

STAFF REPORT

Application: Preliminary Plat for a three lot residential subdivision. Proposed lots to range in size from 6-8 acres.

Applicant: Tim Rock

Agenda Item: 4b

Proposal: The application is to re-subdivide two 10 acre lots into two 6 acre lots to contain the two existing homes on these properties and one 8 acre lot to be used for agricultural or other non-building purposes. The properties lie within the ALASD regional sewer service district.

Proposed "Lot 1" and "Lot 2" are each 6 acres in size and each would contain one of the existing homes on the property. These would represent the eastern portions of each original 10 acre lots and have frontage on Liberty Road. These lots are currently served by private sewer systems.

Proposed "Lot 3" is 8 acres in size and would be intended for agricultural or other non-residential use given that it does not have any road frontage. This represents the western 8 acres of the two existing 10 acre lots (4 acres from each of the existing lots) and it is currently being rented out to an adjacent farmer and planted in row crops. The applicant notes that this parcel has easement access via a pre-existing easement running in from County Road 73 to the north.

Given that "Lot 3" does not have any road frontage, it will need to be discussed whether this requires a variance. If it does, that would need to be applied for separately. There would also be a variance required to not connect this development into the ALASD sewer system given that it lies within the sewer district boundaries.

Location:

- Property Address: 1966 and 2044 Liberty Road NE
- Sec/Twp/Range: 10-128-37
- Legal Description: S 333.51' of N 667.35' of SE4NE4 and S 333.17' of N 1000.52' of SE4NE4, 10 acre parcels each
- Parcel Number(s): 03-1202-480 (2044 Liberty Rd NE), 03-1202-500 (1966 Liberty Rd NE).

Zoning: Urban Residential (UR)

Lot size: 20 acres (currently two 10 acre parcels)

Septic System Status: There is an existing sewer system serving each of the two parcels on the property. The applicant has had a septic designer identify one alternate sewer site for each of the lots, as is required by state law when creating new parcels.

The northern of these two existing homes had a new sewer system installed in 2004. Staff is verifying the status of the sewer on the southern of the two homes.

□ **Natural Features:**

Floodplain: The property is not within an identified floodplain.

Bluff/Steep Slopes: The site is relatively flat and does not contain any bluffs or steep slopes.

Wetlands: There do appear to be wetlands on the property, although they would not significantly impact the proposal as there is plenty of buildable area on the two residential lots and no apparent wetland on the third lot.

Trees: Most of the two residential lots are heavily treed. The third lot, currently being farmed, is entirely into row crops. No trees would need to be removed to develop this property as proposed, unless it were required to connect to the ALASD sewer on Donway Drive.

Applicable Statutes/ Ordinances:

Section III of the Zoning Ordinance:

C. Building Setback, Lot Area and Density Requirements and Regulations

	UR
Max. Density	
Lot/block development	1 du per 15,000 gross sq ft
Rural Reserve Development	N/A ¹
Min. Lot Size²	
Unsewered Areas	15,000 sq ft
Sewered Areas	15,000 sq ft
Minimum Buildable Area	7,400 sq ft
Min. Lot Width	
Single Family	100 ft
Two Family ³	125 ft
Min. Lot Depth	
Single Family	125 ft
Two Family	150 ft
Maximum Lot Coverage - Impervious Surfaces	25%

¹ Amended 12/17/2007 (Resolution #07-20)

² Not applicable within a planned unit development unless private sewer is provided on each individual dwelling lot. An increase of the minimum buildable lot size may be required by the Township if determined to be necessary.

³ Two-family dwelling width only applies if one parcel or lot.

