

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

SUPERVISORS PRESENT: Kathy Higgins, Steve Kramer, Gary Dixon, Jim Keller

ABSENT: Joe Moore

STAFF PRESENT: Attorney Gilchrist, Planner Sherri Buss

CALL TO ORDER: Meeting called to order @ 7:00 PM by Chair Higgins

AGENDA APPROVAL: Higgins added Street Ratings. Keller added O'Connor's Park.

Motion Kramer/2nd Keller approval of agenda as amended. All In Favor. Motion Carried 4-0.

CONSENT AGENDA APPROVAL: Keller pulled TKDA claim # 9558. **Motion Keller/2nd Dixon approval of consent agenda items which include 11/01/2010 Board Meeting Minutes, 11/08/2010 Board Of Canvass Minutes, Claims #9525-9561 excluding pulled claim #9558, PERA EFT 158005, payroll ending 12/01/2010 and financial reports. All In Favor. Motion Carried 4-0.**

HEARING DECISIONS/ZONING ACTIONS: None

PUBLIC COMMENT:

Ronald Lamberg- 6357 Oakgreen Ave. S.

Acquired private easement rights in 2005 as part of Oakgreen Meadows project. Road runs along the easement to his property. Road has washed out and needs repair. Neighbor claims he owns the land right up to the road and refuses to grant/blocked access. Has spoken with Washington County Board, who advised him to get the survey of the area. Has copy of recorded easement. Asked for a copy of the survey affiliated with Oakgreen Meadows development. Town will review records for the survey associated with the plat. Attorney advised that issue is a private issue between Lamberg's and their neighbor and will need to be resolved as such.

Winter Road Maintenance: Attorney summarized recent actions. Board directed Attorney to send a letter to All Weather indicating that there were a number of winter road maintenance concerns identified. All Weather sent a letter back addressing both the Town's concerns and their own. Options before the Board may be (1) to modify the agreement to clarify the expected level of service, (2) terminate the contract as no fault with a 60 day notice, (3) terminate the contract if the Town Board determines that according to the contract, that the contractor has failed to adequately and timely provide services, or (4) the contract is not exclusive and does allow the hiring of other contractors during the term of the contract. A number of residents and All-Weather Services owner's Tom & Lisa Clark discussed concerns and expectations of Winter Road Maintenance Services. Areas of discussion include:

Attorney-re: Contract- Response time within 30 minutes of being notified by the Town Supervisor. Passes by 6:30 AM for overnight snows. Passes by 4:30 PM for daytime snow. All roads completed within 12 hours of end of snowfall. Contract policy does refer to priority roads.

Contractor comments: Have had piles of snow pushed into the already cleared roads, have had break down issues, have had vandalism issues. Understood timeframe for passes is 4 hours. Complete services within 12 hours after snow stops. Directed by phone calls sending to places that have already been done or pulling off to go elsewhere. Only lately they have received identification of priority roads. Have met all requirements based on the contract and have taken direction outside the scope of the contract. Did not feel that anything during the first snow event warranted direction another contractor to work on the roads. Contractor has added additional equipment and drivers in Hastings. Have plans to direct 2 drivers with equipment to come from the south and 2 drivers with equipment coming from the north. At the beginning there wasn't a real plan but there can be now. Have the equipment and manpower and are willing to make adjustments.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

Board comments:

Dixon- concerns on not getting the manpower and equipment needed to get service in a timely manner. A number of the vandalism incidents expressed occurred last year. Stated that he has worked hard to with contractor to be clear on where and how to plow. Having equipment and manpower and having them down in Denmark Township are 2 different things. Requested the equipment that was listed on the contract. Thinks realistically that this year there has only been 1 plow truck on the roads (due to breakdowns). Last 7" snow event, Quadrant not plowed until 11:00 pm. Requested each road be fully plowed before going on to another. Between 1 and 2 PM, other roads undone- 80th St (Dixon asked driver to do entire width of 80th before moving on), Quadrant, St Croix Estates, 100th, 105th, Oakgreen 60th, 80th still not opened fully on re-check. Broken equipment cannot impede the progress of roads maintenance.

