

## AGENDA

### REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA



**Tuesday, March 27, 2012, 9:30 A.M.**

**Joint Public Works Facility  
2210 East Sheridan Street  
Ely, Minnesota**

*Directions: Highway 53 North through Virginia, merge onto MN 169 North toward Ely. MN 169 becomes Sheridan Street and takes you through Ely. Proceed all the way through town to 2210 East Sheridan, the facility is on the right.*

**KEITH NELSON, Chair  
Sixth District**

**FRANK JEWELL  
First District**

**STEVE O'NEIL  
Second District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY, Vice-Chair  
Fifth District**

**STEVE RAUKAR  
Seventh District**

County Auditor  
Donald Dicklich

County Administrator  
Kevin Gray

County Attorney  
Mark Rubin

Clerk of the Board  
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

**\*\*In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.\*\***

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

**AGENDA**  
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9:30 A.M. Pledge of Allegiance  
Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:40 A.M. Public hearing, pursuant to Resolution No. 12-037, adopted January 24, 2012, to receive citizen comments on proposed Ordinance No. 60, Subdivision Regulations. {12-111}

**CONSENT AGENDA**

Approval of business submitted on the consent agenda.

**REGULAR AGENDA**



Following are the significant features of the proposed subdivision ordinance:

- Improved definitions section with clear relationship to the zoning ordinance, state statutes and state rules
- New mechanism for lot line adjustments - provides for alterations of property lines where no new parcels are created and can be used to correct survey or legal description problems
- New mechanism for minor subdivisions - minor subdivisions are allowed pursuant to recent changes to Minn. Stat. § 505 which permit the local government unit to approve simple divisions without public hearings
- New provisions for conservation development - conservation design concentrates development on areas of the parcel most suitable for development and provides for the protection of sensitive areas and valued resources
- Clear references to other ordinances and policies to eliminate conflicting information
- Consistent organization to improve readability
- Final version will include annotation and graphic guides to explain concepts

In developing the proposed subdivision ordinance, the following goals were developed to guide the process:

#### **Land Use Goals**

- Encourage efficient use of land, reduced impact of roads and utilities, and enhanced resource conservation
- Ensure adequate access to newly created parcels
- Support improvements in recording changes to land parcels, especially as it applies to the county's Geographic Information System (GIS)

#### **Ordinance Document Goals**

- Minimize ambiguity
- Ensure consistency with other established ordinances
- Remove administrative requirements that apply to application forms and other required submissions
- Revise and update the order of the final plat review

#### **Process Goals**

- Simplify the plat process to the greatest extent possible and clearly define that process
- Develop performance standards that clearly establish when the platting process is required
- Include "hold harmless" language exempting the county engineer from responsibility for private roads
- Consolidate all subdivision-related activities into this ordinance, with special attention

This has been a lengthy, but inclusive process. The input for internal county departments, local zoning administrators, surveyors and real estate attorneys has been extremely important. The Planning Commission will continue to monitor the implementation of this new

ordinance and bring forth needed revisions. It is important that St. Louis County have updated ordinances and provide a clear process for the public in subdividing property.

**RECOMMENDATION:**

It is recommended that the St. Louis County Board adopt proposed Ordinance 60, Subdivision Regulations and repeal Ordinance 33, Subdivision Regulations adopted in 1993. It is further recommended that the effectuation date for both of these actions be March 27, 2012.

## **Adoption of Proposed Ordinance 60, Subdivision Regulations**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, the St. Louis County Planning Commission, on April 14, 2011, initiated proposed draft Ordinance 60, Subdivision Regulations; and

WHEREAS, the Planning Commission held public hearings regarding draft Ordinance 60 on August 11, 2011, December 8, 2011, and March 8, 2012; and

WHEREAS, the Planning Commission voted to recommend that the St. Louis County Board of Commissioners adopt the proposed ordinance; and

WHEREAS, the St. Louis County Board held a public hearing to consider adopting Ordinance 60 on March 27, 2012 at the Joint Public Works facility in Ely, MN.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners adopts Ordinance 60, Subdivision Regulations.

RESOLVED FURTHER, that Ordinance 33, Subdivision Regulations adopted in 1993 be repealed.

RESOLVED FURTHER, that the effective date for these actions will be March 27, 2012.

## Timeline of Events in Drafting the Proposed Ordinance 60, Subdivision Regulations

- **March 11, 2011:** Board Memo No. 11-14 informed the Board of progress in drafting new subdivision regulations.
- **April 14, 2011:** The Planning Commission initiated draft Ordinance 60.
- **April 28, 2011:** The draft ordinance was released for a 90-day public comment period. The ordinance was distributed to all municipalities and organized towns in the county, the Arrowhead Chapter of the Minnesota Professional Surveyors Association, the Duluth Area Association of Realtors, the Range Association of Realtors, all attorneys and surveyors identified as having served clients in parcel creations or subdivision platting, zoning administrators of towns that administer their own zoning and the Minnesota Power Shoreland Traditions Office.
- **August 3, 2011:** County staff met with Iron Range real estate attorneys to answer questions and receive feedback. A public information meeting was held in the Northland Office Building, Virginia, MN.
- **August 4, 2011:** A public information meeting was held in the Missabe Building, Duluth, MN.
- **August 11, 2011:** The Planning Commission held the first public hearing to accept public testimony and consider revisions to the draft ordinance.
- **September 28, 2011:** County staff met with range area surveyors to answer questions and receive feedback.
- **October 18, 2011:** The Department presented the draft ordinance to the St. Louis County Board at a board workshop.
- **December 8, 2011:** The Planning Commission held the second public hearing to accept public testimony and consider revisions to the draft ordinance. After the hearing, the Planning Commission adopted proposed changes to the draft ordinance as presented by staff, and moved the ordinance to the St. Louis County Board with a recommendation for approval.
- **January 10, 2012:** The St. Louis County Board adopted a resolution to establish a public hearing to consider adoption of proposed Ordinance 60 on Tuesday, March 27, 2012. The Board also referred the draft ordinance back to the Planning Commission for further public input.
- **February 7, 2012:** County staff met again with Iron Range real estate attorneys to answer questions and receive feedback.
- **February 16, 2012:** County staff met with Duluth area real estate attorneys to answer questions and receive feedback.
- **March 8, 2012:** The Planning Commission held their third public hearing, adopted additional changes as recommended by staff, and moved the ordinance to the St. Louis County Board with a recommendation for approval.

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY  
PLANNING COMMISSION THURSDAY, AUGUST 11, 2011 NORTHLAND OFFICE  
BUILDING, THIRD FLOOR CONFERENCE ROOM**

9:30 AM – 12:18 PM

Planning Commission members in attendance:

Tom Coombe  
Darlene Saumer  
Roger Skraba  
Don Nienas  
Sonya Pineo  
John Lukan  
Ray Svatos

Planning Commission members absent:

Jack Huhta  
Christopher Dahlberg

**Decision/Minutes for the following public hearing matters are attached:**

**NEW BUSINESS:**

- A. Dean Edstrom, a conditional use request to exceed the number of animal units allowed on a parcel less than 4.5 acres, S9, T57N, R15W (White Township).
- B. Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

**OTHER BUSINESS:**

- A. Ronald L. Lockhardt, a variance requesting his lot to be designated as a legal lot per St. Louis County ordinance standards.

**Motion by Skraba/Lukan** to move the application to the Board of Adjustment with recommendation to approve the variance request.

**In Favor:** Coombe, Saumer, Skraba, Nienas, Pineo, Lukan, Svatos - 7

**Opposed:** None - 0

**Motion carries 7-0**

- B. Michael A. VanDuker, a variance requesting release from St. Louis County Ordinance 33, Article 1, Section 4.03 and 4.04 which requires the platting process for the creation of parcels that are less than 2.5 acres.

**Motion by Skraba/Svatos** to move the application to the Board of Adjustment for review without recommendation.

**In Favor:** Coombe, Saumer, Skraba, Nienas, Pineo, Lukan, Svatos - 7

**Opposed:** None - 0

**Motion carries 7-0**

**Motion by Saumer/Nienas** to approve minutes from Planning Commission hearing held July 14, 2011.

**In Favor:** Coombe, Saumer, Nienas, Pineo, Lukan – 5

**Opposed:** None - 0

**Abstained:** Skraba, Svatos - 2

**Motion carries 7-0-2**

**Reports of committees:**

Coombe reported nine variances were approved and one variance was denied at the Board of Adjustment hearing held July 19, 2011.

**Meeting adjourned at 12:18 p.m.**

The first hearing item was Dean Edstrom, a conditional use request to exceed the number of animal units allowed on a parcel less than 4.5 acres, S9, T57N, R15W (White Township)

*Sonya Pineo*, Vice-Chair, is acting on behalf of Jack Huhta, Chair, who is absent.

*Mark Lindhorst*, St. Louis County Planner, reviewed the staff report for Dean Edstrom as follows:

**DESCRIPTION OF REQUEST:** The request is for the Planning Commission to approve a conditional use request to exceed the number of animal units allowed on a parcel less than 4.5 acres. The applicant has three horses and three dogs on 3.16 acres.

**ZONING AND LAND USE:** The property is zoned Shoreland Multiple Use (SMU)-7. Concept Eight (8) of the East Range Plan is applicable to the project site, but the concept does not address animal units.

