

**MINOR SUBDIVISION
ZONING CODE: 152.020 ET SEQ.**

Minor Subdivision Application Checklist

The Applicant shall submit one electronic copy and one paper copy of the following required information to the Community Development Department:

- A completed Minor Subdivision Zoning Application form with project narrative
- Submitted Application Fee and Escrow Deposit per the current City Fee Schedule
- Financial bill-back agreement
- Certificate of survey showing existing and proposed conditions
- A soil test demonstrating the suitability for a structure; the soil test should show suitability for an on-site septic system if public sewer is not immediately available.
- Evidence of ownership of the property or interest in the property and any existing deed restrictions.
- Additional information as outlined in the Preliminary Plat requirements, if required.
- Temporary staking of proposed lot lines, if required.

MINOR SUBDIVISION ZONING CODE: 152.020 ET SEQ.

Minor Subdivision Process

A Minor subdivision is a lot split that does not involve the creation of more than two new lots. A Minor Subdivision is usually initiated by the submittal of materials and an informal staff review. The informal review is followed by the formal Planning Commission recommendation and City Council decision on the application.

Frequently Asked Questions: Minor Subdivisions

What is a minor subdivision? Any land subdivision proposing no more than two (2) new lots fronting on an existing street which does not require a new street or the creation of any public improvements, and does not adversely impact the remainder of the parcel or adjoining property, and is not in conflict with the Comprehensive Plan, Zoning Code, Airport Zoning Regulations, or official map. This includes one-in-forty lot splits which do not meet the criteria in Minnesota Statute §462.358, et seq. as may be amended from time to time.

What does a minor subdivision process allow? The minor subdivision process allows for the division of certain property described. The minor subdivision process is limited to specific situations as set forth in the Subdivision Regulations (Chapter 152).

How do I know if my lot qualifies as a minor subdivision? The following may be considered a minor subdivision provided that the parcel of land has not been a part of a minor subdivision within the prior five (5) years: Division of land into not more than two (2) new lots fronting on an existing public street which does not:

1. Require any new street
2. Require the creation of any public improvements
3. Adversely impact the remainder of the parcel or adjoining properties
4. Conflict with any provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Regulations, or official map

Information Required for a Minor Subdivision

The Applicant shall submit one electronic copy and one paper copy of the required information to the Community Development Department. Physical copies shall be provided upon request by the City or may be submitted if electronic copies are not available. If physical copies are submitted, a large-scale copy must be

submitted. The following information shall be submitted to the City along with a Minor Subdivision zoning application:

1. Current certificate of survey prepared by a registered land surveyor which includes:
 - i. Scale not exceeding 1 inch = 100 feet
 - ii. North point indicator
 - iii. Original and proposed lot boundaries
 - iv. Existing and resulting parcel legal descriptions
 - v. Location of existing structures on the site
 - vi. Existing and proposed driveway locations
 - vii. Existing easement locations
 - viii. Environmental constraints of the site
 - ix. Delineated wetlands and waterbodies, drainage flows, and drainage improvements
 - x. Existing parks, streets, and utility easements
 - xi. Individual sewer treatment systems and/or well locations
2. A soil test demonstrating the suitability for an on-site septic system if public sewer is not immediately available.
3. A soil test showing structural bearing capacity of the soil.
4. A title search showing the ownership of the property and any existing deed restrictions.
5. A statement of proposed use of the property
6. A signed financial bill-back agreement that consents to the Applicant being billed by the City for all legal, engineering and administration costs pertaining to the City review of the application.
7. Additional information as outlined in the Preliminary Plat requirements, if required.
8. *Staking*. The existing and proposed lot corners shall be staked at the site in a manner that they are visible from the road for review by the City. Stakes shall remain intact and in place throughout the application process.
9. The minor subdivision shall conform to all City standards. The City may, at its sole discretion, waive some requirements of City standards.

