

**TOWN of MAY  
WASHINGTON COUNTY  
PLANNING COMMISSION  
June 29, 2017**

The Planning Commission of the Town of May met for their regular meeting on Thursday, June 29, 2017. Those in attendance included: John Arnason, Chairman, Chad Nelson, Don Rolf, and Steve Magner. Absent: Lester Rydeen, Jeff Chase, Jyneen Thatcher and Mitch Otterson. Also present: Bill Voedisch, Town Board Chairman and Nate Sparks, Town Planner, NAC.

Chairman Arnason called the meeting to order at 7:10 pm.

Arnason moved, seconded by Magner, to approve the April 27, 2017, planning commission minutes with minor changes by Arnason. All approved.

**Public Hearing**

**Maywood Estates Major Subdivision, Preliminary Plat**

Sparks presented the following overview of the application.

Floyd Johnson has made an application for a preliminary plat for property located at 14595 Ostlund Trail. The proposal is for a lot averaging subdivision, partially within the Shoreland District. The applicant is proposing to divide a 52.5 acre parcel into five parcels.

The applicant has submitted a concept plan for a five lot major subdivision including property that is currently not owned by the applicant. There are dealings underway with owners of the Wilder property regarding a land swap to resolve these ownership issues, noted in “Wilder Property” below. The applicant is proposing to dedicate a right-of-way off Ostlund Trail into the site into a cul-de-sac providing access to four lots. The fifth lot is proposed to access off the existing private street system in the northeast portion of the site. The applicant is also proposing several outlots which are intended to contain portions of private drives to other properties that are located on this site.

The property is located on Ostlund Trail north of Square Lake. There are seven residential properties south of the site located on Square Lake. These properties are all accessed by private drives that are connected with one another and that enter through the Johnson property on both the east and west sides. The details of the easements have been provided. The applicant is proposing to grant new easements for this private driveway system.

The property is zoned Rural Residential, and guided for a Rural Residential Land Use in the Comprehensive Plan. Portions of the property are within the Shoreland District and two lots in the District do have smaller lot widths. The majority of the parcel is not in the Shoreland District where the Town’s standard subdivision regulations apply. The Rural Residential designation allows for a density of one unit per 10 acres with a minimum lot size of 2.5 acres.

The applicant is proposing a Lot Averaging Major Subdivision. Such a subdivision requires a minimum of 38 acres with at least 4 lots being created. Although applicants for lot averaging major subdivisions are encouraged to create parcels both larger and smaller than 10 acres (the underlying density), the Town does not mandate a variety of lot sizes if the initial parcel is under 60 acres which is the case here.

The applicant is proposing lots that are 10.26, 18.04, 11.01, 5.73 and 4.69 acres in size. The lots all meet the subdivision design standards for width and depth as proposed. Two lots are 150 feet in width which is allowed as they are within the Shoreland District. The applicant is also proposing outlots on the south end of the property to contain an existing private driveway system. Sparks suggested it may be preferable to convey the use of this land by easement rather than outlot. He noted that the updated plat passed out at the meeting shows these as easements rather than outlets, since the applicant did not have a strong feeling either way.

Section 901.04.20 of the Subdivision Ordinance requires soil testing for the installation of both a primary and secondary on-site sewage disposal. For the preliminary plat, two soil borings shall be completed on each lot with results being submitted to the Washington County. The applicant has submitted the necessary soil testing to the County. The applicant should clearly identify the primary and secondary septic areas per lot that conform to the Washington County requirements, upon approval. A soil boring is also required at each proposed house pad location to determine the highest observed water table which then dictates the low floor elevation.

A wetland delineation has been completed for the site and approved by the Watershed District. All wetlands are proposed to be placed in easements. Grading and drainage plans have been submitted and are subject to review and approval by the Town Engineer. There are several areas with steep slopes on the property. A bluff line is also identified on Lot 5. It may be advisable to have the steep slope and/or bluff impact areas placed within an easement. Drainage and utility easements shall be provided on the perimeter of all lots on the Final Plat.

Section 901.09.01 of the Town Subdivision Ordinance states that for major subdivisions, “the developer shall provide an access road within the development.” This requirement is consistent with the safety goals expressed in the Comprehensive Plan. An exception is granted for lots of more than 20 acres in Lot Averaging developments, with such lots being eligible for their own direct access to an existing public road.

Lot 3 is proposed to access off of Ostlund Trail, not via a new driveway but rather, it would gain access via an existing private drive serving lots on the lake. However this lot is not 20 acres in size and thus needs a variance to not have access via the new internal road. This may be deemed acceptable since no new driveway is being built off of the public road to serve Lot 3.

The right-of-way dedication for Ostlund Trail is subject to review and approval by the Town Engineer.

The applicant is proposing a new public road ending in a cul-de-sac. There is an existing road easement for a portion of this road. The applicant should supply this easement for review. The cul-de-sac length is 715 feet, which meets maximum length standards. For the proposed road, there are certain design and engineering standards required subject to review and approval by the Town Engineer.

There is an outstanding road assessment on this property that would need to be paid prior to the recording of any subdivision.

There is currently a private road system on the south side of the property serving lots on Square Lake. As noted earlier, the intent is to place this road in an easement. The width of the easement should be 33 feet to meet the Town's standard. In areas where the drive is not adjacent to a lot line, it may be advisable to have the easement run to the property line to allow for a relocation of the drive in the future. If possible, the existing easements should be terminated and replaced with a new easement to avoid confusion and conflicts.