Higgins- As a Board member, we have obligations to our citizens. We have to have the roads open so that ambulance, fire services, school busses, post office residents to and from work can get through. And that won't work if the roads don't get open early. Have a dangerous situation when there is only a center pass for 2 vehicles to meet. Would like to amend or adjust plans to make a plan workable. Have to have completely opened up Neal, 80, Morgan, 122, 127th/120th.

Kramer- Need to identify clear order of roads and have each driver have a map.

Keller- Numerous drifting/trouble roads that need to be identified and rechecked during snow events (80th, 87th). Quantity of sand/salt is not adequate for hills, intersections and trouble spots.

Resident comments:

Past maintenance of Town Roads has been very good. In past years, residents could hear plows come through 4 or 5 in the morning. Can understand problems can occur, however as a residents we feel contractor should have other equipment and drivers for back up should problems occur. Requested a better effort to keep the roads clean.

Resident maintains that when snow event stopped at 4:30 am, 1st pass on 87th going east was done at 2 pm, 2nd pass going west side at 4:30 pm, 3rd pass to open full width was at 6:30 pm. This was not complete clearing in 12 hours of snow stopping. This is part of school bus route.

Request for more sand on the intersections.

Board consensus for Gary Dixon and Kathy Higgins to compile list of priority roads and directions/plans to assure better serviced roads for Denmark Township. Dixon and Higgins will meet with Tom & Lisa Clark regarding adjustments and plan of service.

Financial Services: Bruce Kimmel (Ehlers & Associates) spoke with the Board regarding Township investment and project financing options. Mr. Kimmel specifically works with Townships as an independent public financial advisor, servicing the public sector entities. Board consensus to have Mr. Kimmel take a look at Town finances to determine if there are any financial options that would benefit Denmark. Higgins to contact Kimmel with request & ask him to attend January Board Meeting with recommendations.

Eagle's Watch Update: Attorney sent letter of notice to Homeowner's Association (HOA) and involved lot owners to stop cutting of trees in the easements and that restoration plan/requirements would be forthcoming. HOA chair contacted Town Attorney to let him know that the HOA also gave notice to lot owners to stop clearing and that restoration will be required. Washington Conservation District (WCD) will coordinate with Denmark and the HOA to develop a workable restoration plan. Denmark, WCD and HOA will review site to determine appropriate restoration plan. Proposed restoration plans will be brought back to the Denmark Board for approval.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

Critical Area Update: Comment letter containing Denmark's concerns regarding the proposed standards and rules was sent to the DNR. DNR has since published a revised set of draft standards and rules. Town Planner has reviewed revised draft standards/rules and submitted 11/30/10 memo to Board. Sherri Buss summarized the memo with the Board.

Attorney submitted draft resolution for Board review. Resolution urges the DNR to revise the draft rules to further address the concerns of the Town.

Motion Kramer/2nd Dixon to adopt Resolution 2010-11 Resolution Encouraging Further Revisions To The Draft Mississippi River Critical Corridor Rules.

Discussion: Other communities that sent comments to DNR include cities of St. Paul and Mpls. the Park District and many other LGU's. **All In Favor. Motion Carried 4-0.**

2011 Development Review Schedule: Motion Dixon/2nd Keller to approve the 2011 Development Review Schedule. All In Favor. Motion Carried 4-0.

