

SHERBURNE C O U N T Y



*Sherburne County
Planning Advisory Commission Meeting Minutes
January 16, 2020
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on January 16, 2020 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Chairperson Bryan Lawrence called the meeting to order and roll was taken.

The following members were present:

Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Steve Demeules, Palmer Township; Chairman, Bryan Lawrence, Baldwin Township; Corrie Silverberg, Orrock Township; Jeff Schlingmann, Haven Township; Terrance Vandereyk, Clear Lake Township

The following members were absent:

Raeanne Danielowski, County Board Commissioner; Vice-Chair Bruce Aubol, Big Lake Township; David Jehoich, Santiago Township

The following staff were present:

Assistant Zoning Administrator, Lynn Waytashek; Senior Planner, Marc Schneider, Secretary, Carrie Winter.

Lawrence stated that the meeting was being recorded and announced that the Planning Commission is a recommending body. Items recommended for approval by the Planning Commission will be heard by the County Board of Commissioners on February 4th, 2020 at 9:00am.

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Spencer made a motion to approve the minutes from the December 19, 2019 Public Hearing. Schlingmann seconded. Motion carried and the minutes were approved for the December 19, 2019 Public Hearing.

Lawrence then presented the agenda for the evening and added 2020 Planning Commission Officer Elections to the agenda.

Demeules made a motion to approve the Public Hearing agenda for January 16, 2020 with the agenda item added for elections. Silverberg seconded. Motion carried and the Public Hearing agenda for January 16, 2020 was approved with the addition of an agenda item for the Planning Commission Officer Elections.

Agenda:

1. **Election of 2020 Planning Advisory Commission Officers**
2. **Riverside Dev Co of Princeton** (Owner: M & L Holdings LLC: Request for preliminary plat approval for **“WHEAT FIELDS”** a 17-lot standard plat.
3. **Randy and Joan Heinen:** Residential Preliminary and Final Simple Plat Approval of **“Heinen Addition”** consisting of two lots (one existing residence).

Agenda Item #1 6:02pm

Election of 2020 Planning Advisory Commission Officers

Lawrence stated the current officers are Chair; Bryan Lawrence, Vice-Chair; Bruce Aubol and Secretary; Carrie Winter.

Lawrence then opened the elections for 2020.

Nelson moved to keep the current officers in current positions, Schlingmann seconded. The motion carried and the current officers were elected to continue their current roles for the 2020 calendar year.

Agenda Item # 2 6:03pm

Riverside Dev Co of Princeton (Owners: Riverside Dev Co of Princeton & Greg & Deborah Dahlheimer, ETAL): Request for preliminary plat approval for “**WHEAT FIELDS**” a 17-lot standard plat.

PID#10-108-1200 and 10-108-1300, Sec 8, Big Lake Township on 60 acres in the General Rural District

Lynn Waytashek, Assistant Zoning Administrator presented the request to the Planning Commission including the Board Packet Attachments and Comments as well as a revised plat drawing. Members were given a copy of the revised plat drawing. This revised drawing showed the proposed property line adjustment between an adjoining property and proposed Lot 14 of the plat. This adjoining property is owned by Olson. There is a building partially over the lot line and the applicant will be doing an Administrative Subdivision to ensure that building meets setbacks. If the Planning Commission recommends this plat, Waytashek recommends adding a Condition: The Administrative Subd proposed between Lot 14 and the adjoining metes and bounds parcel (Olson) must have the deeds recorded for the Admin Subd at the same time that the plat is recorded.

PLANNING COMMISSION’S PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Preliminary Plat (date stamped December 6, 2019)
- C. Preliminary Grading and Drainage Plans (date stamped December 6, 2019)

BIG LAKE TOWNSHIP COMMENTS (received on December 12, 2019) – Recommend approval contingent on developer meeting all requirements of Town’s engineer and Sherburne County, entering into a Developer’s Agreement with the Town, and posting all required securities.

Ross Abel, Big Lake Township Engineer (received on December 12, 2019) – We find the cross culvert at station 3+36 on 220th Ave to be shown reversed in flow direction as shown on the proposed drainage map with flow direction from Pond P6.0 to Pond P7.0. Proposed grading and drainage plan is acceptable as presented, with the correction of the culvert flow direction as noted above and recommend approval.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (November 26, 2019) –

1. No concerns with Lot 1 thru Lot 16, excluding Lot 13 within Block 1. Access will be via 180th Court NW and 220th Ave NW. No additional access to Co Rd 43 will be allowed. Lot 13, Block 1 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements. Lot 1 Block 2 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements.
2. Park dedication fees for 17 lots at \$800 per lot, totaling \$13,600.

Russ Heiling, County Surveyor's Office (December 11, 2019) – The survey comments have been addressed per the updated version. We have no further comments.

Mike Lindenau, County Ditch Inspector (November 20, 2019) – I have no issues. Does not benefit from a county ditch.