Section V of the Subdivision Ordinance:

5.1 General. The following principles, standards and requirements will be applied by the Township in evaluating proposed subdivisions. These are the minimum principles, standards and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the Township from requiring stricter standards or requirements when the conditions merit:

1. **Community context.** Proposed subdivisions shall be coordinated with existing nearby development so that the community as a whole may develop harmoniously based on the minimum standards of this Ordinance.
2. **Comprehensive plan.** Proposed subdivisions shall be designed in recognition of the general policies included in the Alexandria Township Comprehensive Plan.
3. **Land/soil suitability.** Land that the Township finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Township Board to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare. The following areas are unsuitable for development:
4. **Agriculturally Important Lands.**
 - a. The Planning Commission may consider the values of agriculturally important lands when making its recommendation on a plat. The Land Capability Classification System and Crop Equivalency Ratios of the Natural Resources Conservation Service (NRCS) shall be used as guides to determine if agriculturally important lands are within a proposed subdivision.
5. **Conformance to Applicable Rules and Regulations.** In addition to the requirements established in these regulations, all subdivision plats shall comply with the following laws, rules, and regulations unless a variance is granted:
 - a. Any applicable Township ordinance, engineering standards and all other applicable laws of the Township.
 - b. Any adopted official maps, public utilities plans, Public Capital Improvement Programs, or other adopted plans or programs of the Township.
 - c. All applicable statutory provisions.
 - d. The requirements and rules of the Minnesota Health Department, Minnesota Department of Natural Resources,

the Minnesota Department of Transportation, the Minnesota Pollution Control Agency or other applicable state or federal agencies.

6. **Self-Imposed Restrictions.** If the developer places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be recorded in the Developer's Agreement.
7. **Adequate Public Facilities.** No preliminary plat shall be approved unless the Township Board determines that public facilities will be adequate to support and service the area of the proposed subdivision. Public facilities shall include roads, electric utilities, telecommunications, stormwater, sanitary sewer (when located in any sanitary sewer district), gas or other energy service, or other public services necessary to serve the development as determined by the Township Board.
8. **Debris and Waste.** No cut trees, timber, or other organic materials of any kind shall be buried in any land, or left or deposited on any lot or street in the subdivision except as approved by the Township. If approved, all areas intended to be used for burying debris shall be shown and noted on the preliminary plat. Areas proposed for the burying of debris shall not be located in or affect the following; buildable areas, driveways, wells, utilities, or drainfield sites.. No debris or waste shall be left in any area of the subdivision at the time of expiration of any developer's agreement or dedication of public improvements.

5.3 Lots.

1. **Access⁴.** All lots shall front upon a public right-of-way and have access to an improved street or roadway, except as otherwise allowed in the Zoning Ordinance.
2. **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing land use permits to build or constructing or placing structures or other improvements on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on the lots from an approved public street.

5.5 Sewage Disposal.

Each lot shall be provided with a sewage disposal system by either a public sanitary sewer system or a private on-site system.

1. **Public sanitary sewer systems⁵.** Sanitary sewer shall be required as a condition of all subdivisions located within public sanitary sewer district boundaries and the Urban Residential district. This requirement for sanitary sewer shall apply to all classes of subdivisions. The following also apply:

⁴ Amended 7/2/2007

⁵ Amended 7/2/2007

- a. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the public sanitary sewer district and other appropriate agencies.
 - b. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.
2. **Private on-site systems.** In subdivisions where municipal sewer services are not presently available, the Township may impose such restrictions and requirements as it deems necessary for the protection of the public health, safety and general welfare. All on-site systems must comply with the regulations and standards of the Township, the Minnesota Department of Health, and Minnesota Rule 7080 of the Minnesota Pollution Control Agency. The Township will consider alternative designs for individual sewage treatment systems (ISTS) such as cluster systems. For more information on delineating ISTS, please see Section 6.3 (7)(d).
- 5.6 **Water.** Each lot shall be provided with a supply of potable water by either an individual well, central water system or a public water supply.
- 5.7 **Grading, Drainage and Stormwater Facilities.** All subdivisions shall comply with the requirements of the Alexandria Township Storm Water Management Ordinance (Ordinance #121). In addition, the Planning Commission shall not recommend approval of any subdivision that does not make adequate provision for storm and flood water runoff channels or basins in accordance with the following:
1. **Technical Reference Documents.** The Township officially designates the "Erosion Control Handbook" prepared by the Minnesota Department of Transportation, "Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook" prepared by the Minnesota Board of Water and Soil Resources and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency as the technical references for this section. These reference documents will be used to ensure the proper design, construction and maintenance of the stormwater management facilities of a proposed project.
 2. **System Design.** The stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Township, and a copy of design computations shall be submitted along with plans. Surface water drainage patterns shall be shown for each and every lot and block.
 3. **Drainage Easements.** When a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be

adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

- a. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements as approved by the Township for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be indicated on the preliminary and final plats.
- b. Drainage easements shall extend to a natural watercourse or to other drainage facilities, if storm flows from a proposed subdivision are increased. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.
- c. Low-lying lands along watercourses subject to flooding or overflowing during stormy periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage easements.

4. **Lot Grading and Erosion Control.**

- a. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildable areas. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
- b. **Soil Preservation and Final Grading.** All areas with disturbed soils shall be replaced with a minimum of 4 inches of top soil and be stabilized by seeding or sod planting as recommended in the "Minnesota Construction Site Erosion Control and Sedimentation Control Planning Handbook" prepared by the Minnesota Board of Water and Soil Resources and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency or as approved by the Township.

5.8 Highways, Streets, and Alleys. Proposed streets shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the comprehensive plan; and shall be appropriate for the particular traffic characteristics of each proposed development.

5.10 Trails and Sidewalks. The Township may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width.

5.11 Utilities. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables should be located underground throughout the subdivision. All utility facilities existing and proposed throughout the

subdivision shall be shown on the preliminary plat or the construction plans as determined by the Township. Underground service connections to the street property line of each platted lot should be installed when approved by the utility.

1. **Easements.** Utility easements at least ten (10) feet wide on each lot (for a total of 20 feet) shall be provided for utilities, where necessary. They shall be provided along rear lot lines (except along shorelines) or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

5.12 Natural, Unique or Sensitive Features. Existing features that would add value to the proposed subdivision, or that are likely to be irreparably damaged or impacted by the proposed development, such as trees, watercourses, beaches, hills and ridges, wetlands, scenic views, wildlife habitat and nesting areas, unique geologic features, steep or erosive slopes and bluffs, woodland areas, prairie lands, shallow groundwater supplies, near-shore aquatic vegetation or habitat, historic sites, structures and features, and similar irreplaceable assets, shall be preserved in the design of the subdivision within all zoning districts. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted, except as may be required for preparing documents for the preliminary plat (e.g. soil tests). The preliminary plat shall show the general outline of existing trees as required by these regulations and shall further indicate all those marked for retention and the location of all proposed shade trees, if provided, along the street side of each lot as required by these regulations. Removal or alteration of trees and other vegetation shall comply with all applicable Alexandria Township Ordinances.

From the Stormwater Management Ordinance:

Section 2.0 Scope. Except where a variance is granted, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the Township shall apply to the Township for the approval of an erosion and sediment control plan when a land disturbance activity results in one acre or more of exposed soil as part of a construction or grading activity, a common plan of development or sale, the construction of a new commercial or industrial facility and shall be approved by the Zoning Administrator. The Zoning Administrator may require an erosion and sediment control plan for land disturbance less than one acre when determined necessary due to potential impacts of construction on the property or surrounding properties. When a plan is required, no land shall be disturbed until the plan is approved by the Zoning Administrator and conforms to the standards set forth herein.

2.020 Future Development: In cases where a common plan of development or sale involves little or no disturbance of soil prior to final approval of the development, but where impervious surfaces will necessarily be created for the intended use, the developer shall provide estimates of future impervious surfaces on each lot to determine

whether they are subject to the requirements of Section 4.7 and other applicable requirements of this ordinance. At a minimum, the estimates shall conform to the guidelines in TR-55: Urban hydrology for Small Watersheds (NRCS, 1986). If the specific project is reasonably expected to involve greater disturbance than these guidelines, the greater amount of disturbance shall be used to determine whether the project is subject to Section 4.7 and other applicable requirements of this ordinance.

