



## **PLANNING COMMISSION MEETING AGENDA**

Monday, March 18, 2024

Council Chambers, 705 Parkway Avenue

6:00 p.m.

### **CALL TO ORDER:**

### **APPROVAL OF THE AGENDA:**

### **APPROVAL OF MINUTES:**

### **NEW BUSINESS:**

1. Public hearing for a Preliminary and Final Plat (The Bauer Jackson Addition)

### **OTHER**

1. Update on the “Missing Middle Housing” bill.
2. Variance Application Received for 404 Pebble Court
3. Resignation of Tom Paulson
4. Monthly Building and Zoning Permit Activity

### **ADJOURNMENT**

If you have any comments, questions or information that has not yet been presented or discussed regarding an agenda item, please ask to be recognized by the Chairman during the agenda item.

Please state your name and address for the record. All comments are appreciated.

If you have any questions, please feel free to contact City Hall at 507.257.3218 or email at [oadomabea@eaglelakemn.com](mailto:oadomabea@eaglelakemn.com).

**CITY OF EAGLE LAKE**  
**PLANNING COMMISSION MEETING MINUTES**

**January 22, 2024**

**CALL TO ORDER:**

Chairman Talle called the meeting to order at 6:05 p.m.

**MEMBERS PRESENT:**

- Trent Talle, Ray Beckel, and Jan Hughes.

**MEMBERS ABSENT:**

- Michael McCarty, Tom Paulson, Richard Garvey, and Paul Bunkowske.

**STAFF PRESENT:**

- Jennifer Bromeland, City Administrator; and Olivia Adomabea, Community Development Coordinator.

**PUBLIC PRESENT:**

None

**APPROVAL OF THE AGENDA:**

None

**APPROVAL OF MINUTES:**

None

**NEW BUSINESS:**

**1. Update on Floodplain Ordinance**

City Administrator Bromeland gave a brief presentation on the reasons for the floodplain ordinance to be updated. She mentioned in her presentation that Eagle Lake only recently enrolled in the National Flood Insurance Plan (NFIP) in 2017 and it is recommended that Eagle Lake adopt the updated version of the Floodplain Ordinance. She mentioned that a public

hearing has been scheduled for the February 5<sup>th</sup> City Council meeting and adoption is anticipated following the public hearing. Administrator Bromeland noted that adoption of the updated ordinance is required to maintain participation in NFIP.

**OTHER:**

**1. Update on Land Use Plan by MSU Graduate Students**

Community Development Coordinator, Olivia Adomabea, gave a summary report of the land use plan which was presented by graduate students of the urban and regional studies institute. She mentioned that the land use plan covered the demographics, SWOT analysis, land use maps and gave some useful recommendations. She indicated that some recommendations were made to serve as a guide for the future development of the city.

**2. Update on Land Use Plan by MSU Graduate Students**

Community Development Coordinator Adomabea updated commissioners that chapter six of the city code has been amended and has been approved by the city council to be adopted. The amended code took effect in January 2024.

**3. Monthly Building and Zoning Permit Activity**

The Monthly Building and Zoning Permit Activity was presented by Coordinator Adomabea. She explained that the number of permits has increased due to the mass number of reroofing permits received.

The meeting was adjourned at 6:35 p.m.

Submitted by: Olivia Adomabea, Community Development Coordinator.

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Planning Chairman Talle

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Community Development Coordinator Adomabea



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024  
(507) 257-3218 Phone (507) 257-3220 Fax

March 15, 2024

To: Planning Chair Talle and Commission  
From: Olivia Adomabea (Community Development Coordinator)  
Re: Application for Preliminary and Final Plat

An application for preliminary and final plat has been received from Justin Bauer and Justin Jackson (owners), a copy of which is attached and shown as Exhibit A. The applicant is seeking to develop the property into a four-apartment development consisting of a 16 bedroom-8 PLEX each. See attached Exhibit B for the preliminary plat.

Informal discussions with the City's engineer with Bolton and Menk have occurred related to water and sewer available and the need to revise the SAN MH 3 and 7 that goes through the third apartment structure on the concept plan.  
Also, attached is a staff report for your attention.