**CONCLUSIONS:**

1. The land use plan does not address this issue. However, Concept Four (4) is adjacent to Concept Eight (8) which allows for rural farming. This parcel is non-riparian and is located over 550 feet from South Twin Lake.
2. The use is compatible with the existing neighborhood. The proposed use is located off of a dead-end road. The closest residence is located 250 feet from the project site. The horses will be fenced behind the existing barn on the property, limiting visibility.
3. The use will not impede the normal and orderly development or improvement to the surrounding area. The parcel to the north is mainly wetland, limiting future development. The parcel across the road is owned by White Township and the parcel to the south is separated by 100 feet of woods. The applicant has minimized the visual impact by placing the horse fencing in the wooded areas of the property and behind the existing pole barn.
4. The location and character of the proposal is consistent with a desirable pattern of development. The location is situated away from residential development along the lakeshore and 250 feet from the closest residence.

Mark Lindhorst stated no correspondence was received.

**RECOMMENDATION from staff:**

Based on the staff report and conclusions, staff makes recommendation that the conditional use application is approved with the following conditions:

1. No animals may be penned within 200 feet of a neighboring residence or 150 feet from any well or septic system.
2. Animal waste shall be disposed in a friendly environmental manner, and in no case, shall runoff from animal waste be discharged directly into a public water or wetland.

**APPLICANT TESTIMONY:**

Mr. Dean Edstrom, 5466 Twin Lakes Loop 45, Aurora, MN 55705, presented a letter from Kevin Curfman, a farmer that lives less than three miles from the applicant in a Forest Agriculture Management (FAM) zone, stating he has an agreement with the applicant to remove horse manure from the project site to be used as fertilizer on his farm.

**DECISION:**

**Motion by Coombe/Lukan** to approve the conditional use request for 3.6 animal units on a parcel less than 4.5 acres, based on staff's conclusions and recommendations.

**In Favor:** Coombe, Nienas, Lukan, Saumer, Pineo, Skraba, Svatos - 7

**Opposed:** None – 0

**Motion carries 7 – 0**

The second hearing item was Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

Jennifer Bourbonais, St. Louis County Planner, reviewed Draft Ordinance 60 and explained other County government agencies, Federal government agencies, and attorneys were involved in clarifying and defining new ordinance changes.

**RECOMMENDATION from staff:**

Based on the staff report and conclusions, staff makes the following recommendation that the Planning Commission accepts Draft Ordinance 60 and allow for additional comments before forwarding their recommendation to the St. Louis County Board for final approval.

Audience testimony:

*Mr. Dave Dahl*, stated there should be enforcement for any ordinance and accountability for developers, builders, and anyone involved in real estate transactions that fail to adhere to existing ordinances and proposed Ordinance 60. He said citizens should be informed and allowed to respond for public review at an earlier stage in Ordinance changes or drafting of new ordinances.

**DECISION:**

**Motion by Skraba/Svatos** to accept the changes for Draft Ordinance 60, as presented at the hearing by staff.

**In Favor:** Skraba, Svatos, Lukan, Nienas, Pineo, Saumer – 6

**Opposed:** Coombe – 1

**Motion carries 6 – 1**

**Motion by Skraba/Lukan** to continue the hearing on Draft Ordinance 60 until November 10, 2011 to allow additional comments on Ordinance 60.

**In Favor:** Coombe, Nienas, Lukan, Saumer, Skraba, Svatos, Pineo - 7

**Opposed:** None – 0

**Motion carries 7 – 0**

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION THURSDAY, DECEMBER 8, 2011, NORTHLAND OFFICE BUILDING, THIRD FLOOR CONFERENCE ROOM**

9:33 A.M. – 10:13 A.M.

Planning Commission members in attendance:

Tom Coombe  
Roger Skraba  
Don Nienas  
Sonya Pineo  
Jack Huhta  
Ray Svatos

Planning Commission members absent:

Darlene Saumer  
Christopher Dahlberg  
John Lukan

**Decision/Minutes for the following public hearing matters are attached:**

**NEW BUSINESS:**

Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

**OTHER BUSINESS:**

Robert Welch, requesting relief from St. Louis County Ordinance 33, Article I, Section 4.04. **Motion by Pineo/Nienas** to move the variance application to the Board of Adjustment, per St. Louis County Ordinance 46, Article X, Section 6.01 (B), with recommendation to approve the variance request.

**In Favor:** Coombe, Huhta, Skraba, Nienas, Pineo, Svatos - 6

**Opposed:** None - 0

**Motion carries 6-0**

**Motion by Svatos/Pineo** to approve minutes from Planning Commission hearing held November 10, 2011.

**In Favor:** Coombe, Huhta, Skraba, Pineo, Svatos – 5

**Opposed:** None – 0

**Abstained:** Nienas – 1 Nienas was not present at the November 10, 2011 meeting.

**Motion carries 5-0-1**

**Reports of committees:**

Coombe reported five variances were approved at the Board of Adjustment hearing held November 15, 2011.

**Meeting adjourned at 10:13 a.m.**

The hearing item was Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

*Jennifer Bourbonais*, St. Louis County Planner, reviewed Draft Ordinance 60 and explained other County government agencies and attorneys were involved in clarifying and defining new ordinance changes. *Jennifer Bourbonais* mentioned that the Planning Commission approved a motion on August 11, 2011, to allow an additional 90 days for reviews and comments from other local attorneys. No correspondence was received.

**Recommendation from staff:**

Based on the staff report and conclusions, staff recommends that the Planning Commission adopt Draft Ordinance 60 and forward their recommendation to the St. Louis County Board for final approval.

**APPLICANT TESTIMONY:**

*Mr. Grant Forsyth*, Midway Township Zoning Administrator/Planning and Zoning Chair, 3467 Lindahl Road, Proctor, MN, stated that the Midway Town Board suggested that Planning staff should specifically describe the word, “significant,” in the draft changes to Ordinance 60, and Sections 7.2 and 8.2 Design Standards and Land Suitability. He also stated that Midway Township is in support of the suggested changes and these changes will make the process much easier to administer, because the process will be more streamlined. *Jennifer Bourbonais*, St. Louis County Planner, explained that the word significant had been changed to minimal to be consistent with MN Statutes. *Mary Anderson*, Acting Secretary, explained that the township could be more restrictive in definitions such as “minimal” if they choose to.

**DECISION:**

**Motion by Skraba/Svatos** to adopt the proposed changes for Draft Ordinance 60, as presented at the hearing by staff, and move to the St. Louis County Board for approval.

**In Favor:** Coombe, Huhta, Nienas, Pineo, Skraba, Svatos - 6

**Opposed:** None – 0

**Motion carries 6 – 0**

**MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION THURSDAY, MARCH 8, 2012, NORTHLAND OFFICE BUILDING, THIRD FLOOR CONFERENCE ROOM**

9:32 A.M. – 12:04 P.M.

Planning Commission members in attendance: Tom Coombe  
Christopher Dahlberg  
Jack Huhta  
Darlene Saumer  
Roger Skraba  
Ray Svatos

Planning Commission members absent: John Lukan  
Don Nienas  
Sonya Pineo

**Decision/Minutes for the following public hearing matters are attached:**

**NEW BUSINESS:**

Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

**OTHER BUSINESS:**

**Motion by Skraba/Svatos** to approve minutes from Planning Commission hearing held February 14, 2012.

**In Favor:** Coombe, Huhta, Saumer, Skraba, Svatos – 5

**Opposed:** None – 0

**Abstained:** Dahlberg – 1 (Dahlberg was not present at the February 14, 2012 meeting.)

**Motion carries 5-0-1**

**Reports of committees:**

Coombe reported five variances were heard at the Board of Adjustment hearing held February 14, 2012. Two variance cases were approved, two were denied and one was denied without prejudice.

**Meeting adjourned at 12:04 p.m.**

The hearing item was Draft Ordinance 60, Subdivision Regulations. The proposed ordinance is intended to replace Ordinance 33, the current Subdivision Regulations of St. Louis County.

*Scott Smith*, St Louis County Planning and Community Development Land Use Manager, stated staff had met with St. Louis County real estate attorneys that pointed out where clarification was

needed in the proposed ordinance. One part that was clarified was when boundary surveys were required and when they are not required.

*Jenny Bourbonais*, St. Louis County Planner, reviewed recommended staff changes subsequent to the December 8, 2011 approval, by the Planning Commission. The proposed changes are intended to clarify existing language. Correspondence received since the December 8, 2011 meeting was included in packets provided to the Planning Commission. The County Attorney's office has reviewed the entire document and made appropriate suggested changes in reference to new, revised or changed definitions, Articles, Sections and submittals. Staff has incorporated these changes in the current document.

**Recommendation from staff:**

Based on the staff report and conclusions, staff recommends that the Planning Commission approve the outlined changes and forward their recommendation to the St. Louis County Board for consideration on March 27, 2012.

**Audience Testimony:**

*Mike Patchin*, 332 Hampshire, Hoyt Lakes, MN, stated he was one of the attorneys involved in review of the ordinance. He stated that he had not had enough time to review the most recent changes made since the meetings with staff due to the fact that he had been out of town. From what he could see, the changes that were made and presented today addressed many of the significant concerns that the attorneys raised. He still has two concerns. The first concern is the difference between platted and unplatted land requiring a boundary line survey and the costs involved. *Jenny Bourbonais* stated that if a lot line is adjusted, staff wants to ensure that acreage and lot width is adequate for zoning regulations. Some plats have only the bare minimum of acreage allowed for zoning requirements. A survey and parcel review is done to make sure that a nonconforming lot is not created.

