

SUBDIVISION ORDINANCE

STATE OF MINNESOTA )

Planning and Zoning Department

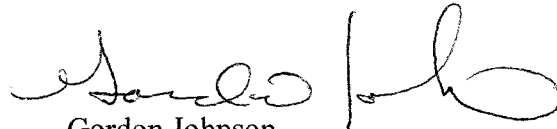
) ss.

COUNTY OF PINE )

Pokegama Township

I, Gordon Johnson, Zoning Administrator for Pokegama Township with and in for said County, do hereby certify that I have compared the foregoing copy of a Subdivision Ordinance with the Original record thereof preserved in the Office of the Pokegama Township Planning Department, and have found the same to be correct and true transcript of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand at Pokegama Town Hall, Pine City, Minnesota, in the County of Pine on the 13 day of August, 2007.



Gordon Johnson

Zoning Administrator, Pokegama Township

This instrument was drafted by:  
Pokegama Township Planning & Zoning Department  
Pine City, MN. 55063

Subscribed and sworn to be before me

This 13<sup>th</sup> day August, 20 07.

Notary Public  
Pokegama Township




POKEGAMA TOWNSHIP SUBDIVISION ORDINANCE  
TOWN SUBDIVISION ORDINANCE # 2007-10  
SUMMARY OF SUBDIVISION ORDINANCE FOR PUBLICATION

**Notice is hereby given** that Pokegama Township has adopted and passed the above referenced Subdivision Ordinance by 4/5's vote of the Supervisors of the Township. By a 5/5 vote, the Supervisors have elected to publish this summary of the Subdivision Ordinance. The full text of the Subdivision Ordinance can be found at the Pine City Branch of the East Central Regional Library and at the Town Hall. Copies of the Subdivision Ordinance may be purchased through the Township Clerk.

The regulations contained in this Ordinance shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or platting of land or lots.

The Subdivision Ordinance will address the following topics:

SECTION 1-GENERAL PROVISIONS

SECTION 2-DEFINITIONS

SECTION 3-SUBDIVISION ADMINISTRATION

SECTION 4-PRE-APPLICATION MEETING – SKETCH PLAN

SECTION 5-MINOR SUBDIVISION

SECTION 6-PRELIMINARY PLAT FOR MAJOR SUBDIVISION

SECTION 7-FINAL PLAT FOR MAJOR SUBDIVISION

SECTION 8-REVISIONS TO APPROVED PLANS

SECTION 9-INSPECTION AND ENFORCEMENT

SECTION 10-PERFORMANCE STANDARDS

SECTION 11-DESIGN GUIDELINES

SECTION 12-WAIVERS

SECTION 13-APPEALS

SECTION 14-ADMINISTRATION AND ENFORCEMENT

The Subdivision Ordinance Shall become effective upon its adoption and publication of this Summary. This Summary is approved by the Pokegama Township Board.

Adopted by the Township Board of Pokegama, Pine County this 12<sup>th</sup> day of July, 2007

By:

D. Deutschlander  
Chairman

Attested By:

Lisa Waggoner  
Clerk

**Pokegama Township,  
Pine County,  
Minnesota**

**Subdivision  
Ordinance  
June, 2007**

# INTRODUCTION

The Board of Supervisors of the Township of Pokegama Ordains: A Subdivision Ordinance regulating the use of land; the location, size and use of buildings and structures; and the arrangement of buildings and structures on lots in the Township of Pokegama, Pine County, Minnesota, pursuant to the authority granted by Minnesota Statutes Section 462.357.

## **Township Board of Supervisors**

Dave Deutschlander, Chairman

Sue Alderink

Vernon Kruse

Fred Lere

Stan Kinzel

## **Planning Commission**

Tom Brytowski, Chairman

Sue Alderink

Ed Larka

Darrin Lange

Eugene Kubesh

## **Zoning Administrator**

Gordy Johnson

## **Planning and Zoning Secretary**

Victoria (Tori) Sigurdson

# CONTENTS

---

## 1 GENERAL PROVISIONS..1-- 4 -

1.1	Title.....	1-- 4 -
1.2	Purpose.....	1-- 4 -
1.3	Authority.. ..	1-- 4 -
1.4	Interpretation .....	1-- 4 -
1.5	Scope.....	1-- 5 -
1.6	Conformance with Comprehensive Plan and Zoning Ordinance .....	1-- 5 -
1.7	Validity.....	1-- 5 -
1.8	Deadline for Action .....	1-- 5 -
1.9	Conveyance by Metes and Bounds.....	1-- 5 -
1.10	Exemptions.....	1-- 6 -
1.11	Resubdivision .....	1-- 6 -
1.12	Subdivisions without Water and Sewer .....	1-- 6 -
1.13	Approvals Necessary for Approval of Subdivision Plats .....	1-- 6 -
1.14	Amendments .....	1-- 6 -

## 2 DEFINITIONS..2-- 1 -

## 3 SUBDIVISION ADMINISTRATION..3-- 1 -

3.1	Administrative Officer.....	3-- 1 -
3.2	Duties of the Administrator.....	3-- 1 -
3.3	Meeting Agenda.....	3-- 1 -

## 4 PRE-APPLICATION MEETING – SKETCH PLAN..4-- 1 -

4.1	Purpose.....	4-- 1 -
4.2	Procedure.....	4-- 1 -
4.3	Submission.....	4-- 1 -
4.4	Rights not Vested .....	4-- 2 -
4.5	Establishment of File .....	4-- 2 -

## 5 MINOR SUBDIVISION..5-- 1 -

5.1	General... ..	5-- 1 -
5.2	Restrictions.....	5-- 1 -
5.3	Procedure.....	5-- 1 -
5.4	Recording .....	5-- 3 -
5.5	Submissions .....	5-- 3 -
5.6	Final Plan Requirements.....	5-- 3 -

**6 PRELIMINARY PLAT FOR MAJOR SUBDIVISION..6-- 1 -**

6.1	General.....	6-- 1 -
6.2	Procedure.....	6-- 1 -
6.3	Preparing and Submitting the Preliminary Plat.....	6-- 2 -
6.4	Preliminary Plat requirements.....	6-- 3 -
6.5	Environmental review .....	6-- 6 -
6.6	Review of Preliminary Plat.....	6-- 6 -

**7 FINAL PLAT FOR MAJOR SUBDIVISION..7-- 1 -**

7.1	Procedure.....	7-- 1 -
7.2	Final Approval and Filing .....	7-- 2 -
7.3	Certification Required on Final Plats.....	7-- 4 -

**8 REVISIONS TO APPROVED PLANS..8-- 1 -**

8.1	Procedure.....	8-- 1 -
8.2	Submissions .....	8-- 1 -
8.3	Scope of Review.....	8-- 1 -

**9 INSPECTION AND ENFORCEMENT..9-- 1 -**

9.1	Inspection of Required Improvements.....	9-- 1 -
9.2	Violations and Enforcement.....	9-- 2 -

**10 PERFORMANCE STANDARDS..10-- 1 -**

10.1	Pollution.....	10-- 1 -
10.2	Sufficient Water .....	10-- 1 -
10.3	Impact on Existing Water Supplies.....	10-- 2 -
10.4	Soil Erosion .....	10-- 2 -
10.5	Traffic Conditions.....	10-- 2 -
10.6	Sewage Disposal.....	10-- 3 -
10.7	Impact on Natural Beauty, Aesthetics, Historic Sites, WildlifeHabitat, Rare Natural Areas or Public Access to the Shoreline .....	10-- 4 -
10.8	Conformance with Zoning Ordinance and Other Land Use Ordinances ...	10-- 5 -
10.9	Financial and Technical Capacity .....	10-- 6 -
10.10	Impact on Shoreland Water Quality .....	10-- 6 -
10.12	Floodplain Management .....	10-- 7 -
10.13	Identification of Wetlands.....	10-- 7 -
10.14	Storm Water Management.....	10-- 7 -
10.15	Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services .....	10-- 8 -

**11 DESIGN GUIDELINES..11-- 1 -**

11.3	Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline ....	11-- 4 -
11.4	Storm Water Management Design Guidelines .....	11-- 5 -

## General Provisions

11.7	Essential Services .....	11-- 7 -
11.8	Monuments.....	11-- 7 -
11.9	Open Space (Conservation) Developments.....	11-- 7 -

**12 WAIVERS..12-- 1 -**

12.1	Waivers Authorized.....	12-- 1 -
12.2	Findings of Fact Required.....	12-- 1 -
12.3	Conditions.....	12-- 1 -
12.4	Waivers to be shown on final plat .....	12-- 1 -1

**13 APPEAL..13-1**

13.1	Appeal to Pine County Court.....	13-1
------	----------------------------------	------

**14 ADMINISTRATION AND ENFORCEMENT..14-1**

14.1	Authority .....	14-1
14.2	Building Permits.....	14-1
14.3	Violations and Penalties.....	14-1
14.4	Variances.....	14-1
14.5	Date of Affect .....	14-1

# **1 GENERAL PROVISIONS**

---

## **1.1 Title**

This Ordinance shall be known as the "Pokegama Township Subdivision Ordinance" except as referred to herein as "this Ordinance".