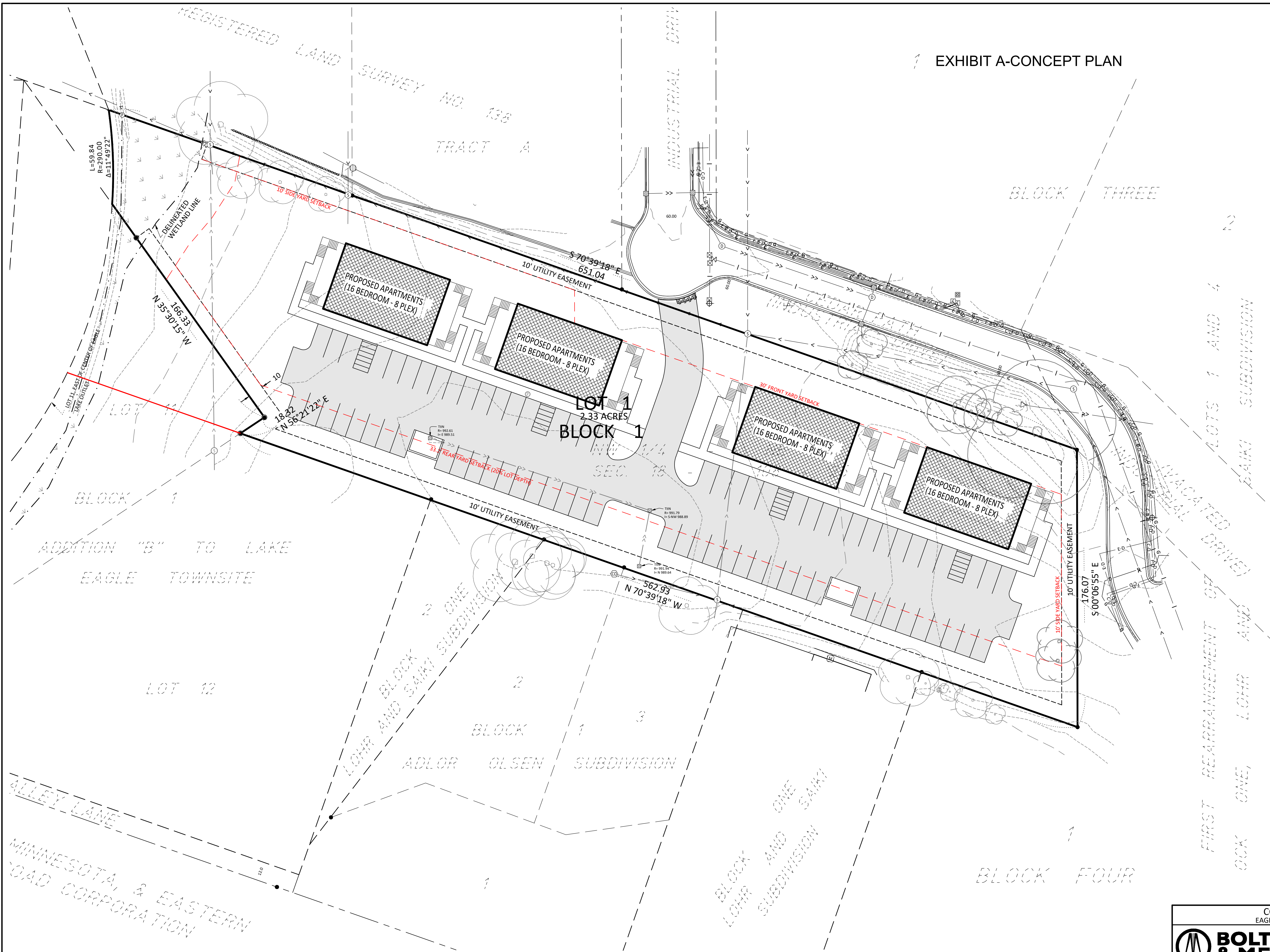
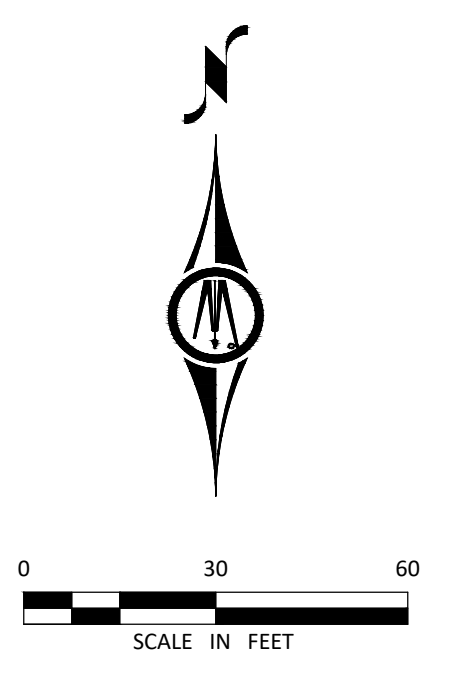
Discussion should ensue.

City staff recommends that if the Planning Commission scheduled a public hearing for the preliminary and final of the parcel, that a motion also be made to schedule a public hearing for the preliminary plat to take place at the March 18th meeting.

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Olivia Adomabea  
Community Development Coordinator

1 EXHIBIT A-CONCEPT PLAN



**UTILITY & SITE DATA**  
 All Zoning and Setback information was obtained from the City of Eagle Lake Code. For detailed zoning information and specific interpretation of code requirements, contact the City of Eagle Lake.

Subject property - Currently zoned L-1, Light Industrial District  
 Proposed to rezone to R-3, Limited Multiple-Family Residential District

SETBACKS:  
 Front Main Building 30 feet  
 Side Main Buildings 10 feet  
 Rear Main Building 20% of the lot depth (min. 30 feet - max. 75 feet).

Lot Area (minimum) = 10,000 sq.ft. (for the first 4 units) + 1,500 sq.ft. for any units over 4 units.  
 Lot Width (minimum) = 70 feet  
 Maximum Ground Coverage = 35% by all structures  
 Maximum Building Height = 35 feet

