





**City of Newport  
Planning Commission Minutes  
September 11, 2014**

**1. CALL TO ORDER**

Chairperson Lund called the meeting to order at 6:00 P.M.

**2. ROLL CALL -**

Commissioners present – Dan Lund, Anthony Mahmood, Susan Lindoo, Matt Prestegaard, Kevin Haley

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of August 14, 2014**

**Motion by Mahmood, seconded by Haley, to approve the August 14, 2014 minutes as presented and directing staff to review Sherri Buss' comment on page four of the minutes to see if it can be clarified. With 5 Ayes, 0 Nays, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Public Hearing – To consider an application from William Dalluhn for Approval of a Minor Subdivision of Property Located at 2769 Bailey Road**

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 11, 2014 Planning Commission Packet.

**Kevin Haley** - I would be in favor of no park dedication fee whatsoever.

**Vice-Chair Mahmood** - I would second that.

**Chairperson Lund** - The Council should be setting the fee.

**Ms. Buss** - They can, the question is do you want any input on taking a look at the numbers or do you want them to set the fee?

**Susan Lindoo** - I agree with Dan.

**Chairperson Lund** - I think we should leave it to them because it's their mess.

**Susan Lindoo** - They also know what the whole budget is and they set the fees normally. If we do it I want to understand the budget implications and have a longer discussion about that. It does seem like a large fee, we've had other subdivisions and I don't remember the fee being that large.

**Ms. Buss** - It was set as a per unit fee, I think it was set when Dave Newman's subdivision came in and the administrator at that time wanted to have a higher fee. The fee is supposed to be based on your park and trail plan and what the City projects long-term for its cost of developing parks and acquiring land. Given that you have so much of your system developed, it seems like a high fee. I think it is something that the Council should take a look at.

**Susan Lindoo** - I think it should be the Council because as long as I've been here we've never set fees and have never had budget figures given to us so I don't think it should be something that we deal with.

**Chairperson Lund** - I don't want to let the Council off the hook on this one, they should set the fee and write it down and that's what it should be for everyone. We should leave it as is and you can go to them and tell them that we think it's too high.

**Kevin Haley** - I would like to recommend \$0 and let them add to it.

**Ms. Buss** - We can take out number six in the conditions and decide that we're not going to charge a fee because it needs to be reviewed and can recommend that the Council review the park dedication fee.

**Susan Lindoo** - The recommendation you're suggesting is just for this case. We're not talking about trying to tell the Council what to set the fee for everything, we're saying that in this particular case, this is too high and that they need to review the whole thing. For this case, we would set it at \$0 until they get it straightened out.

**Chairperson Lund** - I would rather not get their hopes up. I was not previously aware of this fee and don't understand the justification, if it's as common as it appears maybe setting it to \$0 is a little far.

**Kevin Haley** - The other choice would be \$1,000.

**Chairperson Lund** - I don't think we have the information to make a recommendation.

**Ms. Buss** - You can recommend that the Council set the fee.

**Chairperson Lund** - That's what we should do.

**Ms. Buss** - We can leave number six in and ask the Council to set the fee.

**Chairperson Lund** - That would be my preference.

**Kevin Haley** - The intent is for acquisition of land for parks and trails and we're doing neither.

**Admin. Hill** - Yes we are.

**Kevin Haley** - However, the larger developments are putting in 10 acres, this is a minor subdivision, I think it's exorbitant for a small area like this.

**Chairperson Lund** - The other part you can look at is that they're buying into the park system that already exists.

**Ms. Buss** - The theory of park dedication is that everyone has a potential to add and can use parks and trails. The theory is that every time you add a house you're adding users to the parks and trails.

**Susan Lindoo** - And there's no other fee that they're charged for it.

**Ms. Buss** - Yes and the question is if this is a supportable fee and if the Council should look at it. If you want to defer it to the Council that's fine.

**Susan Lindoo** - Can we suggest that the fee is dependent on the size of development?

**Chairperson Lund** - It already is because it's based on per unit.

**Ms. Buss** - Some do it based on density.

**Matt Prestegaard** - There seems to be two issues, should we approve the subdivision and what the fee should be. Where is the fee expressed?

