

Applicant

Blue Earth County
P.O. Box 3566
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Request

Request for review and approval of an ordinance amendment to Chapter 20 – Land Division, Article III and IV. The amendment updates standards for minor subdivisions and parkland dedication.

Background and Statement of General Need

Currently, property can be divided by three processes: Simple Land Split (Minor Subdivision), Administrative Land Split (Minor Subdivision), and Platting (Major Subdivision). The term “Simple” Land Split is somewhat misleading, as it closely follows the Administrative Land Split process and is based on the density in a quarter-quarter section. The required content for surveys in either Land Split process is very similar. Staff recommends continuing the platting process (as provided in Minnesota Statute Chapters 505 and 508), and now have one Minor Subdivision process: Administrative Land Division.

Planning and Zoning staff have been reviewing Chapter 20 (Land Division Ordinance) of the Blue Earth County Code of Ordinances. The review has included an evaluation of the land division processes by county mapping and recording staff. It is staff’s recommendation that the current ordinance should be amended in order to:

- Provide clarity to the public on the required steps to divide land. – Example: Currently the determination on when a survey is required is in the "platting exceptions determination" section. It is proposed to be in a much more intuitive section titled “Survey Determination”.
- Have consistency with other sections of county ordinance. – Example: The proposed amendment references standards of the Urban Fringe Overlay District for the division of land.
- Aggregate standards in code pertaining to when a plat is required. – Example: Currently multiple sections of code reference when a plat is required. The proposed amendment puts all those standards into the “Major subdivision plat determination.”
- Updating required content for surveys to ensure consistent application.

Proposed Amendments

The proposed update to Chapter 20 is included as Attachment 1. The proposed amendment:

- Clarifies the number of newly created vacant residential lots (3) triggering a parkland dedication fee, the calculation of that fee, and the timing of payment of the fee.
- Amends to the definition of “minor subdivision.”
- Clarity on when a plat is required for a major subdivision.
- Creates the Administrative Land Division as the process for a minor subdivision.

Administrative Land Division

The proposed amendment creates:

- Section 20-101 – Survey Determination. Allows property to be split without a survey along known property boundaries.
- Section 20-102 – Administrative Land Divisions. Defines the Administrative Land Division as the minor subdivision process, specifies the use of deed restrictions, and outlines when a perpetual easement agreement is required.
- Section 20-103 – Administrative land division process. Updates content for surveys and defines the process for a minor subdivision.

A summary matrix of the proposed ordinance amendment is included as Attachment 2.

Land Use Plan

The County Land Use Plan includes Land Use Objective #1 which states, “Maintain ordinances that appropriately respond to residential, agricultural, industrial and commercial trends of Blue Earth County.

Additionally, the Land Use Plan includes Development Implementation Action #3 which states, “Regularly review and amend the zoning ordinance and land division regulations to ensure standards correlate with current development trends.”

Blue Earth County Code of Ordinances

Sec. 20-2. Policies.

This chapter sets forth the minimum requirements deemed necessary to ensure and protect the health, safety and welfare of the public. More specifically, the provisions of this chapter are designed to:

- (1) Ensure that to the maximum extent possible, all lands will be developed with adequate protection provided for the health and safety of residents by requiring necessary services such as properly designed streets and adequate sewage and water service.
- (2) Ensure that effective protection is given to the natural resources of the community, especially groundwater and surface waters.
- (3) Encourage well-planned divisions of land through the establishment of adequate design standards.
- (4) Discourage inferior developments that might adversely affect the local tax base.
- (5) Place the cost of improvements against those benefitting from their construction.
- (6) Create neighborhoods which will be of lasting credit to the community.
- (7) Facilitate adequate provisions for transportation and other public facilities.
- (8) Secure the rights of the public with respect to public lands and waters.
- (9) Improve land records by the establishment of standards for land divisions, surveys, and plats.
- (10) Safeguard the interests of the public, the homeowner, the subdivider and local units of government.
- (11) Prevent, where possible, excessive governmental operating and maintenance costs.

Required Notices

The required public hearing notice was published in the Free Press on October 21, 2023. It was also mailed to all cities and townships in the County on October 20, 2023.

Work sessions

Planning and zoning staff attended a work session with the County Board to review the proposed amendment on October 3, 2023. County Commissioner expressed support for the proposed amendment. A copy of the memo prepared for the work session is included as Attachment 3.

