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Memorandum

To:	Stillwater Town Board	Reference:	Lynskey Subdivision Application - Preliminary and Final Plat for
Copies To:	<hr/> Kathy Schmoeckel , Clerk <hr/> Soren Mattick, Attorney <hr/> Mick Lynskey, "Applicant"	Project No.:	<hr/> 17124.000 Lynskey Plat <hr/>
From:	<hr/> Merritt Clapp-Smith, Planner	Routing:	<hr/> <hr/>
Date:	<hr/> May 6, 2019		<hr/>

SUBJECT: Subdivision request to split a 42.55 acre parcel into four single-family lots.

MEETING DATE: May 9, 2019

LOCATION: Southeast corner of 116th St N and Partridge Rd N
(PID 31.030.20.14.0003)

LEGAL DESSCRIPTION: THAT PT GV LT 3 & SE1/4-NE1/4 LYING ELY OF C/L PARTRIDGE RD EXC: S 140FT OF BOTH SD GOV LT & SE1/4-NE1/4 LYING ELY SD C/L RD & WLY OF E 400FT SD SE1/4-NE1/4 ALSO EXC S 544.39FT OF E 400FT SD SE1/4-NE1/4 SUBJ TO EASE SECTION 03 TOWNSHIP 030 RANGE 020

PROPERTY OWNERS: William and Mary Keefer

ZONING: Agricultural District

60-DAY PERIOD: June 15, 2019

ITEMS REVIEWED: Application and plans received April 16, 2019

PROPERTY INFORMATION

Parcel description and land use: The property is a vacant 42.55 acre parcel, surrounded by single-family lots and some agricultural use.

Natural Features and Conditions: Most of the site consists of agricultural crop field with a semi-wooded valley along the northeast area of the site. The topography is gently rolling with steeper slopes along the northern edge.



DESCRIPTION OF THE REQUEST

The Applicant requests to subdivide the property into four (4) single-family lots, which would be sold individually and developed by each buyer. No public streets or infrastructure are proposed. The subdivision qualifies as a Major Subdivision under the Stillwater Township code, since the parcel is being divided into more than three (3) lots.



ITEMS SUBMITTED WITH THE APPLICATION

1. Preliminary Plat survey (Cornerstone Land Surveying)
2. Final Plat survey (Cornerstone Land Surveying)
3. Drainage evaluation memo 11.27.18 (Elan Design Lab)
4. Washington County Lot Split Approval regarding septic 11.6.18 (Joe Sanders)
5. Wetland Delineation Report 10.23.18 (Bopray Environmental)
6. Notice of Decision approving wetland delineation 12.4.18 (Washington Conservation District TEP)

EVALUATION OF THE MAJOR SUBDIVISION REQUEST

The Stillwater Township Subdivision Ordinance states that the Planning Commission shall recommend approval of a preliminary plat if it meets the following findings:

- (1) *It complies with the Township’s Comprehensive Plan, Development Code, Capital Improvements Program, and other policies and regulations.*

This finding is met. The subdivision is consistent with Comprehensive Plan policies and Land Use goals to “Support a rural residential lifestyle” and to “Provide a safe and healthy residential setting”. The subdivision is consistent with the land use intent of the Agricultural district for agriculture and single-family uses, and the proposed lots meet development code standards.

Development Code Item	Agricultural Zoning District Requirement	Proposed Subdivision
Density	4 dwelling units per 40 acres	4 dwelling units per 42.5 acres
Minimum Lot Size (under lot averaging provision)	2.0 acres	Lot 1 = 7.87 acres Lot 2 = 10.00 acres Lot 3 = 10.00 acres Lot 4 = 12.40 acres
Minimum buildable area (lot area less setbacks, easements and slopes greater than 25%)	At least one (1) contiguous acre of accessible land	Lot 1 = 5.8 acres Lot 2 = 8.1 acres Lot 3 = 8.2 acres Lot 4 = 8.1 acres
Minimum frontage on a public road	300 feet for parcels greater than 4 acres in size	Lot 1 = 931 feet Lot 2 = 435 feet Lot 3 = 517 feet Lot 4 = 650 feet
Maximum lot coverage	25%	Future plans will comply easily due to large lot sizes.
Minimum Building Setbacks	Front = 40’; Side = 20’; Rear = 50’	Conceptual building pads comply with setbacks.
Maximum Building Height	35’	Future building plans must comply.