**Ms. Buss** - There's a City fee schedule.

**Matt Prestegaard** - Is that our jurisdiction?

**Ms. Buss** - No.

**Matt Prestegaard** - And the Council could kick it back to us.

**Chairperson Lund** - Is that even in the Zoning Code?

**Ms. Buss** - The subdivision regulations are and the park dedication requirement is part of those regulations. Many times, planning commissions are involved in looking at the issue, study what the fee should be but it's always the Council that sets the fee.

**Chairperson Lund** - So we don't have any information to set the fee today.

**Ms. Buss** - No.

**Kevin Haley** - The other point you made is about the easement, that's virtually taking land.

**Ms. Buss** - Without that, Washington County won't record this. They're getting that right-of-way with all new subdivisions along County roads.

**Chairperson Lund** - That could be something you bring up with the fee.

**Susan Lindoo** - Did our City make that rule?

**Ms. Buss** - No, it's a Washington County requirement.

**Susan Lindoo** - So the City could complain about it.

**Chairperson Lund** - They do that with any title transfer?

**Ms. Buss** - As far as I know.

**Anthony Mahmood** - In regards to the park dedication fee, it doesn't seem right to charge him with that when it's for the potential of a new citizen coming in and using our parks. Why can't it be deferred?

**Ms. Buss** - It's for the new parcel. We have no mechanism to make them do that.

**Admin. Hill** - It's similar to water and sewer charges, you're buying into a system that's already been developed.

**Chairperson Lund** - Let's have the Council look at the numbers.

**The Public Hearing opened at 6:14 p.m.**

**Lori Dalluhn, 2769 Bailey Road** - I have a question on the Washington County easement thing, do we need to have the survey done before the Council approves it next week?

**Ms. Buss** - No, it'll need to be done before you file the subdivision with the County.

**The Public Hearing closed at 6:15 p.m.**

**Chairperson Lund** - You can pass along our opinion on the fee.

**Ms. Buss** - I will.

**Motion by Lindoo, seconded by Prestegaard, to approve Resolution No. P.C. 2014-13 as presented recommending that the City Council approve a minor subdivision for property located at 2769 Bailey Road and recommending that the City Council review the park dedication fees and that they include this subdivision in with any decision they make. With 5 Ayes, 0 Nays, the motion carried.**

**B. Public Hearing – To consider amendments to the Zoning Code, Section 1350**

Sherris Buss, TKDA Planner, presented on this item as outlined in the September 11, 2014 Planning Commission Packet.

**Matt Prestegaard** - This matches what we talked about last time?

**Ms. Buss** - Yes.

**Matt Prestegaard** - Do you suspect those other cities know something we don't or they're being conservative?

**Ms. Buss** - I think it's a new use and they're being conservative. People have also had a lot of folks come out. Eagan did a review of a proposed micro brewery and taproom and had a ton of people come out from the adjoining residential neighborhoods who wanted strong control over the patio location and hours of operation. The same has happened in a couple other communities. Stillwater has had similar issues where people are worried about trucks, hours, events, etc.

**Susan Lindoo** - Do we have an ordinance on patios?

**Ms. Buss** - No.

**Susan Lindoo** - So if that came up the Planning Commission and City Council would want to look at it?

**Chairperson Lund** - And you can restrict hours.

**Ms. Buss** - Yes. If it is a new bar or restaurant, they would need to come in for a CUP so you'd have a chance to do that.

**Susan Lindoo** - But if it's existing their hours would be set so it'd be too late.

**Ms. Buss** - It would depend on their CUP, if it says that any change to the business requires an amendment then they would need to come in.

**Susan Lindoo** - We're not talking about craft breweries are we?

**Ms. Buss** - Some craft breweries have patios with the taproom.

**Chairperson Lund** - You can always add an ordinance relating to quiet hours.

**Anthony Mahmood** - The existing ones don't have CUP's right now anyways.

**Ms. Buss** - A lot of them are nonconforming so if they wanted to expand and have a patio they would need to come in.

**Susan Lindoo** - So a patio would be considered an expansion?

**Ms. Buss** - Yes.

**Susan Lindoo** - We have defined what small means when it says "small brewery or winery as an accessory use" correct?

**Ms. Buss** - Yes, that's in the definitions.

**Chairperson Lund** - The State definitions?

**Ms. Buss** - Yes, we adopted the State definitions.

**Chairperson Lund** - Would it make sense to point to the State definitions in case they change?

**Ms. Buss** - I believe we did that.

**The Public Hearing opened at 6:24 p.m.**

**Derrick Lehrke, owners of 374 21st Street** - I just had one small thing that I wanted to bring to your attention. It's the wording where it talks about the 5,000 barrels. It says "Craft Brewery with the capacity to manufacture more than five thousand (5,000) barrels."