APPLICATION SUBMISSION DEADLINE	NEWSPAPER PUBLICATION DEADLINE	PUBLICATION DATES	PLANNING COMMISSION MEETING (3rd Monday)	TOWN BOARD MEETING (1st Monday)	
11/15/10	12/06/10	12/09/10 & 12/16/10	12/20/10	01/03/11	
12/20/10	01/03/11	01/06/11 & 01/13/11	01/18/11	02/07/11	01/17/11 Martin Luther King Day
01/18/11	02/07/11	02/10/11 & 02/17/11	02/22/11	03/07/11	02/21/11 President's Day
				03/08/11	Annual Meeting
02/22/11	03/07/11	03/10/11 & 03/17/11	03/21/11	04/04/11	
03/21/11	04/04/11	04/07/11 & 04/14/11	04/18/11	05/02/11	
04/18/11	05/02/11	05/06/11 & 05/13/11	05/16/11	06/06/11	
05/16/11	06/06/11	06/09/11 & 06/16/11	06/20/11	07/05/11	07/04/11 Independence Day
06/20/11	07/01/11	07/07/11 & 07/14/11	07/18/11	08/01/11	
07/18/11	08/01/11	08/04/11 & 08/11/11	08/15/11	09/06/11	09/05/11 Labor Day
				09/06/11	Annual Reconvening & regular meeting
08/15/11	09/02/11	09/08/11 & 09/15/11	09/19/11	10/03/11	
09/19/11	10/03/11	10/06/11 & 10/13/11	10/17/11	11/07/11	
10/17/11	11/07/11	11/10/11 & 11/17/11	11/21/11	12/05/11	
11/21/11	12/05/11	12/08/11 & 12/15/11	12/19/11	01/03/12	01/02/12 New Year's Day observed
12/19/11	12/30/11	01/05/12 & 01/12/12	01/17/12	02/06/12	01/16/12 Martin Luther King Day
01/17/12	02/06/12	02/09/12 & 02/16/12	02/21/12	03/05/12	02/20/12 President's Day

Date Change Due To Holiday

Notice Is Hereby Given That There Is Always A possibility That There May Be A Board Quorum At Any Planning Commission Meeting.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

2011 Final Levy Certification: Motion Keller/2nd Kramer to Certify the Payable 2011 Final Property Tax in the amount of \$441,213.00 All In Favor. Motion Carried 4-0.

	ANNUAL BUDGET	GOV'T AIDS	OTHER REVENUE	FROM SAVINGS	CERTIFY LEVY	% BUDGET CHANGE	% LEVY CHANGE
GENERAL	77,317		19,431	0	57,886		
SALARIES	52,677			0	52,667		
ROAD & BRIDGE	443,350		16,000	250,000	177,350		
FIRE	140,400		400	0	140,000		
DITCH & TRASH	13,300		0	0	13,300		
PARK & REC	83,790		22,370	61,420	0		
2011 TOTALS	810,834	0	58,201	311,420	441,213	30.6%	-10.4%

2010 Financial Audit-Oberloh & Associates:

Motion Keller/2nd Dixon to approve 2010 financial audit to be conducted by Oberloh & Associates, chair to sign agreement (est. cost \$4250.00). All In Favor. Motion Carried 4-0.

Street Ratings: TKDA submitted 12/01/10 memo on the results of the street ratings taken before and during the Hwy 61 construction detour. Although the results show that the conditions of the impacted segments decreased from June to November faster than a typical street would deteriorate during that timeframe, TKDA's opinion is that the decrease in rating does not change the recommended typical maintenance program for each segment. TKDA is not recommending any further action with MnDOT. Board reviewed ratings and has concerns on the deterioration of the segment of 120th Street from Hwy 61 to Margo Avenue. Deterioration in this segment of road significantly higher than in all other rated roads. Dixon will speak to engineer regarding review and request reconsideration of staff recommendation.

O'Connor Park Update: Keller received a request to remove crowded trees from O'Connor's Park to donate to Family Services for those in need of a Christmas Tree.

Pulled Claim TKDA #9558: Claim #9558 TKDA. Questions regarding the amount of hours charged on preparing final payment for Street Improvements. TKDA Planner Buss will discuss with Engineer. **Motion Keller/2nd Kramer to approve payment of claim #9558, subject to review. All In Favor. Motion Carried 4-0.**

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

LEGAL REPORTS:

Attorney compiled information on Open Meeting Laws and presented Board with copies. Zoning Ordinance amendments are being consolidated the existing ordinances.

