Subdivision Exception

Subdivision Exception; for property that is being subdivided (new lot or lots are created) but not requiring platting as indicated in the exceptions outlined in Sec. 30-352 (b).

Section 30-352 Platting required; exceptions

a) No conveyance of land to which this article is applicable shall be filed or recorded if the land is described in the conveyance:
   1) By metes and bounds;
   2) By reference to an unapproved registered land survey made after April 21, 1961;
   3) By reference to an unapproved plat made after June 24, 1971, if the land is located in the former Town of Elk River; or
   4) By reference to an unapproved plat made after December 7, 1970, if the land is located in the former City of Elk River.

b) Subsection (a) of this section shall not apply to a conveyance if the land described:
   1) Is located in the former Town of Elk River and was a separate parcel of record on June 24, 1971;
   2) Is located in the former City of Elk River and was a separate parcel of record on December 7, 1980;
   3) Is located in the former Town of Elk River and was the subject of a written agreement to convey entered into prior to June 24, 1971;
   4) Is located in the former City of Elk River and was the subject of a written agreement to convey entered into prior to December 7, 1970;
   5) Was a separate parcel no less than 2 1/2 acres and 150 feet in width on January 1, 1966;
   6) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;
   7) Was 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 separation or division of the parcel into two or more lots or parcels, any one of which is less than five acres or 300 feet in width; or
   8) 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.

The City Clerk will provide a Certificate of Exemption from the Subdivision Regulations.
Subject Property Information (please print)

- Address: ____________________________________________________________
- Parcel Number: 75 - _____ - _____
- Complete legal description - this may be obtained from the county or title company, or found on your property deed or in your closing documents.
  - Please submit legal description in a Word document. Without it, your application will be returned as incomplete.

Applicant Information (please print)

Business/Company name: ________________________________________________

Name: ____________________________ E-mail address: ________________________

Address: ____________________________ City ____________________________ State Zip Code

Phone: ________________________________

Signature: ____________________________ Date: _____________________

Property Owner Information (please print) Same as Applicant [ ] Different, as below [ ] (Check one)

Name: ____________________________ E-mail address: ________________________

Address: ____________________________ City ____________________________ State Zip Code

Phone: ________________________________

Signature: ____________________________ Date: _____________________

All signature lines on all pages must be signed for the application to be considered complete.

Information will be sent via email unless otherwise requested.
**Application Fees**

$50 fee

The application fees pay for administrative staff time related to the assembly and distribution of the application materials, administration of internal and public meetings, publication of the public hearing notice in the Elk River Star News, and for postage to mail the required notices to adjacent properties. These fees do not include professional staff review time, recording fees, or additional fees that may occur.

**Agreement to Pay Costs of Review**

It is the policy of the City of Elk River to require the party indicated in Billing Information for land use approvals and licenses to reimburse the city for costs incurred by the city in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the city. These costs include all of the city’s out-of-pocket costs for expenses, including the city’s costs for review of the application by the city’s environmental consultant, city engineer, planning staff, city attorney, or other consultants; recording fees, and necessary publication costs excluding public hearing notices. Additionally, these costs do include actual time spent by professional staff on a particular application.

If payment is not received with the application, the city may return the application for failure to comply with the requirements for processing the application or may suspend the application review process.

The city will invoice the party indicated in Billing Information for costs incurred after the escrow is depleted, and payment will be due within thirty (30) days.

Payment for costs will be required whether the application is granted or denied and unpaid fees may be assessed to property taxes, with penalty.

The undersigned has received the above policy regarding the payment of costs of review, understands that reimbursement to the city of costs incurred in reviewing the application will be required as set forth in the policy, agrees to reimburse the city as required in the policy, and make payment when billed by the city.

**Billing Information**

Same as Applicant [ ]  Same as Property Owner [ ]  Different, as below [ ]  (Check one)

Name: ___________________________  E-mail address: ___________________________  @ ___________________________

Address: ___________________________  ___________________________  ___________________________  ___________________________

                  Street  City  State  Zip Code

Phone: ___________________________

Signature: ___________________________  Date: ___________________________
Application Requirements

Each of following applicable requirements (unless waived by staff) shall be submitted:

- Application Fee
- **Full legal description** of the subject property **in an editable word format**
- Primary and Secondary septic locations (if applicable)
- Delineated wetlands
- All submitted documents shall be:
  - One (1) hard copy of all required drawings at a scale no smaller than 1” = 50’, and no larger than 24”x36”
  - Two (2) sets of hard copies of all required drawings at 11”x17”
  - Provided in a digital format (e.g. .pdf, .jpeg, .doc, .dwg) at a resolution of at least 300 dpi.
    *Flash drives, CDs, and email are acceptable.*
  - Folded (rolled drawings will not be accepted)
- All other information as determined by City Staff

***A separate Easement Vacation Application may also be necessary with a Subdivision Exemption***

I understand if all of the required/requested information is not submitted within 15 calendar days after my application has been submitted, this application will be returned incomplete and the next application deadline will be the following month.