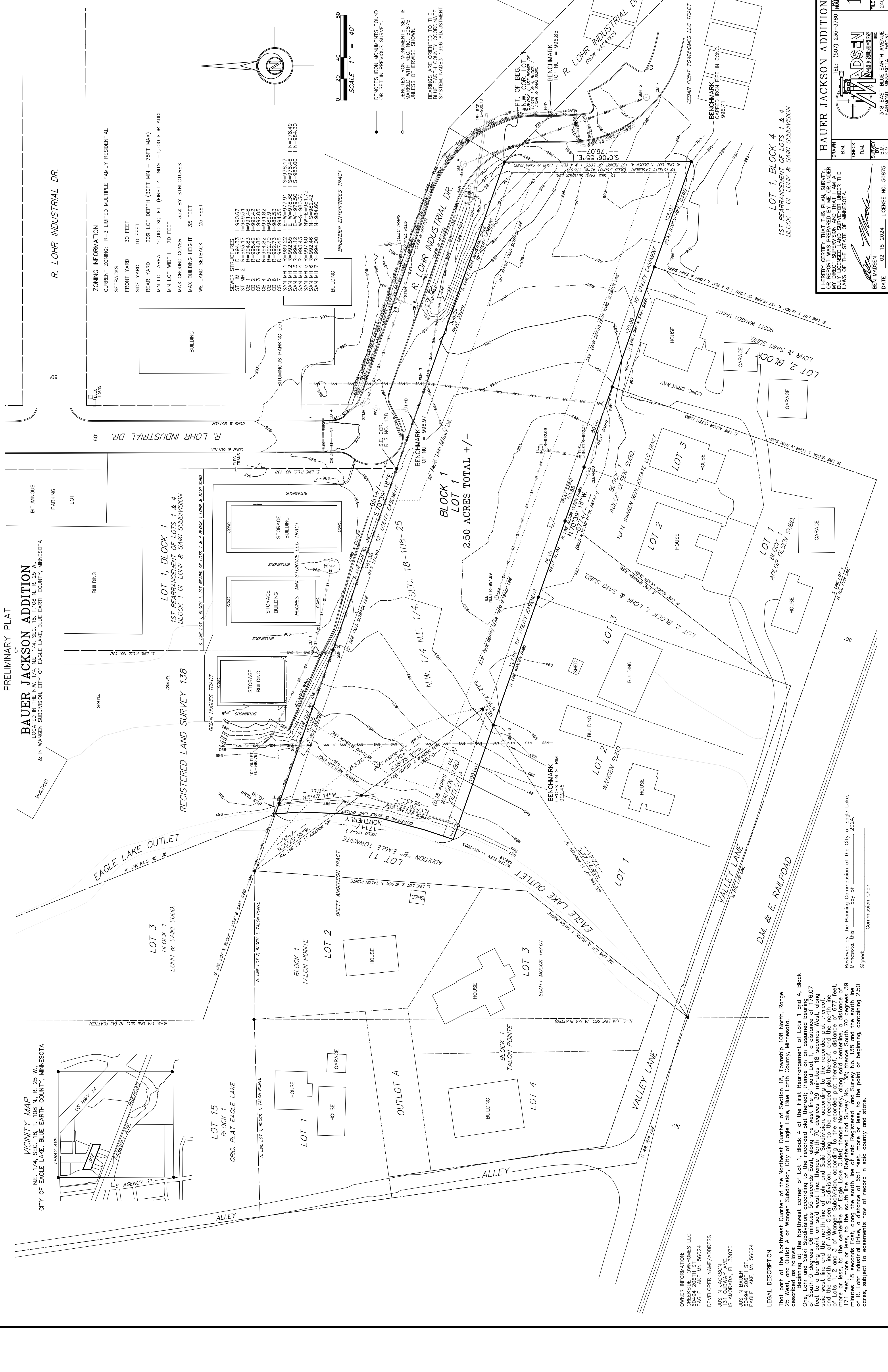
**SURVEYOR'S CERTIFICATION**  
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

**PRELIMINARY**

Michael M. Eichers  
 License Number 46564

08/09/2023  
 Date

<p><b>BOLTON &amp; MENK</b>                  1960 PREMIER DRIVE                  MANKATO, MINNESOTA 56001                  (507) 625-4171</p>	CONCEPT PLAN EAGLE LAKE, MINNESOTA	PART OF NW 1/4 OF THE NE 1/4, SECTION 18, T108N, R25W
	FOR: JACKSON CONSTRUCTION	JOB NUMBER: 0M3.131797 FIELD BOOK: DRAWN BY: NPM



**PRELIMINARY PLAT**  
**OF**  
**BAUER JACKSON ADDITION**  
 LOCATED IN THE N.W. 1/4, NE. 1/4, SEC. 18, T. 108 N., R. 25 W.,  
 & IN WANGEN SUBDIVISION, CITY OF EAGLE LAKE, BLUE EARTH COUNTY, MINNESOTA

**VICINITY MAP**  
 NE. 1/4, SEC. 18, T. 108 N., R. 25 W.,  
 CITY OF EAGLE LAKE, BLUE EARTH COUNTY, MINNESOTA

**ZONING INFORMATION**  
 CURRENT ZONING: R-3 LIMITED MULTIPLE FAMILY RESIDENTIAL  
 SETBACKS  
 FRONT YARD 30 FEET  
 SIDE YARD 10 FEET  
 REAR YARD 20% LOT DEPTH (30FT MIN - 75FT MAX)  
 MIN LOT AREA 10,000 SQ. FT. (FIRST 4 UNITS, +1,500 FOR ADL.  
 MIN LOT WIDTH 70 FEET  
 MAX GROUND COVER 35% BY STRUCTURES  
 MAX BUILDING HEIGHT 35 FEET  
 WETLAND SETBACK 25 FEET

**SEWER STRUCTURES**

ST MH 1	R=960.67
ST MH 2	R=960.51
ST MH 3	R=960.51
CB 1	R=964.83
CB 2	R=964.83
CB 3	R=964.82
CB 4	R=964.82
CB 5	R=962.70
CB 6	R=962.70
CB 7	R=962.70
SAN MH 1	R=977.91
SAN MH 2	R=977.91
SAN MH 3	R=977.91
SAN MH 4	R=977.91
SAN MH 5	R=977.91
SAN MH 6	R=977.91
SAN MH 7	R=977.91

**IRON MONUMENTS**

BM 1	N=978.49
BM 2	N=978.49
BM 3	N=978.49
BM 4	N=978.49
BM 5	N=978.49
BM 6	N=978.49
BM 7	N=978.49

0 20 40 80  
 SCALE 1" = 40'

DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEY.

DENOTES IRON MONUMENTS SET & FOUND OR OTHERWISE SHOWN.

