, address, and phone number of the surveyor making the plat;
- xi. Land dedicated as public park land shall be labeled as outlot(s) on the Final Plat and the deed for the outlot(s) shall be given to the City with the Final Plat;
- xii. Documents and information necessary to fulfill the conditions of approval of the Preliminary Plat;
- xiii. A current abstract of title or registered property certificate, at the option of the City Attorney;
- xiv. A commitment for title insurance (not more than 30 days old) from a title insurance carrier authorized to conduct business in the State of Minnesota;
- xv. Any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowner's association documents, or common interests community documents;
- xvi. Statement declaring all streets, alleys, other public right-of-way, and other public areas not previously dedicated; as follows: streets, alleys, and other public areas shown on a plat not heretofore dedicated to public use;
- xvii. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the designated areas marked "drainage and utility easements.";
- xviii. Final grading and construction plans shall be prepared and submitted in accordance with City standards;
- xix. Copies of permits from the Department of Natural Resources, Corp of Engineers, Minnesota Pollution Control Agency, Minnesota Department of Health, and other agencies as applicable. The permits shall be obtained prior to City approval of the Final Plat;
- xx. Radii, internal angles, points and curvatures, and lengths of all areas;
- xxi. Accurate location of all monuments. Pipes or steel rods shall be placed at the corners of each lot and at the edge of wetlands;
- xxii. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purposes indicated within.
- xxiii. Certification by a registered land surveyor, to the effect that the plat represents a survey made by the surveyor and that monuments and markers shown thereof exist as located and that all dimensional geodetic details are correct.
- xxiv. 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.
- xxv. Certification by a registered land surveyor in the form required by M.S. § 505.03, as may be amended.
- xxvi. The execution of all owners of any interest in the land and holders of a mortgage thereon of the certificates required by M.S. § 505.03, as may be

- amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the City Council.
- xxvii. Space for certificates of approval and review to be filled in and signed by the Mayor and the City Clerk. The form of the certificates shall be approved by the City. A copy of the approved format shall be available at City hall.
 - xxviii. The outside boundary of the subject property is to be clearly marked with survey monuments.

Timing of Final Plat Application

1. *Final Plat approval within one (1) year after Preliminary Plat approval.* A complete application for Final Plat shall be submitted to the City no later than one (1) year after the date of City Council approval of the Preliminary Plat, or a time as provided in the development agreement. If the Final Plat application is submitted more than one (1) year after the date of approval of the preliminary or after the time allowed in the development agreement, the Preliminary Plat approval shall be considered void, unless an extension is requested in writing and granted by the City Council for good cause.
2. *Final Plat approval for subsequent phases.* The Final Plat applications for subsequent phases, as described by the approval phasing plan, shall be submitted within one (1) year of approval of the Final Plat for the previous phase, or as provided in the development agreement. An extension may be requested in writing for City Council approval.

Filing and Review of Final Plat Application

1. *Placement on the City Council Agenda:*
 - a. The City must receive Final Plat application form, copies of the Final Plat, and required information and plans.
 - b. Upon receipt, the matter will be placed on the next City Council meeting agenda at least 30 days after the date the application was received. Community Development staff shall submit copies of the Final Plat and required accompanying information to other staff, committees, consultants, or agencies who may make written comments to the City Council.
2. *City Council Meeting.* The Final Plat, together with City staff recommendations, shall be submitted to the City Council for review and consideration. The City Council shall act on the Final Plat within 60 days of receipt of the completed Final Plat application. The City Council shall review and comment on the Final Plat to ensure conformance to the approved Preliminary Plat and incorporation of any changes, modifications, and/or revisions as required by the City Council during approval of the Preliminary Plat. A recommendation may be made at that time or

the matter may be tabled to allow additional time for review and consideration. If accepted, the Final Plat shall be conditionally approved by motion. The approval shall provide for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the City Council. If the Final Plat is denied, the grounds for any denial of a Final Plat shall be set forth in a written record of the proceedings of the City Council and reported to the Applicant in writing.

3. *Development Agreement.* Final plat approval shall be contingent upon the Applicant's entrance into a development agreement with the City, which controls installation of all required improvements and approval conditions to comply with approved Engineering Standards and applicable regulations. The development agreement shall be approved as a condition of the Final Plat and shall be recorded with the Final Plat.
 - a. The agreement shall be prepared by the City and shall ensure development performance based on approvals. The agreement shall address, but not be limited to, the following:
 - i. Financial securities;
 - ii. Warranties;
 - iii. Development time lines; and
 - iv. Remedies for default.
 - b. The Applicant shall meet with the City staff and City Attorney to finalize the terms of the development agreement.
 - c. Upon the finalization of the development agreement, the City Attorney shall have the final copy of the agreement signed by all appropriate parties. The development agreement shall be recorded against the property.
 - d. Financial securities shall be posted with the City as outlined in the development agreement.
 - e. Final grading and utility plans shall be approved by the City Engineer and made a part of the development agreement.
 - i. No grading shall be allowed until the preliminary plat has been approved, an interim development agreement has been executed, and the required financial securities are posted with the City.
 - ii. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a final plat and final development agreement and required financial securities are posted with the City.
4. *Special Assessments*
 - a. When any existing special assessments which have been levied against the property described are to be divided and allocated to the respective lots in the proposed plat, the City Clerk shall:
 - i. Estimate administrative costs of preparing a revised assessment roll
 - ii. File the same with the County Auditor
 - iii. Make such division and allocation

