

**CREDIT RIVER TOWNSHIP
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2021-01

**AN ORDINANCE AMENDING CERTAIN FEES
CHARGED BY THE TOWN**

**THE BOARD OF SUPERVISORS OF CREDIT RIVER TOWNSHIP, SCOTT COUNTY,
MINNESOTA, DOES ORDAIN AS FOLLOWS:**

- Section 1. Ordinance No. 2011-04 and 2015-01 are hereby deleted in their entirety.
- Section 2. Credit River Township hereby adopts the fee scheduled attached hereto as Exhibit A.
- Section 3. Credit River Township hereby adopts procedures related to third party consultant fees and cost reimbursement agreements as follows:

Third-party consultant fees; cost reimbursement agreements.

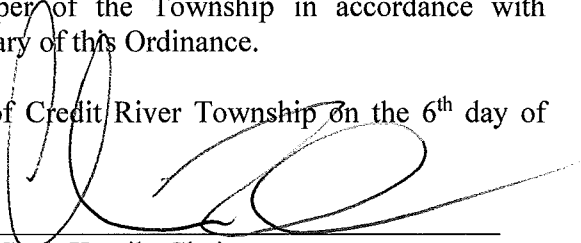
- (a) *Generally.* The town has limited personnel and financial resources and, accordingly, the town's planning, land use administration, engineering and legal services are provided by third party consultants. The costs associated with the use of third-party consultants shall be reimbursed by the applicant at actual cost to the town.
- (b) *Cost reimbursement agreements; security for payment.*
- (1) For applications relating to a request for a variance, conditional use permit, rezoning or zoning ordinance amendment for a single platted lot or, if not platted, a parcel with a land area of less than two acres, the cost reimbursement agreement shall be a separate provision included within the application, and the financial security (cash deposit or letter of credit) for town consultant fees (which is in addition to any application fees) shall be \$500.00, subject to revision and increase if town staff or the town's planning consultant determines that additional security is reasonably necessary.
 - (2) For all other applications, the requesting party must execute the town's cost reimbursement agreement and deliver the same to the town together with the escrow amount determined by staff in cash, or provide to the town a letter of credit in such amount issued by a bank capable of being drawn upon at a location within the Twin Cities seven county metropolitan area, in a form acceptable to the town attorney.

- (3) If the actual costs for town consultant fees are less than any cash deposit, the surplus shall be refunded, without interest, to the requesting party and any shortfall shall be invoiced to and paid by the requesting party or property owner upon completion of process of the application in question as provided in this ordinance.
 - (4) The failure to provide both the cost reimbursement agreement and financial security required in this section shall make the application submitted incomplete pursuant to M.S.A. § 15.99, and the town shall not be required to review and process such application until the requirements of this section are satisfied.
 - (5) The town attorney shall provide the form of cost reimbursement agreement for use in conjunction with this section. Any change to the form cost reimbursement agreement must be approved by the town attorney.
- (c) *Preapplication complex project review and environmental review.* If because of the size, scope, density or topography related to a particular development proposal, the town determines that the proposal is complex, or if the requesting party proposes or the town determines it is advisable that the preparation of an environmental assessment worksheet, an environmental impact statement or an alternative urban area-wide review is necessary or desirable, the requesting party shall enter into a cost reimbursement agreement in the form approved by the town as a condition precedent to the town undertaking any work to review the proposal or commence the environmental review.
- (d) *Billing.* The town shall compile the invoices from the town's third-party consultants and, no less frequently than once every 90 days, shall submit a statement and the supporting invoices to the requesting party for payment. All third-party consultant invoices to the town shall be segregated for specific land use matters for a requesting party. The requesting party shall pay the statement within 15 days.
- (e) *Objections to billed amounts.* If the requesting party disputes the fees of the town's third-party consultants, the requesting party shall submit a written objection to the fees to the town clerk within 15 days of the receipt of the statement from the town. Concurrent with submission of the objection to the fees, the requesting party must pay the disputed fees to the town with instructions to the town to place the disputed fees into a separate escrow account. The requesting party shall first meet with the town clerk and the applicable town third party consultant in an attempt to informally resolve the dispute as to the fees. If the fee dispute is not resolved in this manner, the requesting party may have the matter heard by the town board. If the fee dispute is not resolved to the satisfaction of the requesting party either informally or by the town board, the requesting party may assert any appeal rights pursuant to M.S.A. §§ 462.361 and 462.353, subd. 4(d). The town shall not condition the approval of any requesting party's proposed subdivision or development on an agreement to waive the right to challenge the validity of the fees set forth in this section.
- (f) *Failure to Reimburse Town.* In the event the requesting party or property owner does not reimburse or otherwise deposit disputed fees with the town within 15 days of the receipt of the statement from the town, the town shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 and any other relevant statutes.

