

Denmark Township Planning Commission Meeting
Jager Minor Subdivision Public Hearing (110th St S)
Herman Minor Subdivision Public Hearing (87th St S)
August 17, 2015

Planning Commission members present: Roger Lang, Don Schneider, Bob Barr, Charlie Grote, Steve Radke and ex-officio Kathy Higgins

Absent: None

Board Members Present:

Others Present: Attorney Troy Gilchrist (Kennedy-Graven)

7:03 PM Chair Barr opened public Hearing.

Robert & Carol Jager Minor Subdivision 14212 110th St S- PID 28.027.20.33.0001

Applicant/landowner Bob Jager present. Applicant had not received staff report in advance of meeting. Copy provided to Applicant.

Applicant is requesting approval to divide an existing 39.76 acre parcel into two lots- one 5 acre lot with the existing home, and the remaining 33.76 acre lot for a new home site. Property is zoned Agriculture A-2 which allows for a density of one lot per 20 acres.

County indicated to Applicant that they would not need a driveway permit, as the new lot will use the existing driveway access. The Applicant will need to enter into a driveway easement agreement with the new lot owner.

Owner has had soil tests performed. Additional tests will be done for septic suitability.

Planner submitted 08/06/15 Staff Report with Findings of Fact and 5 recommended conditions if approved. Attorney noted that the Development Agreement will address that there are 2 density units associated with the subject parcel, and will include additional standard conditions.

Attorney recommended adding conditions requiring a \$2000 Park Dedication Fee for creation of the new lot and that a copy of the driveway access agreement is provided to the Town.

Public Comment- None

7:15 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Opened.

CONDITION CHANGES

1) Planning Commission consensus to add condition #6 requiring a \$2000 Park Dedication Fee for the newly created lot.

2) Planning Commission consensus to add condition #7 Applicant to provide Town with copy of Driveway Easement Agreement.

Motion S Radke/2nd R Lang to forward the Jager Minor Subdivision Application to the Board with a recommendation to approve based on the Planner's 08/06/15 Findings of Fact and subject to the following conditions (which include the Planning Commission's noted conditions):

1. Development Agreement. A development agreement must be entered into specifying the number of density units allocated among parcels and approved by the Denmark Town Board.
2. 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

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not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.

3. 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.
4. Septic System. The Applicant shall obtain final approval of the proposed septic system from Washington County prior to the issuance of any building permits on the newly created lot.
5. Driveway. A driveway access permit must be obtained from Washington County and a copy provided to the Town.
6. Park Dedication Fee. A Park Dedication Fee of \$2000 is required for newly created lot.
7. Driveway Easement. A copy of the Driveway Easement Agreement will be provided to the Town.

With All Present Voting Yes, Motion Carried 5-0-0.

7:16 PM Chair Barr opened public Hearing.

Steve & Becky Herman Minor Subdivision 87th St S/St Croix Tr S, PID 15.027.20.32.0001

Applicant Becky Herman stepped down from clerk duties to present request. Kathy Higgins interim clerk. Applicant is requesting approval to split off a 5.018 acre lot for a new home site, in the southeastern corner of the existing 35.45 acre parcel. Property is zoned Rural Residential (RR) which allows for a density of 1 lot per 5 acres. The driveway access will be located directly across Penrose Avenue on 87th St S. The remainder 29.489 acres would consist of Outlot A (28.320 acres which is on the east side of St Croix Trail and Outlot B (1.169 acres which is on the west side of St Croix Trail). St Croix Trail physically separates the parcel which is zoned Rural Residential for the 34.281 acres on the east side of the road and is zoned Agricultural for the 1.169 acres on the west side of the road. Because the road clearly separates the parcel, the Applicant's surveyor was directed by the County to create Outlot B on the West side of St. Croix Trail.

Once the Plat is recorded, the County would like the 1.169 acre Outlot B to be combined with the adjacent 10 acre parcel (PID 16.027.20.41.0002) to its west, which would provide road frontage for that parcel. The total acreage of the combined parcels would be 11.169 acres.