Universal Services: Universal Services are requesting a temporary certificate of occupancy. Because Use and the building plans have been changed from the Condition Use Permit held by DLO, an escrow would be required as there would be legal and engineering review. Attorney recommends an agreement be drawn outlining arrangements for compliance. Board consensus for Attorney to draft agreement and bring to Board for review in January.

G. Herman/Johnson parcel split: TKDA reported that applicant apply for a lot line adjustment. Surveyor will get survey to TKDA.

HRFA: Hastings Rural Fire Association has hired Attorney Gilchrist to advise on negotiating their contract. Attorney does not anticipate any conflict regarding Denmark representation.

9:40 PM **Motion Dixon/2nd Kramer to adjourn.** All In Favor. Motion Carried 4-0.

Becky Herman
Denmark Township Clerk/Treasurer

Addendum Resolution 2010-11

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

DENMARK TOWNSHIP
WASHINGTON COUNTY, MINNESOTA
Resolution No. 2010-11

**A RESOLUTION ENCOURAGING FURTHER REVISIONS
TO THE DRAFT MISSISSIPPI RIVER CRITICAL CORRIDOR RULES**

WHEREAS, the legislature authorized the Minnesota Department of Natural Resources (“DNR”) in Minn. Stat. § 116G.15 to undertake rule making as necessary to administer the Mississippi River Corridor Critical Area program (“MRCCA”), which encompasses a 72-mile stretch of the river and includes portions of Denmark Township (“Town”);

WHEREAS, the rules developed by the DNR will have a significant impact on those who own land within the MRCCA and the DNR’s review and approval of local regulations directly control the development of land in the MRCCA;

WHEREAS, a representative of the Town participated in the DNR’s work group developed to discuss the rules and the Town is concerned the proposed rules do not adequately respect the rights and concerns of property owners, are overly restrictive, and do not take into account local authority and existing regulations; and

WHEREAS, the Town has had its planning and engineering firm, TKDA, review the proposed rules in relationship to the concerns previously expressed by the Town and its report, attached hereto as Exhibit A, reveals the changes made in the draft rules have done little to address the Town’s concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board strongly urges the DNR to revise the draft rules to further address the concerns the Town has expressed including, but not limited to, the following issues:

1. The rules are too restrictive on property owners in the proposed CA-2 District and will make a number of existing structures nonconforming, thus limiting or prohibiting their ability to expand their homes and otherwise develop their properties;
2. The rules appear to unfairly favor views from the river over the rights of owners along the river;
3. The rules do not adequately take into account, and are contrary to, existing zoning regulations; and
4. The administrative and educational mandates imposed on local governments are too costly, burdensome, and are unnecessary.

BE IT FINALLY RESOLVED, that the Town Clerk-Treasurer is hereby authorized and directed to provide a copy of this Resolution to the DNR.

Adopted this 6th day of December, 2010.

BY THE TOWN BOARD

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

EXHIBIT A

MEMORANDUM

To:	Denmark Town Board	Reference:	Mississippi River Corridor Critical
Copies:	Troy Gilchrist, Town Attorney	Proj. No.:	14553.000
	Berry Farrington, AICP, Town Planner	Routing:	
From:	Sherri Buss, Senior Planner, TKDA		
Date:	November 30, 2010		

This memo provides an update on the proposed Mississippi River Corridor Critical Area (MRCCA) rules, and issues of concern to Denmark Township. Each of the items listed below was an issue identified in a letter from the Township to the DNR dated September 8. Since then, the DNR has published a revised set of standards and rules, dated November 8 and 30, respectively. The text in **bold type** below each item indicates whether the revised rule was changed in response to the comment.

