

MEMO

TO: Laval Means, Kirk Bishop  
FROM: Nick Kaufman  
DATE: January 25, 2010 Revised from December 16, 2009  
RE: Amendment to the City Subdivision Regulations

Laval and Kirk,

Thanks for your efforts to improve the city subdivision regulations. Four of our staff reviewed the draft and we offer the following suggestions:

**Definitions**

77. Phasing Plan: Please add language to allow for phasing plans to be added or amended after preliminary plat approval.

108. D. strike “or more”

121.C. “Occluded” use a different word, this word does not seem to be the correct word to define the context of the text that follows. Do a lot of the users of this document use the word “occluded” regularly. Is not the word used more often in the medical context?

3-020.1.M Change to “use current AASHTO standards”

3-020.5.E. Will this require a variance or interpretation by the city engineer at time of preliminary plat review, that is, no variance will be required, or will a variance be required.

3-020.5.B After . . . maximum of 50’ add “or a greater distance as may be approved by the city engineer or fire chief at the time of preliminary plat review, no variance required.”

3-020.11.C Note: an 8% grade is appropriate as a minimum grade without the city engineer reducing the grade. Please consider adding: “Snow melting devices or alternate driveway configurations may be approved by the city engineer to mitigate grades in excess of 8% at the time of preliminary plat review no variance required.”

3-060.1 Easements must be provided, as applicable, for utilities. . . . and pedestrian access.

3-030.1.E Variances must be available to the applicant for double fronted lots.

3-040.3.A. Limited to a Five year, one hour storm or to pre-development conditions.

3-070.1.A. Clarify with “public or community” water systems instead of “municipal” systems.

3-080.2.D. Are we reading this correctly? If, in any subdivision, regardless of the number of lots, there is no park dedication if each lot has only one home on it.

3-080.6.C. Six months does not work as a reasonable time frame. The developer is looking at all of their costs in advance. The parkland appraisals must be determined as the value of the land at the time of preliminary plat approval. This appraisal shall be used for all phases of the project and for all final plats. We do not want separate appraisals for each phase. What if land values drop, the community gets less cash-in-lieu.

3-100.7.A. Define or quantify “landscaped” as it relates to “buffer.”

3-130.6 Roads have to be allowed with appropriate performance standards to cross riparian areas.

3-140.4 add: “Unless a geotechnical report is submitted to support development on slopes greater than 25%.”

3-140.5 Does the city issue a “grading permit?” make this congruent with not allowing grading 2-020.48.

3-150. What is the minimum lot size allowed in cluster developments?

4-10.4 Do the local regulations have to be as strict as state law? Is there a way to leave the time frame of 5 days to hold an element review?

4-10.7 Same comment as above. Can we leave sufficiency determination at 15 days or 10 business days.

4-010.12 There may not be 10 days available between the planning board and PAZ to comment.

4-010.14.A(2) and 4-070.F.4(A) and 5-050.4.D and 9-010.1B The subjectivity of this renders the developer unable to make important decisions about final platting, financing etc. Thus, remove this condition or make it a function of the conditions of preliminary plat approval.

4-010.14.D.(2) Do the local regulations have to be as strict as state law? Thirty business days is 6 weeks the current standard is 4 weeks or 20 business days.

4-40.4 Clarify where in local government you go to get the referenced certification, attorney OPG?

5-020.11.C Ten year one hour storm should be changed to be consistent with the five year one hour storm in section. 3-040.3.A

5-020.14.L.(4) Change reference to 3-130.8 for variance procedures for roads in a riparian area.

5-20.14.M Please provide a definition for soil scientist? The analysis should be performed in the areas on and adjacent to the indentified prime or prime if irrigated designations as defined from the soil survey to determine the extent of these soil types on the site. Doing an analysis on an entire site that consists of a range of soil types with hillside or floodplain serves no purpose.