## **1.2 Purpose**

The purpose of this ordinance is:

- To provide for an expeditious and efficient process for the review of proposed subdivisions;
- To clarify the approval and expand upon the criteria of the State Subdivision Statute, found in Municipal Planning Enabling Act, 462.358, as amended;
- To assure new development in the Township of Pokegama meets the goals and conforms to the policies of the Pokegama Township Comprehensive Plan and Pokegama Township Zoning Ordinance;
- To assure the comfort, convenience, safety, health and welfare of the people of the Township of Pokegama;
- To protect the environment and conserve the natural and cultural resources identified in the Pokegama Township Comprehensive Plan as important to the community;
- To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- To minimize the potential impacts from new subdivisions on neighboring properties and on the Township; and
- To promote the development of an economically sound and stable community.

## **1.3 Authority**

These standards have been prepared pursuant to the authority contained in Minnesota Municipal Enabling Act, Chapter 462.358, as amended.

## **1.4 Interpretation**

The provisions of this Ordinance shall be interpreted to be the minimum requirements necessary to promote and protect the public health, safety and general welfare.

Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinances or regulations, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.



## General Provisions

**1.5 Scope**

Hereafter the effective date of this ordinance, any plat or subdivision of land within the jurisdiction of this ordinance shall be prepared, presented for approval, and recorded as prescribed within. The regulations contained in this Ordinance shall apply to the subdivision of a lot, tract, or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the re-subdivision or platting of land or lots.

No land within Pokegama Township shall be subdivided in a manner inconsistent with this Ordinance.

No issuance of permits or approvals for any tract, lots, or parcels will be issued on any land which has been subdivided in a manner inconsistent with this Ordinance.

This Ordinance shall require that all subdivisions which create five (5) or more lots or parcels which are 2 ½ acres or more in size shall be platted.

**1.6 Conformance with Comprehensive Plan and Zoning Ordinance**

The subdivision of land shall be consistent with the Pokegama Township Comprehensive Plan and Pokegama Township Zoning Ordinance

**1.7 Validity**

Should any section, subdivision, or provisions of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof than the part so declared to be invalid.

**1.8 Deadline for Action**

It is the intent of Pokegama Township to comply with State requirements for timely review and actions requiring formal approval from the Township. A Preliminary Plat shall be approved or disapproved by the Pokegama Town Board within 120 days of the date a completed application was received by the Township, unless a written extension is granted by the applicant or Pokegama Town Board. A final Plat shall be approved or disapproved by the Pokegama Town Board within 60 days of the date of a completed application, unless a written extension is granted by the applicant. The time frame for all other subdivisions shall not exceed the above time tables; however, the Pokegama Township may combine the Preliminary and Final Plats.

**1.9 Conveyance by Metes and Bounds**

No Conveyance of one or more parcels in which the land is described by metes and bounds or by reference to an unapproved registered land survey made after the effective date of this ordinance shall be filed or recorded except in certain cases of minor subdivisions as described below;

- a. Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width.

## General Provisions

- b. Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
- c. Cemetery lots.

**1.10 Exemptions**

The following conveyances of land shall be exempt from the provisions of this ordinance and shall not constitute a subdivision provided all such conveyances shall be subjected to Pokegama Township's regulations, including this ordinance, and which do not interfere with the recording of the deed:

- a. The parcel was the subject of a written agreement to convey land prior to the effective date of this ordinance.
- b. Parcels resulting from a will, court orders, or the adjustment of a lot by the relocation of a common boundary as the result of a correctional survey of a previously recorded parcel, or an instrument of conveyance to correct a faulty description in previously recorded instrument of conveyance.
- c. Government lots as designated by the original government survey.

**1.11 Re-subdivision**

In case of a request to divide a lot other than an outlot, which is part of a recorded plat where the subdivision is to permit the adding of a parcel of land to an abutting lot, or to create two (2) lots where the newly created property line will not cause the remaining portion of any lot to be in violation with this ordinance or the Zoning Ordinance, the subdivision may be approved by the Pokegama Town Board after submission of a certified Survey or a registered land survey, as applicable by a registered land surveyor showing the original lot and the proposed subdivision.

**1.12 Subdivisions without Water and Sewer**

All proposed subdivisions must have water and approved sewer in order to subdivide.

**1.13 Approvals Necessary for Approval of Subdivision Plats**

No subdivision or plat shall be entitled to record in the Pine County Records Office or have any validity until the plat therefore has been approved, and acknowledged by the Pokegama Planning Commission and by the Pokegama Town Board of Supervisors as having fulfilled the requirements of this Ordinance.

**1.14 Amendments**

- a. These regulations and ordinance may be amended by:
  - 1. The Board of Supervisors, Pokegama Township.

General Provisions

- b. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least ten (10) days in advance of hearing.

DOC# A 466649

## 2 DEFINITIONS

---

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, any word or term defined in the Pokegama Township Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

**Affordable Housing:** Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

**Applicant:** The person applying for subdivision approval under these regulations.

**Average Daily Traffic (ADT):** The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

**Buffer Area:** A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Capital Improvements Program (CIP):** The Township's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**Open Space Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

**Certified Soil Scientist:** As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Minnesota.

**Common Open Space:** Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

**Complete Application:** An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote by the Planning Commission to waive the submission of required information.

**Comprehensive Plan:** A document or interrelated documents adopted by the Township Board, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

**Conservation Easement:** A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

## Definitions

**Density:** The number of dwelling units per acre of land.

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Direct Watershed of a Great Pond:** That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Administrator and the applicant shall conduct an on-site investigation to determine where the drainage divides lies. If the Administrator and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Administrator with information from a registered land surveyor showing where the drainage divide lies.

**Driveway:** A vehicular access serving two dwelling units or less.

**Dwelling Unit:** A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Engineered State Waste Water Disposal System:** A State waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD<sub>5</sub> and total suspended solids concentrations than domestic waste water.

**Final Plat:** The final drawings, on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**Wetland:** Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**High Intensity Soil Survey:** A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability

## Definitions

for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

**100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

**High Water Mark:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

**Township Engineer:** Any registered professional engineer hired or retained by the Township, either as staff or on a consulting basis.

**Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

**Net Residential Density:** The average number of dwelling units per net residential acre.

**New Structure or Structures:** Includes any structure, for which construction begins on or after May, 2005. The area included in the expansion of an existing structure is deemed to be a new structure.

**Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Planning Commission:** The Pokegama Township Planning and Zoning Commission.

**Preliminary Plat:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

**Professional Engineer:** A professional engineer, registered in the State of Minnesota.

**Professional Land Surveyor:** As registered, licensed and/or certified by the appropriate licensing and registration boards in the State of Minnesota.

**Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

**Sketch Plat:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

## Definitions

**Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

**Street Classification**

- **Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the Township.
- **Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets and collectors of traffic from minor streets per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
- **Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.