Additionally, planning and zoning staff presented draft ordinance amendment language to the Planning Commission on October 4, 2023.

Findings

Staff has developed the following findings regarding the proposed amendments to Chapter 20 - 20 – Land Division, Article III and IV of the Blue Earth County Code of Ordinances as shown in Attachment 1:

1. Minn. Stat. § 394.21 grants counties the authority to regulate land development by adopting and amending official controls.
2. Amending Article III and IV aligns with the policies set forth in Section 20-2 of the county code of ordinances, specifically item 1 which states, “Ensure that to the maximum extent possible, all lands will be developed with adequate protection provided for the health and safety of residents by requiring necessary services such as properly designed streets and adequate sewage and water service.”
3. Amending Article III and IV aligns with Land Use Objective #1 and Development Implementation Action #3 of the Blue Earth County Land Use Plan.

Recommendation

Staff recommends approval of the proposed amendment to Chapter 20 – Land Division, Article III and IV of the Blue Earth County Code of Ordinances as shown in Attachment 1.

Attachments

- Attachment 1 – Chapter 20 Ordinance Amendment
- Attachment 2 – Ordinance Amendment Summary Matrix
- Attachment 3 – County Board Work Session Memo

Sec. 20-4. - Definitions.

Subdivision, minor means a division of land requiring review as outlined in the administrative land ~~split~~ **division** process of this chapter.

Sec. 20-81. - Major subdivision plat determination.

A plat is required if any of the following conditions exist:

- (1) A land division is proposed in any area outside of either the agricultural, or conservation zoning districts ~~except when exempted in section 20-102.~~
- (2) A land division is proposed in a given quarter-quarter section that would result in the creation of three or more parcels for new residential development, as part of a common development plan. Note: No provision of this chapter shall permit a residential density greater than what is allowed in accordance with the provisions of Chapter 24 of the Code.
- (3) A parcel of land is created which requires development of a new public or private street serving more than one parcel, lot, or outlot.
- (4) Any portion of the property proposed for division that is platted in a previously recorded plat. Any change or alteration within a recorded plat, including a change in lot lines due to a realignment or alteration of a dedicated roadway, shall be done by re-platting. The vacation of well and utility easements shall be exempt from this requirement. Divisions of land that would result in dividing two or more described platted lots and that do not create new property boundaries may be approved through Section 20-103 - administrative land division process. Platted land in the Urban Fringe Overlay District (UFD) may be divided along existing lot lines and must meet the standards of Section 24-504.
- (5) Division of registered land shall follow the requirements of Minnesota Statutes. Chapter 508, as amended.
- (6) Common interest communities must follow the standards of Section 20-44.

**DIVISION 2. ~~PLATTING EXCEPTIONS~~ MINOR SUBDIVISION - UNPLATTED
LAND DIVISION**

Sec. 20-101. Survey determination.

- (a) *Known property boundaries.* Certain property boundaries are already defined.
 - (1) Minor subdivisions that would result in parcels less than a quarter-quarter-quarter section (10 acres) or that cannot be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, lake, road, or railroad, must be surveyed as provided in Section 20-103.
 - (2) If the Planning Agency determines there is not sufficient buildable area on a proposed divided parcel that does not otherwise require a survey, confirmation from a licensed surveyor of the buildable area and ability for the property to have two suitable sites for on-site sewage treatment drainfields for each parcel is required.
- (b) Unplatted land proposed for division that does not require a plat pursuant to Section 20-81, must comply with the administrative land division standards as provided in Section 20-102, and must follow the administrative land division process in Section 20-103.

Sec. 20-102. Administrative land divisions.

The division of certain parcels of land (minor subdivisions) may be divided administratively if the requirements of this section are met. The Planning Agency has the authority to approve administrative land divisions that meet the requirements of this section.