BENCHMARKS ARE ORIENTED TO THE BLUE EARTH COUNTY COORDINATE SYSTEM, NAD83 1986 ADJUSTMENT.

**REGISTERED LAND SURVEY 138**  
 LOT 1, BLOCK 1  
 1ST REARRANGEMENT OF LOTS 1 & 4  
 BLOCK 1 OF LOHR & SAIKI SUBDIVISION

**2.50 ACRES TOTAL +/-**  
 BLOCK 1  
 LOT 1  
 SEC. 18-108-25

**LOT 1, BLOCK 4**  
 1ST REARRANGEMENT OF LOTS 1 & 4  
 BLOCK 1 OF LOHR & SAIKI SUBDIVISION

**OWNER INFORMATION:**  
 CREEKSIDE TOWNHOMES LLC  
 60494 206TH ST  
 EAGLE LAKE, MN 56024

**DEVELOPER NAME/ADDRESS:**  
 JUSTIN BAUER  
 131 LOHMAN AVE  
 ISLAMORADA, FL 33070

**JUSTIN BAUER**  
 60494 206TH ST.  
 EAGLE LAKE, MN 56024

**LEGAL DESCRIPTION**  
 That part of the Northwest Quarter of the Northeast Quarter of Section 18, Township 108 North, Range 25 West, and Outlot A of Wangen Subdivision, City of Eagle Lake, Blue Earth County, Minnesota, described as follows: Beginning at the Northwest corner of Lot 1, Block 4 of the First Rearrangement of Lots 1 and 4, Block One, Lohr and Saiki Subdivision, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 06 minutes 55 seconds East, along the west line of said Lot 1, a distance of 176.07 feet to a pending point on said west line; thence North 70 degrees 39 minutes 18 seconds West, along the north line of said Lot 1, a distance of 176.07 feet to the recorded plat thereof; and the north line of Lot 1, Block 4, Wangen Subdivision, according to the recorded plat thereof; a distance of 677 feet, more or less, to the centerline of Eagle Lake Outlet; thence North, along said centerline, a distance of 171 feet, more or less, to the south line of Registered Land Survey No. 138; thence South 70 degrees 39 minutes 18 seconds West, a distance of 176.07 feet, more or less, to the point of beginning, containing 2.50 acres, subject to easements now of record in said county and state.

Reviewed by the Planning Commission of the City of Eagle Lake, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 2024.  
 Signed: \_\_\_\_\_  
 Commission Chair

**BAUER JACKSON ADDITION**

DRAWN BY: B.M.  
 CHECKED BY: B.M.  
 SURVEYED BY: B.M.  
 LICENSE NO. 50875

DATE: 02-15-2024

318 EAST BLUE EARTH AVENUE  
 FARMINGTON, MINNESOTA 56031

1

24069

FINAL PLAT

PLAT OF BAUER JACKSON ADDITION

LOCATED IN THE N.W. 1/4, N.E. 1/4, SEC. 18, T.108 N., R. 25 W. & IN WANGEN SUBDIVISION, CITY OF EAGLE LAKE, BLUE EARTH COUNTY, MINNESOTA

INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Creekside Townhomes, LLC, a Minnesota Limited Liability Company, owner and proprietor of the following described property situated in City of Eagle Lake, Blue Earth County, Minnesota, to wit:

That part of the Northwest Quarter of the Northeast Quarter of Section 18, Township 108 North, Range 25 West, and Outlot A of Wangen Subdivision, City of Eagle Lake, Blue Earth County, Minnesota, described as follows:

Beginning at the Northwest corner of Lot 1, Block 4 of the First Rearrangement of Lots 1 and 4, Block One, Lohr and Saki Subdivision, according to the recorded plat thereof; thence on an assumed bearing of South 0 degrees 06 minutes 55 seconds East, along the west line of said Lot 1, a distance of 176.07 feet to a bending point on said west line; thence North 70 degrees 39 minutes 18 seconds West, along said west line and the north line of Lohr and Saki Subdivision, according to the recorded plat thereof, and the north line of Aldor Olsen Subdivision, according to the recorded plat thereof, and the north line of Lots 1, 2 and 3 of Wangen Subdivision, according to the recorded plat thereof, a distance of 677 feet, more or less, to the centerline of Eagle Lake Outlet; thence Northerly, along said centerline, a distance of 171 feet, more or less, to the south line of Registered Land Survey No. 138; thence South 70 degrees 39 minutes 18 seconds East, along the south line of said Registered Land Survey No. 138 and the south line of R. Lohr Industrial Drive, a distance of 651 feet, more or less, to the point of beginning, containing 2.50 acres, more or less, subject to easements now of record in said county and state.

Has caused the same to be surveyed and platted as BAUER JACKSON ADDITION in the City of Eagle Lake, Blue Earth County, Minnesota.

In witness whereof said Creekside Townhomes, LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by its property officer this \_\_\_ day of \_\_\_, 2024.

Justin Bauer, Manager

STATE OF MINNESOTA ) COUNTY OF \_\_\_\_\_ )

The foregoing Instrument of Dedication was acknowledged before me this \_\_\_ day of \_\_\_, 2023, by Justin Bauer, Manager, on behalf of Creekside Townhomes, LLC, a Minnesota Limited Liability Company.

Notary Public, \_\_\_\_\_ County, Minn. My Commission Expires \_\_\_\_\_

SURVEYOR'S CERTIFICATE

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

Dated this \_\_\_ day of \_\_\_, 2024

Ben Madsen, Land Surveyor Minnesota License No. 50875

STATE OF MINNESOTA ) COUNTY OF MARTIN )

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_ day of \_\_\_, 2024, by Ben Madsen, Land Surveyor.

