Memorandum

To:	Stillwater Township Town Board	**Reference:**	Sinclair Lot Split Application
Copies To:	Barbara Riehle, Clerk		
	Tim & Debbie Sinclair, Applicants		
		Project No.:	18409.000
From:	Evan Monson, Planner	**Routing:**	
Date:	February 14, 2023		

SUBJECT: Minor Subdivision request to split an existing parcel of land in order to create a 5 acre outlot

MEETING DATE: March 23, 2023

LOCATION: 14411 Dellwood Road North, PID 21.030.20.22.0004

APPLICANT/OWNERS: Tim and Debbie Sinclair

ZONING: Agricultural District, Shoreland Management Overlay

ITEMS REVIEWED: Application received 12/9/2022 and plans received 1/9/2023

DESCRIPTION OF THE REQUEST

The property owner is looking to split their current property into two lots. The current residence would remain on one lot, and the new lot would be designated as an outlot. An outlot is a parcel that is not able to be used for building or development. The new lot would be located on the west end of the current property, and would be 5 acres in size. The property is bounded by Highway 96 along the north side, and Brown's Creek Trail to the south.

The township's Zoning Ordinance outlines dimensional requirements for new lots, while the processes to create lots and subdivide land is covered under the Subdivision Ordinance. Subdivision requests are approved or denied by the Town Board.

Due to the property's proximity to Brown's Creek, the property is within the Shoreland Management Overlay zoning district. This zone is governed by Washington County's Development Code, meaning that in addition to township requirements and approvals, the applicant will have to receive approvals from Washington County.

PROPERTY INFORMATION

Parcel description: 14411 Dellwood Road North is a 20.1 acre parcel located on the southern edge of the township, southeast of Town Hall. The property is narrow, as it is bounded by a highway and the Brown's Creek Trail. The site has a few flat areas near the highway before sloping down towards the south to the creek. Apart from the current residence near the center of the property, most of the land is wooded.

Land use: Single-Family Residential

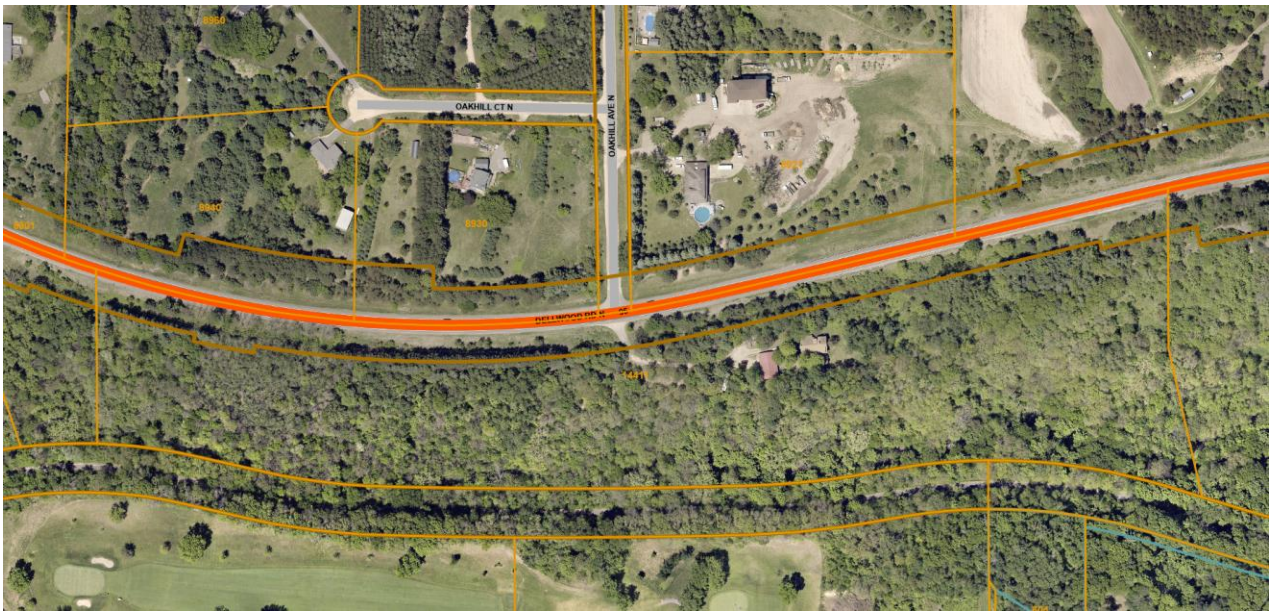

Figure 1: Subject property and neighboring areas, per County GIS. Parcel lines are in orange, tan/brown is ROW