- (a) *Administrative Land Division. Parcels of land proposed for division that do not require a plat must comply with the following standards:*
 - (1) The land division does not require creation or alteration of any public road right-of-way. Any buildable lot or tract of land created by the land division must be in compliance with Blue Earth County Code of Ordinances.
 - (2) Proposed lots or tracts of land that are not buildable and that do not comply with the standards of Section 20-102 (b) are prohibited and will not be approved through the administrative land division process.
 - (3) A land division with existing structures must meet the minimum requirements for setbacks, property size requirements, and access set forth in Chapter 24. Nonconformities must follow Section 24-309 or meet the standards of Section 20-202 (i).
- (b) *Deed restrictions. A deed restriction shall limit the ability to build on a specific lot or tract of land. Proposed lots or tracts of land that do not meet the requirements to be a buildable lot will be allowed if the following standards are met.*
 - (1) A recorded deed restriction is required for any proposed lot or tract of land that is not buildable due to failure to comply with the requirements of a buildable lot.
 - (2) A proposed lot or tract of land that is not buildable shall not have a total structural cumulative square footage more than 119 square feet, any unused wells (as specified in Minnesota Statute 1031.301), or a septic system.

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- (3) The following requirements must be listed on the recorded decision notice that is attached to the deed restriction:
 - i. The described lot or tract of land shall not have any structures with a total cumulative square footage larger than 119 square feet, any unused wells wells (as specified in Minnesota Statute 103I.301), or a septic system.
 - ii. The described lot or tract of land can only be used for agricultural or recreational uses.
 - iii. This document shall apply upon the recording of a transfer agreement for the newly created property described in Attachment A – Decision Notice. It will apply in perpetuity until the subject property is brought into compliance and a decision notice is issued by the Zoning Administrator and recorded at the county recorder’s office.
 - (4) If the county highway engineer and zoning administrator determines a proposed lot or tract of land does not meet standards for access to a public road, a notarized perpetual access easement agreement with any necessary neighboring property owners shall be recorded with the deed restriction and attached decision notice.
- (c) Rescission of deed restriction. If the lot or tract of land is brought into compliance, the property owner may apply to the Planning Agency to rescind the deed restriction. The Planning Agency shall review submitted materials by the property owner for determination of the subject property’s compliance with county standards. The lot or tract of land will be considered buildable if a decision notice is issued by the Planning Agency stating the property meets current property standards. The Planning Agency will record a new decision notice with all required documentation.

Sec. 20-103. Administrative land division process.

The following documents must be provided to the Planning Agency as a part of the administrative land division process. Failure to provide the necessary documents will result in the inability to create an administrative land division according to this chapter. Property that will have a deed restriction and that will not be buildable will not require elements of the survey that determines whether the property is buildable.

- (a) Administrative land division application, along with the review fee.
- (b) If required by Section 20-101(b), one digital copy of a certificate of survey signed by a registered land surveyor for all affected lots or tracts of land with the following information, shall be submitted when applicable:
 - (1) Name of the property owner and surveyor or engineer preparing survey.
 - (2) Date, scale, key map, north point.
 - (3) Location of the land division by quarter-quarter section, section, township and range.
 - (4) Total acreage of land to be divided and buildable area of each proposed parcel.
 - (5) Length and bearings of the exterior boundaries of the land being divided.
 - (6) Radii of all curves and lengths of all tangents.
 - (7) Parcel layout and dimensions of all parcels.
 - (8) The location of all easements, existing or proposed, whether public or private, for public and private utilities or access, with their intended use stated.
 - (9) Reasonable attempts must be made to identify the location, size, and capacity of agricultural tiles.

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- (10) A written report, prepared by an MPCA licensed individual sewage treatment systems designer, that shows the location of two sites suitable for on-site sewage treatment drainfields for each parcel. Buildable lots or tracts of land, that do not require a survey, will address this item at the time of review for a construction permit. This report shall include:
 - a. A site evaluation and preliminary SSTS design based on the proposed use of the lot or tracts of land. The minimum design must be based on a four-bedroom, type I single-family home, with an effluent flow of 600 gallons per day. The designated sites and ISTS designs must be capable of accommodating the lot's specific soil conditions, topography, and required setbacks.
 - b. Additional information or site-specific site development plans may be required by the Planning Agency, such as soil borings for property proposed for development needing an SSTS. If weather limits the ability to obtain soil boring data, a septic waiver may be utilized.
 - (11) Locations of proposed and existing wells, both in-use and sealed, and whether they are individual private wells, shared private wells, or public community water supply wells. Reasonable attempts must be made to identify the location of unused wells.
 - (12) Elevation contour lines must indicate the toe and top of any bluffs or steep slopes that are present on the subject properties. Publicly available lidar elevation contours may fulfill this requirement.
 - (13) Ordinary high-water level and the highest known water level elevation.
 - (14) Waterways, watercourses, with ordinary high-water level and delineated floodway, flood fringe, and general floodplain districts.
 - (15) Wetland boundaries, when determined to be necessary by the Planning Agency based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.
 - (c) Evidence of ownership or a legal interest in the property. This may include the deed of ownership or a title opinion by a practicing attorney.
 - (d) Documentation of approval from the applicable road authority for proposed access and/or driveways.

