



## SUBDIVISION DETERMINATION PROCEDURE<sup>1</sup>

Chapter 5 of Minnetrista City Code was established to ensure orderly development of land within the city and outlines the process for moving existing lot lines and/or creating multiple parcels from a single parcel of land. This handout is intended to provide you with a basic outline of the process, costs, and time associated with your proposal and to help you understand where your request fits into code. To begin, it is extremely important that you as the applicant understand your responsibilities within the review process, and what must occur to ensure your application is handled in a timely fashion.

The following steps outline the most effective way to administer the process:

1. Contact planning staff to discuss your proposal and begin a dialog on the matter. Staff wants to make you fully aware of all things to consider so there will be no surprises as the project progresses! If you would like to pursue the project, staff will provide you with the appropriate handouts, as well as a land use application.
2. Put together an informational packet as outlined by City staff and the handouts relating to your proposal. This information is your justification to City Council that your proposal falls within the bounds of code requirements.
3. Submit your completed informational packet to staff by the applicable due date listed on the city calendar. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in ensuring your application is complete. Applications found to be incomplete as of the due date shall not be reviewed until the following month<sup>2</sup>.
4. Staff will address completed applications by reviewing all information, writing a report regarding the request, and notifying all parties required by law.
5. The Parks Commission will review sketch and preliminary plats (2<sup>nd</sup> Tuesday of every month<sup>3</sup>); the Planning Commission will review the same (4<sup>th</sup> Monday of every month<sup>3</sup>); and both will forward recommendations to the City Council (1<sup>st</sup> Monday of the following month<sup>3</sup>). Applicants are advised to attend all meetings and be open to questions that might be posed regarding the request. If the request is for a simple subdivision, the item will not go to the Commissions and will simply be forwarded to the next available City Council meeting.
6. The City Council has the final authority to grant or deny all requests.
7. Once approved or denied, it is imperative that you begin preparing the informational packet for the next step in the process (preliminary or final plat) as the application deadline for the month approaches quickly! Because of state mandated notification requirements, there may be **NO** exceptions to this deadline.

<sup>1</sup> The information provided in this document is intended to be a correct statement of the law as set forth in the Minnetrista City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

<sup>2</sup> Minnesota State Statute 15.99 requires local governments to review an application within review the 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

<sup>3</sup> Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.



Before submitting an application, one of the first steps in the process is to determine what you are requesting: a simple subdivision; or a Class I, II, or III subdivision. Please read through the numbered questions below. The questions will help to determine which process you'll most likely need to use to complete your project.

1. **Are you looking to relocate an existing lot line between two parcels, and do not intend to create any new parcels?** *If so, you will most likely require the handout explaining simple subdivisions.*
2. **Are you looking to create or alter a PRIVATE easement on one or more properties?** *If so, you will most likely require the handout explaining simple subdivisions.*
3. **Are you looking to create or alter a PUBLIC easement on one or more properties?** *If so, you will most likely require the handout explaining Class I subdivisions.*
4. **Are you looking to divide an individual parcel(s) into two or more new parcels of land? If so, please examine the following criteria to determine where your request falls:**
  - a. **Will your proposal result in two or fewer buildable lots that meet or exceed ten (10) acres of land in size, have at least three hundred (300) feet of frontage on a public road, and require no extension of municipal utilities?** *If so, you will most likely require the handout explaining Class I subdivisions.*
  - b. **Are you proposing to divide property previously combined for tax purposes?** *If so, you will most likely require the handout explaining Class I subdivisions.*
  - c. **Will your proposal result in NO MORE THAN TWO (2) buildable lots, one (1) or both of which are less than ten (10) acres of land in size; or one (1) or both of which have less than three hundred (300) feet of frontage on a public road. And will this request not involve the vacation or dedication of any public roadways or extension of municipal utilities?** *If so, you will most likely require the handout explaining Class II subdivisions.*
  - d. **Will your proposal result in three (3) or more buildable lots, or involve the vacation or dedication of a public road, or involve the extension of municipal utilities?** *If so, you will most likely require the handout explaining Class III subdivisions.*

As this handout cannot cover every circumstance that may arise, it is possible that you may need to utilize a different process than identified above. Your initial meeting with staff will determine exactly what process must be followed and provide you with the handouts and applications necessary to continue. Please refer to the next page for the timelines associated with each subdivision classification.