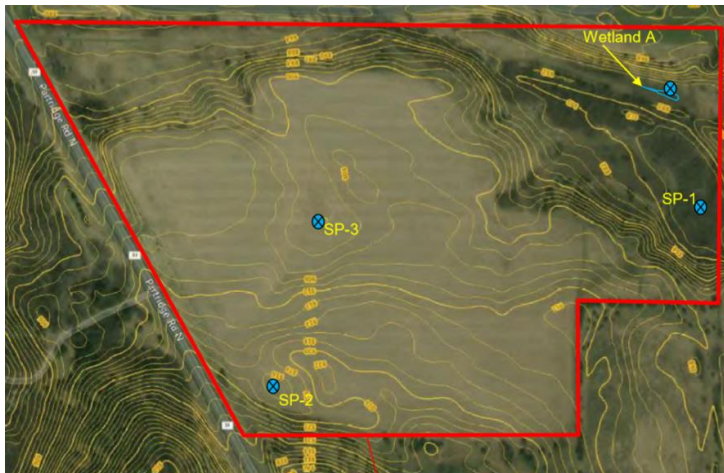
The subdivision is also consistent with other Township policies and regulations and does not conflict with any item identified in the Capital Improvement Plan.

- (2) *The physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, and retention, are such that the site is suitable for the type or intensity of development or use contemplated.*

This finding is met. The proposed lots have been divided and conceptually laid out for single-family homes and driveways in a manner that reduces impacts on natural features such as steep slopes, wet areas, and tree stands. The Preliminary plat indicates that each site has five (5) or more acres of “buildable land” area that avoids steep slopes and wetlands, as well as setbacks and easement areas. Future development of each site will require submission of plans and approval of permits for grading, erosion control, and stormwater management.

- (3) *The design of the subdivision or the proposed improvements will not cause substantial and irreversible environmental damage.*

This finding is met.



A wetland delineation was conducted by Bopray Environmental for the 42.55 acre property and a report issued on October 23, 2018. The wetland delineation identified one wetland on the property – Wetland A, classed as a Seasonally Flooded Basin PEMA. The report stated that Wetland A “is a small, linear depression along an old field road. It has a very limited watershed and may be a remnant of vehicle tire traffic”.

The report further stated, “There are no wetlands or waterways identified on the protected waters inventory map so the Minnesota Department of Natural Resources (DNR) will not have jurisdiction over this site. Wetland A is regulated under the Minnesota Wetland Conservation Act (WCA) which is administered by the Washington Conservation District as the Local Government Units (LGU).”

The **Technical Review Panel** reviewed the wetland delineation report and approved it in a Notice of Decision dated October 31, 2018.



The **Watershed District** is reviewing a permit application for the subdivision and the developer is working with the Watershed to satisfy the conditions of its Rules. One specific item being discussed is a crossing easement on Lot 4, where a future driveway would cross an easement for the Little Carnelian Lake outlet channel that runs in a pipe under the ground. According to Watershed staff, *"We will need to impose some sort of conditions on the eventual property owner concerning repair of [the] driveway if we need access under."*

Soil tests were conducted and septic suitability evaluated for each of the four proposed lots, and a Septic Permit Application submitted to **Washington County Department of Public Health and Environment**. The following comments were provided by a Washington County Environmental Specialist:

"The proposed lots appear to have suitable soil for individual sewage treatment systems...The soil observations conducted were preliminary and only for the purpose of determining suitability of these lots to support long-term sewage treatment... before an installation permit can be issued by the Department for a specific sewage treatment system, at least four additional borings and at least one percolation test must be conducted by a designer licensed by the Minnesota Pollution Control Agency."

(4) *The design of the subdivision or the type of improvements will not be detrimental to the health, safety, or general welfare of the public.*

This finding is met. The proposed, large single-family lots comply with the density standards for the Township and will not generate traffic, noise, odors, or activity at levels high enough to detrimentally impact the health, safety or welfare of the public.