The second concern is having a type of exemption to create a new parcel. *Mr. Patchin* added the initial draft Ordinance 60 did not have many exemptions and required many submittals. He is concerned about small lot divisions and conveyances requiring a minor subdivision. He believes the ordinance is mandating that a survey is done in almost every lot division. This will affect the number of parcels sold. An exception is a court-ordered division of land. Once a judge decides on parcel division, the last thing a property owner would want is a nonbuildable lot. *Scott Smith* stated that a court-ordered lot split is exempt from the subdivision ordinance. However, if the lot is nonconforming and does not meet zoning requirements, the county is not required to issue a land use permit. The landowner would have to go to the Board of Adjustment and request a variance to create a proper lot.

*Mr. Patchin* is also concerned about metes and bounds versus quantitative, fractional legal descriptions. *Scott Smith* added that with equal fractional descriptions, there will never be a gap or overlap in a legal description.

*Scott Smith* stated that if Ordinance 60 needs tweaking in the future, the changes can be recommended to the Planning Commission. The Planning Commission agreed that they would take up the matter again if it was necessary.

*Commissioner Christopher Dalhberg* suggested that *Mr. Patchin* come up with an example of his concerns that can be discussed at the County Board meeting on March 27, 2012, so there is not a great deal of time spent debating the issue before the County Board.

*Charlie Chernak*, 943 East Sheridan Street, Ely, MN, stated that he is a licensed land surveyor and commented on the importance of surveying. It is essential to have a qualified person write a legal description. The problem is translating any legal description to what exists on the ground. Any encroachment on property lines cannot be brought to court without a registered land survey.

*Mike Smith*, 1518 8<sup>th</sup> Street South, Virginia, MN, stated that he was in attendance at the meeting with attorneys and surveyors when they met with staff. He believes that there was ample time to review the draft ordinance and respond to changes. The surveyor's group has been working with staff for several months. He agrees with the Planning Commission's intent to revisit Ordinance 60 in the future if needed. He believes that there are many legal descriptions that need to be fixed. While Ordinance 60 seems focused on full government lots and dividing those, most of the work he does is with small lot divisions. He believes that the restrictions might create a problem where landowners will not want to get a survey and will cut corners. There are many key players that use the ordinance in addition to surveyors and attorneys, including government agencies and realtors. It is important to keep that in mind when considering changes so the new ordinance works for everyone and does not focus on the needs of one group over another.

**DECISION:**

**Motion by Skraba/Svatos** to approve the outlined changes and forward the recommendation to the St. Louis County Board for consideration on March 27, 2012. The Planning Commission's recommendation is to adopt Subdivision Ordinance 60.

**In Favor:** Coombe, Dahlberg, Huhta, Saumer, Skraba, Svatos - 6

**Opposed:** None – 0

**Motion carries 6 – 0**

# PROPOSED SUBDIVISION ORDINANCE

OF

ST. LOUIS COUNTY, MINNESOTA



## DRAFT ORDINANCE 60

Last update 03-08-2012

## **Article I. Title**

### **Section 1.1 Title**

This Ordinance shall be referred to as The Subdivision Ordinance Number 60 of St. Louis County, Minnesota except herein where it shall be cited as the “Ordinance.”

### **Section 1.2 Recorded Amendments**

None

## **Article II. Authority and Purpose**

### **Section 2.1 Authority**

This Ordinance is established pursuant to the authority granted by Minnesota Statutes, in particular Chapters 394, 505, 508 and any amendments thereto. This Ordinance hereby repeals Ordinance Number 33 for St. Louis County.

### **Section 2.2 Purpose**

The purpose of these regulations is as follows:

- A. Protect the public health, safety, comfort, convenience and general welfare.
- B. Effectuate the goals of Ordinance Number 27.
- C. Ensure proper subdivision and transfer of land for the purpose of development.
- D. Protect the natural environment of the County.
- E. Provide for the administration of the provisions of this ordinance by defining the authority and duties of the County staff, Planning Commission, Board of Adjustment, and County Board.
- F. Promote the economic well-being of the community by making efficient use of lands within the County and the investment made in existing infrastructure.
- G. Encourage quality investment in the County by providing a predictable subdivision process.
- H. Provide avenues for flexibility and innovation in the subdivision of land.

## **Article III. Rules and Definitions**

### **Section 3.1 Rules**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The singular includes the plural and the plural includes the singular.
- C. The present tense includes the past and future tenses and the future includes the present.
- D. The word “may” is permissive. The word “shall” is mandatory. Mandatory compliance with the Ordinance shall allow for variances thereto.
- E. The words “used for,” shall include the phrases “arranged for,” “designed for,” “intended for,” “improved for,” “maintained for,” and “occupied for.”

## Section 3.2 Definitions

The following words shall be defined as follows for the purpose of this Ordinance:

**Access** - A way of approaching or entering property without trespassing upon another person's property.

**Accessory Structure** - A use or structure on the same lot with, and customarily incidental and subordinate to, a principal use or structure.

**Block** - A tract of land consisting of one or more lots, as identified on the plat, and bounded by plat boundaries, public ways, outlots, parks, or bodies of water.

**Bluff** - A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (4) The slope must drain toward the water body.

**Bluff Impact Zone** - A bluff and land located within 20 feet from the top of a bluff. An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

**Board of Adjustment** - The Board of Adjustment for St. Louis County, Minnesota, as created by ordinance pursuant to Minnesota Statutes, Section 394.27 and all acts amendatory thereof.

**Buildable Area** - The area upon which structures may be placed on a lot or parcel of land and excludes areas to meet setback requirements, bluffs, right-of-ways, historic sites, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

**Building** - Any structure used or intended for storage, shelter or occupancy.

**Building Line** - A line parallel to a lot line or the ordinary high water level at the required setback beyond where a structure may not extend.

**Certificate of Survey** - A drawing of a field survey prepared by a licensed land surveyor for the purpose of disclosing facts pertaining to boundary locations.

**City Sewer and Water System** - A system of municipally and privately maintained utilities, approved by the State, and serving more than one building or property.

**Common Open Space** - A portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in a development or by a permanently established management entity.

**Comprehensive Plan** - Policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

**Concept Plan** - A sketch to rough scale showing a developer's initial ideas regarding a proposed subdivision, and supporting documents.

**Conditional Use** - A land use or development which would not generally be appropriate without restriction throughout the zone district, but which, if controlled as to number, area, size, location, or relation to neighborhood, and as to compatibility with official county plans, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare.

**Conservation Easement** - A legal document establishing a set of restrictions voluntarily placed on property to preserve its conservation values. For the purposes of this ordinance, conservation easements must be conveyed to a non-profit organization authorized to accept them or to a local unit of government other than the County. The document is filed with the Recorder's office.

**Conservation Subdivision** - A method of subdivision characterized by common open space and compact residential lots that may or may not be clustered. The purpose of a conservation development is to create greater community value through common open space amenities for homeowners and protection of natural resources, while allowing for residential densities consistent with prevailing zoning.

**Conventional Subdivision** - A pattern of subdivision development that is characterized by lots that are spread uniformly throughout a parcel in a lot and block design.

**County** - St. Louis County, Minnesota.

**County Attorney** - The County Attorney of St. Louis County or authorized representative.

**County Auditor/Treasurer** - The County Auditor or Treasurer of St. Louis County or authorized representative.

**County Board** - The St. Louis County Board of Commissioners.

**County Engineer** - The County Highway Engineer of St. Louis County or authorized representative.

**County Recorder** - The County Recorder of St. Louis County or authorized representative.

**County Surveyor** - The County Surveyor of St. Louis County or authorized representative.

**Dedicate** - The voluntary giving of private property for some public or community use by the developer.

**Department** - The Planning and Community Development Department. The department designated to administer the zoning and subdivision ordinances and other land use official controls of St. Louis County, Minnesota, referred to in this Ordinance as "Department."

**Developer** - Any person proposing to subdivide property.

**Development Agreement** - An agreement between St. Louis County and a developer that allows for prudent development in accordance with county ordinances, providing regulatory consistency for the developer and identifying other requirements consistent with MN Statutes Chapter 462, Section 358.

**Director** - The Planning and Community Development Director of St. Louis County, Minnesota or authorized representative, referred to in this ordinance as "Director."

**Driveway** - A way not designed or intended to serve as a road; rather a driveway. Provides access for not more than two dwellings or other principal uses to a road at a density not higher than two dwellings per quarter-quarter section or government lot.

**Dwelling, Multiple-family** - A residence designed for or occupied by three or more families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

**Dwelling, Single-family** - A detached residence, including a mobile home, designed for one family only and having an approved sewage disposal system.

**Dwelling, Two-family** - A residence designed for or occupied by two families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

**Dwelling Site** - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**Dwelling Unit** - A structure or portion of a structure or other shelter designed as a short or long term living quarters for one or more persons including rental or time share accommodations such as a motel, hotel, resort rooms and resort cabins.

**Easement** - A non-possessing interest held by one person, group or government in land of another person whereby the first person, group or government is accorded partial use of such land for specific purposes. Easements fall into three broad classifications: surface easements, subsurface easements and overhead easements.

**Electronic Map or Sketch** – A drawing prepared using computer assisted design software.

**Environmental Review** - Procedures required in the preparation of Environmental Assessments or Environmental Impact Statements as set forth by the Minnesota Environmental Quality Board and/or St. Louis County.

**Erosion** - The wearing away of land surfaces by the action of wind, water, gravity or any combination thereof.

**Final Plat** - A map, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by the Subdivision Ordinance to be presented to the Director and/or the County Board for approval, and which, if approved, shall be duly filed with the County Recorder.

