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SUBDIVISION ORDINANCE

OF

ST. LOUIS COUNTY, MINNESOTA

ORDINANCE NUMBER 60

ADOPTED: MARCH 27, 2012

Amended: August 13, 2013

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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, as per Minnesota Statutes, Chapter 505.

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, rights-of-way, 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 Plat - 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 Plat - A pattern of subdivision development that is characterized by lots that are spread uniformly throughout a parcel in a lot and block design, as per Minnesota Statutes, Chapter 505.

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 Minnesota Statutes, Section 462.358.

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 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 or lot.

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.

Parent Parcel - A parcel of land that is at least twice the minimum lot width and area required by the Zoning Ordinance and that is of record upon August 13, 2013.

Performance Standard Subdivision - The subdivision of parcels of land that meet the performance standard criteria in Article VI, with administrative approval.

Planning Commission - The Planning Commission of St. Louis County, Minnesota, as created by ordinance pursuant to Minnesota Statutes, Section 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 subdivision.

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 Statutes, Section 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 Parcel - A parcel that abuts public waters as defined by the Commissioner of the Department 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, Section 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 Commissioner of the Department of Natural Resources.

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.

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 Minnesota Rules, Chapter 7080.

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 plat.

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 provision of the Ordinance are either more restrictive or less restrictive than applicable provisions(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 Director's 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, Section 160.02, into parcels 4.5 acres or larger and 300 feet or more in width or meets zoning minimums, whichever is more restrictive.

G. Performance Standard Subdivision

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 parent 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., or for a lot line adjusted as a simple fractional or quantity part of a platted lot, the submittals shall include an electronic map and supporting documentation as follows:

   Electronic Map:
   1. Parcel area of the proposed and parent parcels.
   2. Parcel dimensions of the proposed and parent parcels.
   3. Current development and infrastructure on proposed and parent parcels.

   Documents:
   1. Legal description of the proposed and parent 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 Section 4.6 A. and, after approval, recorded by the applicant with the County Recorder.

C. For any parcel created or adjusted through Articles V, VI, VII, VIII or IX, 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 parent parcels.
2. Parcel dimensions of the proposed and parent parcels.
3. Current development and infrastructure on proposed and parent parcels.

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

D. Subdivisions created under Articles VII, VIII, or IX 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 Statutes, Section 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 submitted to the Director for review and approval.

F. Lot line adjustments shall only be allowed 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 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 lots involved, including structures and utilities.

ARTICLE VI PERFORMANCE STANDARD SUBDIVISION

Section 6.1 Applicability

A. A Performance Standard Subdivision may be allowed at the discretion of the Director.

B. A parent parcel may be divided into a maximum of three parcels, provided each new parcel meets the minimum zoning requirements.

C. A parent parcel along a public road may be subdivided into parcels no less than 2.5 acres and 200 feet of lot width and road frontage, or meet Zoning Ordinance requirements, whichever is more restrictive.

D. A riparian parent parcel that is accessed by water via a public access may be subdivided into parcels no less than 2.5 acres and 200 feet of riparian frontage, or meet Zoning Ordinance requirements, whichever is more restrictive.

E. A parent parcel that is not along a public road, but has legally demonstrated access to a public road may be subdivided into parcels no less than 4.5 acres and 300 feet of lot width, or meet Zoning Ordinance requirements, whichever is more restrictive.

F. A parent parcel that is not along a public road, but has legally demonstrated access to a navigable water body, with a public access, may be subdivided into parcels no less than 4.5 acres and 300 feet of lot width, or meet Zoning Ordinance requirements, whichever is more restrictive.

G. The approval of a Performance Standard Subdivision shall be effective for one year from date of approval by the Director. The appropriate documents must be recorded within a year, otherwise the performance standard subdivision is no longer valid.

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.
   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 or navigable water body.