### ***Timelines & Review:***

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Which process you need to utilize will greatly determine the length of time and number of steps needed to complete the subdivision process. The following bodies may need to review your application:

*City Council:* The City Council is the ultimate authority for all applications and will make the final decision to approve or deny an application.

*Planning Commission:* The Planning Commission is a recommending body for the City Council. The Commission will review an application in terms of city code, and determine whether the application should be forwarded to the Council or tabled for additional review. Once the Commission completes a full review of the application, the item and a recommendation for approval or denial is forwarded to the City Council.

*Park Commission:* The Park Commission reviews subdivision applications to recommend appropriate park dedications to the City Council. The recommendation will regard the size and shape of a recommended park or the guidance to accept cash in lieu of a land dedication.

*City Staff:* City staff consists of the planning department, the engineering department, and the City's legal consul. While the planning department coordinates the progress of applications, all members of City staff may be involved in reviewing an application and formulating a recommendation for the Commissions and Council.

Please refer to the information below to identify the timelines associated with the various subdivision procedures.

#### *Simple Subdivision (6 to 8 weeks):*

1. Submit materials by the application deadline (please inquire with staff as to when applications are due).
2. Staff will review the information, write a report, and place the item upon the next available City Council agenda.
3. Council will approve or deny the request. Legal documentation must be finalized (if approved) and a resolution confirming Council's decision placed on the next available City Council agenda.

#### *Class I, II, or III Subdivisions; and Planned Unit Developments (6 to 9+ months):*

All Class I, II, and III subdivisions must go through a three-step process before potentially being approved. The three steps are as follows:

*Sketch plan:* This is your opportunity to present the proposal to staff and both Commissions to receive feedback on potential problems with the request, and/or guidance for consideration. Feedback received at this stage should be incorporated into future applications.



Class I, II, or III & PUDs (cont.)

*Preliminary Plat:* This is the initial step in preparing the final documentation to complete the subdivision. Applicants are required to furnish a draft of all required information as detailed by the City's platting requirements. All appropriate bodies will review this information, and basic platting determinations will be made by the City Council before the issue may continue to final plat.

*Final Plat:* This is the final step in the subdivision review process. The legal documents, including plat drawings are reviewed for completeness and conformity with the intent and requirements of the preliminary plat approval.

Expedited Land Subdivision (3 to 6 months):

If your proposal meets the following criteria, you may potentially utilize the expedited subdivision process:

1. The subdivision must result in no more than three (3) buildable lots;
2. The subdivision must result in buildable lots which meet applicable lot size requirements as well as minimum road frontage on an improved public road;
3. The subdivision must be a division of property previously combined for tax purposes;
4. The subdivision must not involve the vacation or dedication of any public roadways (The subdivision may involve the extension of municipal utilities, and/or the creation or alteration of a public easement for any purpose); and
5. The subdivision must not involve any flexible zoning application.

Simply put, this process allows you to combine the preliminary and final plat stages of the review process (see above).

Additional Information to Note:

- As the applicant or owner you are responsible for all fees related to the review of this application. This includes, but is not limited to engineering, wetland, legal, or environmental consultants, or other such experts as required by this application.
- The reports and agendas are available the Friday before the upcoming meeting date. If you wish to receive information other than by mail (i.e. fax, email), you must inform the city.
- As the applicant or owner, you are responsible for the plat review at the Hennepin County Surveyors office, which may take more than one month.
- The entire year's taxes must be paid for all properties involved in the subdivision.
- As the applicant or owner, you are responsible for acquiring permits required by other agencies: watershed districts, DNR, Army Corp of Engineers, Pollution Control Agency, and et cetera.



**Costs & Contacts:**

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The City Council has set the following non-refundable fees<sup>3</sup> for processing subdivision plans, per the current Fee Schedule Ordinance:

**Simple Subdivision** (\$400 + \$400 Deposit)

**Class I Subdivision**

- Sketch (\$500 + \$1,000 Deposit)
- Preliminary (\$800 + \$30/lot + \$500/lot Deposit)
- Final (\$350 + \$30/lot + \$500/lot Deposit)

**Class II Subdivision**

- Sketch (\$500 + \$1,000 Deposit)
- Preliminary (\$800 + \$30/lot + \$500/lot Deposit)
- Final (\$350 + \$30/lot + \$500/lot Deposit)

