

Denmark Township Planning Commission Meeting
Gordon Herman Major Subdivision
Public Hearing
August 15, 2016

Planning Commission members present: Charlie Grote, Bob Barr, Steve Radke

Absent: Roger Lang, Don Schneider

Board Members Present: Karen Herman, Joe Moore

Others Present: Attorney Troy Gilchrist, Planner Erin Perdu

7:00 PM Chair Barr opened Public Hearing.

Applicant's present- Gordon Herman (owner) and Jon Sonnentag (Surveyor)-PID 15.027.20.23.0011.

Sonnentag- Applicant proposes to subdivide a 21.048 acre parcel into four buildable residential lots, ranging in size from 2 to 2.37 acres. Proposed plat shows outlot 1 (0.22 acres) and outlot 2 (10.28 acres).

A 12/07/2009 Lot Line Adjustment Development Agreement allowed 3 density units for this parcel. The Denmark Board determined during the 01/04/2016 concept review, that if the applicant could demonstrate that the lots meet all zoning requirements, four parcels would be allowed. The Applicant is proposing an open space design. Applicant has made contact with Washington County and the WMO.

Road- Planner noted that the Engineer's report stated that the close proximity of the new access to the existing driveway to the north presents a safety concern. Staff recommends that an easement be provided and graded to allow for the future connection of the existing driveway access to the new street. Consideration should be given to constructing the driveway connection and eliminating the existing access to St Croix Trail. Applicant agreed that access easements would be provided to the parcel owners to the north and the south, but had hesitation regarding the grading, if the neighbor to the north did not wish to use it. Washington County will review any requirement of a turn lane.

Open Space design requires a 50% dedicated open space. Both outlots combined meet the 10.5 acre open space requirement. The Applicant proposed to record a conservation easement that will specify the allowable uses for Outlots 1 and 2. The Applicant proposes that the outlots will be owned and managed by the Applicant and will be used for agricultural production. However, the size of Outlot 1 (0.22 acres) and its location to the north of the proposed road do not seem compatible with agricultural use. Staff recommends that the conservation easement governing the use and management of the proposed open space be submitted by the Applicant, approved by the Town Attorney, and recorded. Clarification on the intended use of Outlot 1 shall be provided and included in the conservation easement.

Planner submitted 8/10/16 report with findings of fact and recommended conditional approval of the proposed Open Space Major Subdivision/Preliminary Plat.

Public Comment- None

7:28 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Meeting Opened.

Motion B Barr/2nd S Radke to forward Gordon Herman Major Subdivision Preliminary Plat Application to the Town Board with a recommendation to approve, based on the Planner's Finding of Facts and subject to the following conditions:

1. Development Agreement. The Applicant shall enter into a Development Agreement that is prepared by the Town Attorney. More specifically, the Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, the

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maintenance of public improvements and under which circumstances the Town will assume maintenance of the roads being built, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.

2. Plat. The Final Plat shall be submitted within one year which meets the following:
 - a. A final plat be prepared which is consistent with the preliminary plat, the Denmark Township Development Code, and state law;
 - b. The Applicant satisfactorily completes any and all requirements after final review of the final plat;
3. All Engineering Considerations described in the staff report dated August 9, 2016 are met;
4. Stormwater:
 - a. Approved NPDES Construction Stormwater Permit shall be provided, when available.
 - b. The Applicant must provide for the on-going maintenance of the storm water ponds constructed within the plat by creating a homeowners association and making it responsible for such maintenance or by some other method acceptable to the Town Board.
 - c. A Stormwater Maintenance Agreement that details operation and maintenance schedules and responsibilities must be provided for Township and SWWD review. The Town will record this final approved agreement along with the Development Agreement.
 - d. Access easements (20-foot wide with max slope of 10%) shall be provided and labeled on plans for Stormwater management facilities.
 - e. Culverts in the street and storm sewer shall be Reinforced Concrete pipe. Driveway culverts may be CMP.
5. Streets.
 - a. The proposed Town Road will be named per the Washington County Uniform Street Naming System.
 - b. Approval must be provided from Washington County on the proposed access along St. Croix Trail. A Washington County Access Permit and Right of Way Permit must be provided to the Township.
 - c. An easement shall be provided and graded to allow for the future connection of the existing driveway access to the new street. Consideration should be given to constructing the driveway connection and eliminating the existing access to St. Croix Trail.
 - d. A geotechnical report must be provided to support a minimum 9-ton road section based on Minnesota Department of Transportation 2360 Specifications.
6. Well and Septic Systems.
 - a. Proposed private well locations must be shown on the plans.
 - b. A copy of the approved permit from Minnesota Department of Health must be provided to the Township prior to well construction.

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- c. Washington County Department of Public Health and Environmental must approve the proposed septic system locations per the most recent requirements of the Washington County Septic Code.
7. Park Dedication. The Applicant shall pay a park dedication fee in lieu of land dedication. This fee shall be an amount based on fair market value of the land, imposed on a per lot basis for new residential lots, and shall be paid at the per lot fee as established by the Town Board as part of Township fee schedule. Park dedication shall be paid by the subdivider prior to the Township signing the final plat and/or development agreement.
8. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
9. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.
10. Conservation easement. A conservation easement governing the use and management of the proposed open space shall be submitted by the Applicant, approved by the Town Attorney, and recorded. Clarification on the intended use of Outlot One shall be provided and included in this conservation easement.
11. An estimate of construction costs for the proposed improvements must be provided for review. This amount will determine the security requirement for the Developer's Agreement.
12. All representations, written and oral, made by the Applicant and the Applicant's agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
13. The Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;

Voting Yes- B Barr, S Radke, C Grote. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Discussion: Outlot Agreements to insure that outlots are maintained. Attorney will review.

OTHER BUSINESS:

APPROVAL OF MINUTES-

Motion C Grote/2nd S Radke approval of Minutes 06/20/2016 Planning Commission/ Rumpca 5 yr Mining Interim Use Permit . With all present voting yes, Motion Carried 3-0-0.

7:41 PM Motion B Barr/2nd C Grote to adjourn. With all present voting yes, Motion Carried 3-0-0.

Becky Herman
Denmark Township Clerk/Treasurer