

Planning Advisory Commission

July 25, 2019

CUP#19146

POPE MINNESOTA
COUNTY

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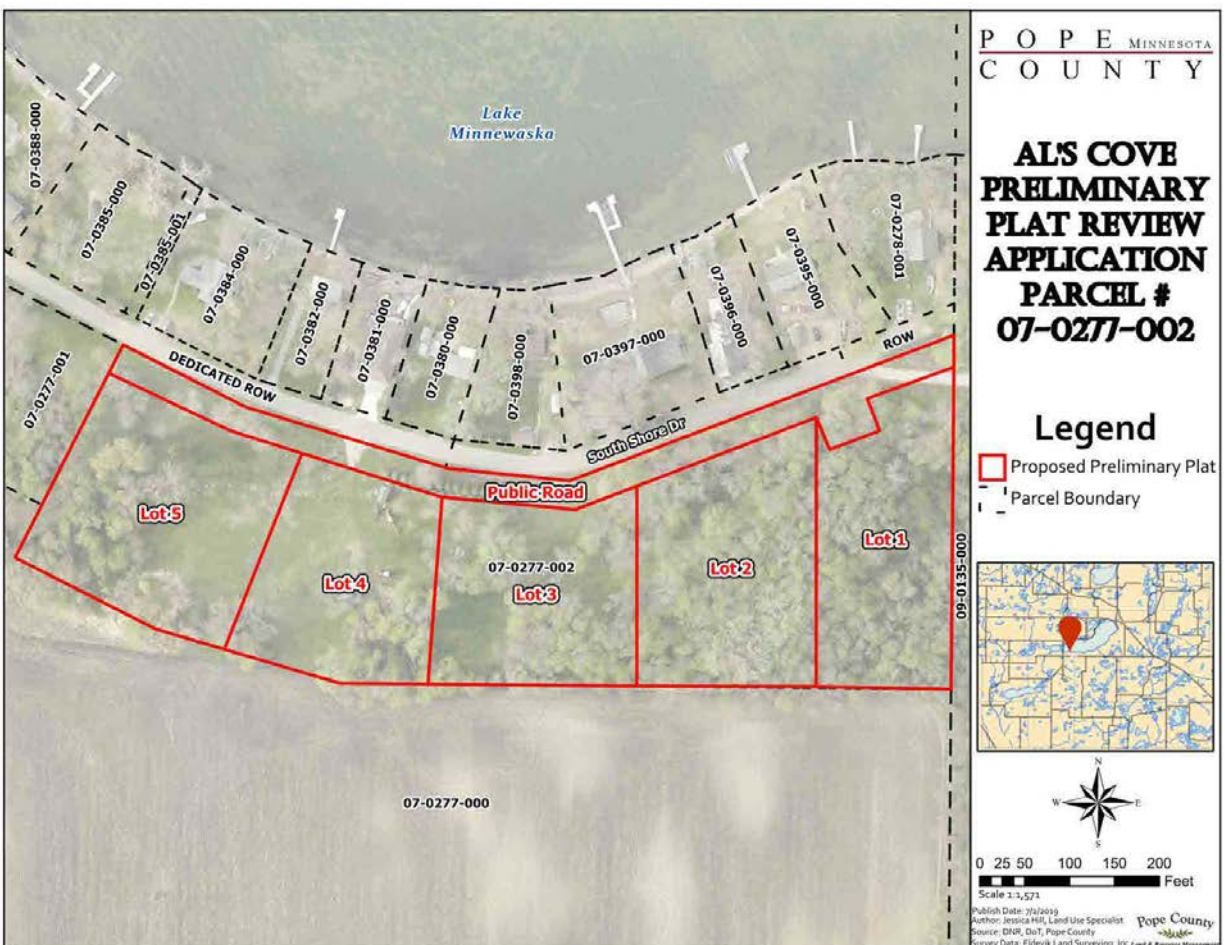
STAFF REPORT

Applicant Information

Applicant: Rod Eldevik on behalf of Al Dyrdahl

Application: Preliminary Plat Review for a five (5) lot residential subdivision on property described as a 6.45-acre parcel, in a Shoreland-General Development (S-GD) zoning district per section 10.25 of the Pope County Land Use Controls Ordinance.

Location: Part of Government Lot 1, Section 36, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota.





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Background

The applicant is proposing to convert a 6.85-acre parcel into a five (5) lot residential subdivision. The 6.85-acre non-riparian parcel is located in the Shoreland-General Development (S-GD) zoning district associated with Lake Minnewaska.