**Frontage** - The uninterrupted front boundary line of a parcel, or the length of such line, that abuts on a road or protected water.

**Grade** - The slope of a surface, such as a parcel or road with the vertical rise or fall expressed as a percentage of horizontal distance, e.g., a 3 percent upgrade means a rise of 3 feet per 100 feet of horizontal distance.

**Grading** - The movement of dirt, by mechanical means, so as to alter the existing topography of a property.

**Impervious Surface** - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than

prior to development. Examples include rooftops, decks, sidewalks, patios, storage area, and concrete, asphalt, or gravel driveways.

**Landlocked** - A parcel that does not have access to a public or private road, or water access except through an adjacent parcel or lot.

**Licensed Engineer** - A person licensed as a professional engineer by the State of Minnesota.

**Licensed Land Surveyor** - A person licensed as a professional land surveyor by the State of Minnesota.

**Lot** - A tract of land which is all or part of a block and is identified on a plat as per Minnesota Statutes, Chapter 505.

**Lot Line Adjustment**-The relocation of a common ownership boundary between two or more lots on a plat as per Minnesota Statutes, Chapter 505.

**Lot of Record** - A lot which is part of a subdivision recorded in the office of the County Recorder or Registrar of Titles of St. Louis County, Minnesota, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of this Ordinance, or amendments thereto provided that a lot on federal, state, tax forfeited or Minnesota Power lands that have been leased out prior to the date of enactment of this Ordinance shall be considered a lot of record even though that lot has not been individually recorded in the office of the County Recorder or Registrar of Titles.

**Lot Width** - The shortest distance between lot lines measured at the midpoint of the building line.

**Metes and Bounds Description** - A land description based upon the specific lengths and direction of some or all of the boundary lines of a parcel.

**Minor Boundary Adjustment**- The relocation of a common ownership boundary between two or more parcels of unplatted property.

**Minor Subdivision Procedure** - An approval process that a local unit of government may adopt under Minnesota Statutes, Chapter 505 for simple land divisions, referred to in this Ordinance as “minor subdivision.”

**Ordinance** - The Subdivision Ordinance Number 60 of St. Louis County, Minnesota.

**Ordinary High Water Level** - The boundary of public waters and wetlands consisting of an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For water courses, the ordinary high water level is the elevation of the top of the bank of the channel; for reservoir and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

**Outlot** - A tract of land identified by a capital letter and is land that is not part of a block, as per Minnesota Statutes, Chapter 505.

**Planning Commission** - The Planning Commission of St. Louis County, Minnesota, as created by ordinance pursuant to Minnesota Statutes Chapter 394.30 and all acts amendatory thereof.

**Plat** - A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes, Chapter 505, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways.

**Preliminary Plat** - A map and related written materials, documents and information required by the Ordinance and/or Director in order to adequately review a proposed development.

**Principal Structure** - A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include a single family home, cabin, guest cottage, resort lodge and cabins, salvage facility storage area, offices, and businesses.

**Registered Land Survey** - A drawing used to convey a part of a parcel of registered land by tract or tracts pursuant to Minnesota Statute 508.47. Existing conforming and non-conforming registered parcels may be shown and described by Registered Land Survey for the purpose of clarifying existing land descriptions.

**Rights-of-Way** - Property dedicated to the public, connecting to other public rights-of-way, which affords primary access by pedestrians and vehicles to abutting properties.

**Riparian Lot** - A lot that abuts public waters as defined by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Chapter 103F.

**Road** - A public or private way which affords primary means of access by pedestrians and vehicles to adjacent properties whether designated as a drive, easement, avenue, highway, road, boulevard, cartway or however otherwise designated.

**Road, Public** - A road open to public travel that is under the jurisdiction of and/or maintained by a state, county or township authority, as defined per Minnesota Statutes 160.02.

**Screening** - The use of fences, vegetation, berms, or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

**Sewer System** - Pipelines or conduits, pumping stations and force main and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

**Shore Impact Zone** - Land located between the ordinary high water level of a public water body and a line parallel to it, at a setback of 50 percent of the structure setback, except on General Development lakes where the minimum impact zone shall be 50 feet.

**Shoreland** - Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the water for lesser distances and when approved by the DNR Commissioner.

**Steep Slope** - Land having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.

**Structure** - Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground including portable buildings, mobile homes, signs, earth sheltered homes, and swimming

pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures. Unattached decks, regardless of height, shall be considered a structure if within the shore setback area for principal structures.

**Subdivider** - The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his or her control.

**Subdivision** - Land that is divided for the purpose of sale, rent, or lease, transfer or gift including planned unit developments.

**Subdivision by Plat** - The subdivision into two or more lots of any size by the authority of Minnesota Statutes, Chapter 505, with documents prepared by a licensed land surveyor and duly approved by the Director or the Planning Commission and County Board.

**Subsurface Sewage Treatment System (SSTS)** - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Chapter 7080 of the State Rules and Regulations.

**Variance** - Any modification or relief from a county land use ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause practical difficulties as defined per Minnesota Statutes, Chapter 394.

**Water Access Only** - Those island properties that have sole access by means of navigable public water.

**Wetlands, a Wetland, the Wetland, or Wetland Area** - Shall be defined by Minnesota Rules, Chapter 8420.

**Yield Plan** - A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the standards for lots in a conventional subdivision.

**Zone District** - Land uses and dimensional districts based on Minnesota State Shoreland Regulations, Chapter 6120, the Comprehensive Land Use Plan of the county (St. Louis County Ordinance #27), and the purpose statement of each land use district.

**Zoning Ordinance** - The Zoning Ordinance #46 of St. Louis County, Minnesota.

## **Article IV. General Standards**

### **Section 4.1 Application of the Ordinance**

- A. Where the provisions of the Ordinance are either more restrictive or less restrictive than applicable provision(s) of other laws, ordinances, statutes, resolutions, covenants or regulations of any kind, the more restrictive condition, standard or requirement shall prevail, except as authorized by the more restrictive agency.
- B. Ambiguities in the Ordinance shall be resolved by interpretation of the Director. If an applicant wishes to appeal the interpretation of the Director, an appeal can be made within 30 days of the Directors decision through a hearing of the Board of Adjustment.
- C. The subdivision process shall not result in the creation of landlocked parcels.

#### **Section 4.2 Subdivisions Allowed by this Ordinance**

- A. Lot Line Adjustment
- B. Minor Subdivision
- C. Conventional Subdivision Plat
- D. Conservation Subdivision Plat
- E. The equal subdivision of a quarter-quarter section or non-shoreland government lot by half or quarter provided it meets zoning minimums and buildable area exists.
- F. The division of property abutting a road under the jurisdiction of a public road authority as defined in Minnesota Statutes 160.02, into parcels 4.5 acres or larger and 300 feet or more in width or meets Zoning Ordinance requirements, whichever is more restrictive.

#### **Section 4.3 Exemptions Allowed by this Ordinance**

The following subdivisions of land are exempted from the provisions of this Ordinance:

- A. Platted cemeteries done in accordance with the requirements of applicable state statutes and ordinances.
- B. Transfers of interest in land pursuant to court order. Any such division that fails to meet the standards of the St. Louis County land use regulations shall not be deemed a lot of record for the purposes of issuing land use permits.
- C. Parcels created for the siting of electrical transmission and distribution substations.
- D. Registered Land Surveys prepared for the purpose of clarifying existing land descriptions.
- E. Minor Boundary Adjustments. Any such division that fails to meet the standards of the St. Louis County land use regulations shall not be deemed a lot of record for the purposes of issuing land use permits.

#### **Section 4.4 Environmental Documents and Permits**

- A. It shall be the property owner's responsibility to secure necessary concurrent permits, including, but not limited to, Pollution Control Agency, State Waste Disposal Permits; Environmental Services Department Permits; Corps of Engineers Permits; DNR Public Water Permits; and DNR Water Appropriation Permits. Approval by the County does not imply approval by other agencies.
- B. The County will require an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) where a proposed project exceeds the limits defined in the Environmental Quality Board's Rules and Regulations for Environmental review program or as requested by the Planning Commission or petitioned by the public. Costs associated with the preparation of an EAW and/or EIS shall be the responsibility of the project owner, in accordance with County Board policy.
- C. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Director shall be responsible to the County Board and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the County Board, whose decision shall be final.

#### **Section 4.5 Survey Standards**

- A. Survey Standards shall be those required by Minnesota Statutes, Chapter 505, including the placement of all monuments including block corners, lot corners, curve points and survey line

points on lot lines. All federal, state, county and other official bench marks, monuments or triangulation points in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

- B. The licensed land surveyor placing and establishing the corners and/or monuments shall file a certificate to that effect for each section corner, quarter section corner, meander corner or witness corner in the office of the surveyor on a form provided by the surveyor's office unless a current certificate is on file.

#### **Section 4.6 Submittals**

All subdivisions and lot line adjustments on platted property, except as allowed in Section 4.3, should be reviewed by the Director. The purpose of the review is to determine if the parcel being created and the remnant parcel conform to zoning standards and if the creation is consistent with other county and state regulations.