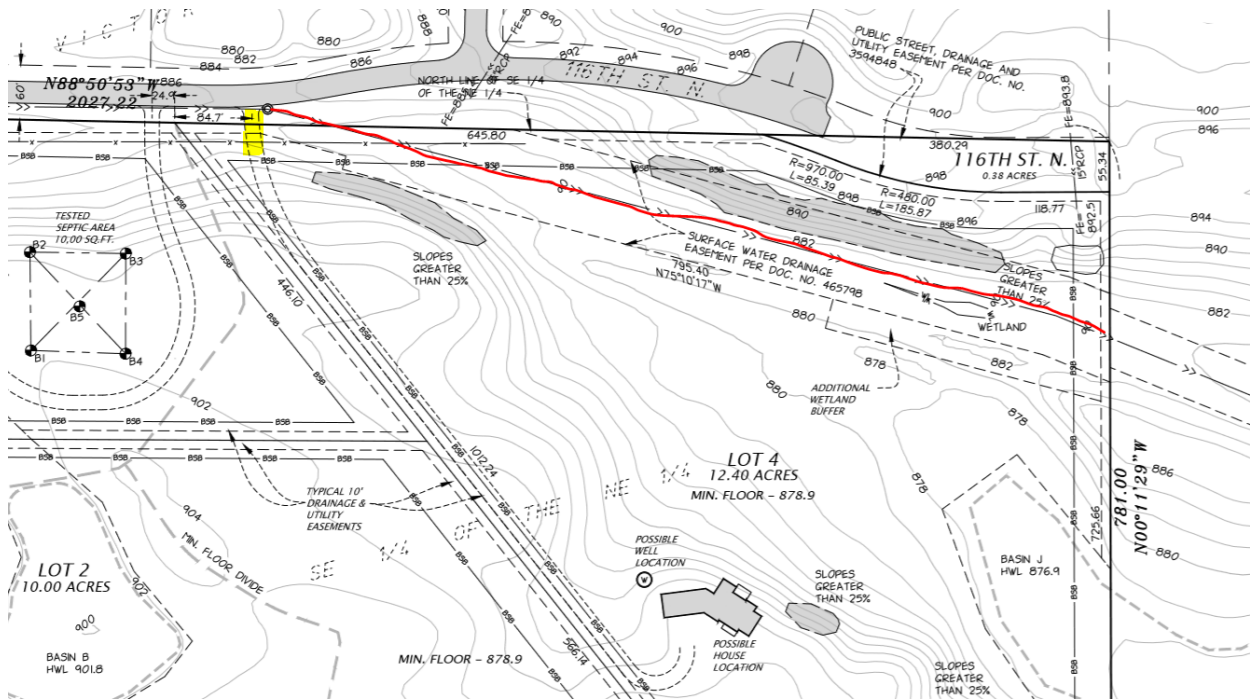
(5) *The design of the subdivision or the type of improvement will not conflict with easements on record or with easements established by judgment of a court.*

This finding is mostly met. Easement areas are marked on the plat documents and will not be impinged upon by future buildings, drives or septic systems, except as noted below:

- The Little Carnelian outlet easement on Lot 4, which is monitored by the Watershed District, may be crossed by a future driveway, if a crossing easement and associated conditions are approved by the Watershed District.

The image on the next page from the Preliminary Plat has been marked in red pen to indicate the location of the outlet channel for Little Carnelian Lake, running west to east near the north edge of Lot 4. The location where a driveway may cross the easement is marked in yellow.





(6) That the subdivision is not premature as determined by the standards of the Subdivision Ordinance, Section 5.2.

This finding is met. The subdivision meets the conditions to proceed – it is consistent with the Comprehensive plan; it is consistent with the Capital Improvements Plan; it can provide adequate sewage treatment to each lot; it is served by adequate streets; it can provide good drainage; it will not pollute nearby water bodies; and it meets environmental requirements.