Applicable Statutes

- This application is subject to the criteria applicable to all subdivisions listed in Section 10.25 of the Pope County Land Use Controls Ordinance as well as:
 - Minnesota Statutes 394
 - Minnesota Statute 505
 - Minnesota Rules 6120 (DNR Shoreland)
 - Minnesota Rules 7080 (MPCA Subsurface Sewage Treatment Systems Program)

Staff Comments

Based on the review of the application, Staff offers the following comment:

1. This parcel of land was recently presented for consideration as a three-lot subdivision. The proposed plat received preliminary approval from the Board on March 19th of 2019. However, the plat was not resubmitted for final approval and has subsequently been redrawn.
2. The proposed subdivision is located near the city of Starbuck on the southwest portion of Lake Minnewaska. This is a General Development zoned area in White Bear Lake township. Lake Minnewaska is an 8,000-acre lake with a mean depth of seventeen (17) feet and a maximum depth of thirty-two (32) feet. The lake provides good recreational resources including a healthy fishery and being suitable for swimming and wading with low algae levels throughout the open water season.
3. The total number of units proposed for this shoreland development does not meet the minimum threshold for a mandatory EAW.
4. The minimum lot size in this zoning district is 40,000 sq. feet. The average lot size in the proposed subdivision is 49,569 sq. feet, all of which exceed one acre.
5. There are no wetlands identified by the National Wetlands Inventory nor has the surveyor indicated any wetlands on the preliminary plat document.



6. On December 04, 2018, Ralph Hanson (L&RM Land Use Specialist, MPCA Certified Inspector (C9884)) met onsite with Rick Erickson (MPCA Licensed SSTS Designer, L1507) to evaluate soils on the parcel. A test pit was dug where it was determined that a limiting layer existed at 35 inches. This is an indication that if the sites were to be developed for residential use, then it is likely that a mound system would be required. Individual soil test (borings) will be required at such time that a residential structure is proposed to establish suitability for an on-site Subsurface Sewage Treatment System (SSTS).
7. Subsequent property owners will be subject to permitting requirements which may include: addressing, access, construction activity, shoreland alterations, and SSTS installation permits.
8. Southshore Drive is considered a local road.

Staff Recommendation

Approve with Conditions

Based on the findings of fact presented in this report the Staff recommends approving the preliminary plat application conditioned upon:

1. Applicant shall submit the final plat within 12 months of approval of preliminary plat by the County Board.
2. Acknowledgement of township acceptance of turnaround construction responsibility.
3. The final plat shall substantially conform to the preliminary plat and any requirements or improvements that are a condition of approval.
4. The non-conforming shed structure be removed or relocated in compliance with the established setback standards.

Staff Findings

The Staff offers the following findings:

1. **Coordination with existing nearby development:** The proposed subdivision coordinates well with the existing neighborhood. There is shoreland residential development all along the lake.
2. **Consistent with Comprehensive plan:** The proposed development is consistent with the Pope County Comprehensive Plan, and it meets the requirements for lot dimensions in the zoning ordinance which are designed to protect water quality and shoreland areas from impacts associated with residential development.



3. **Land/soil suitability:** Based on the County soil survey, Barnes-Langhei loams (BbB2) is the predominant type of soil on site where the development is proposed. Barnes-Langhei loams (BbB2) have 2 to 6 percent slopes and are suited to grow most common crops. The Barnes series of soil consists of deep, well drained soils that have developed in calcareous loam glacial till. These soils will produce crops however row cropping can create a serious issue of water erosion. The Langhei soil has a high content of lime and can cause an imbalance of plant nutrients. Regarding appropriateness for building sites, the BbB2 soils represent a slight limitation and has been designated as having moderate Shrink-swell potential.
4. **Agriculturally Important Lands:** The property is currently zoned Shoreland-General Development. It is wooded and undeveloped. Residential or seasonal recreational uses are appropriate based on the zoning classification.
5. **Conformance to Applicable Rules and Regulations.** All lots, as proposed on the submitted preliminary plat, conform to the minimum zoning requirements. Conditions have been recommended that will require all other aspects of the property and structures to be in conformance with the requirements of the zoning ordinance.
6. **Self-Imposed Restrictions.** The developer has not indicated that there will be any additional restrictions or covenants.
7. **Adequate Public Facilities.** The lots will be served by individual wells and subsurface sewage treatment systems. Access to the lots will be by existing public roads/right-of-ways.
8. **Debris and Waste.** The applicant does not propose to use any area within the development to bury debris or waste.



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REPORT APPENDIX

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Preliminary Plat (Eldevik Land Surveying, Inc., 21 June 2019)*



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Routing Sheet

Comments, Concerns and Conditions

Agency

- MN DNR No comment received.
- SWCD-Pope No comment received.