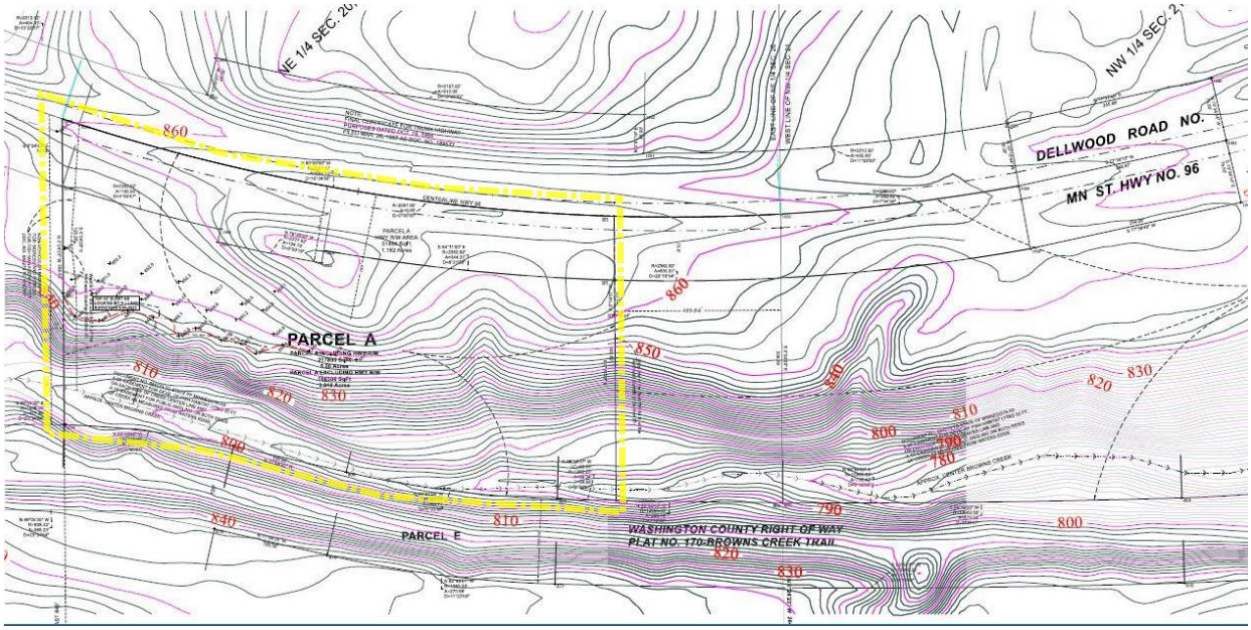

Figure 2: Zoom-in of survey, with proposed new parcel A outlined in yellow

EVALUATION OF THE REQUEST

Ordinance Requirements

Township Ordinances
When splitting a lot, the processes and standards to adhere to are found in the Subdivision Ordinance. For this request, the applicant is simply looking to create one new lot that would remain undeveloped, and be used as natural/open space. A lot can be created through either a 'minor subdivision' or a 'major subdivision'. Minor subdivisions are typically when an owner splits one lot into two lots, or where a subdivision creates three or less parcels, and doesn't require new right-of-way (ROW) or streets. A minor subdivision is a 'streamlined' process compared to the major subdivision process, since a major subdivision involves creating three or more parcels, and typically includes the creation of new ROW and streets. Since the proposed subdivision creates less than three parcels (it creates the lot for the existing residence, and one outlot), and no new ROW or streets are needed, this request can be reviewed as a minor subdivision.

Section 4.0 of the Subdivision Ordinance defines an outlot as:

"A lot remnant or any parcel of land included in a plat that is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site."

An outlot is commonly created during a subdivision approval for a lot that is intentionally set aside for non-building purposes (such as a lot that includes a storm water retention pond, or areas set aside for open space), or it is set aside for a future or upcoming phase of a development. Since the outlot is not to be developed as a buildable lot, an outlot typically is not able to meet the dimensional requirements of the zoning ordinance. In order to turn an outlot into a developable or buildable lot, said lot would have to be replatted or resubdivided. Figure 3 shows an example of a subdivision with an outlot; in this subdivision the proposed outlot would be limited to 'open space' and farmland, while the other lots would be 'buildable lots' that would be sold and developed for single-family residences. A request to split an existing lot, creating one lot and one outlot, is not a common request.