Applicant Signature: ________________________________ Date: ________

Print Name: ________________________________
Please contact staff listed below if you have questions regarding the submittal requirements.

**Primary City Staff Resources**

**Zack Carlton - Community Development Director**  
763.635.1035  
zcarlton@ElkRiverMN.gov  

**Jennifer Green - Senior Administrative Assistant**  
763.635.1032  
jgreen@ElkRiverMN.gov  

**Chris Leeseberg - Senior Planner**  
763.635.1033  
cleeseberg@ElkRiverMN.gov  

**Justin Femrite - Public Works Director/Chief Engineer**  
763.635.1051  
jfemrite@ElkRiverMN.gov  

**Suzanne Fischer - Environmental Services**  
763.635.1030  
sfischer@ElkRiverMN.gov  

**Brandon Wisner - Stormwater Coordinator**  
763.635.1054  
bwisner@ElkRiverMN.gov  

**Mark Pistulka - Building Official**  
763.635.1066  
mpistulka@ElkRiverMN.gov  

**Jolene Richter - Deputy Clerk**  
763.635.1004  
jrichter@ElkRiverMN.gov  

**Additional Resources**

**Roxy Robertson - WSB Wetland Contact**  
763.541.4800  
RRobertson@wsbeng.com  

**Elk River Municipal Utilities**

**Theresa Slominski - General Manager**  
763.635.1334  
tslominski@ermumn.com  

**Sherburne County**

**Andrew Witter - Public Works Director**  
763.765.3302  
publicworks@co.sherburne.mn.us  

**MnDOT**

**Tom Cruikshank – Principal Planner District 3**  
320.223.6526  
thomas.cruikshank@state.mn.us  

**MnDOT**

**Metro Development Reviews**  
metrodevreviews.dot@state.mn.us  

**Northern Natural Gas Company**

**Bryan Kruger - Senior Right-of-Way Agent**  
651.456.1735  
bryan.kruger@nngco.com  

**CenterPoint Energy**

**Andrew Balgobin**  
612.321.5480  
andrew.balgobin@CenterPointEnergy.com  

**Connexus Energy**

**info@connexusenergy.com**
2022 Planning Commission & City Council Meeting Schedule
For Review of Planning Applications

<table>
<thead>
<tr>
<th>Application Deadline</th>
<th>Parks and Recreation</th>
<th>Planning Commission* and Board of Adjustments**</th>
<th>City Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 31</td>
<td>February 9</td>
<td>February 23</td>
<td>March 21</td>
</tr>
<tr>
<td>February 28</td>
<td>March 9</td>
<td>March 22</td>
<td>April 18</td>
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<tr>
<td>March 28</td>
<td>April 13</td>
<td>April 26</td>
<td>May 16</td>
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<td>April 25</td>
<td>May 11</td>
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<td>June 20</td>
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<td>May 31</td>
<td>June 8</td>
<td>June 28</td>
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<td>December 19</td>
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<tr>
<td>November 28</td>
<td>December 14</td>
<td>December 20</td>
<td>Jan 17, 2023 (Tues)</td>
</tr>
<tr>
<td>December 27</td>
<td>January 11, 2023</td>
<td>Jan 24, 2023</td>
<td>Feb 21, 2023 (Tues)</td>
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</tbody>
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* Major revisions to projects as a result of the Wetland Technical Evaluation Panel review will cause a tabling to the following month’s Planning Commission meeting.

Applications requiring only City Council review:
- Administrative Subdivision (Simple Plat or Lot Split)
- Easement Vacation
- Final Plat
- Platted Exemption (Consent Agenda)

Applications requiring both Planning Commission and City Council review:
- Appeal
- Conditional Use Permit
- Interim Use Permit
- Land Use Amendment
- Ordinance Amendment
- Preliminary Plat
- ** Variances – the Planning Commission meets as the Board of Adjustments
  
  (Automatic appeal to City Council if denied)
- Zone Change

All required application materials must be submitted by the deadline. Incomplete applications will be returned to the applicant for submission during the next application cycle.