County Department

- Assessor *COMMENTS: None*
PROPOSED CONDITIONS: None
- Attorney No comment received.
- Auditor *COMMENTS: My concern would be who would legally own the proposed road and/or maintain the road. The County does not want to be in a situation where the road parcel or any other parcel (a drainage easement for example) would be forfeited in the future.*
PROPOSED CONDITIONS: Property taxes for the second half of 2018 have not yet been paid. Total property tax due at this time including 2019 is \$935.63.
- E911/IT *COMMENTS: Addressing: Each lot will need a separate address assigned. Can be done at time of construction on each parcel as driveways are constructed.*
- Emergency Mgt No comment received.
- Engineer *COMMENTS: I agree that the proposed turn around design for this particular plat is better than the cul de sac alternative previously submitted. I also believe the additional dedicated street width is important even though an existing road is developed on the North half of the road area.*
- Recorder *COMMENTS: Please see MN Statute 507.093 Standards for documents to be recorded or filed for recording of documents in the Recorder's office. Our office shows per document #176091; which can be found in our Laredo program that the current owner of parcel 07-0277-002 is George & Carol Mach. Also, it appears that there are delinquent taxes on this parcel. If this Plat is approved any delinquent and current taxes will need to be paid in full before recording. Please contact A/T office regarding taxes.*
- Surveyor No comment received.



Township

White Bear Lake No comment received.

Other Comments Received

No comment received.



Public Notice

**POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791**

**POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
PRELIMINARY PLAT REVIEW**

Notice is hereby given that a Public Hearing will be held in the Community Room of the Pope County Courthouse, 130 East Minnesota Ave, Glenwood, MN 56334 at 6:00 pm or shortly thereafter on Thursday, July 25th, 2019, where the Pope County Planning Advisory Commission will consider a preliminary plat review request per Pope County Land Use Controls Ordinance sec. 10.25.

Description of Request: Preliminary Plat Review hearing on the application by Rod Eldevik on behalf of Al Dyrdaahl, for a five (5) lot residential subdivision on property described as a 6.45 acre parcel, in a Shoreland-General Development (S-GD) zoning district per section 10.25 of the Pope County Land Use Controls Ordinance.

Legal Description/Site Location: Part of Government Lot 1, Section 36, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota.

Dated: July 5, 2019

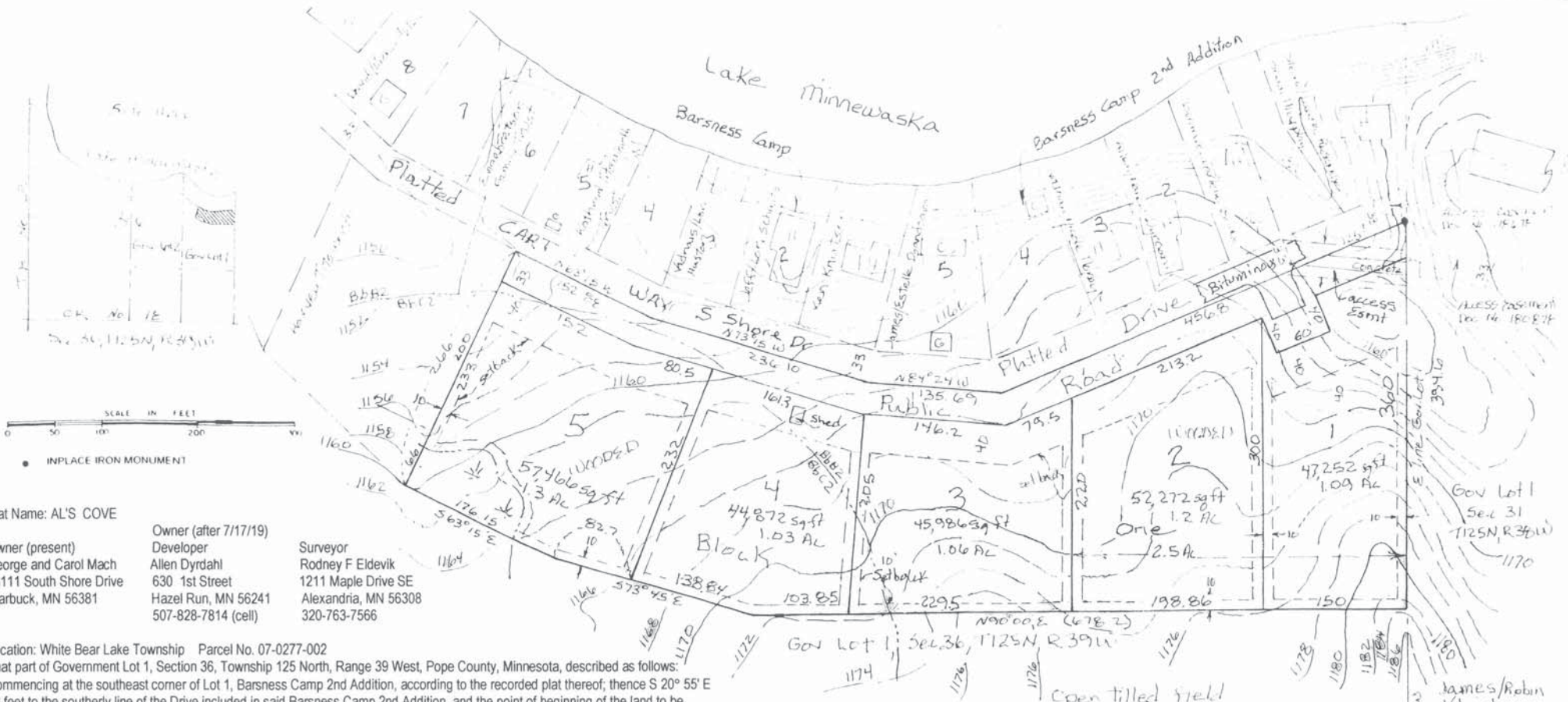
By: Jessica Hill
Land Use Specialist
Land & Resource Management