Engineer's Comments

The Township Engineer provided initial comments on the submitted application materials in a memo dated April 23, 2019, and updated his comments based on communication with the Applicant's engineer regarding the identified issues. The original memo and revised comments were attached to the Planning Commission staff report. An updated status report will be provided to the Town Board in advance of the meeting on May 9th.

Washington County Planner Comments

Washington County Planning staff reviewed the application and provided this comment, "In review of the Carnelian Overlook Preliminary Plat, Lot 2 and Lot 3 will require Washington County Access Permits for the driveways."

IN SUM - The above findings support granting approval of the subdivision.



PARKLAND DEDICATION

The Township requires Park Dedication for every newly created lot in the Township, under Subdivision Ordinance *Section 12.0 Park Dedication Requirements*. The dedication may be made in land or fee in-lieu of land, at the discretion of the Town Board. In this case, the proposed subdivision size and location do not align with any Township goals or plans for new parkland. Therefore, dedication in fee is recommended. According to the Township 2019 Fee Schedule Fee, the park dedication fee is \$2,500 per newly created lot. The proposed subdivision creates four lots from one lot, for a net of three new lots. The associated parkland dedication fee would be \$7,500 for the subdivision.

TOWNSHIP REQUIREMENTS FOR PRELIMINARY AND FINAL PLATS

A number of items typically addressed in larger subdivisions do not apply in this case or will be applied when specific development plans for each lot are proposed.

Items that do not apply:

- Homeowners' Association documents – there will not be a Homeowners' Association
- Plans and cost estimates for public improvements – there will be no public improvements

Items to be addressed later, as site and building plans for each lot are prepared:

- (1) Landscaping plan
- (2) Grading and Erosion control plan
- (3) Stormwater pollution prevention plan
- (4) Sewage Treatment System permit
- (5) Driveway permit
- (6) Building permits

ACTION REQUESTED

The Planning Commission held a public hearing on May 2nd. The Town Board can discuss the subdivision request and staff report, and do one of the following:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends approval of the Preliminary Plat for the parcel at the Southeast corner of 116th St N and Partridge Rd N (PID 31.030.20.14.0003), subject to the conditions below. The Planner recommends approval of the associated Final Plat, per the same conditions.

1. The lot split plans shall be in substantial compliance with the plans submitted to the Township on April 16, 2019.



2. The Applicant shall satisfy all conditions of a Watershed District permit to be issued for the proposed subdivision.
3. The Applicant shall satisfy all requests of the Township Engineer.
4. As each lot proceeds to development, plans and applications for proposed site work and construction shall be submitted and approved, as required by local and state regulations. These shall include but are not limited to:
 - a) Grading and Erosion control
 - b) Stormwater pollution prevention
 - c) Sewage Treatment System (see Condition 4 for more detail)
 - d) Landscaping
 - e) Driveways
 - f) Buildings
5. As development plans proceed for each lot, at least four additional borings and at least one percolation test shall be conducted for each lot by a designer licensed by the Minnesota Pollution Control Agency. This information shall be submitted with an application to the Washington County Department of Public Health and Environment for a sewage treatment system installation permit.
6. The Applicant shall pay a Parkland Dedication fee of \$7,500, based on the Township requirement for \$2,500 in dedication fee per newly created lot.
7. The Applicant shall pay all fees and escrows associated with this application.

STAFF MEMO ATTACHMENT:

- Carnelian-Marine-St. Croix Watershed District – Conditional Approval 4.3.19

ATTACHMENTS INCLUDED IN STAFF MEMO TO THE PLANNING COMMISSION

- Subdivision application (Mick Lynskey)
- Preliminary Plat survey (Cornerstone Land Surveying)
- Final Plat survey (Cornerstone Land Surveying)
- Drainage evaluation memo 11.27.18 (Elan Design Lab)
- Washington County Lot Split Approval regarding septic 11.6.18 (Joe Sanders)
- Wetland Delineation Report 10.23.18 (Bopray Environmental)
- Notice of Decision approving wetland delineation 12.4.18 (Washington Conservation District TEP)
- Washington County Planner comments 4.24.19 (Ann Pung-Terwedo)



- Carnelian-Marine-St. Croix Watershed District comments 4.25.19 (Jim Shaver and Carl Almer)