- (g) *Accounting procedures and controls.* The fees collected pursuant to this section shall be used solely for the purpose of reimbursing the town for expenses incurred by the town for its third-party consultants in relation to the reviewing and processing of requests and applications as to land use matters by a particular requesting party. The town shall not use fees collected pursuant to this section from one requesting party in relation to a particular land use matter for any purpose other than defraying costs incurred by the town for the use of the services of its third-party consultants in relation to the particular land use matter.


Section 4. Effective Date of Ordinance. This Ordinance shall be in force and effect upon adoption and publication in the official newspaper of the Township in accordance with applicable law. The Township may publish a summary of this Ordinance.

Passed and adopted by the Board of Supervisors of Credit River Township on the 6th day of January, 2021.



Chris Kostik, Chairman

ATTEST:



Karen Donovan, Clerk

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January 4, 2021

Appendix A: Credit River Township 2021 Fee Schedule

BUILDING PERMITS

Building Permit Fee:

New Home or Building	Valuation plus building plan review and state surcharge
Finished Basement/Remodel	Valuation plus building plan review and state surcharge
Deck/Porch/Addition/Garage	Valuation plus building plan review and state surcharge
Fire Suppression/Alarm	Valuation plus building plan review and state surcharge
Swimming Pool- Above Ground	\$75 plus state surcharge
Swimming Pool- Below Ground	\$325 plus state surcharge
Window Permit Fee - Residential	\$105 plus state surcharge
Window Permit Fee - Commercial	2.5% of the contracted price plus State surcharge. Minimum fee: \$170 plus State surcharge
Reroof - Residential	\$105 plus state surcharge
Reroof - Commercial	2.5% of the contracted price plus State surcharge. Minimum fee: \$170 plus State surcharge
Residing - Residential	\$105 plus state surcharge
Residing - Commercial	2.5% of the contracted price plus State surcharge. Minimum fee: \$170 plus State surcharge
Manufactured Mobile Home Fee	\$150 plus foundation valuation plus State surcharge
Demolition Permit - Residential	\$75 plus State surcharge
Demolition Permit - Commercial	\$135 plus State surcharge

Valuation Schedule:

Total Valuation	Fee
	Minimum Fees: Residential (\$75 plus State surcharge); Commercial/Industrial (\$170 plus State surcharge)
\$1.00 to \$2,000.00	\$28.00 for the first \$500.00 plus \$3.70 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$83.50 for the first \$2,000.00 plus \$16.55 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$464.15 for the first \$25,000.00 plus \$12.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$764.15 for the first \$50,000.00 plus \$8.45 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,186.65 for the first \$100,000.00 plus \$6.75 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,886.65 for the first \$500,000.00 plus \$5.50 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$6,636.65 for the first \$1,000,000.00 plus \$4.50 for each additional \$1,000.00, or fraction thereof

Other Fees Related to Building Permits:

Plan Review Fee	65% of the building permit fee
Building Permit State Surcharge, applied to permits as required by MN Stat. 326B.148	Applicable State surcharge as set by the State of Minnesota Statute 326B.148
Permit Reactivation Fee	\$250
Investigation Fee (for work commenced without a permit)	Whenever any work for which a permit is required by the code has been commenced without first obtaining a required permit, an investigation fee equal to the amount of the permit fee shall be charged, regardless if a permit is issued. Investigation fees are in addition to all other required fees.
Inspections outside of normal business hours	\$150 per hour (minimum charge - 1 hour)
Reinspection Fees	\$150 per hour (minimum charge - 1/2 hour)
Reinspection Fee - Temp Certificate of Occupancy	\$150 per hour (minimum charge - 1 hour)
Additional plan review required by changes, additions or revisions to plans, after a permit has been issued	\$75 per hour (minimum charge 1/2 hour)