**Ms. Buss** - That's what St. Paul says.

**Mr. Lehrke** - We have a one barrel system so theoretically if we were to brew 24 hours a day, we could crush the 5,000 barrel limit but in order to do 5,000 barrels you would have a much larger system. I didn't have a chance to confirm what St. Paul says. My point would be and I think what you're looking for is that we actually manufacture 5,000 barrels or less.

**Ms. Buss** - We don't want to monitor them every day to see how much they're brewing.

**Chairperson Lund** - We'd only monitor it if it were a problem.

**Ms. Buss** - What the St. Paul ordinance says and it's very deliberate is a brewery that has a capacity to do that because you don't want to have to keep sending your zoning staff out all the time to monitor.

**Chairperson Lund** - How do you define capacity?

**Ms. Buss** - It's the size of the equipment.

**Kevin Haley** - However, he pointed out that if he brewed 24 hours a day, he could exceed that.

**Ms. Buss** - The question is if his equipment has the capacity to brew that much or more.

**Chairperson Lund** - A recipe could take a wide variety of brewing time.

**Matt Prestegaard** - Could you give us examples?

**Mr. Lehrke** - We have a one barrel system and plan to brew two or three barrels per week but as we get larger we would be moving up to two or three barrel patches. That's what we're anticipating with the one barrel system we have but it has the capacity to brew 12 barrels per hour. As you get larger systems, it gets larger as you go up.

**Susan Lindoo** - You're not making the overnight beer so you're capacity wouldn't be 5,000 barrels per year right?

**Mr. Lehrke** - I don't know where that comes to be. Somebody who has a 20 barrel system would only brew that once a week or month. If I were to move to a 10 barrel system and only plan to brew 1,000 barrels per year it would not make sense for this rule.

**Chairperson Lund** - I'm comfortable for the production limit rather than the capacity because the capacity seems hard to determine and that's what they did at the State level.

**Ms. Buss** - We won't know what that is for at least a year of operation.

**Chairperson Lund** - How does the State regulate it?

**Susan Lindoo** - How do they measure both things?

**Ms. Buss** - St. Paul did such a study of this stuff that I'm assuming their inspectors have considered how they're going to look at this issue. We can defer it for another month and take a look at it. I think the issue is that if you'll need to wait a year to see how much they brewed.

**Chairperson Lund** - Can the Lehrke's answer that question?

**Mr. Lehrke** - The Alcohol, Tobacco, and Fire Arms is going to track every single gallon of beer that we brew, destroy, and isn't of quality. It's all tracked.

**Chairperson Lund** - So lying to the City would be the least of your concern.

**Susan Lindoo** - Does it make sense to you, production over capacity?

**Ms. Buss** - The building inspector will need to look at this.

**Chairperson Lund** - Why?

**Ms. Buss** - Because it's a CUP, the City won't monitor it every year.

**Chairperson Lund** - So if we suspect they made 6,000 barrels, can't we ask them to show us their ATF documents?

**Ms. Buss** - This is ahead of time. They're getting the permit before they start doing the business.

**Chairperson Lund** - It's not a problem until they make the beer.

**Ms. Buss** - We're allowing them to set up a business with a certain capacity.

**Chairperson Lund** - I don't think anyone else here agrees with you on this issue.

**Ms. Buss** - I'm looking at all the other city ordinances.

**Chairperson Lund** - I get what the other cities are doing.

**Kevin Haley** - I agree with what we're talking about here. I have equipment that has capacity well beyond my ability to sell but if you told me I could only have a piece of equipment that has the capacity of this. What would happen if they bought a system that had a capacity of 15 barrels at one time, someone could come in there and say that they could make 20,000 barrels per year.

**Ms. Buss** - That's what this is trying to get around is not having someone install equipment that could produce 15,000 or 20,000 barrels per year because it will be hard for the City to monitor it.

**Chairperson Lund** - The ATF will do that for us.

**Ms. Buss** - They don't enforce the permit. Is the City supposed to call ATF every year to see how much they're producing?

