

**Town of May  
Washington County  
Planning Commission  
September 29, 2011**

The Planning Commission of the Town of May met for their regular meeting on Thursday, September 29, 2011 at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Steve Magner, Mark Dupre, Jyneen Thatcher, Don Rolf, Chad Nelson, and alternate Jeff Chase. Absent: alternate Bill Still. Also present: Planning Consultant Nate Sparks, Town Board Chairman, Bill Voedisch; Linda Klein, Town Clerk; Pete Kluegel, Building Inspector. Chairman Arnason called the meeting to order at 7:00 pm.

**Approval of Minutes**

Arnason moved, seconded by Nelson to approve the minutes from the May 5, 2011 planning commission meeting. All approved.

**Public Hearing**

**Reedy CUP Request**

John Reedy has made an application for a Conditional Use Permit at 12870 St. Croix Trail North to allow for the construction of an accessory structure prior to the principal structure. The accessory building will allow for the applicant to store materials on site for the construction of the house. The applicant intends to construct the house within one year of the accessory building. The applicant is also seeking a Certificate of Compliance from the Town Board to allow for the construction of the accessory building in front of the proposed principal structure location.

The property is located at 12870 St. Croix Trail N and is 38.66 acres in size. It is zoned Rural Residential and guided in the Comprehensive Plan for Rural Residential. The property has frontage on St. Croix Trail via a 60 foot wide “flag pole” portion that is part of the lot, and that is 1080 feet in length. The site is very hilly and intensely wooded.

*Certificate of Compliance*

The applicant wishes to not only construct the accessory building prior to the principal structure but also in front of the principal structure. The Town of May currently has a Certificate of Compliance Ordinance by which the Town Board may grant relief for proposed accessory building sites that meet at least 80% of the setback of the principal dwelling. The proposed accessory structure is about 1125 feet from the right-of-way and the house is proposed to be approximately 1250 feet from the right-of-way. This falls well within 80% rule and thus the Certificate of Compliance will be considered by the Town Board.

### *Accessory Structure Size*

The applicant originally proposed a 60' x 80' accessory building for the site, 4800 sq feet with the intent of using the accessory building for "agricultural uses" (intending to start an organic farm) and also to store boats, ATVs, snowmobiles, and a woodworking shop. Due to the strict definitions related to agricultural property, the applicant chose to withdraw this request and live with the limitations of a 2,500 square foot building.

### *Slopes, Grading, and Erosion Control*

This site has steep slopes in the vicinity of where the applicant is proposing to place the buildings. Sec. 705.11 of the Zoning Ordinance states that when construction is to occur on a slope greater than 12% the permit must be accompanied by a grading, erosion control, and soil conservation plans. These plans will need to be approved by the Town Engineer prior to issuance of a building permit. The ordinance also states that slopes greater than 25% are prohibited from construction.

The applicant's plans show a 31% slope near the house location but no direct and clear calculations for the exact house and accessory building location. Based on the plans provided the house appears to be constructed on a slope of about 23% and the outbuilding is on a slope of 24%. As plans are finalized, these exact calculations will need to be provided with any building permit application to prove the impacted slopes are less than 25%. In any case, the steep terrain dictates the need for the plans noted above.

### **Planning Commission Discussion**

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

Magner asked the applicant if he intends to move forward with building in October 2011. The applicant's goal was to get the structure going this year. Rolf asked about the potential for organic farming and agricultural use, given the wooded nature of the property. Reedy stated that he has pulled back from trying to redefine the lot for agricultural and would go with the 2500 square foot building. The building will be primarily for storage, wood shop, etc. He also intends to dig a sub-basement below the main structure allowing for additional storage. Thatcher asked for clarification that the storage would be for the applicant, and not rental storage.

Arnason asked about the proposed location of the barn and commented that a lot of dirt had been moved around on the site. The applicant has already pulled a septic permit for the property.

Regarding the time frame for building the house, Voedisch recalled the delay building a house in the Gohl situation, and revisions ended up costing the applicant more money; he suggested allowing adequate time for the applicant to put up the house.

Thatcher advised him regarding an invasion of foxglove, and the applicant stated he is already ware of this infestation.

Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason stated the application appeared to be consistent with the ordinance subject to the conditions of approval in the planning report and noted the yield plan would appear to allow for up to seven additional lots on the larger remaining parcel. Thatcher said the wetland permit associated with this request is under review.

Arnason moved, seconded by Rydeen, to recommend that the Town Board approve this application with the following conditions:

1. The Town Board must approve a Certificate of Compliance for the locations of the two structures and if not approved, the applicant must find complying sites on which to build the accessory building and the house that meet setback requirements.
2. The accessory structure shall be no greater than 2500 square feet in size.
3. The applicant shall provide grading, erosion control, and soil conservation plans subject to approval by the Town Engineer and any other responsible agencies prior to the issuance of a building permit, and these plans shall clearly show slope calculations for areas of construction and general wetland locations.
4. The accessory building shall not be used for human habitation or business purposes.
5. The applicant shall successfully apply for a building permit for the accessory building within one year of the Town's approval.
6. The applicant shall enter into CUP or development agreement prepared by the Town Attorney that embodies these conditions, and ensures the accessory structure shall be removed if these conditions are not met, or if the house is not built within a time certain.
7. The Planning Commission recommended timing as follows: the applicant has one year to pull a permit for the building, an additional year to pull the permit for the house, and an additional year for the house to be completed.

All approved.

### **Old Business**

Arnason stated there was no old business.

### **New Business**

Voedisch passed out copies of the new Town Code to everyone in attendance.

Arnason motioned, Rydeen seconded to close the meeting. All approved.

Respectfully submitted,

Linda L. Klein  
Town Clerk