Upon submittal of a complete application, the Planning Agency has 15 business days to review the proposed land division for compliance with all applicable requirements. If the administrative land division is granted, within 90 days after the Planning Agency issues the decision notice, the applicant must record a transfer document along with a survey and/or perpetual access easement (if required) that adheres to the decision notice by the Planning Agency. The Zoning Administrator may extend the 90-day deadline to record the transfer document if a written request is received by the Planning Agency prior to the deadline. If a transfer document is not recorded within the approved time period, the decision notice is invalidated.

The deed restrictions require the notarized signature of the applicant. The Planning Agency shall record any required deed restrictions, including the relevant decision notice as an attachment.

If the administrative land division is not granted, copies of all documents will be returned to the applicant, and the reasons for non-compliance will be stated in writing to the applicant.

Sec. 20-204. - Dedication; generally.

- (b) All new plats containing 3 or more lots shall either dedicate land for public use such as parks, playgrounds or other open space use, or, if not an appropriate site for such dedication, may, as an alternative, make a payment to the county's dedicated fund for maintenance or acquisition of park lands. Dedication fees shall only be assessed against newly created vacant residential lots. The payment

shall be an amount equal to the value of the required dedication and shall be calculated based on five percent of the total **estimated market valuation** of the plat **as determined by the County Assessor**. **The payment shall be paid to the County Auditor prior to the final plat being recorded.**

~~Sec. 20-101. Platting exceptions determination.~~

- (a) ~~Parcels of land, may be divided without going through the formal platting process or conducting a survey, provided that the land division be done in not less than quarter-quarter-quarter section sized parcels along existing section, quarter section, quarter-quarter section, and quarter-quarter-quarter section lines. In addition, the platting or survey process may not be required if the parcel can be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, ravine, lake, road, or railroad. If a split creates a parcel smaller than a quarter-quarter-quarter section, the following conditions apply:~~
- ~~(1) When a quarter-quarter section of land is divided, one residential parcel meeting area requirements of Chapter 24, pertaining to zoning and as defined in this chapter may be created without going through the platting process. (See the simple land split section below.)~~
 - ~~(2) Within the remaining quarter-quarter remnant, the creation of the second and subsequent residential building sites shall be done using the administrative land split provision in this chapter. A residential development right must first be secured by either the transfer of development rights or the bonus lot provisions as outlined in Chapter 24.~~
- (b) ~~When a parcel of land is divided which conveys less than a quarter-quarter-quarter section, it may be done without going through the platting process, if it includes written authorization from the Zoning Administrator. The written authorization shall accompany and be recorded with the metes and bounds description creating the new parcels. An 8½ inch x 11 inch survey drawing, signed by a licensed surveyor must be recorded with the metes and bounds description.~~
- ~~(1) When a new parcel is intended for residential purposes, and to ensure eligibility for issuance of building permits, a statement signed by the zoning administrator may be recorded confirming that the land division complies with all requirements of this chapter; Chapter 8, pertaining to floods; Chapter 14, pertaining to shoreland zoning; Chapter 24, pertaining to zoning; and the Minnesota Wetlands Conservation Act.~~
 - ~~(2) Such a land division must not interfere with the purpose of this chapter.~~

~~(Ord. of 4-18-2017)~~

~~Sec. 20-102. Simple land splits.~~

~~The conveyance of certain parcels of land may be split administratively if the requirements of this section are met. The zoning administrator shall have the authority to approve simple land splits.~~

- ~~(a) *Agricultural land splits.* Land that is being split for agricultural purposes may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a residential building site shall be recorded in the county taxpayer services department.~~
- ~~(b) *Recreational land splits.* Land that is being split for recreational purposes may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the county taxpayer services department.~~

