

SUBDIVISION ORDINANCE

SUMMARY OF MODIFICATIONS FROM THE APRIL AND MAY PC/BOA HEARINGS:

4th Slide – Portion of resolution: WHEREAS, the Board of County Commissioners of Itasca County has entered into a comprehensive planning and zoning program under provisions of Minn. Stat. Chapt. 559, ~~Laws of 1959,~~ 394.21 as amended; and

101 To avoid costly changes, and to discuss possible options such as conservation developments, ~~we suggest that the developer and/or his surveyor discuss~~ should review all subdivision plats with the County Zoning Officer Official, County Surveyor, and the County Director of Transportation/Highway Engineer before commencement of the project.

Section 107: ~~All~~ Land held unsuitable by the County for the proposed uses within the ~~subdivision plat~~ because of wetlands, land below the ordinary high water level, flooding, bluff impact zones, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed ~~subdivision plat~~ shall be controlled by consistent with the site suitability requirements in the ~~Itasca County~~ Zoning Ordinance.

Section 204 D: For the transfer of a small parcel in the case of an encroachment, installation of a well and/or subsurface sewage treatment system provided a certificate of survey is filed in accordance with of Section 105 and as an exhibit with the deed of transfer.

Section 204E: For a transfer to improve land use area requirements provided the remaining property shall:

1. A. ~~Meet or exceed the dimension, area and setbacks requirements of the shoreland district or most restrictive land use zone in which the parcel totally or partially falls; the minimum parcel area and width as designated by the applicable Shoreland Overlay Zoning District in shoreland areas or the zoning district in non-shoreland areas as set forth in the Zoning Ordinance; and~~

Section 305.B.2.g.7a: Physical features and zoning controls clearly labeled within the plat and within 200 feet of the plat boundary such as, but not limited to:

a. Existing physical features such as buildings, wells, roads, culverts, utilities, driveways, and existing plats;

305B2k. Road maintenance plan, ~~if applicable~~ for any road within the plat and leading to the plat that is not under the jurisdiction of a road authority.

Section 411 ~~809~~: All parcels created or proposed to be created shall meet or exceed the minimum parcel area and width and comply with set back requirements as designated by the applicable Shoreland Overlay Zoning District or the Zoning District for the non-shoreland area as set forth in the Zoning Ordinance, dimension, area and setbacks requirements of the shoreland district or most restrictive land use zone in which any of the parcel totally or partially falls.

A. No land below the ordinary high water elevation or other unsuitable areas, such as wetlands or bluff impact zones, shall be used when determining the suitable area of each parcel.

Section 413. All parcels shall be capable of supporting two (2) standard septic treatment units as required by the State of Minnesota Pollution Control Agency Rules Chapter 7080.300.

A. ~~When a common sanitary sewer system conforming to Minnesota Rules, Chapter 7080 is installed to serve all parcels created in nonshoreland and rural residential zones the parcel size may be reduced to three quarter (3/4) acres.~~

Comment: Section 413 was relocated to Section 305B.2.f. 413A. was deleted as there are presently no common sanitary sewer systems in the County. Based on staff comment that this section would seem more appropriate in the Zoning Ordinance, therefore, this section has been placed in the pending Zoning Ordinance amendment file.

502B.

<u>Number of Potential Residential Units Served by Road</u>	<u>Corresponding Estimated Road Average Daily Traffic (ADT)</u>	<u>Itasca County Road Classification</u>
<u>1-3</u>	<u>20</u>	<u>Private Lane</u>
<u>4-9</u>	<u>21-50</u>	<u>Private Road</u>
<u>10-15</u>	<u>51-100</u>	<u>Local Road</u>
<u>16-50</u>	<u>101-300</u>	<u>Minor Collector</u>
<u>50 51 or greater</u>	<u>301 or greater</u>	<u>Major Collector</u>

Table 5-1

502C. A road may be classified as a Resource Recovery Road if the road serves as an intermittent route for either the extraction of natural resources such as forestry, mining, logging or farming uses.

505 Easements

A. When a proposed road in a plat does not connect directly with an existing public road, a public easement of no less than 33 feet in width shall be filed in the County Recorder's office prior to approval of the plat. Roads crossing federal lands are exempt from this requirement.

505C. Drainage easements shall be provided, where applicable, to define and protect existing or planned permanent drainage ways courses within the plat boundaries. Widths of the drainage easements shall be determined on a case by case basis through the subdivision process.