PLANNING & ZONING STAFF COMMENTS:

1. This proposed preliminary plat was brought to the Planning Commission several months ago. Since then an additional 21 acres to the south, owned by Dahlheimer, have been added to this proposed plat. The road and lot layout have changed. The east/west road has been moved further north to allow greater lot size adjacent to the NSP easement. Two lots are proposing access to Co Rd 43.
2. Approximately 380 ft of road in existing township road right-of-way will need to be built to connect this property with 181st Street. The developer is being required to construct the road.
3. Stormwater ponds are proposed in the NSP overhead utility drainage and utility easement.
4. Several lots are limited in buildable area with the large NSP overhead utility powerline easement and setbacks are factored in. All of the proposed lots have at least 40,000 sq. ft of developable area outside all easements. With setback requirements some lots may be limited for outbuildings. Builder should notify buyers of small building area.
5. On December 18, 2019 Zoning Staff were forwarded an email from Jesse Lyon of Xcel Energy stating that there are acceptable clearances to the proposed grade. Prior to Final plat approval a signed agreement by NSP allowing the stormwater pond and 180th Court NW to be located within the NSP Easement.
6. There is a drainage easement proposed along the front (road right-of-way) of Lot 1 and Lot 2. Access to the property will require a driveway to be placed through the drainage easement. A letter dated December 10, 2019 from the township engineer states that the township is okay with driveway location along lot line of Lot 1 and Lot 2 as proposed but a requirement of plat approval will be that developer must construct driveway through the entire drainage and utility easement and install driveway culvert at the time of road construction to ensure proper drainage flow will exist post-development.

RECOMMENDED CONDITIONS IF APPROVED:

1. Park dedication fees for 17 lots at \$800 per lot, totaling \$13,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.
3. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to being scheduled for final plat approval. No ground disturbance may begin prior to the Zoning Department issuing the Stormwater & Erosion Control Permit.
4. The developer must construct driveway and install driveway culvert along shared lot line of Lot 1 and Lot 2 through the entire drainage and utility easement at the time of road construction to ensure that property drainage flow will exist post-development.

5. Approximately 380 feet of road in existing township right of way will need to be constructed to connect property to 181st Street. The developer is responsible for road construction/connection per township requirements.
6. Prior to Final plat approval a signed agreement by NSP allowing the stormwater pond and 180th Court NW to be located within the NSP Easement.
7. Public Works Department - Lot 13, Block 1 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements. Lot 1 Block 2 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements.
8. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Lawrence asked about 220th Avenue NW, coming in from the West side of the plat, if the easement exists and if the roadway is to be constructed by the developer.

Waytashek said that this is her understanding. The ROW is there, and the roadway has not been constructed. Even though the developer does not own that segment, he must construct the roadway due to the ROW.

Lawrence asked if the property to the South of Cty Rd 43 will have any further changes or if it is just to be (1) Lot.

Waytashek confirmed that it is (1) Lot to the South and will remain (1) Lot,

Lawrence recognized the representative of the plat; Craig Wensmann, from Bogart, Pederson & Associates, 13076 1st St Becker, came forward. He explained that this plat had been presented to the Planning Commission and Staff in October and there were concerns about lot area for lots adjacent to the overhead power line. Bogart then went back to the drawing board to rearrange roads to create larger lots with more buildable area. In the meantime, the adjoining landowner to the South contacted the developer for a portion upland that was landlocked and they agreed to become part of this plat. They then flip flopped the cul de sacs. During this process they were able to increase the buildable areas in the lots that were a prior concern. They were also able to add a couple more lots for the landowner to the South. The property across the road is a remnant parcel that will be a lot on its own.

Lawrence confirmed that the applicant understood the (9) recommended conditions, including the addition of Condition #9. The applicant confirmed that he understood the (9) Conditions including the addition of Condition #9.

Lawrence opened the Public Hearing.

Curt Brzezinski, 21775 181st St NW, Big Lake, came forward and asked about the wetland in the Southern portion of the development and if the plan is to drain this wetland.

Waytashek explained that there are no proposed impacts to the wetlands.

Lawrence added, that the notes for the wetland, refer to where the drainage will occur.

Waytashek continued by saying that the notes refer to the easement for the wetland, where the developer and future property owner isn't supposed to impact with the wetland. The county enforces the Wetland Conservation Act, which the state enacted in the early 1990s. You can't drain, fill or excavate a wetland without going through the permit process. Waytashek then asked Wensmann to confirm that no impact will occur to the wetlands.

Wensmann confirmed there will be no impact.

Lawrence asked if anyone else wished to speak and reminded the attendees that this plat will come back for final plat, but there will be no Public Hearing at that time.

Schlingmann made a motion to close the Public Hearing. Demeules Seconded. The motion carried and the Public Hearing was closed.

Schlingmann moved to recommend approval of the Preliminary Plat with the recommended (9) Conditions. Vandereyk Seconded.