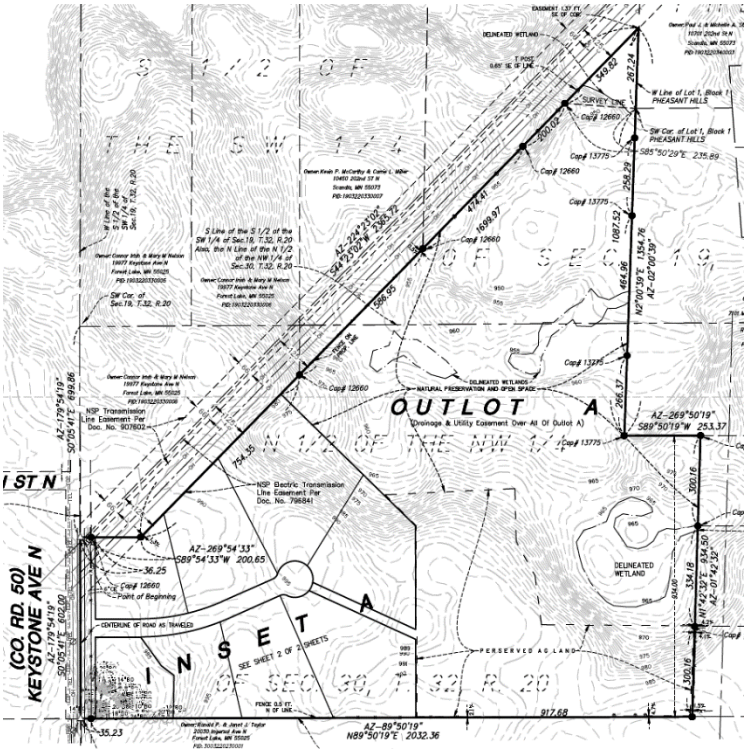

Figure 3: Example of a subdivision with an outlot

Under the Subdivision Ordinance, a Development Agreement is typically required for major subdivisions (Section 11.0). A development agreement is essentially a contract between the applicant and the

township that outlines work to be completed. For subdivisions with improvements that will be taken over by the township (such as roads, sewer, drainage infrastructure, etc.), the development agreement outlines specific work and financial guarantees that an applicant must adhere to. The development agreement will also specify the usage and ownership of any proposed outlots. Subdivisions that do not include new infrastructure or streets usually do not have a development agreement. If the Town Board were to approve the proposed request, a development agreement specifying the use of the outlot should be required as a condition of approval.

The Subdivision Ordinance also includes requirements regarding park dedication requirements (Section 12.0). The section notes that, due to the creation of new lots and development creating demand for new parks, a subdivider shall either dedicate a portion of land in the subdivision to the township for use as a park, or a cash fee in lieu of a dedication of land shall be paid to the township. Applicants for minor subdivision requests typically opt for the cash fee, due to a minor subdivision involving smaller amounts of land, whereas a major subdivision typically has land available to dedicate for a new park. Privately owned 'open space' is unable to be considered as a parkland dedication. Based on the fee schedule for the township, the park dedication fee is $2,500.

Shoreland Management Overlay
The property is zoned as Agricultural on the Township Zoning Map. Due to its proximity to Brown's Creek, it is also within the Shoreland Management Overlay zoning district. This overlay zone is regulated by the County under their Development Code. Chapter 3, Section 4.8 of the county's Development Code notes a development agreement is required to be recorded against the proposed outlot, specifying the usage and ownership of the proposed outlot. The definition of an outlot in the county code is similar to the definition in the township's ordinances. If the Town Board were to approve the requested lot split, the applicant would then have to receive approval of the subdivision request from the County.

ACTION REQUESTED

The Town Board can do one of the following:

1. Approve, with or without conditions
    a. If approving the request, the following conditions are recommended:
        i. The proposed lot split shall adhere to the dimensions as proposed in the plans submitted to the Township.
        ii. The proposed new unbuildable parcel shall be designated as an outlot on the plat.
        iii. The applicant shall adhere to all other applicable requirements, such as County approval for a subdivision within the Shoreland Overlay Zone.
        iv. If approved by the County, the applicant shall enter into a development agreement with the township and county, noting the proposed use(s) of the outlot.
        v. In lieu of dedication of land, a parkland dedication fee of $2,500 shall be paid to the Township, based on the Township Fee Schedule.
        vi. The applicant shall record the plat with Washington County within one year of the date when the minor subdivision is approved.
        vii. The applicant shall pay all fees and escrows associated with this application.
2. Deny, with findings for denial
3. Table the request

RECOMMENDATION

Based on the findings of the Town Board, the Planner can prepare a resolution with findings and/or conditions for approval or denial by the Town Board.