

**Town of May
Washington County
Planning Commission
February 23, 2017**

The Planning Commission of the Town of May met for their regular meeting on Thursday, February 23, 2017, at the May Town Hall. Members in attendance were: John Arnason, Chairman; Steve Magner, Lester Rydeen, Chad Nelson, Don Rolf, Jyneen Thatcher and Mitch Otterson. Absent: Jeff Chase. Also present were Linda Klein, Town Clerk; Town Planning Consultant Nate Sparks, Town Board Chairman Bill Voedisch, and residents of the Town of May. Chairman Arnason called the meeting to order at 7:05 pm.

Approval of Minutes

Rydeen moved, seconded by Otterson, to approve the minutes of the January 26, 2017, regular planning commission meeting. All approved.

CONCEPT PLAN

Major Subdivision – Floyd Johnson

Planner Nate Sparks presented the following background information regarding this concept plan. Prior to going into detail on the concept plan as presented, Sparks stated that the purpose of a concept plan review is to consider the general layout of the lots and roads, development strategy, intent, and general compliance to codes. An approval doesn't guarantee final approval; it is just the first step. The Town is now the sole authority of subdivisions. Since this is partially in the Shoreland District, the County has provided comments.

Sparks said the property in question is at 14595 Ostlund Trail. It is currently occupied by a single family house owned by Floyd Johnson. It is about 50 acres in size and they are proposing 5 lots. There are several lots to the south of the property on Square Lake that have access easements across this property. The details and rights for these easements will need to be evaluated at preliminary plat, if the concept is approved. The proposed lots meet the general performance standards of either the Town's zoning or the County Shoreland ordinance, as proposed.

Sparks said the applicant is proposing to place portions of the private road system for the neighboring property owners within outlots. This may be better than to deed to the neighboring property owners or place in an easement. There is a significant road assessment pending on the property.

Sparks said the lots are to access off a cul-de-sac, which serves as the required internal access road for a lot averaging subdivision. Lot 3 is proposed to access off of the private road system. If the Commission does not find this to be acceptable, it should be increased to 20 acres in size or access off of the internal road. The Commission should also consider if the access road should continue to the property to the east.

The applicant has noted that there may be wetlands on the site. A wetland delineation would be required prior to any preliminary plat consideration. With any plat application, the details on the existing house, buildings, and septic location will need to be provided.

The applicant is proposing a Lot Averaging Subdivision. Such a subdivision requires a minimum lot size of 38 acres. Lot averaging subdivisions allow the property owner to create parcels both larger and smaller than those of a conventional subdivision plan, provided the density of the development does not exceed the maximum density permitted for the zoning district..

Sparks concluded by reminding the commission that the following areas needed to be carefully looked at during the preliminary platting process: the easements, ensuring the access for Lot 3 from the private road is acceptable and meets standards including a possible partial upgrade, County shoreland review comments will need to be addressed, soil boring information, and the need for total payment of the existing road assessment.

Planning Commission Comments

Rydeen asked if runoff is part of this plan. Sparks indicated a general drainage system has been indicated, but the Town Engineer would need to do a careful review. Thatcher asked about drainage, and she noted the green areas are wetlands. Rydeen noted that adjacent property Adolphson previously completed a large drainage project with the wetland district.

Arnason stated that the overall goal/purpose of concept is to identify if they are on the right track and suggest areas needing addressing prior to preliminary plat. Nelson asked about the private roads splitting off the outlots. Arnason asked Milo Horvak, the surveyor representing the applicant, about the plan for the outlots/private road easement. He stated that the intent is to convey it to the neighbors, otherwise it would be part of an agreement per easements. It could end up being a part of Lot 5 as opposed to an outlot.

Arnason noted that the only variance that might be required would be the road into Lot 3. Sparks noted there are multiple easements for the private drive, so it would make sense that all the property owners on the lake would hold an easement. Town Board chair Voedisch brought up the subject of utilities on this lot.

Voedisch asked about a sliver of land shown on the Wilder side of the road. The surveyor will be meeting with the principals at Wilder to discuss this in March. He also questioned the 66 versus 60 foot easements in the town. Sparks noted there is an existing 60 foot easement already on the road. On Lot 3, he notes a 4 to 1 length to width ratio requirement, but the lower part is pretty narrow. He asked if this could be widened. Voedisch asked about borings for primary and secondary septic systems, noting that an extra boring is necessary.

Arnason moved, seconded by Rydeen, to recommend to the Town Board to approve this concept plan subject to conditions noted by Mr. Sparks, including that it is consistent with the Town's Comprehensive Plan and development standards. All approved.