Notary Public, Martin County, Minnesota My Commission Expires \_\_\_\_\_

APPROVALS

Be it known that on this the \_\_\_ day of \_\_\_, 2024, the Planning Commission of the City of Eagle Lake, Minnesota did duly review this plat of BAUER JACKSON ADDITION.

Chairperson \_\_\_\_\_ Secretary \_\_\_\_\_

Be it known that on this the \_\_\_ day of \_\_\_, 2024, the City Council of the City of Eagle Lake, Minnesota did duly approve this plat of BAUER JACKSON ADDITION.

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_

TITLE OPINION

I, \_\_\_\_\_ Licensed Attorney, State of Minnesota, do hereby certify that the owner as indicated hereon represents all ownership in the land encompassed by this plat.

\_\_\_\_\_, Licensed Attorney

TAXPAYER SERVICES DEPARTMENT

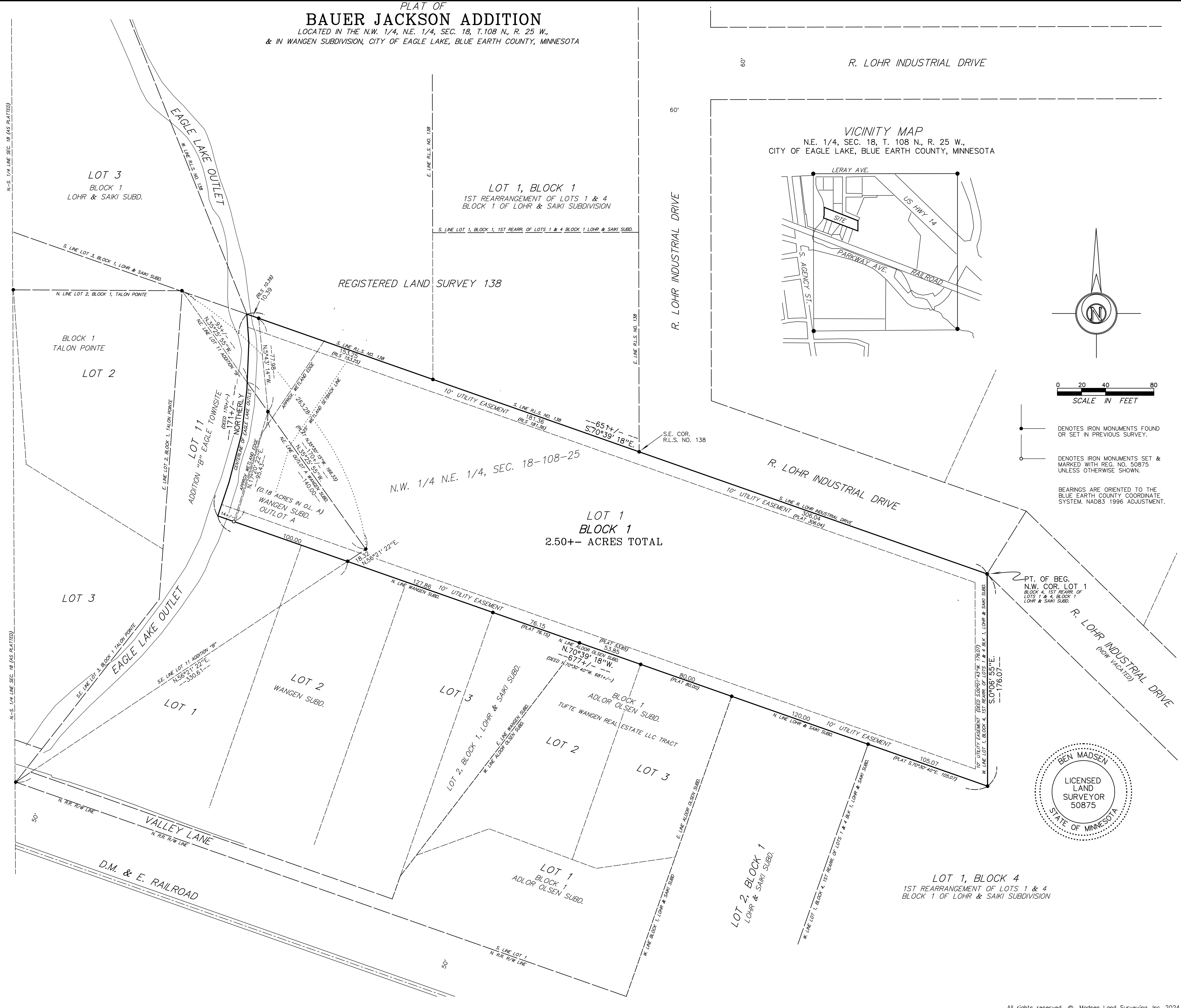
I hereby certify that there are no delinquent taxes and/or delinquent special assessments, that the current taxes have been paid and that the transfer has been entered on the land described herein on the \_\_\_ day of \_\_\_, 2024.