**Subdivision:** The division of a tract or parcel of land into 2 or more lots or parcels. This definition applies whether the division is accomplished by sale, lease, or development.

**Parcel of Land:** All contiguous land in the same ownership provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

**Usable Open Space:** That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

DOC# A 466649

### **3 SUBDIVISION ADMINISTRATION**

---

#### **3.1 Administrative Officer**

This ordinance shall be administrated and enforced by an Administrator. The Pokegama Zoning Administrator is hereby designated the Administrator of this Ordinance.

#### **3.2 Duties of the Administrator**

- a. The administrator is charged with the enforcement of this ordinance.
- b. The administrator shall receive and forward to the Pokegama Planning Commission all application materials and information governed by the regulations contained in this ordinance.

#### **3.3 Meeting Agenda**

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Pokegama Zoning Department shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than seven (7) days in advance of the meeting, distributed to the Pokegama Planning Commission members and any applicants appearing on the agenda, and posted at the Township office. Applicants shall request to be placed on the Pokegama Planning Commission's agenda at least fifteen days in advance of a regularly scheduled meeting by contacting the Pokegama Zoning Administrator or Pokegama Planning Commission Secretary.

Applicants who attend a meeting but who are not on the Pokegama Planning Commission's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Pokegama Planning Commission so votes. However, the Pokegama Planning Commission shall take no action on any application not appearing on the Pokegama Planning Commission's approved agenda.



## **4 PRE-APPLICATION MEETING – SKETCH PLAN**

---

### **4.1 Purpose**

The purpose of the pre application meeting and on-site inspection (if applicable) is for the applicant to present general information regarding the proposed subdivision to the Commission and receive the Pokegama Planning Commissions comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

### **4.2 Procedure**

- a. The applicant shall present the Pre application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- b. Following the applicant's presentation, the Pokegama Planning Commission may ask questions and make suggestions to be incorporated by the applicant into the application.
- c. The date of the on-site inspection is selected (if applicable).

### **4.3 Submission**

The Pre application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Pokegama Planning Commission for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. The Sketch Plan shall be accompanied by:

- a. A copy of a portion of the topographic map of the area showing the outline of the proposed subdivision.
- b. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.
- c. Developer should make use of quadrangular maps, air photo maps, and half-section maps or other maps or plats to construct the sketch plan.
- d. Contour Interval and On-Site Inspection.

If the Pokegama Planning Commission determines to hold an On-Site Inspection of the property, it shall be conducted within thirty (30) days after the Pre- application meeting. The Pokegama Planning Commission shall notify the applicant in writing of the required contour intervals on the "Preliminary Plat, or Final Plat. The applicant shall place "flagging" at the center line of any proposed roads prior to the on-site inspection. The Pokegama Planning Commission shall not conduct on-site inspections when there is more than one (1) foot of snow on the ground.

***4.4 Rights not vested***

The Pre-application meeting or review of the sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of the one hundred twenty (120) or the sixty (60) day rule.

***4.5 Establishment of File***

Following the pre-application meeting the Pokegama Zoning Administrator shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

## **5 MINOR SUBDIVISION**

---

### **5.1 General**

Minor subdivisions allow subdivision of lots or parcels where conditions are well defined, no further subdivision is expected and no new public roads are required.

The Pokegama Planning Commission may require, where it deems necessary, to make a determination that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

### **5.2 Restrictions**

- a. Minor Subdivisions may only be considered if:
  1. Subdivision will result in no more than four (4) lots or parcels, and
  2. The plat does not require creation of any new roads, and
  3. Each resulting parcel or lot has a minimum required frontage on a dedicated road and the required lot width. The required frontage and lot widths are established in the applicable zoning district located within the Pokegama Zoning Ordinance,
  4. The resulting parcels or lots shall meet the minimum lot size and densities applicable for the zoning district established within the Pokegama Zoning Ordinance.
  5. Subdivision of land resulting in a parcel with sixty six (66) feet of frontage on a public road, created to provide access to an isolated parcel of land, provided that the isolated parcel meets the requirements of the Zoning districts established within the Pokegama Zoning ordinance. No further subdivision of the isolated parcel will be permitted without approval of a plat which shall include the construction of a road on the access strip.
  6. Lot line Adjustments/Parcel Merge.

### **5.3 Procedure**

- a. Within six months after the sketch plan meeting and on-site inspection by the Pokegama Planning Commission, the applicant shall submit an application for approval of a preliminary plan. Applications shall be submitted or delivered to the Pokegama Zoning Administrator. Failure to submit the application within six months shall require re submission of the Sketch Plan to the Pokegama Township Planning Commission. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Pokegama Township Planning commission.
- b. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee in accordance with the Fee schedule, Section 15,

## Minor Subdivision

- payable by check to the Pokegama Township. An additional fee may be required to cover the costs of advertising and any additional administration fees.
- c. The applicant or their designate, shall submit the subdivision plan to the Pokegama Township Zoning Administrator.
  - d. Upon receipt of an application for the approval of a minor subdivision, the Pokegama Township Zoning Administrator shall:
    1. Issue a dated receipt to the applicant.
    2. Distribute copies of the subdivision application and sketch/plan to the following:
      - (a). Pokegama Road Supervisor.
      - (b). Soil and Water Conservation Department (if applicable).
      - (c). County Engineer or authorized representative (if applicable).
      - (d). Minnesota Department of Transportation (if applicable).
      - (e). Department of Natural Resources (if applicable)
    3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
  - e. Within fifteen (15) days of the receipt of the minor subdivision application, the Zoning Administrator shall determine whether the application is complete and notify the applicant in writing of the determination.
    1. If the application is not complete, the Pokegama Zoning Administrator shall notify the applicant of the specific additional material needed to complete the application.
    2. Upon a determination that a complete application has been submitted for review, the Pokegama Zoning Administrator shall notify the applicant in writing of that determination.
  - f. This review shall be forwarded with the application and recommendations to the Pokegama Planning Commission.
  - g. The Pokegama Planning Commission shall hold a public hearing, it shall hold the hearing within forty five (45) days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the Township at least one time, the date of the publication to be at least ten (10) days prior to the hearing. A copy of the notice shall be mailed to the applicant.
  - h. Following the conclusion of the public hearing, the Pokegama Township Planning Commission shall make a finding of facts and recommend such actions or conditions relating to the request to the Pokegama Town Board.

## Minor Subdivision

- i. Within fifteen days (15) from the public hearing or within sixty (60) days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Pokegama Town Board and the applicant, the Pokegama Town Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Minor subdivision. The Pokegama Zoning Administrator shall issue a written notice of the Township Boards decision to the applicant, including it findings, conclusions and any reasons for denial or conditions of approval.

**5.4 Recording**

If approved, and upon receiving necessary signatures, the subdivision shall be recorded in the Office of the Pine County recorder, subjected to recording fees. The subdivision must be recorded within one hundred twenty (120) days of the date of approval and signatures by the Pokegama Township.

**5.5 Submissions**

The subdivision application shall consist of the following items.

- a. Application Form.
- b. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Pokegama Planning Commission to locate the subdivision within the Township. The location map shall show:
  1. Existing subdivisions in the proximity of the proposed subdivision.
  2. Locations and names of existing and proposed streets.
  3. Boundaries and designations of zoning districts.
  4. An outline of the proposed subdivision and any remaining portion of the owner's property if the plan submitted will cover only a portion of the owner's entire contiguous holding.
- c. Final plan.
  1. Thirteen copies of the plan and all information accompanying the plan shall be submitted. One (1) copy of the Plan(s) and all accompanying information shall be mailed to each Pokegama Planning Commission member no less than seven (7) days prior to the meeting.

**5.6 Final Plan Requirements**

The Minor Subdivision plan shall include the following information. The Pokegama Township Planning Commission may require additional information to be submitted where it finds necessary.

1. The plan must include a map or sketch drawn to a standard Engineers scale on an Assessor's map. Eight and one-half by fourteen (8 ½ x 14) inch sheet.