**Chairperson Lund** - Are they going to lie to the ATF?

**Ms. Buss** - Do you call up the ATF for the businesses in town?

**Chairperson Lund** - They have to turn that over to the State too.

**Ms. Buss** - It means the City then has to...

**Chairperson Lund** - Let's move this along.

**Susan Lindoo** - Now wait a minute Dan, this is not fair. I'm getting upset here. I don't think we need to attack Sherri because she is trying to tell us what other cities are doing.

**Kevin Haley** - We've heard it.

**Susan Lindoo** - I think it's worth listening to, that we are setting something up ahead of time and saying that we don't want them to have the capacity to do more than this. Can we give them a CUP and take it back in a year's time if you produce more?

**Ms. Buss** - It's very hard.

**Susan Lindoo** - I think so. I think there's a reason that cities like St. Paul do this sort of thing. They have the staff to study this in a much greater detail than we do. Maybe we can come to a compromise but I don't what Sherri is saying is ridiculous. We're giving them something saying go forth and do but we're not saying go forth and do and we'll be checking up on you, we don't have that ability.

**Ms. Buss** - To take a CUP away is very difficult. If after the fact, we find out that they or another owner are brewing 6,000 or 7,000 then the City is in the position of trying to take away a CUP, which is a lengthy and expensive process. My sense of why St. Paul and other cities have set this up as a capacity issue is that they want to say ahead of time that this is the use we're issuing the permit for, this is the maximum you can do and we don't expect to keep following up every six months or year to track you guys and then try to go through the difficult process of trying to take it away. You can say "able to brew up to," it's however you want to word it.

**Chairperson Lund** - If all this is true, how do you measure capacity?

**Ms. Buss** - We'll need to rely on our building inspector for that because he will be the guy that's looking at what they're putting into the building. He can call up the inspectors in St. Paul to see how they're doing it. He's an experienced guy.

**Kevin Haley** - No way.

**Susan Lindoo** - Is there a reason to even have any limits on it then if we're not going to say something about we don't want them to produce more than 5,000 gallons. Are we going to tell them to come back in a year and prove it to us, no way. We don't want to do that.

**Kevin Haley** - I don't think that is what's going on here at all.

**Susan Lindoo** - Then how do you enforce it?

**Chairperson Lund** - We still have a public hearing, let's allow the Lehrke' speak.

**Mr. Lehrke** - I guess I would go back to the question of if our system would be within capacity. We have a one barrel system and I'm planning to brew three to four a week. If I brew 13.69 barrels a day, you could argue that I would double the capacity. Someone who has a 10 or 20 barrel system might only have a 200 or 300 per year output. This is tracked constantly by the ATF. If there is a limit set, I don't understand why I would be allowed to break that. If the City law says that you're bound to produce 5,000 barrels, if I break that then I'm breaking the law and I don't know if it'll take you a year to find out. I know ATF will be on it every single month. They track the beer pre-tax, post-tax, etc. It's very strictly regulated and I'm sure it'd be easy to figure out if we break it.

**Susan Lindoo** - So what do you want it to say?

**Matt Prestegaard** - Manufacture not capacity.

**Mr. Lehrke** - Right. I haven't seen this small detail in other city ordinances but I haven't been looking for it either. It's my understanding that at a State level, it's about production.

**Susan Lindoo** - So then you would suggest that our City staff check with ATF to see how much you produced at the end of each year?

**Kevin Haley** - It's in the State requirement as well.

**Ms. Buss** - No, a craft brewery can brew far more than 5,000.

**Matt Prestegaard** - I'm trying to understand...

**Chairperson Lund** - If it's an issue then the staff would get involved and the paperwork will be there.

**Susan Lindoo** - So there's no need to have any restriction until we know there's an issue?

**Chairperson Lund** - No, we have the restriction for when it becomes an issue.

**Kevin Haley** - It's the wording of capacity vs manufacture.

**Ms. Buss** - Why don't we just change the wording, this issue is not worth going round and round about. I'll explain the issue to the Council and they can talk about it as well and we'll go from there.

**The Public Hearing closed at 6:40 p.m.**

**Matt Prestegaard** - I'll move the Resolution with an amendment to the language so it'll be manufacture instead of capacity.