Taxpayer Services Director \_\_\_\_\_

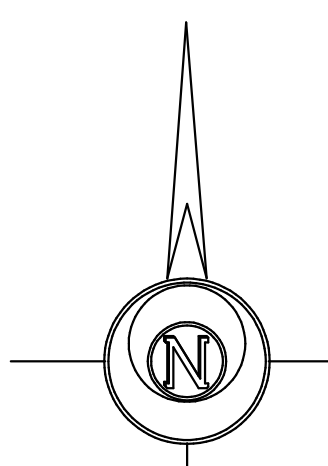
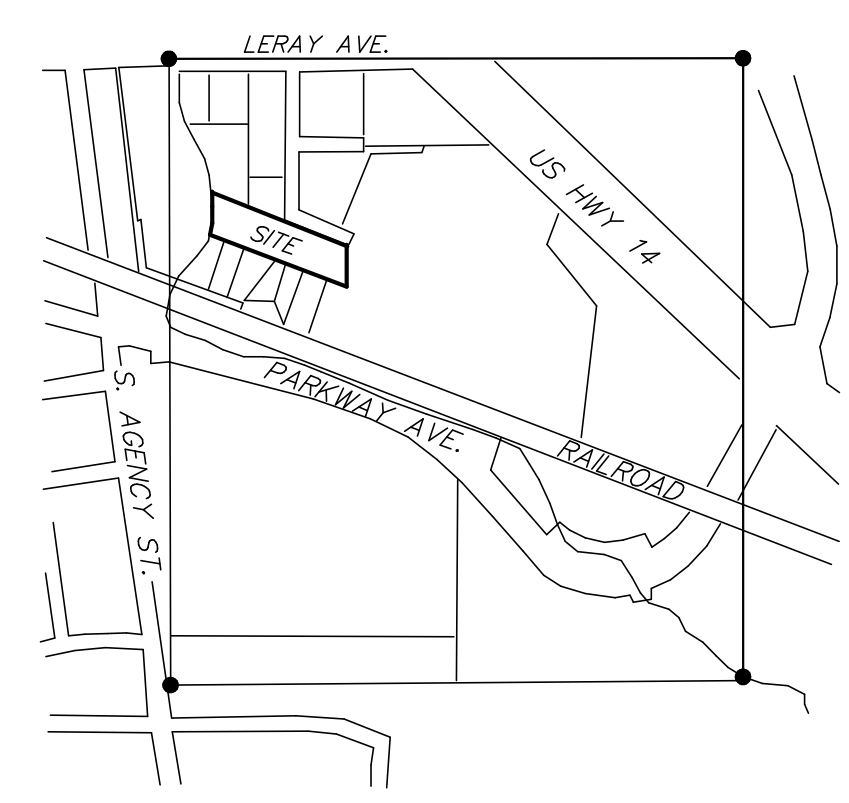
COUNTY RECORDER

I hereby certify that this instrument was filed in my office for record on this, \_\_\_ day of \_\_\_, 2024, at \_\_\_ o'clock, \_\_\_ m., and that it was recorded on \_\_\_\_\_ Plats, Number \_\_\_\_\_

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



VICINITY MAP N.E. 1/4, SEC. 18, T. 108 N., R. 25 W., CITY OF EAGLE LAKE, BLUE EARTH COUNTY, MINNESOTA

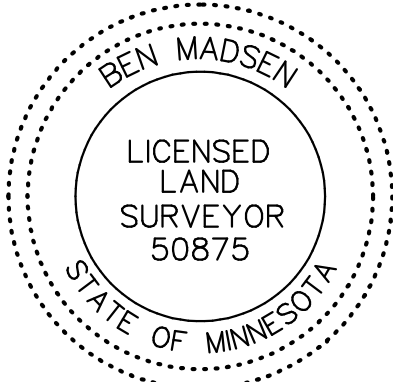


0 20 40 80 SCALE IN FEET

● DENOTES IRON MONUMENTS FOUND OR SET IN PREVIOUS SURVEY.

○ DENOTES IRON MONUMENTS SET & MARKED WITH REG. NO. 50875 UNLESS OTHERWISE SHOWN.

BEARINGS ARE ORIENTED TO THE BLUE EARTH COUNTY COORDINATE SYSTEM, NAD83 1996 ADJUSTMENT.



LOT 1, BLOCK 4 1ST REARRANGEMENT OF LOTS 1 & 4 BLOCK 1 OF LOHR & SAKI SUBDIVISION

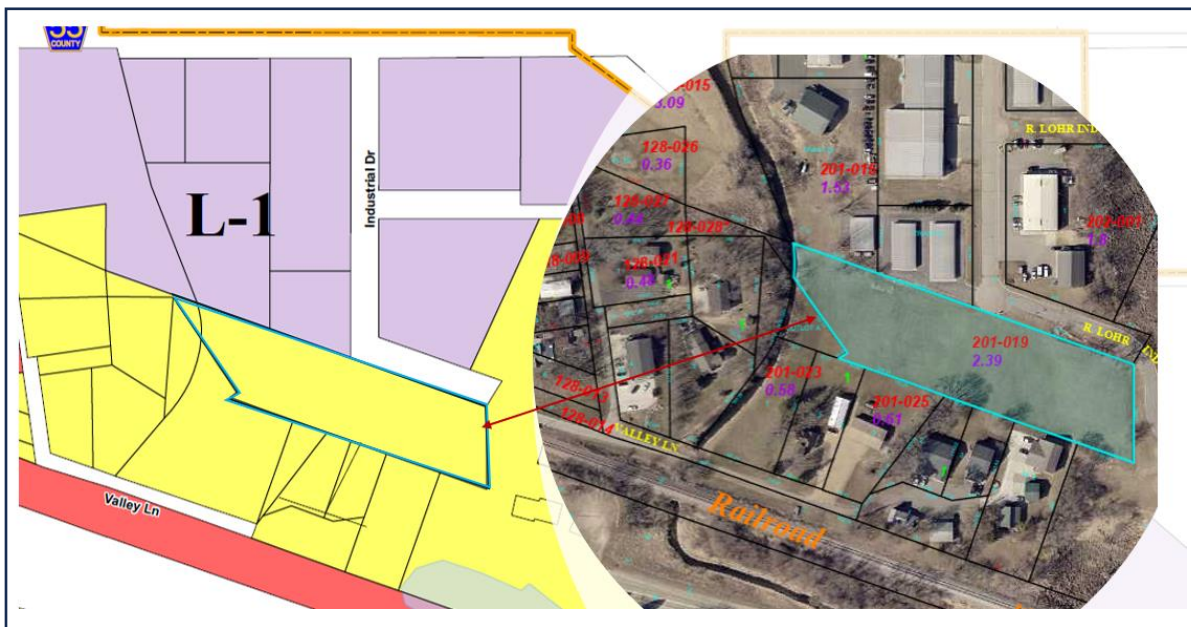
**PROPOSED MOTION:**

“The Eagle Lake Planning Commission recommends approval of the Bauer Jackson Addition as shown in plans named PRELIMINARY PLAT OF BAUER JACKSON ADDITION and FINAL PLAT OF BAUER JACKSON ADDITION subject to the conditions of approval and adoption of the Findings of Fact and Recommendation.”