2. Verification of right, title, or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
  - (a). When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Sewer District stating that the district has the capacity to collect and treat the waste water, shall be provided.
  - (b). When sewage disposal is to be accomplished by Individual Sewer Treatment Systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision.
  - (a). When water is to be supplied by public water supply, a written statement from the Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary.
  - (b). When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
8. The proposed plat name, the date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan
10. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.
11. The location of all rivers, streams, brooks, and wetlands within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.

## Minor Subdivision

12. Contour lines at two (2) foot or as specified by the Pokegama Planning Commission, showing elevations in relation to mean sea level.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. Culverts and drainage ways on or adjacent to the property to be subdivided.
15. The location, names, and present widths of existing roads, streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
16. The location of any open space to be preserved and a description of proposed improvements and its management.
17. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation
18. For subdivisions involving parking spaces or projected to generate an increase in vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, may be required. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
19. A storm water management plan, prepared by a registered professional engineer in accordance with the *Storm Water Management for Minnesota: Best Management Practices*, published by the Minnesota Pollution Control Agency. The Pokegama Planning Commission may waive submission of the storm water management plan unless the subdivision is in the watershed of a great pond, the proposed subdivision will involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is greater than 25% of the area located in the subdivision.
20. An erosion and sedimentation control plan prepared in accordance with the *Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, Minnesota Pollution Control Agency. The Pokegama Planning Commission may waive submission of the erosion and sedimentation control plan unless the subdivision is in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 25% of the area located in the subdivision
21. Upon review of the application, the Pokegama Planning Commission or Pokegama Town Board may require only some or all conditions listed above.

## **6 PRELIMINARY PLAT FOR MAJOR SUBDIVISION**

---

### **6.1 General**

The following divisions of land shall require plat approval prior to recording:

- a. Any division of a parcel of land involving the establishment of two(2) or more parcels and involving the allocation of land for the opening, widening or extension of any street or road.
- b. All subdivisions which create five (5) or more lots or parcels which are two and one-half (2 ½) acres or less in size.

### **6.2 Procedure**

- a. Within six months after the Sketch plan meeting by the Pokegama Planning Commission, the applicant shall submit an application for approval of a preliminary plat. Application shall be submitted or delivered to the Zoning Administrator. Preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Pokegama Zoning Department or Pokegama Planning Commission.
- b. All applications for preliminary plat approval for a Subdivision shall be accompanied by a non-refundable fee in accordance with the Fee Schedule, Section 15. An additional fee may be required to be used by the Pokegama Township for hiring independent consulting services to review the application. An additional fee may be required to cover the costs of advertising.
- c. The applicant, or the applicant's representative, shall submit the preliminary plat application to the Pokegama Township Zoning Administrator.
- d. Upon receipt of an application for a preliminary plat, the Pokegama Zoning Administrator shall:
  1. Issue a dated receipt to the applicant.
  2. Distribute copies of the preliminary plat application to the following:
    - (a). Pokegama Township Road Supervisor.
    - (b). Soil and Water Conservation Department (if applicable).
    - (c). County Engineer or authorized representative (if applicable).
    - (d). Minnesota Department of Transportation (if applicable).
    - (e). Department of Natural Resources (if applicable).
- e. Notify the clerk or the review authority of the neighboring municipalities if any application abuts or crosses the municipal boundary.



## Preliminary Plat For Major Subdivision

- f. Notify in writing all owners of abutting property that an application for a subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
- g. Within Fifteen (15) days of the receipt of the preliminary plan application, the Pokegama Township Zoning Administrator shall determine whether the application is complete and notify the applicant in writing of its determination.
  - 1. If the application is not complete, the Pokegama Zoning Administrator shall notify the applicant of the specific additional material needed to complete the application.
  - 2. Upon determination that a complete application has been submitted for review, the Pokegama Zoning Administrator shall notify the applicant in writing of its determination. The Pokegama Planning Commission shall determine when to hold a public hearing on the preliminary plan application.
- h. The hearing shall be within 60 days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the Township at least one time, the date of the publication to be at least ten days prior to the hearing. A copy of the notice shall be mailed to the applicant and all abutting property owners.
- i. Following the conclusion of the public hearing, the Pokegama Township Planning Commission shall make a finding of facts and recommend such actions or conditions relating to the request to the Town Board. Within thirty days from the public hearing or within 120 days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Town Board and the applicant, the Pokegama Town Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Pokegama Town Board shall specify in writing its findings of facts and reasons for any conditions or denial.
  - 1. The specific changes which it will require in the Final plat;
- j. Approval of a preliminary plat shall not constitute approval of the final plat or intent to approve the final plat, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plat. The final plat shall be submitted for approval by the Pokegama Town Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any.
- k. Prior to the approval of the final plat, the Pokegama Town Board may require that additional information be submitted and changes in the plan be made as a result of further study or a result of new information received.

### **6.3 Preparing and Submitting the Preliminary Plat**

The preliminary plat application shall consist of the following items.

- a. Application Forms for the subdivision.

## Preliminary Plat For Major Subdivision

- b. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Township to locate the subdivision within the Township. The location map shall show:
  - 1. Existing subdivisions in the proximity of the proposed subdivision.
  - 2. Locations and names of existing and proposed streets.
  - 3. Boundaries and designations of zoning districts.
  - 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted cover, only a portion of the owner's entire contiguous holding.
- c. A cash platting fee and deposit to be determined by resolution of the Pokegama Town Board.
- d. A minimum of fourteen (14) copies of the preliminary plat.
- e. A copy of any protective covenants in the proposed subdivision.
- f. A list and addresses of all property owners abutting proposed subdivision.

**6.4 Preliminary Plat requirements**

- a. Preliminary Plat.
  - 1. The preliminary plat shall be submitted with all dimensions shown in feet. The preliminary plat shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Size of plat shall follow the requirements set forth in MN. Statue. 505, Subd. 505.08.
- b. Plat Requirements.

The preliminary plat shall include the following information. The Pokegama Planning Commission may require additional information to be submitted where it finds necessary in order to determine whether the criteria is met.

- 1. Proposed name of the subdivision, name shall not duplicate the name of any other plat on record in the Township.
- 2. Legal description of the property.
- 3. Verification of right, title or interest in the property.
- 4. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

## Preliminary Plat For Major Subdivision

5. A copy of the most recently recorded deed for the parcel. A copy of all deeds, restrictions, easements and rights-of-way, or other encumbrances currently affecting the property.
6. Copy of any deed restrictions intended to cover all or part of the lots dwellings in the subdivision.
7. An indication of the type of sewage disposal to be used in the subdivision.
8. An indication of the type of water supply system(s) to be used in the subdivision.
  - (a). When water is to be supplied by public water supply, a written statement from the water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
  - (b). When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
9. The date the plat was prepared, north point, and graphic map scale.
10. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
11. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
12. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
13. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
14. Contour lines at the interval of two feet or as specified by the Pokegama Planning Commission.
15. The Zoning District in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
16. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
17. The location, names, and present widths of existing roads, streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
18. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
19. The proposed lot lines with approximate dimensions and lot areas.
20. All parcels of land proposed to be dedicated to public use and the conditions of

such dedication.

21. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
22. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
23. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation.
24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
  - (a). For subdivisions involving parking spaces or projected to generate an increase in vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, may be requested. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the road or street giving access to the site and neighboring roads or streets which may be affected, and recommended improvements to maintain the desired level of service on the affected roads or streets.
25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Minnesota Department of Natural Resources or within the Pokegama Comprehensive Plan. If any portion of the subdivision is located within an area designated as a unique natural area a plan to indicate appropriate measures for the preservation of the values which qualify the site for such designation may be required
26. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.
27. An erosion and sedimentation control plan prepared in accordance with the Minnesota Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Minnesota Pollution Control Agency. The Pokegama Planning Commission may waive the submission of the erosion and sedimentation control plan unless the subdivision is in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is greater than 25% of the area of the subdivision.
28. A storm water management plan, prepared by a registered professional engineer, in accordance with Storm water Management for Minnesota: Best Management Practices, published by the Minnesota Pollution Control Agency. The Pokegama

Planning Commission may waive submission of the storm water management plan unless the subdivision is in the watershed of a great pond, the proposed subdivision will involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is greater than 25% of the area of the subdivision.