Section 6.3 Submittals

A. A Certificate of Survey and corresponding Electronic Sketch shall be submitted for any Performance Standard Subdivision and shall include the following:

   1. Boundary lines with lengths and bearings taken from a boundary survey drawn by a licensed land surveyor.
   2. Legal description of the property.
   3. Total acreage.
   4. Name of the fee owner, developer and surveyor.
   5. North arrow.
   6. Graphic bar scale.
   7. Date of preparation.
   8. Layout of proposed parcels and parent parcel.
   9. Existing buildings, drawn to the same scale as existing data.

10. Dimensions scaled to nearest foot of all parcel lines, easement widths and lakeshore lengths.
11. Total acreage for each parcel created, as well as the parent parcel.
12. Areas suitable for a standard SSTS and replacement area meeting the requirements of applicable state and county laws and ordinances.

B. A SSTS suitability report in accordance with state statutes and St. Louis County Ordinance 55.

C. Other information as deemed necessary by the Director.

ARTICLE VII MINOR SUBDIVISION

Section 7.1 Applicability

A. A minor subdivision may be allowed at the discretion of the Director.

B. A minor subdivision shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the County Surveyor and the Director.

C. A parent parcel 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 parent parcel not along a public road, but with legally demonstrated access to a public road, may be subdivided into two lots with each lot having no less than 2.5 acres and 200 feet of lot width (including the parent parcel) or meet Zoning Ordinance requirements, whichever is more restrictive.

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, or meet Zoning Ordinance requirements, whichever is more restrictive. Water access only lots may be created if located on a lake with a public boat access.

F. A minor subdivision shall not include dedications of new roads.

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:

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 7.3 Submittals

A. **Initial 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.

B. **Preliminary Plan Review.** Preliminary 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 parent 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 parent parcel.
5. For minor subdivision on abstract property, a 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 contain a signature block indicating approval of the Director.
4. 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 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 VIII CONVENTIONAL SUBDIVISION PLAT

Section 8.1 Applicability

A. Conventional plats shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the Director, 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 8.2 Design Standards

The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Director, 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 recreations,
   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 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 8.3 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 rights-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 8.7.
6. Developer shall provide a 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. 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 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 8.4 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 8.5 Sanitary Provision Standards
Sanitary provision standards shall conform with St. Louis County Environmental Services SSTS Ordinance 55, or its successor or replacement.

Section 8.6 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 8.7 Drainage, Grading, and Stormwater Standards
Grading, drainage, and stormwater standards shall conform to St. Louis County Planning and Community Development Department Policy.

Section 8.8 Dedications
Dedications shall conform to St. Louis County Planning and Community Development Department Policy.

Section 8.9 Association Membership Standards
Association membership standards shall conform to St. Louis County Planning and Community Development Department Policy.

ARTICLE IX CONSERVATION SUBDIVISION 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 9.1 Applicability

A. Conservation subdivisions may be used where a conventional subdivision 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 8.1 as follows:

1. Conservation subdivisions shall meet all technical standards of Minnesota Statutes, Chapter 505, and be approved by the Director, 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 9.2 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 subdivision plat as in Section 8.2 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 9.3 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:

Electronic Map:

1. The yield plan shall include all submittals in Section 9.3 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 rights-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 8.7.
6. Developer shall provide a 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.

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 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 9.4 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 structures, 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 waste 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 8.9, 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 X ADMINISTRATION

Section 10.1 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 by the applicant with the County Recorder 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 10.2 Performance Standard 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 performance standard subdivision on forms available from the Department.

B. Submittals that meet the standards of Section 6.3 shall be provided.

C. The Director is authorized to approve all performance standard subdivisions that are in compliance with the provisions of this Ordinance and other applicable requirements.

D. The adjustment shall be recorded by the applicant with the County Recorder 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.

Section 10.3 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 7.3 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 by the applicant with the County Recorder in accordance with the provisions established in Section 7.3 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 10.4 Conventional Subdivision 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 Date**. 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 8.3 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 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 8.3 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, Section 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 10.5 Conservation Subdivision Plat

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 10.3. A final plat shall be required.