507 Required Basic Improvements

- A. All roads shall be constructed according to the plat submitted by the developer and approved by the Planning Commission / Board of Adjustment. All road improvements shall be based on the functional classification and associated standards defined in this Ordinance except for the road width, which shall be based on the number of residential lots served upon the approval of the final plat or be based on the road being classified as a Resource Recovery Road, whichever is the greater standard. All other design criteria shall be met.

Comment: Reference particular section. Staff recommended no change as it is not easy to reference a particular standard.

507 I. Stormwater Drainage and Erosion and Sedimentation Control.

1. The developer shall complete a Storm Water Pollution Prevention Plan (SWPPP) in accordance with applicable state law. A copy of the SWPPP shall be submitted with the construction plan.
2. Culverts, storm water inlets, and other drainage facilities shall be designed and installed to insure adequate stormwater drainage for the plat. The minimum culvert size shall be 18-inches in diameter for entrance culverts and 24-inches in diameter for road centerline culverts. Culvert aprons shall be installed at each culvert end. The designer shall submit the design calculation for each culvert.
3. Where a plat contains or is traversed by a natural or man made water course, a drainage easement conforming substantially with the lines of such water courses, shall be provided. The width and geometry of the drainage easement shall provide for future maintenance of the water course if appropriate.

Comment: Staff does not see need to relocate for organization.

- 1201 Any person, firm, or corporation or agent, employees, or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or resist enforcement of any of the provisions (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) of this Ordinance shall be guilty of a misdemeanor upon conviction. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the County. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

Comment: Need to indicate department responsible for enforcement? Request Attorney Haig to review.

DEFINITIONS:

NNN. Subdivision, Major and Minor – A subdivision procedure for the transfer of property using lot and block descriptions. See Article 3.

~~**OOO. Subdivision, Minor** – A subdivision procedure for the transfer of property using lot and block descriptions.~~

~~**GG. Lot - Is** One parcel in a block of an official plat and designated according to Minn. Stat. Chpts. 505, 508, or 515B or one parcel within an Auditor's Subdivision.~~

OO. Parcel Area – Within this Ordinance, parcel area shall mean:

1. For platted property, including tracts within a Registered Land Survey and lots within an Auditor's Subdivision's, the actual area of the lot or tract with no consideration for adjoining public or private road rights-of-way.

2. For unplatted property, the actual area of the parcel as described in the deed of record (warranty, quit claim, contract for deed).

III. Road, Resource Recovery – A road accessing private and public lands whose purpose includes periodically intermittent route for the extraction of natural resources such as forestry or mining, logging or farming.

Q. Contour Line – A continuous line of elevation referenced to a datum.

U. County Director of Transportation/Highway Engineer: The County's Licensed Professional Engineer

X. Dead-End Street - A street having right-of-way or pavement which terminates abruptly at one end without intersection with another street, but has no terminal of sufficient width for the reversal of traffic movement.

BB. Encroachment: A fixture which includes but is not limited to, walls, steps, decks, fences, or buildings which illegally intrudes onto the property of others..

GG. Government Lot: A fractional part of a section of land of the Public land Survey System, designated by number on a Government Land Office township plat.

II. Half Street – A street bordering one or more property lines of a tract of land in which the developer has allocated but part of the ultimate right-of-way width.

AAA. Percentage of Grade – The change in vertical elevation in feet and tenths of a foot for each one hundred feet (100') of horizontal distance, expressed as a percentage.

DDD. Plat Monument – A durable magnetic marker placed at all locations required by Minn. Chapt. 505 or other locations as shown on a plat.

KKK. Right-of-Way – Any strip or area of land, including surface and overhead or underground space, which is granted by deed or easement for the construction and

maintenance of specified linear elements such as power lines, telephone lines, roads, gas, oil, water, sewer and other pipelines.

ADDITIONAL MODIFICATIONS RECOMMENDATIONS BY STAFF:

106E Applicable Minnesota Statutes including but not limited to Chapters ~~272~~, 505, 507, 508, 508A, 515, 515A, and 515B, as amended; and

Comment: Delete. Deals with Aud. Subdivisions

503D. When a plat includes stage development, a build-out plan illustrating the proposed future road system for the **outlet development** shall be prepared and submitted by the developer.

Comment: Replace outlet with development? More discussion on 6/10