Procedure for Filing and Review of an Application for a Minor Subdivision

1. *Application*. Before any contract is made for the sale of any part of a parcel, and before any permit for the erection of a structure on a proposed subdivision, the subdividing owner or authorized agent shall file an application and secure City approval of a minor subdivision.
2. *Placement on the Planning Commission Agenda*. The City must receive a complete application and required information, including fee and escrow deposit. Upon receipt, the request will be placed on a Planning Commission agenda at least 30 days after the date of application. Community Development staff shall submit copies of the application and required information to requisite staff, committees, consultants, or agencies as appropriate, who may make written recommendations and comments to the Planning Commission.
3. *Incomplete Application*. The City shall have authority to request additional information. An incomplete application may not be heard by the Planning Commission.

Community Development staff will notify the Applicant of missing or incomplete information within 15 days of receiving the application. Failure to provide the necessary application information may be grounds for a denial of the request.

4. *Transportation and Highway Department Review.* A minor subdivision abutting any existing or proposed trunk highway, county road or highway, or county state-aid highway right-of—ways shall be subject to review by the Minnesota Department of Transportation (MNDOT) and/or the County Highway Department. Written notice and copy of the proposed minor subdivision shall be filed with MNDOT and/or County Highway Department for review and comment. Final action on a minor subdivision shall not be taken until the required comments and recommendations have been received or until the minimum 30 day review period has lapsed.
5. *Department of Natural Resources (DNR).* When the land in the proposed minor subdivision is located within a shoreland district or floodplain district, the DNR shall be notified of the proposed minor subdivision as required by law. Any requirements of the DNR shall be met prior to issuance of any building permits.
6. *Watershed District.* When the land in the proposed minor subdivision is located within a watershed district, the Watershed District shall be notified. Any requirements of the watershed district shall be met prior to issuance of any building permits.
7. *Parks, Trails, and Lakes Commission.* When the land in a new minor subdivision creates a new lot, it must be reviewed by the Parks, Trails, and Lakes Commission for park dedication consideration.
8. *Planning Commission.* The minor subdivision application shall be submitted to the Planning Commission for review and its recommendation to City Council for approval or denial. The Planning Commission shall review and comment on the acceptability of the minor subdivision in relation to the Comprehensive Plan, Zoning Ordinance, Airport Zoning Regulations, Engineering Standards, Surface Water Management Plan, and official map. Action may be taken at the time of the meeting, or may be tabled to provide additional time for review and consideration.
9. *Attendance at Meetings Mandatory.* The Applicant or authorized representative is required to attend all meetings with any advisory boards or commissions and the City Council.

Approval or Denial of a Minor Subdivision Application

1. *City Council Action.* The Planning Commission's recommendation shall be conveyed to the City Council. Within 120 days of application, the City Council shall act on the minor subdivision request by motion unless the Applicant agrees to an extension. The motion shall include findings of fact supporting the approval or denial, and shall be entered into the written record of the proceedings of the City Council.
***Note:** The City requires submittal of proof of ownership and title work for the preparation of the Development Agreement
2. *Denial of a Minor Subdivision.* The City Council may deny a minor subdivision if it makes any of the following findings:
 - a. The proposed minor subdivision is in conflict with the adopted applicable general or specific provisions of the Comprehensive Plan, Zoning Ordinance, Airport Zoning Regulations, Engineering Standards, Surface Water Management Plan, or official map.

- b. The physical characteristics of the site, including but not limited to topography, vegetation, percolation rate, soil conditions, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development, design, or contemplated use;
- c. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- d. The design of the subdivision or the proposed improvements are likely to cause serious public health problems;
- e. The design of the subdivision or the proposed improvements will conflict with easements of record or with easements established by a judgment of the court;
- f. The design of the subdivision does not conform to minimum City standards; and
- g. The Applicant has failed to provide all documentation and information required by the City to adequately evaluate the application.

Deeds

Prior to certification by the City of the approval of a minor subdivision, the Applicant shall supply the City the deed(s) granting to the City any easements and/or right-of-ways required by the City.

Park Dedication Fee

The Park Dedication Fee shall be paid prior to the recording of any documents.

Recording Procedure and Time Frame

1. *Deadline.* Upon full execution of the Agreement for Minor Subdivision, the City shall record all appropriate documents.
2. *Copy to Applicant.* Upon receipt of the recorded document, the City shall provide a copy to the Applicant.
3. *Building Permit.* No building permits shall be issued for construction of any structure on any lot in the minor subdivision until evidence of recording is received and on file with the City and all conditions of approval have been met.