29. Such other information as may be requested by the Pokegama Zoning Administrator, Engineers, Pokegama Planning Commission or Pokegama Town board of Supervisors

## **6.5 Environmental review**

- a. An environmental review may be required for projects that may have the potential for significant environmental effects. The Minnesota Environmental Policy Act and MN.Satutute.4410, as amended, allows for the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) for mandatory thresholds or Discretionary Environmental Reviews ordered by the responsible government (RGU).
- b. No preliminary plat may be approved, nor may any land be disturbance activity be allowed, until such EAW or EIS, whether mandated by the State or ordered by the RGU, has been prepared, referred for review and acted upon.
- c. The State or RGU shall prepare, at the developer's expense, any state mandated EAW and EIS for the project. The RGU shall prepare, with the developers input and assistance, any discretionary EAW or EIS.

## **6.6 Review of Preliminary Plat**

- a. Prior to the Public Hearing date, the Pokegama Zoning Administrator will ascertain that the departments or agencies involved has reviewed the proposed plat and returned the required signed form.
- b. The Pokegama Township Planning Commission shall have the preliminary plat on its agenda at a regular meeting following referral. This meeting date may serve as the public hearing.
- c. The Pokegama Town Board shall act on the preliminary plat within 120 days of the date on which the completed application was received, unless a delay is consented to by the applicant in writing. If the report of the Pokegama Planning Commission has not been received in time to meet the requirements, the Pokegama Town Board may act on the preliminary plat without such a report.
- d. Should the sub divider desire to amend the preliminary plat as approved, the amended plat shall be resubmitted.

## **7 FINAL PLAT FOR MAJOR SUBDIVISION**

---

### **7.1 Procedure**

- a. Within one (1) year after the approval of the preliminary plat, the applicant shall submit an application for approval of the final plat at least fifteen (15) days prior to a scheduled meeting of the Pokegama Planning Commission. Applications shall be submitted by hand to the Pokegama Zoning Administrator. If the application for the final plat is not submitted within one (1) year after preliminary plat approval, the Pokegama Planning Commission shall require resubmission of the preliminary plat, except as stipulated below. The final plat shall approximate the layout shown on the preliminary plan, plus any changes required by the Pokegama Planning Commission or Pokegama Town Board.

If an applicant cannot submit the final plat within one (1) year due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Pokegama Town Board prior to the expiration of the filing period. In considering the request for an extension the Pokegama Town Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that Pokegama Township Ordinances or regulations which may impact on the proposed development have not been amended.

- b. All applications for final plat approval for a major subdivision shall be accompanied by a non-refundable application fee in accordance with Section 15, Fee schedule, payable by check to the Township. When a public hearing is deemed necessary by the Pokegama Township Planning Commission, an additional fee shall be required to cover the costs of advertising.
- c. Prior to submittal of the final plat application, the following approvals shall be obtained in writing, where applicable:
  1. County Engineer, or authorized representative stating the final plat was checked for accuracy. Fees shall be paid by developers to cover expenses in checking of the final plat.
  2. Township Engineer shall state whether the final plat and the proposed improvements conform to all engineering standards, including requirements of the Minnesota Department of Transportation.
  3. Township Attorney shall state whether the fee simple title to be platted properly is in the name of the sub dividers.
  4. The Zoning Administrator shall confirm that Final Plat conforms to the Preliminary Plat approved by the Pokegama Township Planning Commission, Pokegama Town Board and that any modifications or changes are incorporated into the Final Plat.

## Final Plat For Major Subdivision

- d. Fifteen (15) copies of the application and final plat shall be submitted to the township. The Pokegama Zoning Administrator shall refer copies of the final plat to the following;
  1. Five (5) copies to Pokegama Planning Commission
  2. One (1) copy to County Engineer, if required
  3. One (1) copy to Pokegama Township Attorney- the Pokegama Township Attorney shall also receive an up to date abstract of title or a certificate of Title and the opinion of title prepared by the sub divider's attorney and addressed to Pokegama Town Board.
  4. One (1) copy to Minnesota Department of Transportation if the proposed subdivision abuts any State or Federal trunk Highway.
  5. One (1) copy to State Department of Natural Resources if required.
  6. One (1) copy to Soil and Water Conservation Department.
  7. One (1) copy to neighboring municipality if required.
- e. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Pokegama Planning Commission to discuss the final plat. Failure to attend the meeting to present the final plat application shall result in a delay of the Pokegama Town Board's receipt of the plan until the next meeting which the applicant attends.
- f. Within thirty days of the receipt of the final plat application, the Pokegama Zoning Administrator shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Pokegama Zoning Administrator shall notify the applicant of the specific additional material needed to complete the application.
- g. Upon determination that a complete application has been submitted for review, the Administrator shall issue a dated receipt to the applicant. The Pokegama Planning Commission shall hold a public hearing on the final plat application.
- h. Within forty five (45) days after the final plat is received by the Pokegama Planning Commission, the Pokegama Township Planning Commission shall report its recommendations to the Township Board.

## **7.2 Final Approval and Filing**

- a. No plan shall be approved by the Pokegama Town Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Township.
- b. Upon findings of fact and determination that all standards in MN. Statutes, Pokegama Zoning Ordinance and these regulations have been met, and upon voting to approve the subdivision, the Town Board shall sign the final plat. The Pokegama Town Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Pokegama Township as part of its permanent records. One copy of the signed plat shall be forwarded to the Pine County recorders Office. One copy of the signed plat shall be retained by the Pokegama Zoning Administrator. Any subdivision not recorded in the Registry of Deeds within one hundred

and twenty (120) days of the date upon which the plan is approved and signed by the Town Board shall become null and void.

- c. At the time the Pokegama Town Board grants final plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Pokegama Town Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Pokegama Town Board that their department or district does not have adequate capital facilities to service the subdivision, the Pokegama Town Board shall require the plan to be divided into two or more sections subject to any conditions the Pokegama Town Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- d. No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the Pokegama Town Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Pokegama Town Board approves any modifications, except in accordance with Performance Standards (Section 10), The Pokegama Town Board shall make findings that the revised plan meets the criteria of MN. Statutes, Pokegama Township Zoning Ordinance and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Pokegama Town Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- e. The approval by the Pokegama Town Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Pokegama Township of any road, street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the Pokegama Township, approval of the plan shall not constitute an acceptance by the Township of such areas. The Pokegama Town Board shall require the plan to contain appropriate notes to this effect. The Pokegama Town Board may also require the filing of a written agreement between the applicant and the Township covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- f. When in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Town Board shall have a notice placed in the Registry of Deeds to that effect.
- g. Final plat approval by the Pokegama Town Board shall be given only after construction of all roads is completed by the sub-divider and approved by the Township.



**7.3 Certification Required on Final Plats**

- a. Notarized certification by owner and by any mortgage holder of record at the adoption of the plat and the dedication of roads, streets and other public areas.
- b. Notarized certification by a registered land surveyor, to the effect that the plat represents a survey made by him and that all monuments and markers shown herein exist as located and that all dimensions and geodetic details are correct.
- c. Space for certificate of review to be filled in by the signatures of the chairperson of the Pokegama Planning Commission, Pokegama Town Board of Supervisors.
- d. The form of approval and the certificate of filing to be filled out by the Pokegama Town Board of Supervisors and Pokegama Planning Commission.

- The form of approval by Pokegama Planning Commission is as follows:

Reviewed by the Pokegama Planning Commission this \_\_\_ day of \_\_\_, 2\_\_\_

Signed: \_\_\_\_\_  
Chairperson

Attested: \_\_\_\_\_  
Secretary

- The form of approval by the Pokegama Town Board of Supervisors is as follows: Accepted by Pokegama Township, Pine County, Minnesota, this \_\_\_ day of \_\_\_, 2\_\_\_

Signed: \_\_\_\_\_  
Chairperson, Pokegama Township

Attested: \_\_\_\_\_  
Township Clerk

Space for certificate of filing to be filled in signature of Pine County Recorder.