3.012 Common Plan of Development or Sale A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

4.7 Permanent Storm Water Management Controls. The purpose of this Section is to prevent or reduce, to the most practicable extent, the effect or impacts of storm water runoff and to provide for the protection of public waters and natural and artificial water storage and retention areas within the Township. Further, this Section clarifies the performance standards as they pertain to standards and specifications for conservation practices and storm water planning activities.

A. **Performance Standards:** Property storm water management practices shall be followed within the Township as described in this Section.

1. General Standards:

- a). Soil laden runoff shall be treated before it is allowed to enter any water body. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes, manmade materials and facilities.
- b). Storm water rate control. When one acre of new impervious surface is added a storm water management plan shall include the design of all storm water management facilities necessary to manage increased runoff so that the 2-year, 10-year and 100-year storm peak discharge rates from the property boundary do not exceed pre-development conditions and so that accelerated channel erosion on and off-site will not occur as a result of the proposed land disturbing or development activity. If a regional pond has been designated for this area the peak discharge rates may or may not apply.

Staff Findings: Staff proposes the following findings for consideration by the Planning Commission:

1. **Coordination with existing nearby development:** The proposed development would be similar to the surrounding area which is predominately used for single-family residential or agricultural purposes. The land to the north and west of the proposed development mostly contains agricultural uses (although the 80 acre land to the west has received preliminary approval for a residential plat consisting of 4 residential parcels

approx. 15-25 acres in size. Land to the south is used residentially. Land to the east is used for open space purposes and is not developed (it is zoned for rural residential housing).

2. **Consistent with Comprehensive plan.** The proposed development is consistent with the Comprehensive Plan. The area of the development is identified on the Future Land Use Map as “Urban Residential”:

Urban Residential: The purpose of this land use category is to provide opportunities for urban density housing in areas that are most readily served by urban infrastructure and services. This category is intended for areas that are currently served by Alexandria Area Sanitary Sewer District (ALASD) infrastructure or are within the identified future service area of ALASD. Within these areas, new residential development will be reviewed to ensure that the proposed density, dimensions, and layout of lots will allow for the efficient use of public infrastructure and the cost-effective provision of public services. A gross urban density of two to three dwelling units per acre or higher is intended for these areas. Proposed subdivisions that would create oversized lots would be reviewed to allow for a transition to urban densities of housing in an orderly and efficient manner. This may be accomplished through ghost platting, conservation subdivision designs that cluster homes on urban-sized lots, provision of urban sewer or road infrastructure at the time of development, or by other appropriate means.

Typical “lot-block” or “conservation” subdivision designs are both considered appropriate in these areas. Where sensitive or unique natural or cultural resources, such as wetlands, shoreland, etc. are present, a conservation subdivision design with lower densities that protects these resources may be required. Long-term commercial/industrial uses that are incompatible with residential uses should not be allowed in this district. (*Alexandria Township Comprehensive Plan, p. 22*)

3. **Land/soil suitability.** The soils on the site appear to be generally suitable for residential use (which already exists) and agricultural use (for “Lot 3” - which is already being used agriculturally).
4. **Agriculturally Important Lands.** The proposed development would preserve the existing use of the land, part of which is used agriculturally. While the remainder of the land is heavily treed, the proposal would not hinder further agricultural use any more than already exists.
5. **Conformance to Applicable Rules and Regulations.** The proposed subdivision conforms to minimum lot dimension requirements, but “Lot 3” does not meet the minimum requirements for public road frontage. The applicant is also proposing that they not be required to connect to the ALASD sewer system, which is required by ordinance. A separate variance would be required for one or both of these issues.