The portion of the private road system to be shared with (up to the point of access of) the future house on Lot 3, will need to be constructed to the Town's shared private driveway standard, again in a 33 foot easement. The Town may wish to have this construction guaranteed as part of the financial guarantee for required improvements. All existing driveways on the site that are not being used for the new lots should be removed.

A portion of the property being platted is owned by the Wilder Foundation. The applicant must have new deeds reflecting a lot line adjustment with Wilder approved and recorded prior to the approval of the Final Plat.

The applicant will need to enter into a Development Agreement to guarantee the proposed improvements. A Financial Guarantee in the form of a cash deposit or letter of credit must be supplied to the Town Treasurer in a sum equal to 125% of the total on-site development costs, as estimated by the Town Engineer, of all the improvements to be furnished and installed by the applicant pursuant to the Development Agreement. If the developer defaults on the project before all improvements are properly completed, the Town may use the Financial Guarantee to complete the improvements.

Separate from the Financial Guarantee is an administrative escrow. Engineering inspections are billed to this escrow and if it becomes depleted, the applicant will need to post additional escrow. The Development Agreement will be recorded against all lots in the subdivision and also include other terms and requirements. This is inclusive of the prohibition of further subdivision.

If the preliminary plat is approved by the Town Board, the subdivider shall submit the final plat within 180 days after the approval, or the approval of the preliminary plat shall be considered null and void. This 180-day time limit may be extended if requested by the applicant and approved by the Town Board. All easement documents will need to be reviewed by the Town

prior to approval of the final plat. Park dedication fee of \$800 per lot will be required at the time of final plat in the form of cash.

### **PLANNING COMMISSION DISCUSSION**

John Arnason called for questions and comments from the planning commission. Arnason noted that the only exception is that Lot 3 is coming off a separate drive. Sparks stated that the road where Lot 3 would access would need to be upgraded to road standards as opposed to driveway standards. Rolf agreed that the plat is consistent with the previous review. Arnason commented on the cul de sac being 60 feet vs. 66 feet. Sparks noted that the 60 foot standard came about because of adopting Washington County standards.

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

Katherine Zoff, one of the properties served by the private road, questioned if there will be street lights on the cul de sac. Sparks stated that on a preliminary plat basis, that usually does not come into play. Lighting of roads is not part of the Town standards, and the Town would not want to become responsible for lights. Her other question was access for the private road. Sparks stated that the only people having access to the private drive will be the south property owners on the lake.

Annette Glamos asked how the roads meet, blacktop vs. gravel to the private lots. She was advised that the Town is responsible for maintenance to the new public roadway, and they will continue to be responsible for maintenance of their private portion.

Scott McDonald, attorney for Katherine Zoff, asking about the private easement, which is shown as 33 feet. He stated that some of the old easements are in slightly different locations, so all the property owners will need to agree to the new 33 foot easement. He also is wondering if the Town will require a private road agreement for maintenance, etc. Chairman Voedisch stated that the Town only requires agreements if the private road is on a public road bed. Arnason stated that the Town Attorney, Dave Snyder, will work with the property owners regarding turning the existing easements into the new 33 foot easement.

Voedisch asked the applicant, Milo, about the grading plan. He stated that the plan has been reviewed by Carnelian Marine Watershed. Mr. Jon Whitcomb stated that there is a drainage easement assigned for water generated on the street. Voedisch stated that it is inconsistent for the Town to not recommend some method of taking care of water. Whitcomb said it was designed in conjunction with the watershed district and the applicant.

McDonald asked again about the access easement, wondering if the 33 foot easement is designed to access all the properties on the south. Annette Glamos noted that many trees have been cut by the Johnsons that were on property jointly owned by the Derrylough Family. Voedisch stated that this is an issue to be dealt with between the two property owners.

Rick Markwardt, 14775 Ostlund, stated that the easements they now hold are perpetual and thus the property owner can either continue using the existing easement or give it up and agree to the new 33 foot easement. He stated that he would consider using the existing easement if he is not in favor of the new easement configuration proposed for all the property owners on the lake.

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

Rolf moved, seconded by Magner, to recommend to the Town Board that they approve the preliminary plat with the following conditions:

1. The proposed public road is subject to review and approval of the Town Engineer.
2. The applicant shall have a lot line adjustment with the Wilder Foundation approved in the form of recordable deeds prior to the submission of the final plat.
3. Drainage and utility easements shall be placed on the perimeter of all lots.
4. The existing private driveway system shall be placed in an easement 33 feet wide that extends to the property lines.
5. All wetlands shall be placed in easements.
6. Primary and alternate septic sites shall be approved by Washington County and identified on the final version of the preliminary plat.
7. The portion of the private street to be used by Lot 3 shall require reconstruction to the Town's road standard.
8. Right-of-way dedication is subject to review and approval by the Town Engineer.
9. The existing driveways that are not being proposed for use shall be removed.
10. The outstanding assessment shall be paid prior to recording the final plat.
11. The applicant shall enter into a Development Agreement and supply the Financial Guarantee with the approval of the final plat.
12. Park dedication fee of \$800 will be required at the time of final plat.
13. The applicant shall address all comments from the Town Engineer, Town Attorney, Watershed District, Conservation District, Washington County, and any other relevant agency.
14. The applicant shall apply for final plat approval within 180 days unless extended by the Town Board. All approved.

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

Respectfully submitted,

Linda L. Klein  
Town Clerk