Conditions:

1. Park dedication fees for 17 lots at \$800 per lot, totaling \$13,600. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. An NPDES permit must be submitted to the Zoning Department prior to being scheduled for final plat approval.
3. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to being scheduled for final plat approval. No ground disturbance may begin prior to the Zoning Department issuing the Stormwater & Erosion Control Permit.
4. The developer must construct driveway and install driveway culvert along shared lot line of Lot 1 and Lot 2 through the entire drainage and utility easement at the time of road construction to ensure that property drainage flow will exist post-development.
5. Approximately 380 feet of road in existing township right of way will need to be constructed to connect property to 181st Street. The developer is responsible for road construction/connection per township requirements.
6. Prior to Final plat approval a signed agreement by NSP allowing the stormwater pond and 180th Court NW to be located within the NSP Easement.
7. Public Works Department - Lot 13, Block 1 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements. Lot 1 Block 2 access to Co Rd 43 shall be allowed and must meet Sherburne County access spacing requirements.
8. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

9. The Administrative Subd between proposed Lot 14 and the adjoining metes and bounds parcel (Olson) must have the deeds recorded for the Administrative Subdivision at the same time that the plat is recorded.

The motion carried and is recommended by the Planning Advisory Commission to the County Board for approval.

Agenda Item #3-6:13pm

RANDY AND JOAN HEINEN: Residential Preliminary and Final Simple Plat Approval of “Heinen Addition” consisting of two lots (one existing residence).

PID 01-021-3202 Property Address: 29605 128th St NW, Princeton Sec 21, Twp 35, Rge 26 Baldwin Township 10 acres General Rural Zoning District

Marc Schneider, Senior Planner, presented the request to the Planning Commission including the Board Packet Attachments and Comments.

BOARD PACKET ATTACHMENTS:

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- A. Aerial Photo
- B. Preliminary Plat
- C. Final Plat

BALDWIN TOWNSHIP COMMENTS: Recommend approval.

DEPARTMENT/AGENCY COMMENTS:

David Roedel, Deputy County Engineer (12/13/2019) Sherburne County Public Works Engineering has no concerns with the proposed Simple Plat application. Since Public Works had previously allowed the easement in lieu of the \$800. Public Works Engineering has no concerns with the trail easement being shown on the plat and it can remain.

Russ Heiling, County Surveyor (11/04/2019)

1. For the final plat we will require ties from the plat boundary to the PLSS Corners and reference the PLS corner by it Certificate.
2. A note to the surveyor, the description being half of a half of a quarter-quarter-section may be presumed to be by area calculation rather than equidistance.
3. Limited access will be required along the entire length of CH 45.

Bonnie Jacobs, County Auditor's Office (11/01/2019) – No ditch, no specials and no Green Acres. Taxes must be paid in full.

Mike Lindenau, Co Ditch Inspector (11/01/2019) – No issues, does not benefit from county ditch.

STAFF COMMENTS:

1. This property had received preliminary plat approval in 2009 and had several plat extensions approved then received final plat approval in October 2018. Due to complication with the applicant's mortgage company the plat was not recorded within the required one year of approval and the plat expired. The applicant is requesting preliminary and final plat approval for the same simple plat approved in 2018.
2. The applicant is proposing to split a 9.83-acre lot into two lots. Lot 1, Block 1 has an existing residence and will be 4.77-acres and will have limited access to County Road 45. Lot 2, Block 1 is vacant and will be a 4.77-acres and access Township Road 126th Street NW.
3. 30 ft trail easement will be taken in lieu of County park fees on Lot 2, Block 1.
4. No new roads will be constructed.

RECOMMENDED CONDITIONS IF APPROVED:

1. The developer shall dedicate a 30 ft wide trail easement on Lot 2 Block 1 and a 50 ft wide County Road 45 right-of-way dedication.
2. Limited access will be required along the entire length of County Road 45.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

Planning Commission Discussion Followed:

Lawrence asked if the ROW and trail easements were dealt with. Lawrence stated that when he visited with the applicant previously, this was still something that they were working to get it taken care of.

Schneider confirmed that this was taken care of. The Public Works department went back to what was previously approved with the trail easement on the East side of the property.

Lawrence recognized the applicant of the plat; Joan Heinen, 29605 128th ST NW Princeton, came forward. Heinen did not have comments.

Lawrence confirmed that the applicant understood the (3) Conditions. Heinen stated her understanding.

Lawrence opened the Public Hearing.

Darrell Olson, 29936 Hwy 169 NW stated that he received a letter in the mail which is why he is here. Olson doesn't understand where this property is located.

Lawrence explained the proximity of the property to the parcel that is owned by Olson.

Waytashek explained that State Statute requires the County to notify anyone within a half mile for a plat application.

Schneider added that the proposed plat is not an immediate neighbor to Olson.

Nelson moved to close the Public Hearing. Schlingmann Seconded. The motion carried and the Public Hearing was closed.

Nelson moved to recommend approval of the Plat with the (3) Conditions. Silverberg Seconded.

Conditions:

1. The developer shall dedicate a 30 ft wide trail easement on Lot 2 Block 1 and a 50 ft wide County Road 45 right-of-way dedication.
2. Limited access will be required along the entire length of County Road 45.
3. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried and is recommended by the Planning Advisory Commission to the County Board for approval.

Closing:

Nelson moved to adjourn the meeting. Spencer seconded. The motion carried and the meeting was adjourned at 6:20pm.

Submitted by Secretary, Carrie Winter.