

Chapter 4
SIMPLE PLATS

SECTION:

XX-4-1: Purpose

XX-4-2: Application

XX-4-3: Procedure

XX-4-4: Information Required

XX-4-5: Certification of Fees and Taxes Paid

XX-4-1: PURPOSE: Simple plats allow subdivision of land into lots smaller than the minimum metes and bounds area in the zoning district, where adequate infrastructure is already in place and no new public roads will be required, and contain all elements and requirements set forth in all official controls adopted pursuant to Minnesota statutes 462 and 505. (Ord. 910, 18 Apr 22)

XX-4-2: APPLICATION: A simple plat may be allowed only if all the following restrictions are met.

- A. The simple plat will create no more than three lots and any remaining acreage from the property to be subdivided shall meet the minimum metes and bounds lot size for the applicable zoning district.
- B. The simple plat will not require the construction of new roads or the expansion of existing roads.
- C. If the simple plat abuts a county road or county state aid highway, the existing county right-of-way shall be a minimum of 50 feet from the center line of the road. If the simple plat abuts a town road, the existing town right-of-way shall meet the minimum standard for town roads
- D. The resulting platted lots shall meet the minimum platted lot size for the applicable zoning district.
- E. Each resulting parcel has the minimum lot width for the applicable zoning district.
- F. The property shall not have been previously subdivided by or otherwise included in a simple plat within the last two years.
- G. No variance to the provisions of this section may be granted under chapter 8, section 3 of this ordinance. (Ord. 910, 18 Apr 22)

XX-4-3: PROCEDURE:

A. Pre-Application Meeting:

1. A pre-application meeting with the zoning administrator is required for all simple plats to review the proposed subdivision and all applicable laws, ordinances, policies, and procedures relating to the simple plat process.
2. Prior to the pre-application meeting, the applicant shall provide the zoning administrator with a sketch plan, which shall include the information required by Section XX-7-1 of this ordinance.
3. Additional items to be discussed at the pre-application meeting include without limitation: existing vegetation on the property, soil types, any solid waste accumulation, potential wetland impacts, floodplain and shoreland regulations (if applicable), soils, water table, and slope information; and potential stormwater management issues, private roads and easements, driveway access locations, road connections, abutting county roads or state highways, and property title.
4. The zoning administrator, at their discretion, may refer the sketch plan to the planning commission for review and comment prior to application for preliminary plat approval.

B. Preliminary Plat: A preliminary plat application will be reviewed and considered according to the following procedure:

1. The zoning administrator shall review submitted applications for completeness pursuant to Minnesota statutes 462.358 and this ordinance. A subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of an application completed in compliance with this ordinance by the applicant to the town, unless an extension of the review period has been agreed to by the applicant.
2. When the preliminary plat application is deemed complete, a public hearing shall be noticed to consider the plat:
 - a. Notice of the hearing shall consist of a legal property description and description of request and shall be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall be mailed at least 10 days prior to all owners of land within five hundred feet 350 feet of the boundary of the property in question. Failure of a

property owner to receive notice shall not invalidate any such proceedings as set forth within this ordinance.

- b. When a plat includes land abutting an existing or established county road or county state aid highway, the plat shall be submitted to the county engineer and county surveyor for approval subject to county ordinances as provided for by Minnesota statute 505 prior to approval of the preliminary plat by the town board.
 - c. When a plat includes land abutting an existing or established trunk highway, the preliminary plat shall be submitted to the commissioner of transportation for written comments and approval.
3. A completed preliminary plat application shall be reviewed and considered in accordance with the criteria of section XX-9-2 of this ordinance, in addition to other considerations that may be applicable to an individual plat application.
4. The applicant may request that the planning commission review and consider and make recommendations for the final plat while it considers the preliminary plat, so long as the final plat complies with the requirements of this ordinance, including incorporating all recommended changes or modifications to the preliminary plat.
5. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the planning commission and town board.
6. The applicant or a designated representative thereof shall appear before the planning commission and town board in order to answer questions concerning the proposed request. Failure by the applicant to attend meetings at which the application is to be considered by the planning commission or town board may be grounds for denial of the request.
7. The planning commission will conduct a public hearing before final consideration of the plat. Following the public hearing, the planning commission shall submit its findings and recommendations to the town board. The recommendation may be conditional, and may recommend approval or denial of the plat.
8. Upon receiving the report and recommendation of the planning commission and town staff, the town board shall have the option to set and hold a public hearing if deemed necessary.

