

Article II. Procedures.

Before subdividing any tract of land within Athens Township, the following procedures shall be followed:

Section 16-11. **Pre-application meeting.** Prior to the preparation of a preliminary plat, the subdivider or owner may meet with the Athens Township Planning Commission, the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The developer should obtain a copy of this Chapter. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply, waste disposal and roads. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site. The sketch plan will include the following information

- (a) Name and address of the owner or subdivider.
- (b) Date of plan preparation.
- (c) Scale of plan (engineering scale only).
- (d) North arrow indication.
- (e) Legal description.
- (f) Property location map illustrating the site location relative to adjoining properties and streets.
- (g) Scaled drawing (engineering scale only) illustrating property boundaries.
- (h) +Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural features of the site, and adjoining properties.
- (i) Densities.
- (j) Natural features. A generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas, and hydric soils.
- (k) Any required zoning change.
- (l) Proposed timing and staging of development.
- (m) Proof of ownership or legal interest in the property in order to make application.
- (n) Additional information as required by the Town through the Zoning Administrator or Engineer.

The subdivider is urged to avail himself of the assistance of the Planning Commission and township staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat. The Planning Commission and/or staff shall advise the owner or subdivider as to the conformance of the proposed subdivision with this Chapter and other applicable official controls. If the owner or subdivider decides to proceed with the subdivision as proposed or

revised, he may proceed with the preparation of the preliminary plat as provided in Article II of this Chapter. Submission of a sketch plan and associated information shall not be considered adequate for application for preliminary plat approval.

Section 16-12. Build-Out Plan (Ghost Plat).

(a) Application. A build-out plan (ghost plan) consistent with Section 16.11 of this Chapter shall be required for the following subdivision applications:

- (1) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that may be eventually resubdivided into smaller lots.
- (2) Cluster subdivisions or open space design subdivisions that preserve open space for future development.

(b) Design Requirements. The build out plan (ghost plat) shall illustrate the following:

- (1) Lot design consistent with the long range planning for the area (Comprehensive Plan).
- (2) The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, or future development open spaces as a means of discouraging reliance on County and State roads for local trips.
- (3) Easement locations for utilities and storm water drainage.
- (4) Locations of buildings or structures on the lots to accommodate future subdivisions.

Section 16-13. Right-of-way Dedications.

The Town may require easements or right-of-way dedication and/or cash escrow or other financial guarantee in conjunction with plat approval to facilitate the future development of the build out plan (ghost plan). The build out plan (ghost plat) must follow the procedure outlined in Section 16-12 of this Chapter.

Section 16-14. Condition Establishing Premature Subdivisions.

Premature subdivision of land is to be discouraged due to the unavailability of public services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of base government services. A finding that a proposed subdivision or development is premature shall be considered a basis for denial of the proposed plat. At the sole discretion of the Town Board, a

subdivision may be deemed premature should any of the following conditions exist:

- (a) Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
 - (1) Surface or subsurface water retention and runoff is such that it constitutes a hazard resulting in flooding, loss of life, property damage, or other losses.
 - (2) The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.
 - (3) Factors to be considered in making these determinations may include, but are not limited to, average rainfall for the area; area drainage patterns; the relationship of the land to flood plains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope and stability of the land; and the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources.
- (b) Lack of Adequate Potable Water Supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- (c) Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
 - (1) County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, sight distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when said roads are inadequate for the intended use.
 - (2) The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on highways existing at the time of the application or proposed for completion within two (2) years.
- (d) Lack of Adequate Waste Disposal System. A proposed subdivision shall be deemed to lack adequate waste disposal systems if, in subdivisions for which sewer lines are proposed, there is inadequate public or private sewer capacity

in the present system to support the subdivision if developed to its maximum permissible density, or, if in subdivisions where neither sewer lines are neither available or proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Town Comprehensive Plan and Zoning Ordinance (Chapter 20).

- (e) Public Service Capacity. The County, Town or School District lacks necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot be reasonably provided for within the next two (2) years.
- (f) Minnesota Environmental Quality Board (MEQB) Policies. The proposed subdivision is inconsistent with the policies of the MEQB 25, as may be amended, and could adversely affect critical environmental areas or potentially disrupt or destroy historic areas, which are designated or officially recognized by the Town Board and the proposed subdivision is in violation of Federal and State historical preservation laws related to such properties.
- (g) Inconsistency with Capital Improvement Plan. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the Township, County or other regional capital improvement plans. The Town Board may waive this criteria when it can be demonstrated that a revision to the capital improvement plans can be accommodated.

Section 16-15. Burden of Evidence.

The burden shall be upon the owner or subdivider to show evidence that the proposed subdivision or development is not premature. For any proposed residential development containing more than eight (80) acres, or for any commercial or industrial development requiring platting, the owner/subdivider must provide evidence, as part of the application submission, that none of the conditions in Section 16.14 exist. Failure to provide such information shall be considered a basis for denial of the proposed plat.

Section 16-16. Complete Subdivision of Large Tracts.

The Town Board finds that the premature development of large tracts of land would necessitate an excessive expenditure of public funds to provide public services and will endanger or injure health, safety and prosperity of the Town. Complete subdivision of large tracts of land within a relatively short time period places an unacceptable burden upon the financial resources of the Athens Township residents who must support that system and will have an adverse impact on the Town's effort to protect and promote the public health, safety, and general welfare; to provide for the orderly, economic and safe development of

land; to preserve agricultural lands; to provide affordable housing to persons of all income levels; and to facilitate adequate provision of transportation, water, sewage, storm drainage, schools, parks, playgrounds and other public services and facilities. As allowed by state zoning enabling legislation, municipalities may, by ordinance, regulate the density and distribution of population. As such, the Board finds that the complete subdivision of large tracts within a relatively short period of time constitutes premature subdivision of land and is prohibited. For purposes of this Chapter, a large tract is any property of more than 160 acres; a short period of time is defined as two (2) years; and complete subdivision of large tracts is defined as subdivision of a parcel of land of more than 160 acres that is owned by the same person(s), including all contiguous parcels in common ownership, to the maximum density allowed in less than two (2) years.

Section 16-17 thru 16-30. **Reserved.**