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- (c) ~~— *New residential land split.* Land that is being split to create a parcel for the first residential structure in a quarter-quarter section, where a plat is not required, may be allowed if the quarter-quarter section has a residential development right. Any newly created residential parcel shall meet the requirements of Chapter 24.~~
 - (d) ~~— *Existing residential land split.* Existing rural developments may be split from a larger parcel through the simple land split process if located within an agricultural and/or conservation zoned district. All newly created residential parcels shall meet the requirements of Chapter 24.~~
 - (e) ~~— *Septic drainfield split.* Land that is being split to create an area for the installation of a septic drainfield, meeting MPCA and County requirements, to service one or more neighboring properties may be allowed if the intended purpose of the conveyance is stated to the county zoning administrator in writing. A deed restriction stating that the conveyance is not intended as a building site shall be recorded in the county taxpayer services department.~~
 - (f) ~~— *Public or public service purposes.* Land that is being split to create an area for public or public service purposes, such as for state department of natural resources public water accesses, parks, public utility facilities such as pipeline or powerline service buildings, radio or telephone communication towers, or other similar nonresidential purposes.~~

(Ord. of 4-18-2017)

Sec. 20-103. Simple land split procedures.

The following documents shall be provided as a part of the simple land split procedure. Unless otherwise stated within this chapter, failure to provide the necessary documents will result in the inability to create a legal land division according to this chapter.

- (a) ~~— Simple land split application.~~
- (b) ~~— Simple land split review fee.~~
- (c) ~~— Unless exempt as stated in 20-101(a), one digital copy of a certificate of survey signed by a registered land surveyor for all affected tracts, parcels or lots with the following information, when applicable:
 - (1) ~~— Name of the property owner and surveyor or engineer preparing the survey.~~
 - (2) ~~— Date, scale, key map, north point.~~
 - (3) ~~— Location of the land split by quarter-quarter section, section, township and range.~~
 - (4) ~~— Total acreage of land to be split.~~
 - (5) ~~— Length and bearings of the exterior boundaries of the land being split.~~
 - (6) ~~— Parcel layout and dimensions of all parcels.~~
 - (7) ~~— Written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatment drainfields for each parcel. The report shall include:
 - a. ~~— A site evaluation and preliminary ISTS design based on the proposed use of the Lot. Minimum design shall be based on a four-bedroom, type I single-family home with an effluent flow of 600 gallons per day. The designated sites and ISTS designs must be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.~~
 - b. ~~— Additional information or site-specific site development plans may be required.~~~~~~

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- ~~(8) — Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.~~
 - ~~(9) — Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by county staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.~~
 - ~~(10) — Other information as requested by the zoning administrator to document a buildable area meeting the minimum requirements of the Code.~~
 - ~~(d) — Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.~~
 - ~~(e) — Written approval for road access for each parcel from the appropriate road authority. (township, county, state).~~

Upon submittal of all required documents, the zoning administrator shall have five business days to review the proposed land split for compliance with all applicable ordinances. If the simple land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the county taxpayer services department. If the simple land split is not compliant all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

(Ord. of 4-18-2017)

Sec. 20-104. Administrative land splits.

The conveyance of certain parcels of land may be split administratively in agricultural or conservation districts if the requirements of this section are met. The zoning administrator shall have the authority to approve administrative land splits. An administrative land split for the items below shall only be approved if the split does not require creation or altering of any public road right-of-way and any Parcel created by the land split is in compliance with the minimum standards and residential density of the district in which it is located. The land split shall not result in a Lot, Parcel, site, division or building which does not meet the minimum requirements of this chapter or Chapter 24 of the Code for setbacks, size requirements and/or access.

- ~~(a) — *Minor subdivisions.*~~
 - ~~(1) — Land that is being split to create a parcel for the second new residential building site in a quarter-quarter section may be allowed if the applicants first secure the applicable residential development right through either the bonus lot provision of Chapter 24 or the transfer of development right process of Chapter 24.~~
 - ~~(2) — Land that is being split to create parcels for two new residential building sites in a quarter-quarter section with or without any existing residential building site(s) may be allowed if the applicants first secure the applicable residential development right(s) through either the bonus lot provision of Chapter 24 or the transfer of development right process of Chapter 24.~~
 - ~~(3) — The splitting of property for the creation of a third or fourth residential structure in a quarter-quarter section, where a plat is not required, may be allowed if the applicants first secure the applicable development right(s) through either the bonus lot provision of chapter 24 or the transfer of development right process of Chapter 24.~~

(Ord. of 4-18-2017)

Sec. 20-105. Administrative land split procedures.