**Class III Subdivision**

- Sketch (\$600 + \$1,000 Deposit)
- Preliminary (\$1000 + \$30/lot + \$500/lot Deposit)
- Final (\$500 + \$30/lot + \$500/lot Deposit)

**Planned Unit Development**

- Sketch (\$600 + \$1,000 Deposit)
- Preliminary (\$1000 + \$30/lot + \$500/lot Deposit)
- Final (\$500 + \$30/lot + \$500/lot Deposit)
- PUD Amendment (\$300 + \$1000 Deposit)

**Expedited Land Subdivision**

- Sketch (\$100 + \$300 Deposit)
- Preliminary/Final Plat (\$500 + \$30/lot + \$500 Deposit)

If you have any questions regarding the information in this handout, please contact City Hall and schedule an appointment with staff.

**Planning Department**

David Abel, Community Development Director:  
952- 241-2523

Nickolas Olson, City Planner: 952-241-2524

**City Administration**

Mike Barone, City Administrator: 952-241-2511

**Public Safety**

Paul Falls, Chief of Police: 952-446-1131

**Building Inspections**

Jesse Szykuliski, Building Official: 952-241-2509

**Public Works**

Gary Peters, Public Works: 952-241-2532

*Note: Engineering and Legal contacts cannot be provided until an application is submitted.*

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<sup>3</sup> Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, postage, legal expenses, and et cetera).

## CITY OF MINNETRISTA – SUBDIVISION CLASSIFICATIONS

### **500.17. Subdivision classifications.**

Subdivision 1. Simple subdivision. A simple subdivision is the transfer of property for the purpose of combining with an adjoining property and which does not result in a new buildable lot. Such transfer must occur between two parcels which meet all zoning requirements, both before and after the subdivision, without need for approval of a variance. The creation or alteration of a private easement will be considered a simple subdivision.

Subd. 2. Simple subdivision with variance. A simple subdivision with variance is the transfer of property for the purpose of combining with an adjoining property and which does not result in a new buildable lot. Under this classification, if the simple subdivision does not meet all zoning requirements, the variance criteria will be reviewed with the same process as a simple subdivision.

Subd. 3. Expedited subdivision. A subdivision which divides an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year and meets the following criteria:

- (a) The subdivision results in no more than three buildable lots;
- (b) The subdivision results in buildable lots where each resulting lot meets applicable zone classification lot size and each lot has at least the minimum zone classification frontage on an improved public road;
- (c) The subdivision is a division of property previously combined for tax purposes;
- (d) The subdivision consists only of the creation or alteration of a public easement for any purpose;
- (e) The subdivision does not involve the vacation or dedication of any public roadways;
- (f) The subdivision may involve the extension of municipal utilities; and,
- (g) The subdivision does not involve any flexible zoning application.

Subd. 4. Class I subdivision. A class I subdivision is a subdivision which meets one or more of the following criteria:

- (a) A subdivision results in buildable lots where each resulting lot meets or exceeds ten acres (435,600 square feet) of land, and each lot has at least 300 feet of frontage on a public road which has been accepted and opened

by the city and/or no flexible zoning application or extension of municipal utilities is involved;

- (b) The subdivision is a division of property previously combined for tax purposes; or
- (c) The subdivision consists only of the creation or alteration of a public easement for any purpose;

Subd. 5. Class II subdivision. A class II subdivision is a subdivision which meets all of the following criteria:

- (a) The subdivision results in no more than two buildable lots, one or both of which are less than ten acres (435,600 square feet) of land or one or both of which have less than 300 feet of frontage on a public roadway which has been accepted by the city; and
- (b) The subdivision does not involve the vacation or dedication of any public roadways or extension of any municipal utilities; and
- (c) The subdivision does not involve any flexible zoning application; and
- (d) The subdivision may include the creation of outlots and easements for access, open space, flowage, conservation, in addition to the two buildable lots.

Subd. 6. Class III subdivision. A class III subdivision is a subdivision not classified as a class I or class II subdivision, which includes, but is not limited to, a subdivision which meets one or more of the following criteria:

- (a) The subdivision results in three or more buildable lots; or
- (b) The subdivision involves a flexible zoning application; or
- (c) The subdivision involves the vacation or dedication of a public roadway; or
- (d) The subdivision involves the extension of municipal utilities.