CONCEPT REVIEW

Major Subdivision – May Farm Estates

Planner Sparks presented the following overview, reiterating the purpose of a concept plan review. This property is located on the southeast corner of Square Lake Trail and May Avenue. The Parsons Land Company LLC intends to divide the approximately 150 acre property into 5 lots now with one intended to be conveyed to a neighboring property owner and reserve development rights for 8 additional lots in the future.

Sparks stated that a Lot Averaging subdivision requires three 20 acre lots for 100+ acre development sites. The yield plan provided shows that the property could develop 14 lots. The proposed parcels generally meet lot standards with some minor adjustments. The proposed lots are two twenty acre lots, one ten acre lot, one six acre lot to be conveyed to the neighbors, and one 87 acre lot that the applicants wish to reserve development rights on. There is nothing in the Subdivision Ordinance to permit the granting of development rights without a preliminary plat.

Sparks said that a full grading plan will be required. There was a wetland identified in the National Wetland Inventory on the site that after a delineation was found not to be a wetland.

Sparks said that an internal access road is required for all subdivisions with four or more lots. The applicant intends to seek a variance from this requirement to plat four lots with no road provided. Two lots are intended to access off of Square Lake Trail, which is an arterial road. The County's subdivision ordinance, which is now administered by the Town, prohibits direct access to an arterial road in Section 9.7 (10). The applicant is closing two field access drives in this location. The County recommends all access from May Avenue. Through the subdivision design the need for this access could be eliminated. It is difficult to see what the practical difficulty is for this variance.

Sparks said the applicant is also intending to seek a variance to allow for the six acres to be conveyed to the neighboring property owner. This would put this property at 10,800 square feet of accessory buildings, which is over the 2,500 allowed for a lot of this size. The buildings are not believed to be of historic value. This would also exceed the allowed number of buildings. Additional property could be conveyed to make this a qualifying agricultural use and potentially not need a variance.

Sparks stated that these variances would be difficult to grant because they don't meet the variance review criteria, as any practical difficulties that may be present are being created by the property owner through the design of the subdivision.

The proposed major subdivision requires concept plan review by the Planning Commission and Town Board. The Town's subdivision regulations require the Town Board to approve or deny a concept plan for a major subdivision. Even if the concept plan is approved, additional information and revisions may be required at the time of preliminary plat.

Planning Commission Discussion

Sparks advised that the applicant is asking for a variance from the internal access road. The applicant's justification is that, due to the size of the parcel and number of lots being created, he does not believe that an internal road is necessary at this time. He suggested that the solution to this problem would be to apply for a minor subdivision of 3 lots – the two 20-acre parcels on Square Lake Trail and remaining acreage be one lot.

Rolf stated that there are a variety of options for developing the land that would not require variances. The applicant re-stated that he could go for a minor subdivision with access off Square Lake Trail. He states that he believes he could be granted access off Square Lake Trail if he has 20 acre parcels.

Nelson asked about cul-de-sac requirements for a preliminary plat. Sparks stated there are separate length standards for temporary and permanent cul-de-sacs. Arnason asked Sparks if he concurs with the access off Square Lake Trail in a minor subdivision. Sparks said with a minor subdivision the access point on Square Lake Trail would be subject to the same critical review.

Voedisch stated that a significant point would be how a two-tiered process would differ from a total preliminary plat application. This is a shadow form of a future subdivision, without being completely and formally platted. Arnason also stated that he is uncertain if the Town can approve the idea of future lots without something official. Voedisch made it clear that the road is the driving factor in future development. Town Clerk Linda Klein asked the applicant why it is so important, at this time, to confirm the access point off Square Lake Trail, given they do not intend to sell those 20 acre lots in the near future. Parsons stated that they needed "insurance" in case they should run into financial difficulties. Rydeen stated that, given the applicant has no intention of selling any lots in the near future, Rydeen doesn't understand why they don't just choose a location for the home, pull a building permit and build it. Otterson stated that he understands securing the two lots, but was not in favor of the Square Lake Trail access. He suggested bringing a road in from May Avenue to access their home, get the house built and propose something major in the future.

Arnason moved, seconded by Thatcher, not to approve the major subdivision concept as proposed but consider the potential for modifications or proceed with a minor subdivision that would meet the needs of both the applicant and May Township ordinances and standards, giving full consideration to the conditions itemized by Sparks in the staff report. All approved.

Hearing no further business, Arnason moved, seconded by Rydeen, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein
Town Clerk