The following submissions are required:

- A. For a parcel created as a simple fractional or quantity part of a full government subdivision under Section 4.2 E., or for a parcel created as a simple fractional or quantity part of a government subdivision under Section 4.2 F., the submittals shall include an electronic map and supporting documentation as follows:

Electronic Map:

- 1. Parcel area of the proposed and remnant parcels
- 2. Parcel dimensions of the proposed and remnant parcels
- 3. Current development and infrastructure on proposed and remnant parcels

Documents:

- 1. Legal description of the proposed and remnant parcels
- 2. Evidence of ownership

- B. For any parcel created or lot line adjusted by a metes and bounds description, a Certificate of Survey shall be submitted in addition to items listed in 4.6 A. and, after approval, recorded with the County Recorder.

- C. For any parcel created or adjusted through articles V, VI, VII, or VIII, in addition to any specific requirements of those articles, the submittals shall be an electronic map or sketch in a format determined by the Director and supporting documents as follows:

Electronic Map or Sketch:

- 1. Parcel area of the proposed and remnant parcels
- 2. Parcel dimensions of the proposed and remnant parcels
- 3. Current development and infrastructure on proposed and remnant parcels

Documents:

- 1. Legal description of the proposed and remnant parcels
- 2. Evidence of ownership and authority to subdivide consisting of fee ownership or written concurrence of fee owners
- 3. Archeological Phase I study, if required by the Director
- 4. Septic site evaluation including replacement/expansion area, if required by the Director

- D. Subdivisions created under articles VI, VII, or VIII in a township which has appointed a planning and zoning commission must demonstrate approval of the preliminary plat by that town's board consistent with Minnesota Statutes, Chapter 505.

- E. Applications submitted after leaf-off conditions in the fall and before leaf-on conditions in the spring may be considered as incomplete pursuant to the Minnesota Statute 15.99 unless a wetland delineation has been previously verified by the Technical Evaluation Panel and

accepted as part of the application. Applications may also be considered as incomplete if a septic site evaluation cannot be verified due to frozen soil conditions.

## **Article V. Lot Line Adjustment on platted property**

### **Section 5.1 Applicability**

- A. A lot line adjustment provides for the alteration of property lines on plats, where no additional lots for development are created and agreement exists among the parties involved.
- B. A lot line adjustment can be used to correct survey or description problems on existing properties.
- C. A lot line adjustment can be used to meet lot size, setback, or other state or county land use requirements.
- D. A lot line adjustment can be used to lessen or eliminate a nonconformity.
- E. Lot line adjustments shall be approved by the Director.
- F. Lot line adjustments shall only be approved when accompanied by an executed conveyance among the parties involved.

### **Section 5.2 Review Criteria**

- A. The proposed adjustment shall not create any new nonconformity, nor shall it increase an existing nonconformity.
- B. Lot of record status shall not be affected by adding additional property to a parcel lot that does not meet the current dimensional standard.
- C. Adequate land for treatment and disposal of sewage, when it exists, shall not be diminished by the adjustment.
- D. The adjustment does not increase the potential for wetland, shoreline or floodplain impacts.
- E. The result is not contrary to a decision of the Planning Commission or County Board.

### **Section 5.3 Submittals**

- A. All submissions required in section 4.6., except an Archeological Phase I study.
- B. The electronic sketch shall include all existing and proposed new dimensions and area for all parcels involved, including structures and utilities.

## **Article VI. Minor Subdivision**

### **Section 6.1 Applicability**

- A. A minor subdivision shall be allowed at the discretion of the Director.
- B. Minor subdivisions shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the County Surveyor and the Director.
- C. A quarter-quarter section or government lot along a public road may be subdivided into lots no less than 2.5 acres and 200 feet of lot width or meet Zoning Ordinance requirements, whichever is more restrictive.
- D. A quarter-quarter section or government lot not along a public road, but with legally demonstrated access to a public road, may be subdivided into two lots no less than 2.5 acres and 200 feet of lot width (including the remnant property) and meet Zoning Ordinance requirements.

- E. Water access only properties may be subdivided into lots 4.5 acres or larger and 300 feet of lakeshore and lot width at building site, and meet Zoning Ordinance requirements. Water access only lots may be created if located on a lake with a public boat access.
- F. Minor subdivisions shall not include dedications of new roads.

## Section 6.2 Design Standards

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the County staff:

- A. **Land Suitability.** The land shall be properly zoned and suitable in its natural state for the intended purpose.
- B. **Layout**
  - 1. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance, without variance.
  - 2. Lot layouts shall be compatible with the existing layout of adjoining properties, and/or shall not constrain the future development of adjacent properties.
  - 3. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall minimize bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
- C. **Rights-of-Way Access.** All properties shall demonstrate legal access to a public road.

## Section 6.3 Submittals

- A. **Initial Plan Review.** Property owners seeking to subdivide land shall take part in an initial plan review with the Department to gain feedback and guidance. The goal of the initial plan review is to identify important physical features and the potential of the property, and to establish the relationship of the property to adjacent parcels. It is also a guide to determine which subdivision process is appropriate for the development. Any comments, written or otherwise, provided to the property owner during initial plan review shall be informational, and shall not bind any party to specific findings of fact or law.
- B. **Concept Plan Review.** Concept Plan submittals shall include an electronic sketch and supporting documentation as follows:
  - Electronic Sketch
    - 1. All submittals listed in section 4.6.
    - 2. Boundary lines with lengths and bearings taken from a boundary survey drawn by a licensed land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor, north arrow, graphic bar scale, and date of preparation.
    - 3. Topography consisting of 10-foot contour intervals taken from United States Geological Survey (USGS) mapping, or equivalent or more accurate source, if available.
    - 4. Location of 100 year floodplains and the ordinary high water level, as taken from USGS mapping, or the equivalent or a more accurate source, if available.
    - 5. The existing zoning classification and the zoning classification of adjacent parcels.
    - 6. Layout of proposed lots, and buildings if known, drawn to same scale as existing data.
    - 7. Dimensions scaled to nearest foot of all lot lines, easement widths and lakeshore lengths and total acreage for each lot created, as well as, the remnant parcel.
    - 8. Areas suitable for a standard SSTS and replacement area meeting the requirements of applicable state and county laws and ordinances.
    - 9. Other information as deemed necessary by the Director.

#### Documents

1. All submittals listed in section 4.6.
2. Detailed soils information from the Natural Resources Conservation Service (NRCS), or the equivalent or a more accurate source if available.
3. Wetland delineation for the property with data sheets.
4. Proof of access from appropriate road authority for each new lot created and for the remnant parcel.
5. For minor subdivisions on abstract property, a preliminary title opinion less than 60 days old.
6. Other information as deemed necessary by the Director.

- C. **Final Minor Subdivision.** A completed final minor subdivision submittal shall comply with Minnesota Statutes, Chapter 505, in addition to the following:

A final map reviewed and approved by the Director, in a format acceptable to the County Recorder that shall meet the following provisions:

#### Electronic Map

1. Shall be prepared by a licensed land surveyor.
2. Shall contain the signatures of all parties with legal interest in the fee ownership of the land, together with a statement of their interest. Signatures shall be acknowledged by a notary.
3. Shall provide drainage and utility easements, as necessary.

#### Documents

1. The signed licensed land surveyor certificate shall indicate that all corners and monuments have been established as shown on the final plat.
2. Developer shall provide a preliminary title opinion less than 60 days old, and an abstract of title and/or certificate of title to the subject property. All abstracts of title shall be updated to a date no more than 60 days prior to the date said abstracts are submitted to the county.

### **Article VII. Subdivision by Plat**

#### **Section 7.1 Applicability**

- A. Subdivision by plat shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the County Surveyor, Planning Commission, and County Board.
- B. When the proposed subdivision is located in a township that administers its own zoning, the developer shall have documentation of review with the appropriate township official the applicable zoning requirements.
- C. Subdivisions by plat are subject to a public hearing before the Planning Commission at the preliminary plat stage.

#### **Section 7.2 Design Standards**

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the County Staff, Planning Commission and County Board:

##### **A. Land Suitability**

1. The land shall be properly zoned and suitable in its natural state for the intended purpose.

2. Land subject to flooding, land below the ordinary high water level, wetlands, areas with high water table, bluffs, or land containing other significant constraint(s) upon future intended usage, shall not be considered suitable for development.
  3. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration.
  4. The suitability analysis for each lot shall also consider:
    - a. soil and rock formations with severe limitations for development,
    - b. areas with severe erosion potential,
    - c. inadequate water supply or sewage treatment capabilities,
    - d. near-shore aquatic conditions unsuitable for water-based recreation,
    - e. fish and wildlife habitat,
    - f. presence of historic and cultural sites, or
    - g. any other feature of the natural land likely affecting the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- B. Nonconformities.** All nonconforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by the Planning Commission.
- C. Layout**
1. Lot areas and dimensions shall conform to the requirements of the zoning ordinance, without variance.
  2. Lot layouts shall be compatible with the existing layout of adjoining properties and/or shall not constrain the future development of adjacent properties.
  3. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines, radial to lake or stream shores, and shall minimize bends or jogs unless topographic conditions necessitate a different arrangement. Existing structures shall not be construed to be a topographic condition.
  4. Lots shall not abut two roadways, except on corner lots or where necessary to provide separation of residential development from arterial or major collector roadways.
- D. Access.** Each lot shall have legal access in the form of public rights-of-way or dedicated easement for ingress and egress.
- E. Surface Water Access.** Provisions for access to water based recreation facilities, such as boat launches and moorings, shall be provided where near shore aquatic conditions are unsuitable for direct access.