- The form of certification is as follows:

I hereby certify that this instrument was filed in the Office of the Pine County Recorder on this \_\_\_ day of \_\_\_, 2\_\_\_, at \_\_\_ o'clock \_\_m, and was duly recorded in Book \_\_\_ of \_\_\_ on page\_\_\_.

County Recorder Pine County, Minnesota

- e. Certification showing all taxes of record and special assessments due on property has been paid in full.

## **8 REVISIONS TO APPROVED PLANS**

---

### **8.1 Procedure**

An applicant for a revision to a previously approved plan shall, at least ten days prior to a scheduled meeting of the Pokegama Planning Commission, request to be placed on the Pokegama Planning Commission's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plat approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

### **8.2 Submissions**

The applicant shall submit a copy of the approved plan as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Pokegama Planning Commission to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

### **8.3 Scope of Review**

The Pokegama Planning Commission's scope of review shall be limited to those portions of the plan which are proposed to be changed

DOC# A 466649

## 9 INSPECTION AND ENFORCEMENT

---

### 9.1 *Inspection of Required Improvements*

- a. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
  1. Notify the Pokegama Zoning Administrator in writing of the time when (s) he proposes to commence construction of such improvements, so that the Pokegama Township Administrator can arrange for inspections to assure that all Pokegama Township specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Pokegama Town Board.
- b. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub-divider, the Pokegama Zoning Administrator shall so report in writing to the Pokegama Planning Commission, Pokegama Town Board, and the sub-divider and builder. The Pokegama Zoning Administrator shall take any steps necessary to assure compliance with the approved plans.
- c. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the Pokegama Zoning Administrator is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Pokegama Zoning Administrator shall issue any approval under this section in writing and shall transmit a copy of the approval to the Town Board. Revised plans shall be filed with the Pokegama Town Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the sub-divider shall obtain permission from the Pokegama Town Board to modify the plans in accordance with Section 8, *Revise to Approved Plans*.
- d. At the close of each summer construction season the Pokegama Township shall, at the expense of the sub-divider, have the site inspected. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Pokegama Town Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- e. Prior to the sale of any lot, the sub-divider shall provide the Pokegama Town Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- f. Upon completion of road and street construction and prior to a vote by the Pokegama Town Board to accept the road or street as a Township public way, a written certification signed by a professional engineer shall be submitted to the Pokegama Town Board at the expense of the applicant, certifying that the proposed public way meets or exceeds the

## Inspection and Enforcement

design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Pokegama Township.

- g. The sub-divider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Township or control is placed with a lot owners' association.

**9.2 Violations and Enforcement**

- a. No plan of a division of land within the Township which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Pokegama Town Board in accordance with these regulations.
- b. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Town Board and recorded in the Registry of Deeds.
- c. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- d. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Pokegama Town Board.
- e. Development of a subdivision without the Pokegama Town Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.
- f. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.

DOC# A 466649

## **10 PERFORMANCE STANDARDS**

---

The performance standards in this section are intended to clarify and expand upon the criteria for approval found within the subdivision statute. In reviewing a proposed subdivision, the Pokegama Planning Commission shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with Section 11, Design Guidelines shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of section 11 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

### **10.1 Pollution**

- a. The proposed subdivision shall not discharge wastewater to a water body without a license from the Minnesota Department of Environmental Protection.
- b. Discharges of storm-water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

### **10.2 Sufficient Water**

- a. Water Supply.
  1. Any subdivision within the area designated in the comprehensive plan for future public water supply service, shall make ghost platting lines on the preliminary and final plats to show future connections when service becomes available.
  2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision shall be installed at the expense of the applicant. The size and location of mains, gate valves, and service connections shall be reviewed and approved in writing by a representative of the Water District.
  3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
    - (a). Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
    - (b). Lot design shall ensure placement of wells, individual waste water disposal areas, and reserve sites for Individual waste water disposal areas, are in

compliance with the Minnesota Individual Sewer Treatment System Rules and the Well Drillers and Pump Installers Rules.

- (c). If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Minnesota Rules Relating to Drinking Water.

b. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Minnesota Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Minnesota Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

### ***10.3 Impact on Existing Water Supplies***

In meeting these standards, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's system as necessary to alleviate existing deficiencies.

### ***10.4 Soil Erosion***

- a. The proposed subdivision shall prevent soil erosion and sediment from entering water-bodies, wetlands, and adjacent properties in accordance with the NPDES/SDS Storm Water Permit for Construction administered by the Minnesota Pollution Control Agency.
- b. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

### ***10.5 Traffic Conditions***

- a. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
  - 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
  - 2. Avoid traffic congestion on any street; and
  - 3. Provide safe and convenient circulation on public streets and within the subdivision.
- b. More specifically, access and circulation shall also conform to the following standards.

## Performance Standards

1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as residential access streets.
2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion.
3. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the Pokegama Township designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:
  - (a). Facilitate fire protection services as approved by the fire chief; or
  - (b). Enable the public to travel between two existing or potential uses, generally open to the public.

4. Street Names, Signs and Lighting.

Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Pokegama Township, and shall be subject to the approval of the Pokegama Town Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting Township specifications or reimburse the Pokegama Township for the costs of their installation. Street lighting shall be installed as approved by the Pokegama Town Board.

5. Clean-up.

Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

## 10.6 Sewage Disposal

- a. Public System.

1. Any subdivision within the area designated in the infrastructure plan for future public sewage disposal service shall be connected to the public system.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The applicable sewer district shall certify, in writing, that providing service to the proposed subdivision is within the capacity of the system's existing collection and

## Performance Standards

treatment system or improvements are planned to be completed prior to the construction of the subdivision.

4. The sewer districts shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department.

b. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the infrastructure plan, connection to the public system shall not be permitted. Sewage disposal shall be an individual wastewater treatment system or a private treatment facility in accordance with MN Chapter 7080 requirements.
2. The applicant shall submit evidence of site suitability for Individual Sewer Treatment System prepared by a Minnesota Licensed Site Evaluator in full compliance with the requirements of the State of Minnesota Individual Sewage Treatment system Program Rules, 7080, as amended.
  - (a). The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a primary disposal area which meets the sewer treatment Rules and regulations.
  - (b). A second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plat and restricted so as not to be built upon.
  - (c). In no instance shall a disposal area be on a site which requires a new system variance from the Individual Wastewater Disposal Rules.

## ***10.7 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife***

### ***Habitat, Rare Natural Areas or Public Access to the Shoreline***

a. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and/or deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. Except in areas of the Pokegama Township designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Pokegama Planning Commission or Pokegama Town Board may require the application to include a landscape plan that will show the preservation of any existing trees, the replacement of trees and vegetation, and graded contours.

DOC# A 466649



4. When a proposed subdivision road or street traverses open fields the Pokegama Planning Commission or Pokegama Town Board may require plans to include the planting trees or other types of vegetation.
- b. Retention of Open Spaces and Natural or Historic Features.
1. If any portion of the subdivision is located within an area designated by the Comprehensive Plan as open space, that portion shall be reserved for open space preservation.
  2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
  3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Minnesota Historic Preservation, the Pokegama Planning Commission will take appropriate measures for the protection of the historic or prehistoric resources.
  4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the Township in which the subdivision is located according to the Comprehensive Plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
  5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
- c. Protection of Significant Wildlife Habitat.
- The applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted may be required. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.
- d. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

### **10.8 Conformance with Zoning Ordinance and Other Land Use Ordinances**

All lots shall meet the minimum dimensional requirements of the Pokegama Township Zoning Ordinance for the Zoning District in which they are located. The proposed subdivision shall

## Performance Standards

meet all applicable performance standards or design criteria from the Pokegama Zoning Ordinance.

### ***10.9 Financial and Technical Capacity***

#### ***a. Financial Capacity.***

1. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations.