9. If, upon receiving said report and recommendations of the planning commission and the town staff, the town board finds that specific inconsistencies exist in the review process and thus the final decision of the town board may differ from that of the planning commission, the town board may, before taking final action, refer the matter back to the planning commission for further consideration. The town board shall provide the planning commission with a written statement detailing the specific reasons for referral.
 10. Town Board Action:
 - a. Approval of a preliminary plat shall require approval of a majority of the town board.
 - b. If the preliminary plat is approved it shall be by resolution; such approval shall not constitute final acceptance of the layout. Subsequent approval will be required of the engineering proposals and other features and requirements as specified by this ordinance to be indicated on the final plat. The town may include stipulations in its resolution requiring such revisions in the preliminary plat and final plat as it deems necessary to implement and comply with the purpose and intent of this ordinance.
 - c. If disapproved, the grounds for any refusal to approve a preliminary plat shall be set forth in the proceedings of the town board and reported to the person or persons applying for such approval.
 11. If the preliminary plat is approved by the town board, the subdivider shall submit the final plat within one year after the approval or approval of the preliminary plat shall be considered void, unless:
 - a. A request for time extension is submitted in writing to the zoning administrator prior to the expiration of the one-year period.
 - b. Requests for an extension beyond one year from the date of preliminary plat approval shall be subject to approval by the town board.
- C. Final Plat: A preliminary plat application will be reviewed and considered according to the following procedure:
1. The zoning administrator shall review submitted applications for completeness pursuant to Minnesota statutes 462.358 and this ordinance. A subdivision application shall be final approved or disapproved within 60 days following

delivery of an application completed in compliance with this ordinance by the applicant to the town, unless an extension of the review period has been agreed to by the applicant.

2. The final plat shall have incorporated all changes or modifications recommended by the planning commission, and, in all other respects, the final plat shall conform to the preliminary plat.
3. The final plat shall include the content and be in the form required by the Sherburne county public works platting manual and Minnesota statutes 505. The applicant shall also provide a copy of the final plat in .pdf format.
4. The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where applicable, and provide general assistance in preparing a recommendation on the action to the planning commission and town board.
5. The final plat shall be submitted to the county surveyor for approval to in accordance with Minnesota statute 505 and county ordinances prior consideration by the town board.
6. Town Board Action:
 - a. Approval of a final plat shall require approval of a majority of the town board.
 - b. The town board may refer the final plat to the planning commission for review if the proposed final plat is substantially different from the approved preliminary plat or the requirements of the preliminary plat are not resolved.
 - c. If accepted, the final plat shall be approved by resolution, providing for the acceptance of all agreements for basic improvements, public dedication, and other requirements as indicated by the town board.
 - d. If disapproved, the grounds for any refusal to approve a final plat shall be set forth in the proceedings of the council and reported to the person or persons applying for such approval.
7. Recording:
 - a. An approved final plat shall be recorded with Sherburne county within 120 days of town board approval. If the applicant is unable to file a final plat

application within the required 120 days, such person shall file a written request for an extension of the final plat approval with the zoning administrator and receive town board approval prior to the end of the 120 days. Said applicant's request shall specify and the town board shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

- b. If a preliminary plat is final platted in stages unless otherwise provided in the development contract, all stages shall be final platted into lots and blocks, not outlots, within two-years after the preliminary plat has been approved by the town board or the preliminary plat of all phases not so final platted within the two-year period shall be void unless an extension is approved in accordance with section XX-4-3.6.c of this section.
- c. A request for time extension to record a final plat of a multiple phased plat shall be submitted in writing to the zoning administrator prior to the expiration of the two-year period.
 - (1) A request for an additional one-year extension to record the final plat may be approved by the zoning administrator.
 - (2) A request for an extension beyond an additional one-year from the date to record a final plat shall be subject to approval by the town board. (Ord. 910, 18 Apr 22)

XX-4-4: INFORMATION REQUIRED:

- A. The information required to be submitted for a plat application shall be as set forth in chapter 7 of this ordinance.
- B. The application shall be considered complete only when all of the required information and documentation has been submitted. Incomplete applications shall be considered withdrawn and shall be invalid one year after the initial submittal. (Ord. 910, 18 Apr 22)

XX-4-5: CERTIFICATION OF TAXES AND FEES PAID: Prior to approving an application for a subdivision in accordance with this chapter, the applicant shall provide certification to the town that there are no delinquent property taxes, special assessments, interest, or town utility fees due upon the parcel of land to which the application relates. (Ord. 910, 18 Apr 22)