### Section 7.3 Submittals

- A. Concept Plan Review.** Property owners seeking to subdivide land shall take part in a concept plan review with the Department to gain feedback and guidance. The goal of the concept plan review is to identify important physical features and the potential of the property, and to establish the relationship of the property to adjacent parcels. It is also a guide to determine which subdivision process is appropriate for the development. Any comments, written or otherwise, provided to the property owner during concept plan review shall be informational, and shall not bind any party to specific findings of fact or law.

Concept Plan submittals shall include an electronic sketch and supporting documentation as follows:

Electronic Sketch:

1. All submittals listed in section 4.6.
2. Proposed plat name.
3. Approximate exterior boundary drawn, with the graphic bar scale and north arrow.

4. Topography from the USGS map, or equivalent or more accurate source if available, at 10 foot intervals unless greater detail is required by the Director. Slopes exceeding 30 percent shall be clearly marked.
5. Approximate location of lakes, streams, wetlands, drainage swales and 100-year floodplain.
6. Vegetative cover conditions of the property according to general cover type.
7. Viewsheds showing views into the property from lakes, roads and parks.
8. Geographic formations including rock outcroppings and bluffs.
9. Existing human made elements including roads, driveways, fences, public trails, buildings, septic systems, wells, and utilities.
10. Location of historically significant sites or structures.
11. Proposed roads with proposed road names and road alignment within road rights-of-way, and trails.
12. Proposed lots with building setbacks and bluff impact zones.
13. Proposed common open space.
14. Proposed city sewer and water system connections or sewage treatment systems and well locations.
15. Potential principal and accessory structure locations and elevations.
16. Near shore aquatic conditions information from a reliable source.

Site Context Map:

1. A map showing the location of the proposed subdivision within its neighborhood context shall be submitted.
2. The site context map may be shown as part of the concept plan sketch, or as a separate map.
3. For sites under 100 acres, such maps shall include a graphic bar scale, and shall include the area within 1,000 feet of the site. For sites of 100 acres or more, maps shall include a graphic bar scale, and shall include the area within 2,000 feet of the site.
4. The map shall show the relationship of the subject property to the natural and human made features of the land. The features that shall be shown include topography from USGS maps, wetlands from the National Wetlands Inventory Map, or equivalent or more accurate sources if available, public and private roads, driveways, dwellings, trail systems and utility lines.

- B. Preliminary Plat.** Submittal for a Preliminary Plat shall contain an electronic map and supporting documentation as follows:

Electronic Map:

1. All requirements of the concept plan.
2. Boundary lines with lengths and bearings, taken from a boundary survey drawn by a licensed land surveyor with the legal description of the property, total acreage, north arrow, graphic bar scale, name of the fee owner, developer and surveyor.
3. Date of boundary survey.
4. Layout of existing and proposed roads, trails, driveways, blocks, lots, outlots, and structures drawn to the same scale.
5. Plan, profile, and a typical cross section of proposed roadways including proposed road right-of-way and drainage features such as culverts and ditching.
6. Legal access to the property.
7. Locations of existing and proposed wells and sewage treatment systems, and sewer or water systems, connections, and extensions, with grades shown.
8. Potential locations and estimated depth to a restrictive layer for all proposed subsurface sewage treatment systems, a minimum of two per lot.
9. Small-scale context map showing location by section, town, and range.

10. The existing zoning classification and the zoning classification of adjacent parcels.
11. Wetland identified by delineation.
12. Extent of anticipated vegetation and topographic alterations.
13. Dimensions scaled to nearest foot of all lot lines, road widths, easement widths and lakeshore lengths and total acreage for each lot created.
14. Buildable areas of proposed lots.
15. Structure setback lines from roadways, lot lines and ordinary high water level.
16. Proposed common open space with area shown.
17. Proposed public dedication areas other than roads, trails, or walkways with the area shown.
18. Proposed stages of development.

Documents:

1. All requirements of section 4.6.
2. SSTS suitability report in accordance with state statutes and St. Louis County Ordinance 55.
3. Draft dedications, declarations, and easements.
4. Proposed covenants or other restrictive documents.
5. Proposed methods of controlling stormwater management that comply with St. Louis County policy, as per Section 7.7.
6. Other information as deemed necessary by the Director.

- C. **Final Plat.** A completed Final Plat submission shall conform with all requirements of Minnesota Statutes, Chapter 505, in addition to the following:

Final Map:

1. Shall be in conformance with approved preliminary plat.
2. Shall be prepared by a licensed land surveyor.
3. Shall contain the signature blocks for all parties with legal interest in the fee ownership of the land together with a statement of their interests or consent agreement as acceptable to the St. Louis County Recorder's Office. Signatures shall be acknowledged by a notary.
4. Shall contain a signature block indicating approval of the St. Louis County Surveyor.
5. Shall dedicate to the public all easements, rights-of-way, trails and land to become public.
6. Shall provide drainage and utility easements, as necessary.

Documents:

1. Articles of incorporation of any required homeowners' association.
2. Required covenants and deed restrictions.
3. Financial security acceptable to the County Attorney in an amount acceptable to the Public Works Director for the uncompleted required improvements.
4. Development agreement acceptable to the County Attorney, if required.
5. The signed licensed land surveyor certificate shall indicate that all corners and monuments have been established as shown on the final plat.
6. Developer shall provide a preliminary title opinion less than 60 days old, and an abstract of title and/or certificate of title to the subject property. All abstracts of title shall be updated to a date no more than 60 days prior to the date said abstracts are submitted to the county.

#### **Section 7.4 Roadway Improvement Standards**

Roadway improvement standards shall conform with St. Louis County Public Works Department Policy regarding Roadway Improvement Standards for Plats and Subdivisions.

#### **Section 7.5 Sanitary Provision Standards**

Sanitary Provision Standards shall conform with St. Louis County Environmental Services SSTS Ordinance 55, or its successor or replacement.

#### **Section 7.6 Water Supply Standards**

Water Supply Standards shall conform to Minnesota Department of Health Rules and Regulations and St. Louis County Environmental Services SSTS Ordinance 55, or its successor or replacement.

#### **Section 7.7 Drainage, Grading, and Stormwater Standards**

Grading, Drainage, and Stormwater Standards shall conform to St. Louis County Planning and Community Development Department Policy.

#### **Section 7.8 Dedications**

Dedications shall conform to St. Louis County Planning and Community Development Department Policy.

#### **Section 7.9 Association Membership Standards**

Association Membership Standards shall conform to St. Louis County Planning and Community Development Department Policy.

### **Article VIII. Conservation Subdivision by Plat**

Conservation Subdivisions require the assistance of professional planning and usually involve the approval of multiple agencies or other governmental bodies. The Conservation Subdivision provisions are to provide for residential development in shoreland and non-shoreland rural areas in a way that takes into account the physical characteristics of the natural landscape of a development site and facilitates development while maintaining the most valuable natural features and functions of the site. Conservation design includes a collection of site design principles and practices that can be combined to create environmentally sound development; facilitate creation of common open space corridors; and minimize impacts of road and utility systems. The main principles for conservation design are:

- A. flexibility in site design and lot size,
- B. thoughtful protection and management of natural areas,
- C. reduction of impervious surface areas,
- D. stormwater management,
- E. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner and,
- F. to offer an alternative to conventional subdivision development.

#### **Section 8.1 Applicability**

- A. Conservation subdivisions may be used where a conventional subdivision by plat is allowed, and are required on Natural Environment Lakes larger than 25 acres in size.

- B. Conservation subdivisions shall follow the same applicability standards as in Section 7.1, as follows:
  - 1. Conservation subdivisions shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the County Surveyor, Planning Commission, and County Board.
  - 2. When the proposed subdivision is located in a township that administers its own zoning, the developer shall have documentation of review with the appropriate township official the applicable zoning requirements.
  - 3. Conservation subdivisions are subject to a public hearing before the Planning Commission at the preliminary plat stage.

## Section 8.2 Design Standards

- A. **Land Suitability**
  - 1. The land shall be properly zoned and suitable in its natural state for the intended purpose.
  - 2. Land subject to flooding, land below the ordinary high water level, wetlands, areas with high water table, bluffs, or land containing other significant constraint(s) upon future intended usage, shall not be considered suitable for development.
  - 3. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration.
  - 4. The suitability analysis for each lot shall also consider:
    - a. physical site characteristics which may limit development,
    - b. areas with severe erosion potential,
    - c. inadequate water supply or sewage treatment capabilities,
    - d. near-shore aquatic conditions unsuitable for water-based recreation,
    - e. fish and wildlife habitat,
    - f. presence of historic and cultural sites, or
    - g. any other feature of the natural land likely to affect health, safety, or welfare of future residents of the proposed subdivision or of the community.
- B. **Nonconformities.** All nonconforming structures and uses shall be brought into conformity during the subdivision process, except as specifically waived by the Planning Commission
- C. **Layout**
  - 1. The Yield Plan for a conservation subdivision shall be the same as general design standards for a conventional plat as in Section 7.2 C.
  - 2. The Conservation Subdivision design plan shall be based on the density calculated in the Yield Plan and shall include:
    - a. common open space, where required
    - b. lot arrangement and size
    - c. conservation components
    - d. road layout and design
  - 3. The Conservation Subdivision shall conform to the St. Louis County Conservation Design manual or policy.
- D. **Access.** Each lot shall have legal access in the form of public rights-of-way or dedicated easement for ingress and egress.
- E. **Surface Water Access.** Provisions for access to water based recreation facilities, such as boat launches and moorings, shall be provided where near shore aquatic conditions are unsuitable for direct access.
- F. **Common open space.** The common open space component of a conservation subdivision shall be required for all shoreland subdivisions.