**SUMMARY OF REQUEST:** The applicant is requesting recommendation of approval for the preliminary plat and final plat of Parcel ID-R121018201019.

**LOCATION:**

N.W. ¼, N.E. ¼, SEC. 18, T.108 N., R. 25 W., & IN WANGEN SUBDIVISION.



**LEGAL DESCRIPTION:**

Sec/Twp/Rng 018/108/25

**PARCEL ID:**

R121018201019



**PRIMARY OWNER/APPLICANT:**

Creekside Townhomes LLC

**PRESENT ZONING:**

R-3 Limited Multiple-Family Residential District

**LOT AREA:**

2.39 Acres; 104,108 SF

**LEVEL OF CITY DISCRETION IN DECISION-MAKING:**

The city’s discretion in approving or denying a Preliminary and a Final Plat is limited to whether or not the proposed plat meets the standards outlined in the Subdivision Regulations and Zoning Ordinance. If it meets these standards, the city must approve the preliminary and final plat. This is a quasi-judicial decision.

**Notice of this public hearing has been mailed to all property owners within 350 feet.**

**APPLICABLE CODE REGULATIONS**

Chapter 5, Subdivision and Development Regulations

- a. Section 5.030 General Application Procedure
- b. Section 5.040 Concept Plan Review
- c. Section 5.050 Preliminary Plat
- d. Section 5.060 Final Plat
- e. Section 5.070 Design Standard

Chapter 6. Section 6.140. R-3 Limited Multiple-Family Residential District.

Chapter 18. Section 18.020 Stormwater Management

**SITE CONSTRAINTS**

**Shoreland Management**

The property is not located within a shoreland protection district.

**Wetland Protection**

There is a wetland located on the site.

**BACKGROUND**

The applicant is requesting a Preliminary Plat and Final Plat approval for the Parcel ID R121018201019. The parcel was in the Light Industrial (L-I) zoning district and rezoned to Limited

Multiple Family Residential District after the February 27, 2023, Planning Commission Meeting and was initially platted to be part of the Lohr and Saiki Subdivision. The applicant is seeking to develop the proposed plat of 2.39 acres into four (4) apartment buildings with sixteen (16) bedroom-8 PLEX for each apartment building. See below Exhibit A as concept plan.

### **CONCEPT PLAN**

According to Chapter 5 Section 5.040, Subd 1, prior to the filing of an application of a preliminary plat, the owner and his surveyor/engineer shall meet with City staff for informal discussion of the proposed plat. The applicant with their surveyor met with city staff to discuss the proposed plans and projects. The City Engineer noted that the proposed apartment building outlined in red has sewer structure/ SAN MH 3 & 7 run through it. The applicant indicated that the concept plan is only exhibiting potential plans and use of the site and is subject to change when the need arises before and during development.