The following documents shall be provided as a part of the administrative land split procedure. Failure to provide the necessary documents will result in the inability to create a legal land division according to this chapter.

- (a) Administrative land split application.
- (b) Administrative land split review fee.
- (c) One digital copy of a certificate of survey signed by a registered land surveyor for all affected parcels or lots with the following information, when applicable:
 - (1) Name of the property owner and surveyor or engineer preparing survey.
 - (2) Date, scale, key map, north point.
 - (3) Location of the land split by quarter-quarter section, section, township and range.
 - (4) Total acreage of land to be split.
 - (5) Length and bearings of the exterior boundaries of the land being split.
 - (6) Radii of all curves and lengths of all tangents.
 - (7) Parcel layout and dimensions of all parcel.
 - (8) The location of all easements, existing or proposed, whether public or private, for public and private utilities, with their intended use stated.
 - (9) The location of existing storm drainage, sewer, water and utility facilities, including poles and utilities stubbed into the property. Reasonable attempts must be made to identify the location, size and capacity of agricultural tiles and abandoned wells.
 - (10) Written report, prepared by an MPCA licensed individual sewage treatment systems designer, which shows the location of two sites suitable for on-site sewage treatment drainfields for each parcel. The report shall include:
 - a. A site evaluation and preliminary ISTS design based on the proposed use of the lot. Minimum design shall be based on a four-bedroom, type I single-family home with an effluent flow of 600 gallons per day. The designated sites and ISTS designs must be capable of accommodating the Lot's specific soil conditions, topography and required setbacks.
 - b. Additional information or site specific site development plans may be required.
 - (11) Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells or public community water supply wells.
 - (12) Topographic map of the area showing contours as follows: two-foot intervals where the slope is seven percent or less; five-foot intervals where the slope is from seven to 15 percent; 20-foot intervals where the slope is greater than 15 percent. All areas of the land division with a slope greater than 25 percent must be clearly indicated.
 - (13) Contours lines shall indicate the toe and top of any bluffs present.
 - (14) Water elevations of adjoining lakes, rivers and streams at the date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Survey and/or United States Geodetic Survey Datum.
 - (15) Waterways, watercourses, lakes and wetlands with ordinary high water level and delineated floodway and flood fringe zones. Wetland boundaries, when determined to be necessary by

County staff based upon aerial photo, National Wetland Inventory (NWI), soil, and topographic map review.

~~(16) Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and waterbodies, including stormwater storage areas.~~

~~(17) When the land split borders a lake, river or stream, a survey line shall be established at an elevation a minimum of four feet above the ordinary high water elevation of the lake, river or stream.~~

~~(d) Evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.~~

~~(e) Written approval for road access for each parcel from the appropriate road authority. (township, county, state).~~

Upon submittal of all required documents, the zoning administrator shall have 15 business days to review the proposed land split for compliance with all applicable ordinances. If the administrative land split is compliant, a document evidencing it, with a survey attached, where required, shall be recorded in the county taxpayer services department. If the administrative land split is not compliant, all documents shall be returned to the applicant, and the reasons for non-compliance shall be stated in writing to the applicant.

~~(Ord. of 4-18-2017)~~

Blue Earth County Chapter 20 Ordinance Update -Summary

Summary for Planning Commission - November 1, 2023

Section	What does it do?	Proposed Changes	Reason for Change/Impact of Change
Sec. 20-4. - Definitions.			
Subdivision, minor means a division of land requiring review as outlined in the administrative land split division process of this chapter.	Provides definition in alignment with authority bestowed with state statute to counties for approval of land division, that is not a plat.	Eliminate "split" and replace with "division"	Consistent terminology in county ordinance
Sec. 20-81. - Major subdivision plat determination.			
A plat is required if any of the following conditions exist	Defines when a plat is required	A land division is proposed in any area outside of either the agricultural, or conservation zoning districts except when exempted in section 20-102.	Update language based upon outdated reference.