Section 10.6 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, Sections 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 XI ENFORCEMENT

Section 11.1 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 11.2 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 11.3 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 11.4 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 XII SEPARABILITY

Section 12.1 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 12.2 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 12.3 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.

1223140

EFFECTUATION

This St. Louis County Subdivision Ordinance Number 60 shall take effect and be in full force on March 27, 2012, upon its adoption by the St. Louis County Board of Commissioners, and shall be published in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

The Subdivision Regulations of St. Louis County, Ordinance Number 33, was originally adopted in 1993. Ordinance Number 33 has been repealed and replaced with Ordinance Number 60.

On April 14, 2011, the St. Louis County Planning Commission initiated proposed draft Ordinance 60, Subdivision Regulations. Public hearings were held regarding the draft ordinance, including changes to it based on public comments, on August 11, 2011, December 8, 2011 and March 8, 2012. The Planning Commission approved draft Ordinance 60 and recommended that the St. Louis County Board adopt the proposed ordinance on March 27, 2012. The proposed subdivision regulations were also presented at a County Board Workshop on October 18, 2011

On January 24, 2012, the St. Louis County Board of Commissioners adopted resolution number 12-037 to establish a public hearing to receive citizen comments on the proposed Ordinance 60, Subdivision Regulations, to be held on March 27, 2012. The St. Louis County Board published a notice of intent to enact the ordinance on February 23, 2012, March 2, 2012 and March 16, 2012.

On March 27, 2012, the St. Louis County Board adopted Ordinance 60, Subdivision Regulations, Resolution Number 12-164.

Commissioner Sweeney moved the adoption of this Ordinance, and Commissioner Jewell duly seconded the motion, and it was adopted on the following vote:

Yeas: Commissioners Jewell, O'Neil, Dahlberg, Forsman, Sweeney, Raukar, and Chair Nelson

Nays: None

Absent: None

Chair, County Board

Certified as a complete and accurate copy of Ordinance No. 60 - St. Louis County Subdivision Ordinance

Donald Dicklich, County Auditor

ATTEST:

Patricia Stolee, Deputy Auditor
Clerk of the County Board

LS
9-5-13

1223140

EFFECTUATION

This St. Louis County Subdivision Ordinance Number 60 Amendment shall take effect and be in full force on August 13, 2013, upon its adoption by the St. Louis County Board of Commissioners, and shall be published in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

On April 11, 2013, the St. Louis County Planning Commission initiated proposed draft Ordinance 60, Subdivision Regulations Amendment. A public hearing was held regarding the draft ordinance, including changes to it based on public comments, on June 13, 2013. The Planning Commission approved draft Ordinance 60 Amendment and recommended that the St. Louis County Board adopt the proposed ordinance on June 13, 2013.

On July 2, 2013, the St. Louis County Board of Commissioners adopted resolution number 13-275 to establish a public hearing to receive citizen comments on the proposed Ordinance 60, Subdivision Regulations Amendment, to be held on August 6, 2013. The St. Louis County Board published a notice of intent to enact the ordinance on July 18, 2013.

On August 6, 2013, the St. Louis County Board adopted Ordinance 60, Subdivision Regulations, Resolution Number 13-504.

Commissioner Nelson moved the adoption of this Ordinance, and Commissioner Jewell duly seconded the motion, and it was adopted on the following vote:

Yeas: Commissioners Dahlberg, Forsman, Jewell, Nelson, Raukar, Stauber

Nays: None

Vacant: Second District Seat - 1

Chair, County Board

Certified as a complete and accurate copy of Ordinance No. 60 - St. Louis County Subdivision Ordinance Amendment

Donald Dicklich, County Auditor

ATTEST:

Phil Chapman, Deputy Auditor
Clerk of the County Board