

6105.0400 SUBDIVISIONS.

Subpart 1. **Land suitability.** Land may be subdivided only where it is demonstrated by the applicant that all lots are suitable for residential development. No land shall be subdivided which is held unsuitable by the local authority, or the commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

Subp. 2. **Subdivision standards.** The provisions otherwise set forth in parts 6105.0360 to 6105.0440 shall apply to all plats except planned cluster developments.

Subp. 3. **Preliminary plan approval.** Preliminary plans for all plats, including planned cluster developments, shall be approved by the commissioner prior to their approval by the local authority.

Subp. 4. **Planned cluster developments.** A pattern of subdivision development which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to Saint Croix Riverway ordinances for planned cluster developments provided:

A. the number of dwelling units allowed shall not exceed 50 percent more than the total number of dwelling units allowed if the development was based on the minimum lot size requirements for a single-family residential subdivision;

B. open space is preserved, including at least 50 percent of the length of shoreland or bluffland frontage as viewed from the river on which the placement of structures is otherwise permitted in part 6105.0380;

C. temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development;

D. central sewage facilities, if allowed, shall meet the applicable standards, criteria, or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and any applicable local government regulations; and

E. the provisions otherwise set forth in parts 6105.0360 to 6105.0440 shall apply to all planned cluster developments.

Subp. 5. **Public hearings required.** Public hearings shall be held in accordance with part 6105.0530, subparts 2 to 5 to consider all plats, including planned cluster developments.

Statutory Authority: *MS s 104.25*

Published Electronically: *June 11, 2008*