### **EXHIBIT A**

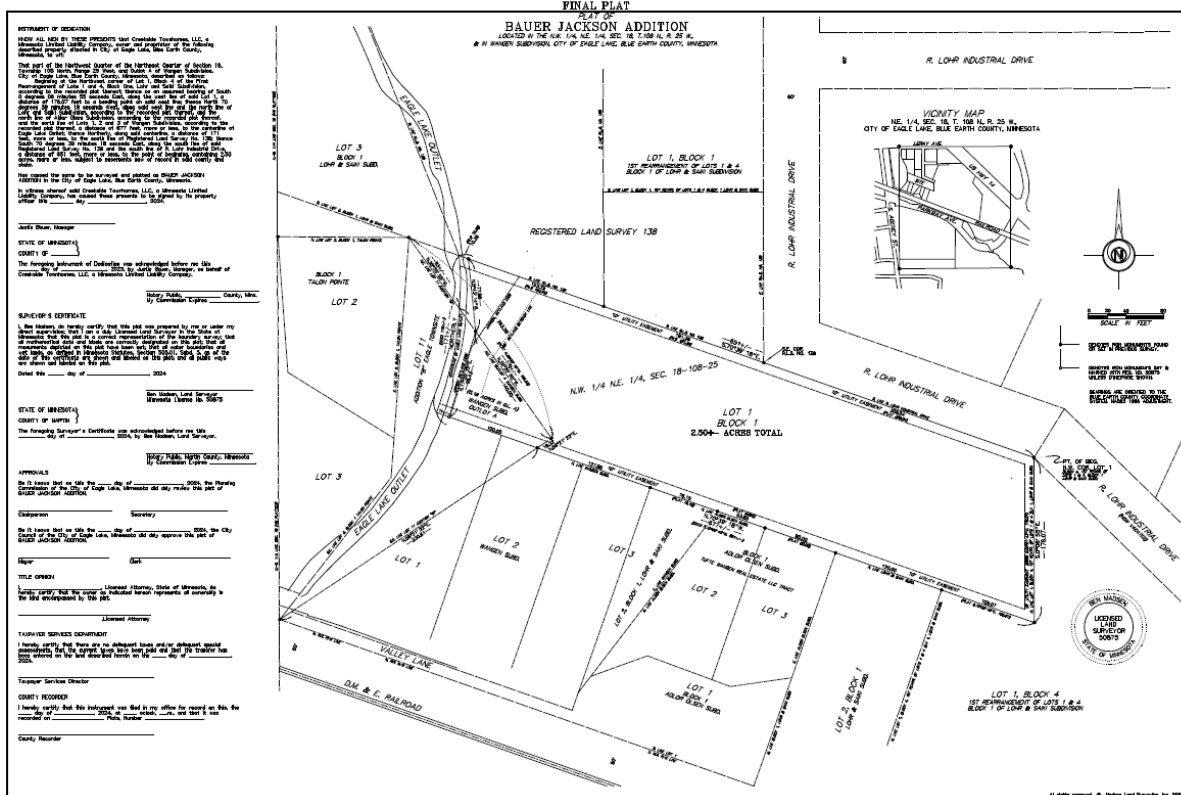




# FINAL PLAT

Chapter 5, Section 5.060 notes that after the approval of the preliminary plat, the owner may submit an application for approval of the final plat. See attached exhibition C as the final plat.

## EXHIBITION C



## SPECIFICATIONS FOR SUBMITTED FINAL PLAT:

### STORMWATER MANAGEMENT

Section 18.020, Chapter 18 of City Code describes the required stormwater management development standards. Section 18.0206 outlines the required site plan standards for a Stormwater management plan. Applicant must provide or submit a stormwater management plan before any form of construction-takes place.

### SANITARY SEWER AND WATER

Sanitary Sewer and Water Main are available to the site (see exhibition b).

## **PARKS & RECREATION**

The quality and number of recreational facilities in a community directly contribute to its quality of life. For this reason, the City of Eagle Lake places a strong emphasis on parks and open space. As the City of Eagle Lake has developed and increased in population and businesses, more pressure and attention have been given to providing recreational opportunities for our residents, visitors, and businesses. Increased leisure time, health awareness, greater mobility, and high disposable incomes have all contributed to the increased demand for recreational activities. The challenge of the next century will be to provide facilities for a growing and diverse population. Parks can be defined as public areas that provide active or passive-oriented recreational facilities. A significant characteristic of parkland is its accessibility to its users. Open space is any parcel that is not used for buildings or other structures and is left in a natural state. Parks and open space perform diverse functions such as: meeting physical and psychological needs, enhancing and protecting the resource base, enhancing real estate values, and providing a positive impact on economic development.

Park fees for the new subdivision shall be in effect at the time of final plat approval and shall be paid prior to recording the plat if no areas are dedicated for parks on the plat or subdivision.

## **COMPLIANCE TABLE**

	Area (sq. ft.)	Hard Cover % / sq. ft.	Notes	Front/Side/Rear yard setbacks
Code	Not less than 10,000square feet for up to four (4) dwelling units, plus an additional two thousand (2,000) square feet for each dwelling unit in excess of four (4) units.	35%	Applicants do not have a finalized development plan, just want to have the plat recorded at this stage. Hard cover info shall be provided when pulling a building permit	Front yard=30feet Side yard=10feet Rear yard=25feet

**SETBACKS:** The lot meets all required setback requirements.

**LOT COVERAGE:** There are no developments on lot presently hence no lot has been submitted. The maximum lot coverage may not exceed 35%.

**GRADING:**

The applicants have indicated that their focus is to be able to record the plat hence does not have any development plans for the proposed site yet. The applicant also mentioned that all required plans shall be submitted when they are ready to develop the site.

**DRAINAGE AND EROSION CONTROL:**

The applicants have indicated that they have no improvement or development plan for the site yet and will submit drainage and erosion control for the site when ready to develop.

**BUILDING:**

A building permit must be obtained before beginning any construction. Building plans must be prepared and signed by design professionals licensed in the State of Minnesota. Building plans must provide sufficient information to verify that proposed building meets all requirements of the Minnesota State Building Code, additional comments or requirements may be required after plan review. Structure proximity to property lines (and other buildings) will have an impact on the code requirements for the proposed buildings, including but not limited to; allowable size, protected openings, and fire-resistive construction. These requirements will be addressed when the complete building plans are submitted.

**STANDARDS OF APPROVAL- AND FINDING OF FACTS:**

According to Chapter 5 of the City's Subdivision Code "no preliminary or final plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that":

A. The proposed subdivision meets the design standards as set forth in Section 5.070 of this Code.

**The applicant has indicated that the concept plan provided may change at the time of development, hence will provide the required designs when ready for development.**

B. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels.

**The applicant has shown how the lots will hook up to the existing water and sewer. Storm water management plans have not been submitted. The applicant has indicated that the required information shall be provided when ready to develop the lots.**

C. The proposed subdivision conforms with all existing zoning regulations applicable at the time that the proposed final plat is submitted for approval.

**The proposed subdivision conforms with all existing zoning regulations.**

D. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

**Until the applicant submits development plans, this cannot be answered.**

E. The required application fee has been paid and all dedications and conveyances have been made.

**Application fees have been paid but dedications and conveyances have not been made yet.**

**STAFF'S RECOMMENDATION:**

Staff recommends that the Planning Commission recommends approval of Planning Case #2024-01, plans prepared by Madsen Land Surveying on 01-12-2024, subject to the following conditions:

1. The developer/owner shall provide all requirements under **Chapter 5 Section 5.060(C) (subdivision), Chapter 6 Section 6.140 (zoning), and Chapter 18 ( Stormwater Management)** of the City Code before any construction shall begin on the three lots.
2. The developer shall pay park and recreation fees prior to recording the final plat at the rate in effect at the time of recording.