**Vice-Chair Mahmood** - The whole point of having this is so they don't have to get a CUP correct?

**Ms. Buss** - If they're a small operation?

**Vice-Chair Mahmood** - But that's what it's all about, is amending it so they don't have to get a CUP?

**Ms. Buss** - Yes, for any craft brewery that comes in with a small operation. You can change it in the future.

**Chairperson Lund** - For continuing the discussion, that's a small craft brewery.

**Vice-Chair Mahmood** - And you aren't even brewing yet? So we're doing a lot to make sure that you guys will get what you want?

**Ms. Buss** - You are the most liberal city in the nation at this point.

**Kevin Haley** - Great.

**Vice-Chair Mahmood** - I just want to make sure that everyone realizes that we are bending over backwards to do what you guys want to make sure your business is successful.

**Ms. Buss** - I think you need to be very clear that this would apply to anyone, this is not being done for one business.

**Mr. Lehrke** - The current ordinance doesn't allow craft breweries at all where we're located so it's not just the ability to have a small brewery, the ordinance is that we can't have a brewery so we're Opinion Brewing Co and can't brew.

**Motion by Prestegaard, seconded by Haley, to approve Resolution No. P.C. 2014-14 as amended. With 3 Ayes, Mahmood Voting Nay, Lindoo Abstaining, the motion carried.**

### **C. Discussion Regarding Draft Response for the Mississippi River Corridor Critical Area Rules**

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 11, 2014 Planning Commission Packet.

**Matt Prestegaard** - Who governs the shoreland regulation?

**Ms. Buss** - We have a shoreland ordinance and it's based on the State's model ordinance. We implement it.

**Matt Prestegaard** - So this is a proposal to?

**Ms. Buss** - It's another overlay on top of that?

**Matt Prestegaard** - Through the DNR.

**Chairperson Lund** - Thank you for putting this together, all of these are excellent points. Either they'll agree with us and the other cities or they won't. We need to set ourselves up to get an exemption on the setback because of the City sewer and water that runs along the River. In my opinion, that should be point number one so that even

if all of this passes that they understand that we have a particular difficulty unique to Newport where we have a City sewer and water line that runs right at the 100 foot mark. Every single lot along the River will be unbuildable other than the pre-existing, non-conforming use if the 100 foot setback is put in. We should flag that as an issue now so they'll be aware of it. We can point out the significant expense and impossibility of connecting those people to the City water along 2nd Avenue instead. The amount of value degradation will be severe. We saw what happened to the houses behind the levee when they were limited. It's millions of dollars, either in property value or to more the City's sewer and water plus some degradation. You can't do that in piecemeal because the first house that is required to move will go right on top of the City easement.

**Ms. Buss** - No one will be required to move backwards.

**Chairperson Lund** - There are teardowns though, they would be unbuildable.

**Kevin Haley** - As Mr. Flood brought up earlier, this is probably bigger than nationally what is trying to happen. Imposing some rules so that over time, we won't have a house on the River given the conditions.

**Ms. Buss** - We can emphasize that we need to keep the flexibility provision in there. That allows communities to ask for flexibility from the regulations.

**Chairperson Lund** - We could just present it as a problem in the letter so they're already aware of the issue. I have an email from Kevin ChapdeLaine, it says:

"Hi Deb,

Thanks again for keeping me in the loop with Newports response to the DNR Critical Area issue.

I was planning on attending the PC meeting tonight but something else has come up. I have read through TKDA's draft letter and support the findings Sherri has addressed. Friends of Pool 2 does represent many of the riverfront homeowners in Newport so I thought this endorsement may be helpful.

Kevin ChapdeLaine"

**Kevin Haley** - I appreciate the work that you did. It's insurmountable to look over this stuff. It's an issue of taking again. They continue to take from communities and people.

**Ms. Buss** - We'll add that one point and this will go to the Council next week.

**Chairperson Lund** - If anyone would like to come forward and speak on this we'd be happy to hear you. If anyone saw the Council meeting, it was impressive, the consensus and outrage that everyone on the Council had about this.

**Kevin Haley** - I think it's the same feeling here too.

**Marvin Taylor** - My concern is that they emphasized the simplicity to homeowners in all of their communications but then all these unique cases came up in the letter. I can live with the vegetation issue even though I find it annoying. Cutting down one tree on my lot would require a permit and that's the case with a lot of homeowners along the River. I don't think it'll make anything better. I teach a class on the history of development along the Mississippi River in Minneapolis and St. Paul and one thing I talk about is the decline of single-family housing, there isn't any. I don't see the benefit.

