

Denmark Township Planning Commission Meeting  
Tukua-Klem St Croix Tr S/122<sup>nd</sup> St S Minor Subdivision  
Draft 2040 Comprehensive Plan  
Public Hearing August 20, 2018

Planning Commission members present: Mike Kelz, Roger Lang, Steve Radke (7:15 PM), Natalia Keene, Bob Barr

Ex-officio Kathy Higgins

Absent: None

Supervisors Present- Karen Herman

Others Present: Attorney Gilchrist (Kennedy-Graven), Planners Eric Maass & Ryan Krzos (WSB)

**7:04 PM Chair Barr opened Public Hearing. Tukua-Klem Minor Subdivision (PID 05.026.20.14.0001)**

Dick Klem landowner- Becky Tukua Applicant present.

Applicant are requesting to subdivide a 5.00 acre lot for a new single family residence from the existing 35.05 acre parcel which is zoned Agricultural A-2. The proposed lot meets the minimum lot requirements for lot size, buildable area and minimum public road frontage under the Lot Averaging requirements. The original 40 acre parcel was previously subdivided in 1975. The proposed subdivision would bring the net density of the original parcel to 1 dwelling unit per 20 acres. No additional density units would be available on the remaining 30 acres. Landowner noted that the crop has been removed and the septic contractor has taken soil tests which will be provided to the county for the septic permit.

Planner provided 08/03/18 Staff Report and recommends conditional approval of the requested Minor Subdivision.

Applicant will be required to enter into a development agreement with the Town.

Applicant- No comments/ in agreement with staff report.

Public Comments- None.

**7:11 PM** Tukua-Klem 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. Planning Commission consensus no issues with application.

**Motion Barr/2<sup>nd</sup>- Kelz to forward the Tukua-Klem Minor Subdivision Application to the Town Board with a recommendation to approve, based on the Planner's 08/03/18 Findings Of Fact, 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, 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 (5.00) acre lot. The Applicant shall provide the Township with septic location and soil testing results.
  - 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. 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;
4. 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;
5. 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.
6. 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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7. 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- Barr, Kelz, Keene, Lang, Radke. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

**7:15 PM Chair Barr opened Public Hearing. Draft 2040 Comprehensive Plan**

Planner provided 08/21/18 draft 2040 Comp Plan. Met Council requires Comp Plan to be updated every 10 years. Planning Commission reviewed draft with Planner. A number of items were identified that should be revised.

Questions:

- If in the next 10 years Land Use or Land Designation should change, when would it take effect? Any Land Use change amendment would be submitted to the Met Council for review/approval when it occurred. Change in Watershed or DNR plans would wait until the next update of the Comp Plan.
- MRCCA- Printout dated 2017 that indicates that the bluff setback is 40 ft. Draft Comp Plan sets it at 100 ft. MRCCA rules- setback is 100 ft. 2017 Printout is likely a draft, not final.
- Last 10 years Ag community has significantly changed. The current zoning districts should be looked at. Questioned who/how zoning districts/density is changed. Planner noted that through the year 2040, the Met Council has not indicated that the area eligible to receive public utilities (MUSA Line) does not extend into the Township. Until that line comes into the Township boundary, there will not be pressure to change zoning density. Less continuation of farm families will precipitate farms being sold off. Hard to steer farming offspring into the Ag use in this area. As property is subdivided, the remnant Ag parcels are continuing to get smaller. Planner noted that there are about 2000 acres enrolled in the Ag Preserves program and removing acres from that program takes an 8 year waiting period. There is a relatively small area of the Township that is in Ag Preserve (11%). Green Acres participation is 48.9% of Ag land. Conserved acres (parks, conservation easements) totals 11000 acres (62%).

Next Steps: Following Board Approval, the draft is distributed to adjacent communities for a six month review/comment period. Board will review any feedback. Final updated draft will be submitted to the Met Council by March 2019.

Board Chair Higgins redlined draft to note revisions and will work with Planner to revise/update draft for Board review.

Public Comment- None

**7:50 PM** Draft 2040 Comprehensive Plan 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 Barr/2<sup>nd</sup> Lang to forward the Draft 2040 Comprehensive Plan to the Town Board with a recommendation to approve, with the revisions as discussed. Voting Yes- Barr, Lang, Keene, Radke. Voting No- Kelz. Abstaining- None. Motion Carried 4-1-0.**

**Motion Lang/2<sup>nd</sup> Radke to approve minutes of 07/16/2018 Planning Commission/Sund 14292 110<sup>th</sup> St S Minor Subdivision. Voting Yes- Lang, Radke, Kelz, Keene, Barr. Voting No- None. Abstaining- None. Motion Carried 5-0-0.**

Planner Ryan Krzos who will be working as Denmark's Planner was introduced and welcomed.

**7:55 PM Motion Barr/2<sup>nd</sup> Kelz to adjourn. With All Present Voting Yes, Motion Carried 5-0-0.**

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Becky Herman  
Denmark Clerk/Treasurer