

Denmark Township Planning Commission Meeting
Sund 14292 110th St S Minor Subdivision
Public Hearing July 16, 2018

Planning Commission members present: Mike Kelz, Roger Lang, Steve Radke
Ex-officio Kathy Higgins
Absent: Bob Barr, Natalia Keene
Supervisors Present- Karen Herman
Others Present: Planner Eric Maass (WSB)

7:02 PM Vice Chair Lang opened Public Hearing. Sund 14292 110th St S Minor Subdivision (PID 28.027.20.32.0003) Eric & Laurie Sund

Applicant/Landowner Laurie Sund present.

Applicants are requesting to subdivide a 5.42 acre lot for a new single family residence from the existing 62.93 acre parcel which is zoned Agricultural A-2.

The proposed lot does not have any road frontage and the applicants are proposing to share the existing approved driveway that exists to the existing parcel. An approved private driveway is limited to serve two dwellings. The Town will require a driveway agreement that provides for maintenance, including snow plowing to be shared by the two parcels.

Original request was for the subdivision of a 5.39 acre lot with the proposed septic area outside the lot but has since been revised to reflect the subdivision of a 5.42 acre lot with the proposed septic within the boundaries, meeting required setbacks of the newly created lot. Updated survey has been provided. An agricultural accessory structure was constructed on the 62.93 acre parcel in 2017 and will remain on the remnant 57.51 acre parcel.

Planner provided 07/11/18 Staff Report and recommends conditional approval of the requested Minor Subdivision.

Public Comment:

Troy Lease 10677 Nyberg Ave S- asked for clarification regarding additional subdivisions- An approved shared private driveway is limited to serve two dwellings. Any further subdivision of the property would require a public road to be constructed for access.

Ryan Jager 14212 110th St S- clarification that a subdivision would not be necessary if a home were built on the existing 62.93 acre parcel. The applicants are electing to subdivide a 5.42 acre lot from the existing parcel, which would necessitate the need for a minor subdivision process.

Rhonda Lease 10677 Nyberg Ave S- asked if the current law allows for further subdivision. Further subdivision could be achieved if a public road were constructed.

7:11 PM 14292 110th St S Sund Minor Subdivision Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission meeting opened.

Noted Staff Report Revisions- Condition #2a revise to reflect proposed lot size of 5.42 acres. Condition #4-delete as revised survey dated 07/16/18 reflecting septic located within the boundaries of the newly created lot with septic setback has been provided.

Motion Kelz/2nd Lang to forward the Sund Minor Subdivision Application to the Town Board with a recommendation to approve, based on the Planner's 07/11/18 Findings Of Fact, subject to the revised 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, payment of the park dedication fee and such other provisions as the Town Attorney determines are appropriate.
2. Well and Septic System:
 - a. An acceptable septic site a minimum of 10,000 square feet in size must be identified within the boundary of the proposed five (~~5.39~~ 5.42) acre lot.

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- b. A permit from the Minnesota Department of Health must be obtained prior to well construction.
- 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.
3. Copies of driveway easements relating to the shared driveway access shall be provided to the Township. The easement shall include terms of maintenance for the shared driveway and shall be included as part of the development agreement so that should either of the properties be sold in the future, the maintenance and associated financial responsibilities for the maintenance of the shared driveway is clearly defined for each parcel.
4. ~~A revised survey showing that the proposed septic area be a minimum of ten (10) feet from the proposed property boundary.~~
5. 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;
6. 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;
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 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 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.

Voting Yes- Kelz, Lang, Radke. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Motion Lang/2nd Radke to approve minutes of 06/18/2018 Planning Commission/David & Muriel Leko 13452 90th St S Variance. Voting Yes- Lang, Radke, Kelz. Voting No- None. Abstaining- None. Motion Carried 3-0-0.

Other Business: 2040 Comprehensive Plan review Public Hearing August 20, 2018.

7:22 PM Motion Lang/2nd Radke to adjourn. With All Present Voting Yes, Motion Carried 3-0-0.

Becky Herman
Denmark Clerk/Treasurer