- No adequate justification has been provided for the significant increase proposed in dimensional requirements and standards in the CA-2 District (which includes much of the Township Area within the Critical Area) over the current standards included in our ordinance for the Critical Area, the St. Croix River District and the Shoreland Zone. The proposed increase will create multiple standards and confusion among river areas in our community without a rationale that can be explained to landowners. The proposed standards in the Critical Area would also create a large number of nonconforming lots, and impose unnecessary burdens and costs on landowners and the Township to address issues related to nonconforming uses. Our Attorney noted that the standards for nonconforming uses appear to be in conflict with other Minnesota Statutes.
 - **The dimensional standards for the CA-2 zone were not changed. Standards in some of the other proposed zones were changed in response to comments from local governments. The CA-2 Zone is now the only zone in which the dimensional standards are not allowed to be consistent with those in the underlying zoning district.**
- Many items in the proposed standards are in conflict with our current code. No justification has been provided for the proposed standards that can be used to explain the new requirements to residents and landowners, and differences among requirements on the St. Croix, Mississippi River and in shoreland areas. The Township needs to understand the justification for the standards and the rationale for significant differences among the river rules in order to work with residents and landowners as the zoning authority, as the DNR is proposing.
 - **Proposed standards that are in conflict with Denmark's code were not changed.**
- The proposed standards appear to place a primary value on the view from the river for those who value only "natural" areas. The standards do not adequately consider the multiple viewpoints and values of those who use the river, live in the Critical Areas, and are impacted by the standards, including local governments, landowners, and recreationists. The standards need to reflect multiple values and the diverse Critical Area landscape in *rural and urban areas* that expresses the whole human and natural history of the region.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

- **The focus on the view from the river in the standards has not changed. It has been included in several sections of the proposed rule distributed on November 30 as well.**

Additionally, the Township is requesting that the DNR provide Work Group members with the list of individuals who were invited to attend the 5/27/10 workshop to survey the river, and the criteria used by that group to determine “scenic values.”

- **The criteria used and requested list have not been provided by the DNR.**
- The proposed standards include a number of provisions that impose additional responsibilities and costs on local governments, without providing any resources for these activities. In some cases, the proposed responsibilities duplicate the work of other local governments, such as Watershed Districts. In other cases, the responsibilities best fit the expertise of other organizations, such as the DNR. Local governments like ours have no staff to carry out these responsibilities and our budgets cannot absorb the costs related to the proposed responsibilities.
 - **Some minor modifications were made in the area of vegetation standards. The DNR is now proposing that it would develop the educational materials, but the Township would still be required to distribute them and complete vegetation monitoring.**
 - **The proposed rule includes new mandates to notice the DNR, the National Park Service (NPS), and all adjacent local governments when applications are received for CUP’s, IUP’s, plats, planned units developments, appeals, variances, and re-zoning in the MRCCA zones, including local governments on the other side of the river. This will result in a large volume of paperwork both to be sent out and received/reviewed by the township. It is also required that notice of decisions made be sent the same groups, which are to include findings of fact and hardship or practical difficulties criteria.**

The Town Board’s detailed comments on the proposed standards include the following:

Dimensional Standards by District

1. *The proposed rules state that “New and expansion of existing structures must meet the (setback) distances specified.”* The proposed rules require a 200’ setback from the OHWL in the CA-2 Zone. The Critical Area within Denmark Township would be located in the CA-2 and CA-5 zones in proposed Critical Area districts. This doubles current setback requirement in the CA-2 Critical Area and Shoreland Area and is more than double the requirement in the proposed CA-3 Zone, though the CA-2 and CA-3 areas have many similarities. We believe that this requirement is excessive, particularly since no rationale has been provided for such a significant increase over the current setback.

The rules will make many existing structures within the Critical Area nonconforming, and will make expansion difficult, if not impossible, even on portions of the structure that are not visible from the river. Making a property nonconforming can reduce the value of the home and property. Owners’ values will decrease due to new regulations, not to actions taken by the owner. This is a harsh result for property owners—particularly in the current economy. What criteria will be established for variances for existing structures? Given the recent Supreme Court decision regarding the criteria for granting variances, it appears that variances may not be possible, even if the proposed structures are not visible from the river and could meet all performance standards for vegetative buffers, surface water management, and other criteria that protect the River and scenic views.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

- **The proposed dimensional standards were not been modified in the revised documents. Landowners and Township representatives that attended the DNR meeting on November 30 noted that landowners are reporting difficulty in obtaining mortgages, loans and insurance on properties that are nonconforming.**

DNR staff suggested at the Work Group Meetings that the rationale for the higher standards was to establish consistency with the DNR's proposed Shoreland Rules. The proposed rules were recently rejected by the Governor. The proposed Critical Area standards should therefore be revised to be consistent with the existing Shoreland Regulations.

