

**6120.3500 SUBDIVISION PROVISIONS.**

Subpart 1. **Land suitability.** Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subp. 2. **Platting.** All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size must be processed by local governments as plats in accordance with Minnesota Statutes, chapter 505. Local governments must not record parcels or issue building or sewage permits for lots created after enactment of official controls under parts 6120.2500 to 6120.3900 that are not part of officially approved subdivisions.

Subp. 3. **Consistency with other controls.** Subdivisions must conform to all other official controls adopted by local governments under parts 6120.2500 to 6120.3900. Local governments must not approve subdivisions that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. A lot shall meet the minimum lot size in part 6120.3300, subparts 2a and 2b, including at least a minimum contiguous lawn area, that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential, and other limiting factors), sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

Subp. 4. **Information requirements.** Subdivision controls must require submission of adequate information to make a determination of land suitability under subpart 1. The information shall include at least the following:

A. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

B. the surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

C. adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

D. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom

sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and

E. location of 100-year flood plain areas from existing maps or data.

Subp. 5. **Dedications.** If local governments require land or easement dedications, they must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

**Statutory Authority:** *MS s 105.485*

**History:** *13 SR 3029*

**Published Electronically:** *January 30, 2024*