## Section 8.3 Submittals

- A. **Concept Plan.** Conservation subdivision Concept Plan submittals shall include an electronic sketch and supporting documentation as follows:

Electronic Sketch:

1. All submittals listed in section 4.6.
2. Proposed plat name.
3. Approximate exterior boundary drawn, with the graphic bar scale and north arrow.
4. Topography from the USGS map, or equivalent or more accurate source if available, at 10 foot intervals unless greater detail is required by the Director. Slopes exceeding 30 percent shall be clearly marked.
5. Approximate location of lakes, streams, wetlands, drainage swales and 100-year floodplain.
6. Vegetative cover conditions of the property according to general cover type.
7. Viewsheds showing views into the property from lakes, roads and parks.
8. Geographic formations including rock outcroppings and bluffs.
9. Existing human made elements including roads, driveways, public trails, buildings, septic systems, wells, and utilities.
10. Location of historically significant sites or structures.
11. Proposed roads with proposed road names and road alignment within road rights-of-way, and trails.
12. Proposed lots with building setbacks and bluff impact zones.
13. Proposed common open space.
14. Proposed city sewer and water system connections or sewage treatment systems and well locations.
15. Potential principal and accessory structure locations and elevations.
16. Near shore aquatic conditions information from a reliable source.

Site Context Map:

1. A map showing the location of the proposed subdivision within its neighborhood context shall be submitted.
2. The site context map may be shown as part of the concept plan sketch, or as a separate map.
3. For sites under 100 acres, such maps shall include a graphic bar scale, and shall include the area within 1,000 feet of the site. For sites of 100 acres or more, maps shall include a graphic bar scale, and shall include the area within 2,000 feet of the site.
4. The map shall show the relationship of the subject property to the natural and human made features of the land. The features that shall be shown include topography from USGS maps, wetlands from the National Wetlands Inventory Map, or equivalent or more accurate sources, if available, public and private roads, driveways, dwellings, trail systems and utility lines.

- B. **Preliminary Plat.** Conservation Subdivision Preliminary Plat submittals shall include an electronic map and supporting documentation as follows:

1. The Yield Plan shall include all submittals in section 8.3 A. and the following:
  - a. Boundary lines with lengths and bearings taken from a boundary survey drawn by a licensed land surveyor with the legal description of the property, total acreage, north arrow, graphic bar scale, name of the fee owner, developer and surveyor.
  - b. Date of boundary survey.
  - c. Layout of existing roads, trails, driveways, blocks, lots, outlots, and structures drawn to the same scale.

- d. Plan, profile, and a typical cross section of proposed roadways including proposed road right-of-way and drainage features such as culverts and ditching.
- e. Legal access to the property.
- f. Locations of existing wells and sewage treatment systems, and sewer or water systems, connections, and extensions, with grades shown.
- g. Potential locations and estimated depth to a restrictive layer for all proposed subsurface sewage treatment systems, a minimum of two per lot.
- h. Small-scale context map showing location by section, town, and range.
- i. The existing zoning classification and the zoning classification of adjacent parcels.
- j. Wetland identified by delineation.
- k. Extent of anticipated vegetation and topographic alterations.
- l. Dimensions scaled to nearest foot of all lot lines, road widths, easement widths and lakeshore lengths and total acreage for each lot created.
- m. Buildable areas of proposed lots.
- n. Structure setback lines from roadways, lot lines and ordinary high water level.
- o. Proposed common open space with area shown.
- p. Proposed public dedication areas other than roads, trails, or walkways with the area shown.
- q. Proposed stages of development.

Documents:

- 1. All requirements of section 4.6.
- 2. SSTS suitability report in accordance with state statutes and St. Louis County Ordinance 55, or its successor.
- 3. Draft dedications, declarations, and easements.
- 4. Proposed covenants or other restrictive documents.
- 5. Proposed methods of controlling stormwater management that comply with St. Louis County policy, as per Section 7.7.

- C. **Final Plat.** A completed Conservation Subdivision Final Plat submission shall conform with all requirements of Minnesota Statutes, Chapter 505, in addition to the following:

Final Map:

- 1. Shall be in conformance with approved preliminary plat.
- 2. Shall be prepared by a licensed land surveyor.
- 3. Shall contain the signature blocks for all parties with legal interest in the fee ownership of the land together with a statement of their interests or consent agreement as acceptable to the St. Louis County Recorder's Office. Signatures shall be acknowledged by a notary.
- 4. Shall contain a signature block indicating approval of the St. Louis County Surveyor.
- 5. Shall dedicate to the public all easements, rights-of-way, trails and land to become public.
- 6. Shall provide drainage and utility easements, as necessary.

Documents:

- 1. Articles of incorporation of any required homeowners' association.
- 2. Required covenants and deed restrictions.
- 3. Financial security acceptable to the County Attorney in an amount acceptable to the Public Works Director for the uncompleted required improvements.
- 4. Development agreement acceptable to the County Attorney, if desired or required.
- 5. The signed licensed land surveyor certificate shall indicate that all corners and monuments have been established as shown on the final plat.

6. Developer shall provide a preliminary title opinion less than 60 days old, and an abstract of title and/or certificate of title to the subject property. All abstracts of title shall be updated to a date no more than 60 days prior to the date said abstracts are submitted to the county
7. Common open space shall be shown as lot/block on the final plat.
8. Other information as deemed necessary by the Director.

#### **Section 8.4 Administration and Maintenance**

- A. Deed restrictions, permanent conservation easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of common open space. For areas greater or equal to 10 acres, easements shall be held by an organization authorized to hold interest in real property pursuant to Minnesota Statutes, Section 84C.01-05, as amended thereto.
- B. The instruments of the easement must include all of the following protections:
  1. Vegetation and topographic alterations, other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan, shall be prohibited;
  2. Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;
  3. Beaching of motorized watercraft shall be prohibited;
  4. Dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited; and
  5. Prohibition on amendment without the consent of the Planning Commission.
- C. Establishment of an association is mandatory and shall follow the standards of Section 7.9, in addition to the following:
  1. The association shall be responsible for enforcing covenants, deed restrictions, and easements.
  2. The association must have a land stewardship plan for common open space areas greater than or equal to 10 acres. The plan shall address the long-term management of these common open space lands.

### **Article IX. Administration**

#### **Section 9.1 Lot Line Adjustment on platted property**

Applicants shall file an application for review and approval by the Department according to the following:

- A. Applicant shall complete the application for a lot line adjustment on forms available from the Department.
- B. Submittals that meet the standards of Section 5.3 shall be provided.
- C. The Director is authorized to approve all lot line adjustments that are in compliance with the provisions of this Ordinance and other applicable requirements.
- D. The adjustment shall be recorded within 12 months of approval. Real estate taxes and assessments due and payable in the year in which the adjustment is recorded must be paid in full at or before the time of recording.
- E. Lot line adjustments shall include an executed conveyance among the parties involved.

## Section 9.2 Minor Subdivision

Applicants shall file an application for review and approval by the Department according to the following:

- A. Applicant shall complete the application for a minor subdivision on forms available from the Department.
- B. Submittals that meet the standards of Section 6.3 shall be provided.
- C. The Director shall transmit the final minor subdivision plat for review to designated staff and appropriate officials or agencies. The Director shall request that all officials and agencies to whom a request for review has been made, submit their report to the Director within 30 calendar days after receipt of the completed submittal. If no report is received within 30 calendar days, it shall be assumed by the Director that there are no objections in the final plat as submitted.
- D. The Director is authorized to approve all minor subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements.
- E. The final minor subdivision plat shall be recorded in accordance with the provisions established in Section 6.3 C. In addition, a Title Opinion prepared by the subdivider's attorney reflecting status of the title within 60 calendar days of submittal and addressed to the County Attorney along with all updated abstracts of title and/or certificates of title, shall be provided. All abstracts of title shall be updated to a date no more than 60 days prior to the date said abstracts are submitted to the county. Real estate taxes and assessments due and payable in the year in which the minor subdivision is recorded must be paid in full at or before the time of recording.

## Section 9.3 Subdivision by Plat

Before any land is subdivided, applicants proposing to subdivide land shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

- A. **Official Submission Dates.** For the purpose of these regulations, the Official Submission Date, or starting date, shall be the date in which a written request that includes a complete and accurate application, as determined by Director, is received for a subdivision.
- B. **Complete Submittal.** The Director shall review subdivision applications within 15 business days of their submittal and determine if the application is complete. If the application is not complete and accurate, the Director shall notify the applicant in writing of the necessary changes or additional information within the 15 day timeframe. If the application is complete, the formal review process shall begin on the date the submittal was received by the Department.
- C. **Preliminary Plat Procedures.** Applicants shall file an application for review by the Planning Commission and approval by the County Board according to the following:
  1. Applicant shall complete the application for a preliminary plat on forms available from the Department.
  2. Submittals that meet the standards of Section 7.3 shall be provided.
  3. The Director shall transmit the preliminary plat for review to each staff member and appropriate officials or agencies as deemed necessary or as mandated by law. The Director shall submit one (1) copy of the preliminary plat to the governing bodies of any city the incorporated limits of which lie within two (2) miles of the proposed subdivision and to the town board of the township wherein the subdivision is proposed or which is adjoining the proposed subdivision.
  4. The Director shall request that all officials and agencies to whom a request for review has been made, submit their report to the Director within 30 calendar days after receipt of the request. The Director shall consolidate all the reports submitted by the officials and agencies concerning the preliminary plat and shall submit a report to the Planning

Commission. If no report is received within 30 calendar days, it shall be assumed by the Planning Commission that there are no objections in the plan as submitted.