Washington County is already the fee owner (Highway Plat 55) of St Croix Trail along the west side of proposed Outlot A, and also along the east side of proposed Outlot B.

According to Washington County, the 87th St Right of Way will be owned by the Township rather than the Town just having an easement on it. Discussion regarding whether the Town should have an easement rather than ownership of the Right of Way.

Applicant believes that the density units attached to the original 35.45 acre parcel should be seven density units. Subtracting the 0.95 acres for the right of way and removing the 1.169 Outlot A from the original parcel will decrease the original acreage from 35.45 to 33.331 acres. Applicant is requesting to retain 6 density units for Outlot A.

Applicant also expressed concerns regarding the cost and complexity associated with minor lot splits, now that they have to be platted.

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Public Comment- John Strohfus, who is currently going through the Minor Subdivision process with the County, questioned why the County would have a say regarding Right of Way easement or ownership on a Township road. Also, spoke regarding his lot split (on a County road) and expressed concerns regarding the amount of Right of Way (increasing from the 33' that it was prior to the lot split) that the County is taking ownership of, from his property.

Platting makes sense for a future recording perspective but adds a tremendous amount of cost. The cost of going through the platting process, which has tallied to upwards of \$8-10,000 to simply split a 5 acre lot off to build a house on it, is egregious. Even a simple split going through a plat process is subject to Major Subdivision requirements. Believes Town should have more say on decisions regarding simple splits to lessen the cost and complexity for their residents.

Attorney recommended Town have discussion with the County regarding platting requirements, Right of Way issues for property on both County and Township roads and clarification of procedures for Minor Subdivisions.

Planner submitted 08/06/15 Staff Report with Findings of Fact and 5 recommended conditions if approved. Attorney recommended adding condition requiring a \$2000 Park Dedication Fee for creation of the new lot.

7:51 PM Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Opened.

CONDITION CHANGES

- 1) Condition #5 should be corrected to reflect that a driveway access permit must be obtained from Denmark Township, not Washington County.
- 2) Add Condition # 6- A Park Dedication Fee of \$2000 is required for the newly created lot.

Motion Grote/2nd Barr to forward the Herman Minor Subdivision Application to the Board with a recommendation to approve based on the Planner's 08/06/15 Findings of Fact and subject to the following conditions (which include the Planning Commission's noted conditions):

1. Development Agreement. A development agreement must be entered into specifying the number of density units allocated among parcels, and approved by the Denmark Town Board. More specifically, the Development Agreement shall require the applicant to combine Outlot B with the adjacent parcel, (PID 16.027.20.41.0002)
2. 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.

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3. 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.
4. Septic System. The Applicant shall obtain final approval of the proposed septic system from Washington County prior to the issuance of any building permits on the newly created lot.
5. Driveway Access Permit. A driveway access permit must be obtained from Denmark Township.
6. Park Dedication Fee. A Park Dedication Fee of \$2000 is required for newly created lot.

With All Present Voting Yes, Motion Carried 5-0-0.

Motion Barr/2nd Radke to recommend retention of six density units on Outlot A, and to encourage the Township to work with the County to clarify procedures associated with Minor Subdivision platting.

With All Present Voting Yes, Motion Carried 5-0-0.

APPROVAL OF MINUTES-

Motion Grote/2nd Barr approval of Minutes 07/20/15 Planning Commission/Afton Apple Amended Conditional Use Permit & Erin Glen Major Subdivision Public Hearings. With all present voting Yes, Motion Carried 5-0-0.

Other Business: Geronimo Aurora Solar project- The Public Utilities Commission has approved a 40 acre site in the Town for a solar energy proposal. Attorney has been in contact with Aurora Solar representatives regarding building and electrical permits that Aurora will be required to obtain from the Township.

8:25 PM Motion Barr/2nd Radke to adjourn. With all present voting Yes, Motion Carried 5-0-0.

Becky Herman
Denmark Township Clerk/Treasurer