Section	What does it do?	Proposed Changes	Reason for Change/Impact of Change
A plat is required if any of the following conditions exist	Defines when a plat is required	Any portion of the property proposed for division that is platted in a previously recorded plat. Any change or alteration within a recorded plat, including a change in lot lines due to a realignment or alteration of a dedicated roadway shall be done by replatting. The vacation of well and utility easements shall be exempt from this requirement. Divisions of land which would result in dividing two or more described platted lots and does not create new property boundaries may be approved through the administrative land division process. Platted land in the Urban Fringe Overlay District (UFD) may be divided along existing lot lines and meet the standards of Section 24-504.	Incorporates existing standards in code to appropriate section.
		Division of registered land shall follow Minn. Stats. Ch. 508, as amended.	Incorporates existing standard in code to appropriate section.
		Common interest communities shall follow the standards of Section 20-44.	Incorporates existing standard in code to appropriate section.

Section	What does it do?	Proposed Changes	Reason for Change/Impact of Change
Sec. 20-101. Survey Determination.			
<p>Minor subdivisions which would result in parcels less than a quarter-quarter-section (10 acres) or cannot be described along existing section, quarter section, quarter-quarter section, or quarter-quarter-quarter section lines, and with reference to a river, lake, road, or railroad, must be surveyed per Sec. 20-103.</p>	<p>Creates specific section to clarify when a survey is required for a land division which is not a plat.</p>	<p>If the Planning Agency determines there is not sufficient buildable area on a proposed division which does not otherwise require a survey, the Planning Agency will require confirmation from a licensed surveyor of the buildable area and ability for the property to have two suitable sites for on-site sewage treatment drain fields for each parcel.</p>	<p>Provides clarity on survey requirement for property that may not have sufficient buildable area</p>
Sec. 20-102. Administrative Land Divisions.			
<p>The division of certain parcels of land (minor subdivisions) may be divided administratively if the requirements of this section are met. The Planning Agency shall have the authority to approve administrative land divisions.</p>	<p>Creates one clear process for the division of land which is not required to be platted.</p>	<p>Eliminates the "Simple Land Split"</p>	<p>Addresses customer confusion on the land divisions and provides detail on the required process for dividing property</p>
<p>Deed restrictions. A deed restriction shall limit the ability to build on a specific lot or tract of land, as described in the recorded property description or decision notice. Proposed lots or tracts of land which do not meet the definition of a buildable lot may be allowed if the following standards are met.</p>	<p>Establishes a process to allow the division of land that would create nonconforming parcels, thereby reducing unnecessary variance applications.</p>	<p>A recorded deed restriction is required for any proposed lot or tract of land that is not buildable due to failure to comply with the standards of the Blue Earth County Code of Ordinances.</p>	<p>Property may be divided for agricultural or recreational purposes, but may not have 119 square feet of structure, unused wells, or a septic system. Access easements may be required.</p>

Section	What does it do?	Proposed Changes	Reason for Change/Impact of Change
Sec. 20-103. Administrative land division procedures.			
<p>The following documents shall be provided as a part of the administrative land division procedure. Failure to provide the necessary documents will result in the inability to create a legal land division according to this chapter. Property which will have a deed restriction and not be buildable will not require elements of the survey that determines whether the property is buildable.</p>	<p>Specifies the content necessary for surveys.</p>	<p>Consolidate standards related to water and utilities, add "Unbuildable lots or tracts of land do not require this item. Buildable lots or tracts of land, that do not require a survey, will address this item at the time of review for a construction permit.", eliminate past requirement for a survey of topography, add allowance for staff determination of inclusion of wetland content.</p>	<p>Elimination of redundant standards reduces customer confusion on survey requirements. Provides allowance for professional staff determination of survey content for elevation contours, septic suitability, and presence of wetlands, thereby reducing survey expenses for customers who would have previously incurred unnecessary expense.</p>
<p>Upon submittal of all required documents as part of complete application, the Planning Agency shall have 15 business days to review the proposed land division for compliance with all applicable ordinances. If the administrative land division is compliant, a transfer document along with a survey (when required) that adheres to the decision notice by the Planning Agency shall be recorded in the county recorder's office within 90 days after issuance of the decision notice. The Zoning Administrator may extend the 90-day deadline for the applicant to record the transfer document if a written request is received by the Planning Agency prior to the deadline.</p>	<p>Provides clarity to customers on the land division process.</p>	<p>Establishes a deadline for recording of approved property divisions.</p>	<p>Establishes in county ordinance the invalidation of approved land divisions which were never recorded, thereby reducing conflicting understandings of property boundaries among neighbors, county planning & zoning, and the recorders office.</p>