5. **Public Notice and Hearing.** Upon receipt of a completed submittal for preliminary plat, Director shall set a public hearing with the Planning Commission to be held within five (5) weeks from the Official Submission Date. The Director shall submit a notice for publication in the official County newspaper at least 10 calendar days prior to the public hearing. The Director shall mail notices to all property owners within one-half (1/2) mile of the proposed subdivision, the affected unincorporated areas, and the town board and/or city council of any city within two (2) miles of the affected property. The owner or subdivider shall also be notified of the time and place of the hearing at which the subdivider will be afforded an opportunity to appear. The County shall maintain file copies of the plat and preliminary construction plans when appropriate for public review prior to the hearing. The Planning Commission shall receive all public testimony on the proposed plat. It shall make a recommendation to the County Board by either approval, conditional approval, or disapproval with reasons stated.
6. **Standards for Approval of Preliminary Plats.** A preliminary plat of a proposed subdivision may be approved by the Planning Commission provided that:
  - a. The subdivision is in general conformance with the County Comprehensive Plan;
  - b. The subdivision complies with all applicable provisions of the County Ordinances and state laws and department policies;
  - c. The proposed subdivision shall be sufficiently compatible or separated by distance or screening from the area surrounding the subdivision;
  - d. Definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - e. Adequate provision has been made for sanitary sewer service, and, if other methods of sewage treatment are proposed, that such systems shall comply with federal, state, and local laws and regulations;
  - f. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
  - g. The proposed subdivision preserves the site's important natural, cultural or historic features whenever possible;
  - h. The subdivider has taken reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

If the foregoing standards are not met, the Planning Commission may disapprove a preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision shall be put and the proposed use is consistent with the Comprehensive Plan. The Director may, after notifying the subdivider, employ qualified persons to check and verify such proposals, with the cost of such services to be borne by the subdivider.

7. **Effective Period of Preliminary Plat Approval.** The approval of a preliminary plat shall be effective until December 31 of the following calendar year, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within this timeframe, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary plat for review subject to the then applicable zoning and subdivision regulations, except that the Director may grant one (1) extension of one (1) year upon receipt of written justification from applicant.

- D. **Final Plat Procedures.** The applicant shall file an application for review approval from the County Board of the final plat according to the following:
1. Applicant shall complete the application for a final plat on forms available from the Department.
  2. Submittals that meet the standards of Section 7.3 shall be provided.
  3. If there were any changes required to be made to the preliminary plat, a revised preliminary plat shall be submitted.
  4. County Board Review and Approval. The Director shall forward any public comments, staff report, and application to the County Board for their review. The County Board shall approve, or disapprove the final plat.
  5. Standards for Approval of the Final Plat:
    - a. The final plat complies in all respects with the preliminary plat or an approved amended preliminary plat and the conditions of approval from the Planning Commission in approving the preliminary plat or as amended.
    - b. The final plat complies with the provisions of Minnesota Statutes, Chapter 505.
    - c. All applicable provisions of the County Ordinances and state laws and department policies are complied with.
- E. **Recording the Approved Subdivision Plat.** Within one (1) year following the approval of the final plat by the County Board, the applicant shall record the final plat according to the following:
1. Three (3) copies of the final plat – one mylar shall be submitted to the Department. The plat shall be signed by the owners (including all mortgage holders), project surveyor, town board chair (if applicable), County Attorney, County Auditor/Treasurer, County Board, County Recorder, and County Surveyor. In the alternative, a mortgage holder may sign a separate assent to the plat in a recordable form that must accompany the plat and be submitted to the County.
  2. When installation of improvements is required prior to approval of the final plat, there shall be written evidence that:
    - a. The Director has confirmed that all conditions for approval of the subdivision have been satisfied;
    - b. The Public Works Director has certified that all of the required roadway, park, and other public improvements have been installed and accepted in a manner satisfactory to the County;
    - c. The public sanitary sewer district has certified that all of the required sanitary sewer facilities have been installed and accepted; and
    - d. The County Attorney has stated that proper evidence of title has been presented and examined.
  3. When installation of improvements is not required prior to approval of the final plat, there shall be written evidence that:
    - a. The Director has confirmed that all conditions for approval of the subdivision have been satisfied;
    - b. The Public Works Director has determined the appropriate amounts for security of the required roadway, park, and other public improvements;
    - c. The public sanitary sewer district has determined the appropriate amounts for security of the required sanitary sewer facilities;
    - d. The County Attorney has stated that proper evidence of title has been presented and examined;
    - e. A Development Agreement, if required, for the subdivision signed by the developer;
    - f. The appropriate financial securities have been established by the developer for the subdivision;

- g. Evidence that any required easements in the approval of the subdivision, but not placed on the final plat as per Minnesota Statutes, Chapter 505.021 (such as pedestrian or conservation easements), have been recorded; and
- h. Any outstanding fees with the County for the project have been paid.
- 4. The applicant shall submit receipts for the payment in full of real estate taxes and assessments due and payable in the year in which the final plat shall be approved.
- 5. A check payable to the St. Louis County Recorder in the amount of the required filing fee has been submitted.
- 6. It shall be the responsibility of the subdivider to record the final plat with the St. Louis County Recorder's Office. Simultaneously, with the recording of the final plat, the Director shall record the Development Agreement and any dedication together with such legal documents as shall be required to be recorded by the County Attorney. The County Auditor shall make the final signature on the final plat after the appropriate documents and procedures listed above have been completed prior to the recording of the plat.
- 7. If the developer has not recorded the final plat within one year of the County Board's approval, the County may rescind approval of the final plat. The Director shall give at least 10 business days written notice to the applicant prior to the action to rescind.

#### **Section 9.4 Conservation Subdivision**

Conservation Subdivision shall be done by platting. The process for review and approval of a Conservation Subdivision shall be the same as a preliminary plat as detailed in Section 9.3. A final plat shall be required.

#### **Section 9.5 Environmental Review**

Minnesota Law requires that projects that have the potential to cause significant environmental impacts must undergo special environmental review procedures prior to obtaining approvals and other needed permits. The function of the Minnesota Environmental Review Program is to avoid and minimize damage to Minnesota's environmental resources caused by public and private actions.

- A. The mandatory and exemption categories are established in Minnesota Rules, Parts 4410.4300, 4410.4400 and 4410.4600, or as amended by the State of Minnesota. Subdivision proposals that exceed the stated thresholds must complete the required environmental review process prior to the approval of the subdivision by the County.
- B. In the event that an environmental assessment worksheet or an environmental impact statement is required for a subdivision, the rules of the Environmental Quality Board shall govern the responsibility of the costs involved with the preparation and review of the documents. The County may hire an independent contractor to prepare the necessary documents. No application is deemed complete until a final environmental determination has been made by the Planning Commission or County Board.

## **Article X. Enforcement**

### **Section 10.1 Violations Defined**

All subdivisions of land within St. Louis County shall be done according to the provisions of this Ordinance. Any person, firm, corporation or other entity who violates or intentionally aids, advises, hires, counsels or conspires with or procures against another or others to violate or circumvent the requirements of this Ordinance shall be guilty of a misdemeanor. Each day the violation is continued shall constitute a separate offense. Prosecution for offenses under this Ordinance will be commenced upon the issuance of a citation. If the violation is fully cured within sixty days of the issuance of the citation, the prosecution shall be dismissed.

### **Section 10.2 Issuance of Permits**

No St. Louis County land use, conditional use or sanitary permit shall be issued to any person, firm, corporation or other entity that participates in the violation of this Ordinance or has a pending unresolved violation of this Ordinance.

### **Section 10.3 Injunctive Relief**

In addition to remedies in criminal law, St. Louis County may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board, or any member thereof, upon notification from the Director, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The County Board may, at a later date, vote to discontinue proceeding.

### **Section 10.4 Private Party Cause of Action**

In the event St. Louis County chooses not to pursue an action for injunctive relief, any property owner negatively impacted by a violation of this ordinance may bring an action to prevent, restrain, correct, or abate violations or threatened violations. The county shall be notified of such actions and shall not be made a party in the case.

## **Article XI. Separability**

### **Section 11.1 Separability**

Every section, provision or part of this Ordinance or any approval issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

### **Section 11.2 Supremacy**

When any condition implied by this Ordinance on the use of land or buildings is more restrictive or less restrictive than applicable conditions imposed by statute, rules and regulations, other County ordinance or regulation or other jurisdiction, the more restrictive shall apply. The Ordinance does not abrogate any easements, restrictions or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable section of this Ordinance, the Ordinance shall prevail.

### **Section 11.3 Amendment**

This Ordinance may be amended whenever the purpose of this Ordinance, as described in Section 2.2, would be best served by such amendment.

An amendment to this Ordinance may be initiated by the County Board or Planning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, hearing and report to the County Board.

Public hearings on amendments, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by counties.

Written notice of the public hearing on all amendments, along with the proposed amendment, shall be sent to the governing bodies of all towns and municipalities located within the County.

After conducting a public hearing on an amendment, the Planning Commission shall report to the County Board within 30 days of the close of the hearing. Upon filing of a report by the Planning Commission, the County Board, in the manner prescribed by Minnesota Statutes may, by ordinance, adopt the amendment, any portion thereof, or make modifications provided the intent of the original amendment is not altered, as it deems advisable.

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