Supplemental Information

Supplemental Information Attachment 1:

Preliminary Plat (Eldevik Land Surveying, Inc., 21 June 2019)



Plat Name: AL'S COVE

Owner (present)
George and Carol Mach
28111 South Shore Drive
Starbuck, MN 56381

Owner (after 7/17/19)
Developer
Allen Dyrdaahl
630 1st Street
Hazel Run, MN 56241
507-828-7814 (cell)

Surveyor
Rodney F Eldevik
1211 Maple Drive SE
Alexandria, MN 56308
320-763-7566

Location: White Bear Lake Township Parcel No. 07-0277-002
That part of Government Lot 1, Section 36, Township 125 North, Range 39 West, Pope County, Minnesota, described as follows:
Commencing at the southeast corner of Lot 1, Barsness Camp 2nd Addition, according to the recorded plat thereof; thence S 20° 55' E 33 feet to the southerly line of the Drive included in said Barsness Camp 2nd Addition, and the point of beginning of the land to be described; thence S 69° 05' W, along said southerly line, 332.77 feet; thence N 84° 24' W, along said southerly line, 135.69 feet; thence N 73° 15' W, along the southerly line of the Cart Way included in Barsness Camp, according to the recorded plat thereof, 236.10 feet; thence N 63° 15' W, along said southerly line, 152.88 feet; thence S 26° 45' W 266.0 feet; thence S 63° 15' E 176.15 feet; thence S 73° 45' E 213.0 feet; thence N 90° 00' E 678.2 feet to the east line of said Government Lot 1; thence North, along said east line, 394.6 feet to the intersection of the northeasterly extension of said southerly line of the Drive included in Barsness Camp 2nd Addition; thence S 69° 05' W, along said northeasterly extension, 125 feet more or less to the point of beginning.

Zoning: GD Shoreland Plat Use: Single family residential Water/Sewer: Private wells and sanitary sewer systems

Setbacks: Roadway - 40 feet Side / Rear Yard - 10 feet

Soils: BbB2 Barnes-Langhei loams, 2 - 6% slopes Bbc2 Barnes-Langhei loams, 6 - 12% slopes

Road Access: A 33 foot tract of land will be dedicated as additional public roadway adjoining the existing platted drive, as shown, on the final plat. Also a 40 ft by 60 ft turn-around area will be included in said public roadway dedication. The location of said turn-around area was agreed to on site by Al Dyrdaahl and White Bear Lake Township. All lots will access a public roadway.

Protective Covenants: No, these lots will be regulated by the Land Use Controls Ordinance of Pope County, Minnesota.


Lot Area	Buildable Area
Lot 1 47,252 sq ft 1.09 Ac	30,500 sq ft
Lot 2 52,272 sq ft 1.20 Ac	36,650 sq ft
Lot 3 45,986 sq ft 1.06 Ac	30,500 sq ft
Lot 4 44,872 sq ft 1.03 Ac	30,600 sq ft
Lot 5 57,466 sq ft 1.26 Ac	30,400 sq ft
Road 35,069 sq ft 0.81 Ac	
Total Area 6.45 acres	

Certification applies to only those copies that bear my embossed seal.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Rodney F. Eldevik
Date 6/21/19 Registration No. 19845

Section 36, Township 125 North, Range 39 West, Pope County, MN

FILE: 4936	REQUESTED BY: Allen Dyrdaahl
DRAWN BY: RFE	 ELDEVIK LAND SURVEYING, INC. 1211 Maple Drive SE Alexandria, MN 56308 Telephone: 320-763-7566 Rodney F. Eldevik Registered Land Surveyor
CHECKED: RFE	
DATE: 6/21/19	

James/Robin Kleinburgers

Gov Lot 1 Sec 31 T125N, R39W 1170

Gov Lot 1, Sec 36, T125N, R39W

2475.0

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