**Chairperson Lund** - Do you look at the sediment solution source from the drain tiles and how that's increased?

**Mr. Taylor** - I've covered some of that but it's not my primary course.

**Chairperson Lund** - The point I would make there is that if they really cared about the health of the River they would not exempt farmers and drain tiles from point source pollution because it is filling up the River a measureable amount every time it floods. They should require some drainage ponds for slowing up that water before it even gets here so it can settle out in farm fields. That's my biggest frustration is they're picking on the easiest target.

**D. Resolution No. P.C. 2014-15 - Recommending City Council Approve a Zoning Amendment to Section 1300, General**

Admin. Hill presented on this item as outlined in the September 11, 2014 Planning Commission packet.

**Chairperson Lund** - Once we have these definitions, the City Council will be discussing whether or not we should allow manufactured or other homes in Newport without a basement.

**Admin. Hill** - Yes there are a couple lots in town that have high bedrock so a slab would work better than a basement.

**Chairperson Lund** - And manufactured homes aren't mobile homes. Adding this definition, it'll allow the Council to say that you don't need a basement.

**Motion by Prestegaard, seconded by Lindoo, to approve Resolution No. P.C. 2014-15 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**5. COMMISSION AND STAFF REPORTS**

**6. NEW BUSINESS**

**Chairperson Lund** - I think as our zoning currently goes, MX-1 and maybe MX-4, the zoning requires the parking to not be out front and I think as far as Hastings Avenue is concerned, that's impractical. I think we should look at removing that requirement, at least along Hastings Avenue.

**Admin. Hill** - Would you like Sherri to draft a report on that for discussion?

**Chairperson Lund** - If you have a farm field it would be a lot easier but we already have buildings and to tell a new guy that he needs to have his building in front and parking in back, that's not practical.

**Admin. Hill** - She probably knows the history behind it and the reasoning.

**Chairperson Lund** - I think I was around when we did that and it carried over from MX-3 which is different because it's not the same level of development in MX-1 and MX-4.

**Susan Lindoo** - I think historically, that's how other cities handle mixed-use districts and when we put in the MX, that was the desire to go in that direction.

**Admin. Hill** - It is visually more appealing.

**Chairperson Lund** - But do we expect that to happen on Hastings Avenue. The new NAPA building wouldn't have been allowed, did we pass it afterwards?

**Admin. Hill** - That happened before I got here so I don't know.

**Chairperson Lund** - I think it's a fairly recent change, the new NAPA building went in and everyone's happy with it so we should be happy with more.

**Matt Prestegaard** - It's hard for me to picture what it would look like if parking was in back.

**Admin. Hill** - Think of Central Bank, where the parking is in the back.

**Chairperson Lund** - No, it's off to the side. Maybe I'm wrong on this but it seems tough with the mall there.

**Kevin Haley** - I would be in concurrence with what Dan is saying. I've looked at other communities to determine if it's feasible for us but any business in there that wants to change, would need to conform. One business stopped construction because of it.

**Chairperson Lund** - Yes, South Suburban Rental had plans and I don't know if the zoning was the reasoning but I'm sure it didn't help. The question I would have is where has there been a successful transition from the parking lot out front to the parking lot out back? If there is an example, is that something we can reasonably expect to happen in Newport? Could we add more value or expect more development if we changed that?

**Admin. Hill** - I'm not sure if it means a big difference to some developers.

**Matt Prestegaard** - So our question is if it is practical for MX-1 and MX-4.

**Kevin Haley** - I would like to see it open for discussion.

**Chairperson Lund** - And it's next to Highway 61 so it's not a walking utopia that you think of when you're doing something like this.

**Admin. Hill** - It all depends on what you want your community to look like in the future.

**Chairperson Lund** - It's not what we want it's what can happen. We can say this is what we have now and what can we expect to happen.

**Admin. Hill** - We'll have her look into that.

## 7. ANNOUNCEMENTS

**Chairperson Lund** - There's a meat raffle at Cloverleaf tomorrow starting at 7:00 p.m. for the Fire Department. The next City Council meeting is September 18 at 5:30 and our next meeting is October 9.