#### ***b. Technical Ability.***

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.

### ***10.10 Impact on Shoreland Water Quality***

Cutting or removal of vegetation along water-bodies shall not result in shoreline erosion or sedimentation of water-bodies.

### ***10.11 Impact on Ground Water Quality or Quantity***

#### ***a. Ground Water Quality.***

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
  - (a). A map showing the basic soils types.
  - (b). The depth to the water table at representative points throughout the subdivision.
  - (c). Drainage conditions throughout the subdivision.
  - (d). Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
  - (e). An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries.
  - (f). A map showing the location of subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

## Performance Standards

3. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.
- b. Ground Water Quantity.
1. A proposed subdivision shall not result in a lowering of the water table at or beyond the subdivision boundary's.

**10.12 Floodplain Management**

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- a. All public utilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- b. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- c. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least two (2) foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure. The statement shall clearly articulate that the Pokegama Township may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

**10.13 Identification of Wetlands**

Wetlands shall be identified in accordance with the Pine County Soil and Water Conservation Program.

**10.14 Storm Water Management**

- a. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under-drains, storm drains and best management practices equivalent to those described in the *Storm Water Management for Minnesota: Best Management Practices*, published by the Minnesota Pollution Control Agency, in conformance with the policies of the comprehensive plan.
- b. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of conveying surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements

shall be provided to the Township allowing maintenance and improvement of the system.

### ***10.15 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services***

- a. All open space common land, facilities and property may be owned by:
  1. The owners of the lots or dwelling units by means of a lot owners' association;
  2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  3. Dedicated to the Township. **On a case by case basis ONLY.**
- b. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the Township, there shall be a conservation easement deeded to the Township prohibiting future development.
- c. The common land or open space shall be shown on the final plat with appropriate notations on the plat to indicate:
  1. That it shall not be used for future building lots.
- d. The final plat application shall include the following:
  1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
  2. Draft articles of incorporation of the proposed lot owners' association; and
  3. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- e. In combination, the documents referenced in paragraph D above shall provide for the following.
  1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
  2. The developer or sub-divider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Pokegama Town Board upon request of the lot owners' association or the developer.

## **11 DESIGN GUIDELINES**

---

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate (Section 10), Performance standards. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

### **11.1 Sufficient Water**

#### **a. Private Wells.**

1. All private wells and pumps within Pokegama Township shall be installed, constructed and maintained in an approved manner and in conformity with the provisions of this ordinance.
2. Private water wells shall be located at a high point on the premises and shall be protected from surface runoff and flooding.
3. The location of water supply wells or buried suction lines shall conform to the minimum separation requirements as stated in MN. Statute 4715, as amended.

### **11.2 Roads, Highways, Streets and Alleys**

#### **a. Number of Accesses.**

1. The maximum number of accesses onto a single road or street is controlled by the available site frontage. The Pokegama Planning Commission may limit the number of accesses independent of the required frontage where it deems necessary.
2. Minor road or street access to State, County Highways and Township roads shall not be permitted at intervals of less than five hundred (500) feet.

#### **b. Roads and Streets.**

1. Roads or streets shall normally connect with roads and streets already dedicated to the Pokegama Township. When a subdivision plat does not abut a dedicated road, the road connecting said plat to the public road shall be brought up to the minimum Township standards as set forth in this ordinance. The sub-divider shall be responsible for all costs associated with these requirements.
2. Where a lot has frontage on two or more roads or streets, the access to the lot shall be provided to the where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan.
3. Roads and streets shall be logically related to the topography so as to produce

## Design Guidelines

useable lots and reasonable grades.

4. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent un-subdivided parcels, unless the topography clearly indicates that such connection is not feasible.
  - (a). Land locked areas shall not be created.
5. Dead end roads and streets shall be prohibited except as stubs to permit future road and street extensions into adjoining tracks or when designed as cul-de-sacs, Y-turns or T-turns.
6. The road and street arrangements shall be considered in their relation to the reasonable circulation of traffic, to storm water runoff, to public convenience and safety, and their appropriate relationship to the proposed uses of the area to be served.
  - (a). Road and street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
7. Private roads shall be prohibited and no public improvements shall be approved for any private road. All roads and streets shall be dedicated to the township for public use.
8. For all public roads and streets dedicated and accepted, the minimum right-of-way widths shall be sixty six (33) feet from center line on each side. (66 feet total) Where existing or anticipated traffic on roads warrant greater widths of right-of-ways, they shall provide a total right-of-way of fifty (50) feet from center line on each side. Any Township road off a County road may be required to have a total right-of way of one hundred (100) feet.
9. Subdivisions are only allowed if the cart way or easement is a minimum of sixty-six (66) feet wide.
10. The Pokegama Town board shall not approve any subdivision plan unless proposed roads or streets are designed in accordance with the specifications contained in these regulations. Approval of the final plat by the Pokegama Town Board shall not be deemed to constitute or be evidence of acceptance by the Township of any road, street or easement.
11. Applicants shall submit to the Pokegama Town Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road and existing road. The road design plan shall include:
  - (a). Date, scale, and north arrow.
  - (b). Intersections of the proposed road with existing roads.
  - (c). Roadway and right-of-way limits including edge pavement, edge of shoulder, sidewalks, and curbs.

## Design Guidelines

- (d). Kind, size, location, material, profile and cross section of all proposed drainage structures and their location with respect to existing natural waterways and proposed drainage ways.
- (e). Turning radii at all intersections and turn a round's.
- (f). Centerline gradients.
- (g). Location of all existing and proposed underground utilities, to include but not limited to water, sewer, electricity, telephone, lighting, and cable television.
- (h). Upon receipt of plans for a proposed public road or street, the Pokegama Zoning Administrator shall forward one copy to the Pokegama Road Supervisor for review and comments.
- (i). Where the applicant proposes improvements within existing State or County road, the proposed design and construction details shall be approved in writing by the County Road Commissioner or the Minnesota Department of Transportation.
- (j). All roads in the subdivision shall be dedicated as a public road to be maintained by the developer or the lot owners. No road will be accepted or maintained by the Pokegama Township, until they meet the requirements in the road regulations and they meet the townships road design and construction standards.

## c. Roads and Street Design Standards.

These designs shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the road, and shall be met by all roads within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practices and will meet the performance standards of section 10.

The design standards of all roads shall be according to the road classification and the design criteria located in the Minnesota Department of Transportation Design Manual, as amended.

1. Cul-de-sacs minimum turning radius shall be forty-five (45) feet. The maximum length of either leg of a Y- turn shall be seventy-five (75) feet. The maximum length of a T-turn shall be one hundred twenty-five (125) feet.
2. The grades of all roads, streets, thorough fares, collector streets and alleys in any subdivision shall not be greater than eight percent (8%), unless said grade is deemed acceptable by the Township Road Supervisor and Township Board.
3. The vertical and horizontal alignment standards on all roads shall be a twenty (20) miles per hour (MPH) minimum designed speed for vertical curves and a fifteen (15) miles per hour (MPH) minimum design speed

## Design Guidelines

for horizontal curves, unless otherwise deemed acceptable by the Road Supervisor and Township Board.

4. Road surface shall be twenty two (22) feet wide with one (1) foot transition edge, where the aggregate surface reduces from full depth to zero, on each side.
5. Shoulder slopes shall be three to one (3:1) with a four (4) foot wide ditch bottom.
6. Back slopes may be variable but not to exceed three to one (3:1).
7. There will be a two (2) foot separation from the bottom of the aggregate at the road shoulder to the ditch bottom.
8. The road driving surface shall be covered with four (4) inches of stabilized gravel that meets with Minnesota Department of Transportation Specifications 3138, class 5.
9. All exposed slopes, ditches and areas where vegetation has been removed shall be seeded with an appropriate seed mixture and covered with mulch material. All exposed slopes shall also be stabilized to reduce erosion.

### ***11.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline***

a. Retention of Open Spaces and Natural or Historic Features.