6. **Self-Imposed Restrictions.** The applicant has not submitted any self-imposed restrictions or covenants.
7. **Adequate Public Facilities.** The applicant is proposing to keep both of the existing homes on these properties served by private sewer systems. The properties do lie within the ALASD sewer district, where connection to the regional sewer system is normally required. In this case, the nearest feasible connection is approximately one mile away and the applicant is requesting they not be required to connect. This will require a separate variance request, as previously noted. Each lot is currently served by a private well, as the Township does not contain a public water supply.
8. **Debris and Waste.** The applicant does not propose to use any area within the development to bury debris or waste.
9. **Access.** Two of the proposed lots has access to public right-of-way. Proposed "Lot 1" and "Lot 2" have access to Liberty Road on their eastern edge. "Lot 3" does not have any public road frontage, but does have easement access to County Road 73 to the north. This will require discussion to determine whether a variance is necessary for this or not – given that the applicant understands no homes would be allowed to be constructed on "Lot 3". There are no public streets or public street extensions planned for the development.
10. **Lot Arrangement.** All of the proposed lots have adequate space to build and Lots 1 and 2 already have homes on them. There are no foreseeable difficulties in securing land use permits for Lots 1 and 2. Lot 3 would be unbuildable for dwelling purposes given the lack of road frontage.
11. **Sewage Disposal.** The applicant is proposing to retain the private sewer systems already existing on "Lot 1" and "Lot 2" and not connect to the ALASD regional sewer lines. "Lot 3" would be unbuildable due to a lack of public road frontage.
12. **Water.** Each of the proposed lots would be served by private wells.
13. **Grading, Drainage and Stormwater Facilities.** There are not any drainage or stormwater facilities planned for the development. The proposed lots have large areas of pervious surface. Because no additional land disturbance is expected for this subdivision request, stormwater ponds or other such facilities are not required.
14. **Highways, Streets, and Alleys.** There are not any proposed streets for the development.
15. **Trails and Sidewalks.** The applicant is not proposing to construct any public trails or sidewalks through this development.
16. **Utilities.** There are no utility facilities (existing or proposed) identified on the preliminary plat.
17. **Natural, Unique or Sensitive Features.** Much of the proposed development is covered with trees and tall grasses. No impact on these areas is expected

as a result of the subdivision, unless a future owner decided they wanted to clear these areas.

Planning Commission Direction: The Planning Commission can approve the request, deny the request, or table the request if additional information is needed. If the decision is for approval or denial, findings of fact should be cited.

Staff Recommendation: Based on the findings of fact presented in this report, Staff recommends this application be approved, with consideration given to the following conditions:

1. The applicant shall apply for, and be approved for, a variance allowing “Lot 3” to be created without public road frontage. If such a variance is not approved, preliminary plat approval shall be considered void as currently proposed and the applicant would need to re-submit a new application should they wish to propose an alternative design that has public road frontage for all proposed lots. Alternatively, the Planning Commission could table this application, pending a decision on the variance(s). If the variances are not approved, the applicant could submit a revised design without having to make an entirely new subdivision request.
2. If “Lot 3” is allowed, by variance or otherwise, without public road frontage, it shall be identified as an “Outlot” on the final plat to more clearly communicate to potential buyers that it is not buildable without specific approval from the Town Board.
3. Each of the proposed lots shall be connected to the public sanitary sewer, unless a variance is granted allowing private sewer systems. The applicant shall submit plans for extending the sanitary sewer if a variance allowing private sewer systems is not granted prior to any final plat approval. If a variance is granted, the applicant shall submit (prior to final plat approval) more detailed documentation from a licensed SSTS designer indicating where the properties can support two private sewer systems for each lot (current compliance inspections showing a compliant system for each of the two existing systems must also be submitted and can serve as evidence of one available site).
4. The ALASD shall approve of any sanitary sewer connections that may be required. Written approval from ALASD shall be submitted prior to final plat approval.