- b. Upon approval by the City Council of all costs associated with the development and filing of the assessment roll, the same shall be paid to the City before Final Plat approval, or as provided in the development agreement
- 5. *Title Review.* The City Attorney shall review and approve the status of title and ownership of the property. The Applicant shall provide an abstract of title, a registered property abstract of a title insurance commitment or policy dated within 30 days of the execution of the Final Plat as evidence of ownership.
- 6. *Street Addresses.* The Applicant shall consult with the City and/or County in regard to the assignment of addresses. Address shall conform to the uniform street naming and property numbering system for the County unless otherwise approved by the City. With submission of the Final Plat, a copy of the plat map showing all the proposed addresses correctly labeled shall be supplied to the City for review and approval and then distribution to the utility companies, post office, Fire Department, and local school district.
- 7. *Recording of the Final Plat.* If the Final Plat is approved by the City Council, the Applicant shall record the Final Plat in the Office of the Washington County Recorder within 120 days of approval. If not recorded within 120 days after the date of final approval, the approval of the Final Plat shall be considered void unless the Applicant requests an extension in writing and receives approval from the City Council. Upon receipt of the recorded documents from the County Recorder, the Applicant shall immediately furnish City staff with a copy of the Final Plat which indicates evidence of recording. No building permits shall be issued or improvements approved (except those indicated in the development agreement) for any construction or work on any lot or the plat until the City has received evidence of recording.

Approval or Denial of the Final Plat

- 1. *Council Action.* The City Council shall act on the Final Plat by motion. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council. A motion to approve that fails for lack of a simple majority shall be a denial of the requested application.
- 2. *Development Agreement.* If the City Council moves to approve the Final Plat and the development agreement is not yet finalized, the approval shall be contingent upon the following:
 - a. A completed and fully executed development agreement including all required financial securities and time frame for Final Plat and final grading completion
 - b. All fees and charges related to the preliminary or Final Plat paid in full
- 3. *Required Approval.* The City Council shall certify final approval within 60 days of an Applicant's request for Final Plat approval if the Applicant has complied with the following:
 - a. All conditions and requirements of the Comprehensive Plan, Zoning Ordinance, Surface Water Management Plan, Engineering Standards, Airport Zoning Regulations, and official map

- b. All conditions and requirements upon which the Preliminary Plat approval was expressly conditioned, either through performance or execution of appropriate agreements assuring such performance
4. *Denial of Plat.* The City Council may deny the Final Plat if it makes any one (1) or more of the following findings:
- a. The proposed subdivision is in conflict with the adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Surface Water Management Plan, Engineering Standards, Airport Zoning Regulations, and official map
 - b. The Final Plat does not meet or satisfy all of the conditions or requirements upon which the Preliminary Plat approval was expressly conditioned
 - c. The design of the subdivision does not conform to the minimum City standards
 - d. The Applicant has failed to provide all documents required by the City in order to adequately evaluation the application

Recording

1. *Copies.* After approval of the Final Plat by the City Council, the Applicant shall submit three (3) full size Mylar copies, an electronic copy, and a 11"x17" reduction of the Final Plat and dedication page to the City for signature.
2. Procedure and Deadline.
 - a. *Deadline.* The Applicant shall record the approved Final Plat and development agreement in the Office of the Washington County Recorder within 120 days after the date of approval. If not recorded within 120 days after the date of approval, the approval of the Final Plat shall be considered void unless the Applicant requests an extension in writing and receives approval from the City Council
 - b. *Copy to City.* Upon receipt of the recorded documents from the County Recorder, the Applicant shall immediately furnish the City with a copy of the Final Plat which indicates evidence of recording.
 - c. *No premature building permits issued.* No building permits shall be issued or improvements approved (except those indicated in the development agreement) for any construction or work on any lot or the plat until the City has received evidence of recording.
3. *Transportation Departments.* When land for which the Final Plat abuts a state highway, county road, or county highway, a certificate or other evidence showing submission of the Preliminary Plat to the Minnesota Department of Transportation and/or Washington County Highway Department shall be filed with the Office of the Washington County Recorder, along with the Final Plat.
4. *Department of Natural Resources.* When the land included in the Final Plat is located within a shoreland district or floodplain district, the Department of Natural Resources shall be notified of the disposition of the Final Plat as required by law.

5. *Recording Final Plats of Multi-Phased Developments.* Unless otherwise provided in the development agreement or otherwise approved by the City Council, a Preliminary Plat that is Final Platted in phases must be final platted into lots and blocks, not outlots, within five (5) years after the Preliminary Plat has been approved by the City Council. Any phase of the Preliminary Plat that is not final platted within five (5) years shall be void.

Utilities

1. *Installation.* Sewer, water, and streets shall only be installed in the area included in the Final Plat. No construction/installation of sanitary sewer, water facilities, or streets shall be allowed until the Final Plat and development agreement have been approved and recorded and all required financial securities have been posted with the City.
2. *Commitment of Utility Service Areas.* If the Applicant is unable to fulfill the schedule of the approved phasing plan, the City Council may consider allocating to a different development project the utility service area that was committed to the next phase of the plat. The subject plat must then wait until the following year for Final Plat or utility service area approval for the next scheduled phase.

Dedication

Parks, drainage, wetland, and utility areas or other public areas that were designated as outlots shall be dedicated to the City of Forest Lake.

Record Plans (As-built Plans)

Record plans shall be completed by the design engineer and shall be submitted to the City within 90 days of installation of the first layer of bituminous on the public streets. Record plans shall include an as-built grading plan. Record plans shall be approved by the City Engineer. An electronic copy and full size paper copy if requested, shall be submitted after final approval of the City Engineer.