1. The subdivision may be required to reserve 50% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Pokegama Town Board shall consider the needs identified in the comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
2. Proposed subdivisions which include or are adjacent to buildings or sites on which the Comprehensive Plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Pokegama Planning Commission shall seek the advice of the Minnesota Historic Preservation Pokegama Planning Commission in reviewing such plans.

b. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified in the Township. The Pokegama Planning Commission recognizes that



## Design Guidelines

wildlife management must take into account many site specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Minnesota Department of Natural Resources or a qualified wildlife biologist and provide their written comments to the Pokegama Town Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources.

1. Protection of Habitat of Endangered or Threatened Species.
  - (a). Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.
2. Protection of Waterfowl, Wading Bird Habitat, and Nursery Areas.
  - (a). There shall be no cutting of vegetation within the strip of land extending 40 feet inland from the normal high-water mark of the following habitat areas: except to provide for a footpath or other permitted uses as described above.
    - (1). High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
    - (2). Other important habitat areas identified in the comprehensive plan.
  - (b). This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Protection of Deer Wintering Areas.
  - (a). The report prepared by a wildlife biologist, selected or approved by the Town Board, shall include a management plan for deer wintering areas.
4. Protection of Important Shoreland Areas.
  - (a). These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.
5. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Natural Resources or the Comprehensive Plan, the restrictions on activities in and around these areas shall be reviewed by the above Department or a qualified wildlife biologist and their comments presented in writing to the Pokegama Town Board.

#### **11.4 Storm Water Management Design Guidelines**

- a. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Minnesota: Best Management Practices*, published by the Minnesota Pollution Control agency, as amended.
- b. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts.
- c. Catch basins shall be installed where necessary and when located within a street, shall be located at the curb line.

## Design Guidelines

## d. Storm Drainage Construction Standards.

## 1. Materials.

- (a). Storm drainage pipes shall conform to the requirements of Minnesota Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street underdrains. Bituminous-coated steel pipes shall not be used.

## 2. Pipe Gauges.

Metallic storm drainage pipe shall meet the thickness requirements of Table 11.4-1, depending on pipe diameter:

Table 11.4-1. Culvert Size and Thicknesses Material

<u>Inside Diameter</u>	Galvanized CMP	Aluminum Coated CMP
	<u>Aluminum/Zinc Coated CMP</u> <u>Corrugated Aluminum Alloy</u>	<u>Polymer Coated CMP</u>
15" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8 ga.	10 ga.

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Town Board, after consultation with the Pokegama Road Supervisor or Town Engineer.

**11.5 Impact on Water Quality or Shoreline**

Within a strip of land extending 40 feet from the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

- a. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

**11.6 Lots and Blocks**

Lengths, widths and shape of blocks and lots within blocks, shall be determined with due regard to the following:

- a. Provision of adequate building sites suitable to the special needs of the principal and all required accessory buildings.

## Design Guidelines

- b. Zoning requirements as to lot size and dimensions, and provisions regulating off-street parking and loading spaces.
- c. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.
- d. Needs for convenient access, circulation, control and safety of street traffic.
- e. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.
- f. The minimum lot area, lot width, and lot depth shall conform to the requirements of the zoning district in which the plat is located, as required by the Pokegama Zoning Ordinance.
- g. Lots abutting the turning end of a public or private road cul-de-sac, Y-turnaround or T turnaround shall have a minimum lot frontage of sixty-six (66) feet.
- h. Blocks shall normally be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

### **11.7 Essential Services**

Essential services serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a road frontage of 150 feet or less shall be installed underground. The Pokegama Town Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

### **11.8 Monuments**

- a. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all immediate points on the block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording. All monuments location shall be in accordance with MN. Chapter 505, as amended

### **11.9 Open Space (Conservation) Developments**

- a. Purpose.

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding

provisions of the Pokegama Zoning Ordinance relating to dimensional requirements, the Pokegama Planning Commission, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

b. Application Procedure.

The Pokegama Planning Commission may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this ordinance in return for open space where the Pokegama Planning Commission determines that the benefits of the conservation approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a conservation development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface waste water disposal according to the Minnesota State wastewater Disposal Rules. The number of buildable lots or dwelling units in the open space development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features which will be preserved or enhanced by the conservation approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the Township from each plan. Examples of impacts are Township, County and City cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, and reclamation of land and provision of land for conservation use.

Within ten days of receiving the application, the Pokegama Town Board shall invite comments on the application from appropriate Pine City Municipal agencies, and abutters. Within thirty days of receiving the application, the Pokegama Planning Commission shall determine whether to allow the subdivision to be developed in accordance with the open space standards of this section.

c. Basic Requirements for Open Space (Conservation) Developments.

1. Conservation developments shall meet all requirements of these regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.

## Design Guidelines

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
  - (a). 15% of the area of the lot to account for roads and parking.
  - (b). Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Pokegama Town Board.
  - (c). Portions of the lot shown to be in a floodway or a high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
  - (d). Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
    - (1). slopes greater than 20%.
    - (2). organic soils.
    - (3). wetland soils.
    - (4). 50% of the poorly drained soils.
  - (e). Portions of the lot subject to rights of way.
  - (f). Portions of the lot located in the resource protection zone.
  - (g). Portions of the lot covered by surface waters.
  - (h). Portions of the lot utilized for storm water management facilities.
4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the Zoning Ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
5. Unless a Public sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.
6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.
7. The distance between buildings shall not be less than seven (7) feet.
8. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
9. Shoreland frontage shall not be reduced below the minimum normally required by the shoreland ordinance.

## Design Guidelines

10. Where an open space development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

DOC# A 466649

## **12 WAIVERS**

---

### **12.1 Waivers Authorized**

Where the Pokegama Planning Commission makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or these regulations.

### **12.2 Findings of Fact Required**

Where the Pokegama Planning Commission makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

### **12.3 Conditions**

Waivers may only be granted in accordance with Sections 13.1. When granting waivers, the Pokegama Planning Commission shall set conditions so that the purposes of these regulations are met.

### **12.4 Waivers to be shown on final plat**

When the Pokegama Planning Commission grants a waiver to any of the improvements required by these regulations, the final plat, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

DOC# A 46667 9

## **13 APPEALS**

---

### ***13.1 Appeal to Pine County Court***

An aggravated party may appeal any decision of the Pokegama Town Board under these regulations to Pine County Judicial Court within thirty (30) days of the date the Town Board issues a written order of its decision.

DOC# A 466649



## **14 ADMINISTRATION AND ENFORCEMENT**

---

### **14.1 Authority**

The Zoning Administrator shall administer and enforce the provisions of this Ordinance

### **14.2 Building Permits**

No occupancy permit shall be issued by any building, structure or improvement on any land required to be subdivided by this Ordinance until final subdivision approval has been granted and required improvements have been completed and accepted by the State, County and the Township.

### **14.3 Violations and Penalties**

Any person who violates or fails to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be punished to the maximum extent allow by law. For each day the violation continues, a separate offense shall be declared.

### **14.4 Variances**

The Board of Appeals and adjustments shall have the authority to grant variances from the requirements of this Ordinance, subject to the same procedures, conditions and findings required by the Pokegama Township Zoning Ordinance.

### **14.5 Date of Affect**

This Ordinance shall be in full force and affect after its approval and publication.

ADOPTED BY THE TOWNSHIP BOARD OF SUPERVISORS, PINE COUNTY, MINNESOTA  
THIS DAY OF \_\_\_\_\_, BY CHAIRPERSON \_\_\_\_\_  
ATTESTED BY TOWNSHIP CLERK \_\_\_\_\_.

### **14.6 Fee Schedule**

- a. Concept (sketch) Plan ----- No charge
- b. Minor Subdivision ----- \$200
- c. Preliminary Plat ----- \$550
- d. Final Plat ----- \$500
- e. Road Inspections ----- \$50
- f. Waiver Requests ----- \$25 per request
- g. Engineering ----- Paid by applicant
- h. Recording Fees ----- Paid by applicant