Plumbing Permit Fees:

Residential Construction - New System	\$170 plus State surcharge
Residential Construction - Existing System Addition	\$150 plus State surcharge
Residential Construction - Minor Alteration or Repair	\$75 plus State surcharge
Residential Construction - Water Heater/Water Conditioning	\$75 plus State surcharge
Commercial Construction	2.5% of the contracted price plus State surcharge. Minimum fee: \$170 plus State surcharge

Mechanical Permit Fees:

Residential Construction - New System	\$170 plus State surcharge
Residential Construction - Existing System Addition	\$150 plus State surcharge
Residential Construction - Minor Alteration or Repair	\$75 plus State surcharge
Residential Construction - Furnace, Fireplace, Wood Stove, Air Conditioner, Boiler	\$75 plus State surcharge
Commercial Construction	2.5% of the contracted price plus State surcharge. Minimum fee: \$170 plus State surcharge

Permit Refund Policy. All requests for refunds shall be made in writing to the Township with justifiable cause demonstrated. Refunds shall be repaid only to the original permit applicant.

A) Cancelled before issue or expired application: Once a building permit application has been accepted by the Township, the applicant shall be required to pay 100% of the plan review fee plus any applicable state surcharges as determined above for plan review services and/or processing services, whether or not the permit has been issued.

B) Canceled after issue - Staff may authorize refunding of not more than 80% of the issued permit fee when no work has been commenced under a permit issued in accordance with the Minnesota State Building Code. The amount of fees that are retained shall cover all expenses incurred for services that were actually provided at the expense of Credit River Township. Fees collected for plan review shall not be refunded.

C) Expired, revoked, suspended or invalid after issue: Fees shall not be refunded on permits that are expired, revoked, suspended or invalid as defined by Minnesota State Building Code.

D) Fraudulent applications: Fees shall not be refunded if it is found that an application was fraudulently filled out.

COSTS, FEES AND ESCROWS COLLECTED AT TIME OF BUILDING PERMIT

Fees for Lots with a community sewage treatment system

Access Deposit	\$900
NPDES Inspection Escrow	\$2,000
CSTS Tank Inspection Fee	\$650
Park Dedication Fee (for lots platted prior to 2021)	\$500
Wetland Contribution Fee	\$25
Access Inspection fee	\$100

Fees for Lots with an individual sewage treatment system

Access Deposit	\$900
NPDES Inspection Escrow	\$2,000
Park Dedication Fee (for lots platted prior to 2021)	\$500
Wetland Contribution Fee	\$25
Access Inspection fee	\$100

Fees for other types of Building Permits

NPDES inspection escrow for in ground pool	\$1,500
NPDES Inspection escrow for above ground pool	\$500
NPDES Inspection escrow for shed or addition up to 1,000 square feet	\$1,000
NPDES Inspection Escrow for shed or addition greater than 1,000 sq. feet	\$1,500
Encroachment Agreement	\$500

PLANNING AND ZONING

Application Type	Fee
Administrative Subdivision	\$200 application fee plus escrow
Comprehensive Plan Amendment	\$300 application fee plus escrow
Concept Plan	\$200 application fee plus escrow
Conditional Use Permit	\$300 application fee plus escrow
Environmental Review	\$300 application fee plus escrow
Interim Use Permit	\$300 application fee plus escrow
Land Use Permit (Agriculture Building or other zoning permit review that does not require a building permit)	\$50
Planned Unit Development (or amendment to PUD)	\$300 application fee plus escrow
Preliminary Plat	\$500 application fee plus escrow
Rezone	\$300 application fee plus escrow
Site Plan Review	\$200 application fee plus escrow
Vacation of Right of Way or Easement	\$300 application fee plus escrow
Variance OR Appeal	\$300 application fee plus escrow
Zoning Certification Letter	\$50
Zoning Ordinance Text Amendment	\$300 application fee plus escrow
Third Party Consultants	Actual Costs
Other Direct Costs (recording fees, publication fees, couriers, etc.)	Actual Costs

Escrows

Posted escrows shall be used as financial security to cover Township expenses associated with the review of applications, including direct costs such as recording fees and third party consultants (Attorney, Engineer, Planner, or others). The escrow shall be replenished within 30 days of the date the Township requests escrow replenishment for actual costs expended to date of request. The escrow amount shall be set by Town Staff commensurate with their determination of the amount necessary given the type and number of applications to be submitted and complexities associated with the proposed development project. Failure to replenish an escrow may result in the Town certifying the outstanding funds owed to the County Auditor for collection through the property tax or the Town placing a lien in the amount of the outstanding escrow on the property. It shall be the responsibility of the applicant to contact the Town, in writing, to request the return of any unused portion of the escrow deposit.