Section	What does it do?	Proposed Changes	Reason for Change/Impact of Change
Sec. 20-204. Dedication; generally.			
<p>(b) All new plats containing 3 or more lots shall either dedicate land for public use such as parks, playgrounds or other open space use, or, if not an appropriate site for such dedication, may, as an alternative, make a payment to the county's dedicated fund for maintenance or acquisition of park lands. Dedication fees shall only be assessed against newly created vacant residential lots. The payment shall be an amount equal to the value of the required dedication and shall be calculated based on five percent of the total estimated market valuation of the plat as determined by the County Assessor. The payment shall be paid to the County Auditor prior to the final plat being recorded.</p>	<p>Specifies when parkland dedication is required.</p>	<p>Specifies a threshold for the number of new vacant residential lots requiring parkland dedication based on the estimated market value.</p>	<p>Parkland payment for certain plats is due prior to recording.</p>

MEMORANDUM



To: Blue Earth County Board of Commissioners
Robert W. Meyer, County Administrator

From: Planning and Zoning Staff,
Property and Environmental Resources

Date: October 3, 2023

Subject: Work session on Chapter 20 Ordinance Amendment

Background

Planning and Zoning staff have been reviewing Chapter 20 (Land Division Ordinance) of the Blue Earth County Code of Ordinances. The review has included an evaluation of the land division processes by county mapping and recording staff. It is staff's recommendation that the current ordinance should be amended in order to:

- Provide clarity to the public on the required steps to divide land
- Have consistent terminology in county ordinance
- Aggregate standards in code pertaining to when a plat is required
- Updating required content for surveys to ensure consistent application

Land Division Processes

Currently, property can be divided by three processes: Simple Land Split (Minor Subdivision), Administrative Land Split (Minor Subdivision), and Platting (Major Subdivision). The term "Simple" Land Split is somewhat misleading, as it closely follows the Administrative Land Split process and is based on the density in a quarter-quarter section. The required content for surveys in either Land Split process is very similar. Staff recommends continuing the platting process (as provided in Minnesota Statute Chapters 505 and 508), and now have one Minor Subdivision process: Administrative Land Division.

Summary of Proposed Land Division Changes

The Administrative Land Division process provides efficiency in the review of proposed land divisions and in future reviews of property by landowners, title companies, and county staff, resulting in better customer service. Proposed changes:

- Updates required content for surveys by eliminating surveyed elevation contours and septic drain field locations on unbuildable property.
 - Staff has access to publicly available elevation contours and aerial imagery. When aerial imagery indicates that a bluff may have substantially moved, surveyed elevation contours will be required to determine buildability of a property.
- Restructuring of content required to be included in surveys.
 - Example: "Water facilities", "wells" and "private utilities" are included in three separate standards. The proposed ordinance update creates one standard related to well information to be included in a survey:
 - "Locations of proposed and existing wells, both in-use and sealed, and whether they are individual private wells, shared private wells or public community water

supply wells. Reasonable attempts must be made to identify the location of unused wells.”

- Allows for the division of land that is unbuildable with the recording of a deed restriction, similar to an Outlot in the platting process. An example of the practical application of this would be splitting row crop fields that do not have frontage to a public right of way (access easements may be sufficient in certain circumstances).
 - Title searches conducted during the conveyance of property would provide potential property owners with the deed restriction and development limitations.
- Creates a recording deadline (90 days from approval) for Administrative Land Divisions.
 - Ninety days provides adequate time for the closing process for conveyance of a property and eliminates unmapped changes of property boundaries. Currently some land divisions are approved, but property owners do not record the approved property descriptions creating inconsistencies in the understood property boundaries for the official record.

Additional language is included in the proposed “Administrative Land Division Procedures” section of code to outline the steps in the process of dividing property. This provides a consistent process to be followed by staff and shared with the public and their representatives.

Attachments

1 – Summary Matrix

2 – Draft Ordinance Amendment