- **The proposed rule now indicates that the Minnesota Statewide Shoreland Management Standards will not apply to lands within the MRCCA—only the MRCCA standards will apply. DNR staff indicated that they used the St. Croix River Overlay dimensional standards as the basis for the standards in the CA-2 zone.**
2. The definition of "subdivision" is not consistent with the proposed standards. In Denmark Township, the minimum lot size is 3 acres. If a subdivision is 3 or more lots, that would be 9 acres or more, not 5. Minimum lot sizes vary widely throughout the corridor, based on local conditions. Most development codes in the County distinguish among "minor" and "major" subdivisions. This distinction is helpful for landowners creating only 1 -3 new lots, so that they need to provide only the information needed to review smaller subdivisions, rather than the extensive requirements for large subdivisions. We recommend that the proposed standards not set an acreage standard. This issue should be left to local governments.
 - **The definition of "subdivision" has been revised to be division of land into 3 or more lots, with no acreage standard (definition is consistent with Minnesota Statutes).**
 3. The definition of "building height" included in the proposed standards is in direct conflict with the Township's current ordinance, and will place severe limitations on existing and new residences in the Critical Area. We believe that the current definition is adequate, particularly when combined with current vegetative management standards and setbacks.
 - **The definition of "building height" was not changed in the revised standards.**
 4. The formula for calculating allowable densities is too complicated, and requires mapped information that is not available to most landowners or to local governments. Town Board members, staff and residents need a relatively simple, easily-replicable way to help landowners determine what they can do with their properties.
 - **The formula for calculating allowable densities was not changed. The DNR has not provided the bluff maps that the agency is required to provide to local governments, but indicated that they will do this in the future.**
 5. The standards require that the Township adopt a new erosion and sediment control ordinance. The Township recently completed the updates to its ordinances to be consistent with its 2030 Comprehensive Plan, as required by the Metropolitan Council. If additional controls are needed, it would be more cost-effective for additional erosion control requirements to be adopted and enforced by local Watershed Management Organizations. We believe that current Watershed District and MPCA standards are adequate to address erosion control, and no new local ordinance is needed.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

- **The proposed standards were not changed in the revised rules.**

Bluffs and Steep Slopes

1. The proposed rules suggest that *“new and expansion of existing structures are not allowed on bluffs or within the structure setbacks from the top of the bluff.”* The Township’s ordinance currently allows lateral expansion or addition away from the river for nonconforming structures. We believe that lateral expansions or those away from the river and bluff should continue to be allowed if they meet all performance standards, as they have no negative impact on the River. The DNR has provided no rationale to prohibit these expansions to existing structures.
 - **The proposed rule provided on November 30 includes the following requirements for expansion of nonconforming structures:**
 - **Nonconformities shall be regulated by the local government consistent with Minnesota Statutes, section 394.35 or 462.357.**
 - **Expansion of nonconforming structures may be permitted if the expansion does not increase the degree of nonconformity.**
 - **Any alternation or expansion of a nonconforming structure that increases the horizontal or vertical riverward structure face shall not be allowed unless it can be demonstrated that the structure will be visually inconspicuous in the summer months as viewed from the river. (“visually inconspicuous” proposed to be defined as it is in the St. Croix River rules)**