All applications shall be signed by the applicant(s) and all owners of the property to which the request applies. The applicant(s) and owner(s) shall be deemed jointly and severally liable for the payment of all fees and escrows required by this Ordinance. In the event that Township's administrative expenses, operating expense, and out of pocket expenses incurred in processing the applicants' and owners' request exceed the permit amount, the applicant(s) and property owner(s) shall remain liable for the amount of such costs incurred by the Township regardless of whether the applicant's and/or property owners' request is granted or denied.

In the event the applicant or property owner does not reimburse the Township within 30 days of billing for additional costs incurred in processing the applicant(s)/owner(s) request, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owners' property taxes pursuant to Minn. Stat. Statute 366.012.

COSTS AND FEES ASSOCIATED WITH LAND DEVELOPMENT

Park Dedication Fee - Residential	\$1500 per housing unit
Park Dedication fee - Commercial or Industrial	\$500 for each gross acre of land

Park fees shall apply to all new residential, commercial and industrial construction, and shall be paid either at the time of platting or at time the initial building permit is issued, whichever occurs first. No park dedication fee shall apply when parkland dedication requirements have previously been fulfilled. In the case of a lot split, the park dedication fee shall be applied to the new lot and paid at time of administrative approval.

Turn/Bypass Lane Fee	\$2,200 per lot. To be charged in addition to the lot fee to allow the Township to add necessary right turn lanes, left turn lanes, and bypass lanes required by increased traffic caused in part by the development. If the County Highway Department determines that the new development will require a right turn lane, and/or a left turn lane or a bypass lane at the intersection of the township road that provides access to the lot or subdivision and the nearest county road, and the developer is required to construct a right turn lane and/or a left turn lane or a bypass lane as part of the development, the developer shall be given a credit for the cost of such turn lanes. The credit shall be approved by the Township Engineer. The maximum credit shall be \$20,000 for a right turn lane, \$25,000 for a bypass lane, and \$150,000 for a left turn lane.
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WETLAND CONSERVATION ACT

WCA Application	\$350
Delineation Review	\$500
Application/Delineation Review	\$500
Replacement Plan Application	\$750
Banking Plan Application	\$1,000
Monitoring Cash Escrow	\$5,000
After the Fact WCA Applications	Double the fee
Wetland Appeal	\$500

Fees shown above are the minimum fees. Minimum fee is non-refundable. A cash escrow will be required for all applications in addition to the minimum fee to cover additional review, administration, or technical costs.

Monitoring cash escrow is required to cover Township expenses related to the Local Government Unit (LGU) responsibilities during the monitoring period.

Additional escrow may be required for more complex projects, larger projects, or for projects that require more extensive monitoring. The balance of escrow accounts is refunded upon completion of a project. Applicant is responsible for providing sufficient copies of all applications, reports, supporting information, etc.

Surety for replacement plan applications will be determined on a site specific basis and will be relative to the estimated cost to purchase replacement credits. Surety will be released when the LGU has determined that the replacement wetland(s) meets all the requirements of the WCA.

RIGHT OF WAY PERMITS

Excavation Permit (1000 feet or less)	\$150
Excavation Permit (each additional 1000 feet or part thereof)	\$50
Obstruction Permit	\$150
Registration Fee for a right of way permit and any extensions	\$50

ADMINISTRATION

NSF fee	\$30 per occurrence
Online bill/invoice pay (Xpress)	actual cost added to cost of invoice
Solicitors Permit	\$50
Special Use Vehicle Permit	\$30

UTILITIES

CSTS Fee - Territory	\$78.00 per month
CSTS fee -- Stonebridge	\$95,00 per month
CSTS fee -- MHSP	\$104.00 per month