Vegetation and Buffers

1. The proposed regulations appear to require that a buffer be established on existing properties where no buffer currently exists. The Township believes that current requirements to limit vegetation removal in the Critical Area and Shoreland areas are appropriate, but that existing properties cannot be required to establish a buffer if the property is improved. This requirement is excessive, and does not consider the rights of property owners.
 - **This requirement has been changed. The rules now require that existing vegetative screening be maintained, but do not require establishment of new buffers on properties where no buffer currently exists. The proposed new rules require that MRCCA Plans shall contain provisions to: "provide for the screening of existing development". The proposed new rules for CUP's and IUP's require that standards be developed in local controls to identify where mitigation may be necessary to "screen structures and other facilities as viewed from the OHWL of the opposite shore", and "protect and enhance the resources and features identified in MN Statutes, 116G, subd 4(b)"**
2. The proposed regulations require that local governments implement an incentive, marketing or education program to encourage property owners to protect or restore natural vegetation buffers. Local governments do not have the expertise or resources to create such marketing or education programs and implement them, and it is not cost-effective for each local government to create such programs. If the DNR believes such a program is needed, it should create one set of uniform educational information that could be distributed throughout the Critical Area.

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

- **The revised rules require that the DNR create the educational information. Local governments are required to distribute the information and complete vegetation monitoring. The specific monitoring requirements have not been defined.**

Facilities

1. The proposed road width requirements are in conflict with the Township's existing code. Roadway widths are set based on a variety of technical and local landscape factors and needs. As long as stormwater management and erosion control performance measures are addressed adequately, there is no need for a single standard throughout the Critical Area.
 - **The revised standards have removed the road width requirements.**

Subdivisions and PUD's

1. The proposed open space provisions that require all subdivisions to preserve a minimum percent of the project area as common open space dedicated to the public raise many concerns, including the following:
 - Dedication of small areas of open space in every subdivision will produce a patchwork of disconnected open spaces of variable quality through the corridor. This works against good ecological planning and good parks planning.
 - Local governments have developed parks and open space plans as a part of their Comprehensive Plans. These plans have identified the locations where parks and open space are needed to protect natural resources and address the recreational needs of the community, and the connections among these spaces. The plans and ordinances allow for "cash in lieu" of dedication for subdivisions where no suitable land is available or where additional park space is not needed, so that appropriate areas may be purchased or developed. The proposed rules should support good ecological planning and parks planning by allowing this flexibility, not work against it.
 - Local governments do not have resources to maintain the many small open space units that would be developed under the proposed standards. Our resources are better used to develop and maintain the significant, quality open spaces identified in our parks and open space plans.
 - **The revised rules have been changed in two respects:**
 - **Open space dedication is now proposed for subdivisions of 3 or more lots; sites of 5 acres or more that are not subdivisions would not required to dedicate open space**
 - **All subdivision would be required to dedicate 50 percent open space; in the previous draft, conventional subdivisions were required to dedicate 25 percent. Denmark's Development Code also requires 50 percent open space dedication in Open Space Subdivisions, but only 10 percent park dedication in conventional subdivisions. The proposed standards require that primary conservation areas must be in the highest priority for open space protection (including the Shore Impact Zone, the Bluff impact Zone, and Slope Protection Zone.**

DENMARK TOWN BOARD MEETING MINUTES
December 6, 2010

Additional information from Draft Rule provided November 30, 2010

The DNR staff provided the draft proposed rule at a meeting held on November 30, 2010. The draft includes a number of items of interest:

- Process for rule adoption: Local governments will be required to adopt the rules within one year of notification by the DNR. Notification will be staggered over approximately 3 years. Earliest adoption is likely to occur around July, 2012 if the rules are adopted by July, 2011.
- The rules state that the DNR will adopt land use controls for local governments that do not adopt the rules within the required time limit. The local government would be required to implement the rules.
- The proposed rules require that local governments send copies of all notices of public hearings and decisions made to consider plans, land use controls, updates to plans and controls, plats, PUD's, CUP's, IUP's, variances, appeals, rezoning and other development affecting land in the Critical Area to the DNR, NPS, and to all adjoining local governments, including those across the river. This could potentially create significant work for the township in noticing other local governments and reviewing documents sent to the Township.
- Another significant new item in the rules is a requirement for mitigation for CUP's, IUP's or variances that impact the standards in the proposed rules. The DNR provided a variety of acceptable options for mitigation. Mitigation has not been a requirement in the past.