## 8. ADJOURNMENT

**Motion by Mahmood, seconded by Haley, to adjourn the Planning Commission Meeting at 7:08 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Dan Lund, Chairperson

Respectfully submitted,

Renee Eisenbeisz  
Executive Analyst



**City of Newport  
Planning Commission Minutes  
October 9, 2014**

**1. CALL TO ORDER**

Admin Hill called the meeting to order at 6:00 P.M.

**2. ROLL CALL -**

Commissioners present – Dan Lund, Susan Lindoo, Matt Prestegaard, Kevin Haley

Commissioners absent – Anthony Mahmood,

Also present – Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

**3. DISCUSSION REGARDING PARKING REGULATIONS FOR MIXED-USE DISTRICTS**

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 9, 2014 Planning Commission Workshop packet. Planning Commission members had brought this up for discussion at the September meeting. The point of discussion was to evaluate where parking is allowed in the front of the building in mixed-use districts. Currently, the Zoning Code allows the following:

- Parking is allowed in the “front yard” (area between the street right of way and required front setback line for buildings) in the MX-1 and MX-4 districts, but not in the MX-2 and MX-3 districts. In those districts, new development will be required to locate parking to the side and rear of buildings. The Commission's rationale for prohibiting parking in the front yard of the MX-2 and MX-3 districts is related to the purposes of the districts—to protect the visual appearance of properties in MX-2, and to create a higher density and intensity of uses in MX -3 by limiting the area used for surface parking.
- The required front setback for parking in MX-1 and MX-4 is 20 feet if across from non-residential areas; 50 feet if across from residential areas.
- The required side yard setback for parking in all MX districts is 5 feet if adjacent to non-residential districts; 30 feet for MX-1, 2 and 3 if adjacent to residential districts, and 30 feet for MX-4 if adjacent to residential districts.
- The minimum rear yard setback in all MX districts is 5 feet if adjacent to nonresidential uses; 10 feet in the MX-1, 2 and 3 Districts if adjacent to residential uses; and 50 feet in the MX-4 District if adjacent to residential uses.
- The standards in the MX-4 District are the same as those for parking in the B and I districts.

The Planning Commission discussed amending the zoning ordinance to allow property owners along Hastings Avenue to use the City-owned right-of-way towards the 20-foot boulevard requirement. City staff will bring an amendment before the Planning Commission at their November 13, 2014 meeting where they will hold a public hearing on it.

The Planning Commission also asked staff to look into the above-ground utilities along Hastings Avenue and whether or not the City can require utility companies to place them underground or make them non-conforming. Additionally, the Planning Commission asked staff to look into whether or not the City can require owners to place utility lines underground when they develop a new parcel.

**4. DISCUSSION REGARDING PARK DEDICATION FEE**

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 9, 2014 Planning Commission Workshop packet and attached. Per State Statute, the City needs to establish a need for more parks in the community in order to have a park dedication fee. The Planning Commission directed staff to draft fees based on density to review at the November 13, 2014 meeting.

**5. ADJOURNMENT**

Prior to adjourning, the Planning Commission requested staff to bring back language amending the lot coverage in mixed-use districts for single-family residences at the November 13, 2014 meeting.

Signed: \_\_\_\_\_  
Dan Lund, Chairperson

Respectfully submitted,

Renee Eisenbeisz  
Executive Analyst

**PARK ANALYSIS—2030 COMPREHENSIVE PLAN (2008)**  
**Newport Planning Commission**  
**October 9, 2014**

Existing park area: 176 acres  
33 acres “active” recreation

Proposed: 10-12 acres (Levee Park)

Recommended: 10 acres/1,000 populations

2010 population was 3435—Recommended park area based on National Park & Recreation standards is 10 acres per 1,000 people, or, 34 acres

2040 estimated population is 4600 (Metro Council), therefore National standards would recommend about 46 acres

Summary: Current Newport parks meet or exceed recommended park area, especially if including open space areas.

Park location may indicate a need for additional park area in west of Highway 61 to serve redevelopment area

Trails: Typical standard says that residents should be able to access a trail within ½ mile of their property

Proposed Additional trails proposed in Comp Plan include about 6.5 lineal miles of local trails, or 9.5 acres in area including trail and right-of-way/ easements

---

**PARK FEE DEDICATION CALCULATIONS**  
**Newport Planning Commission**  
**October 9, 2014**

**Data for Cost Estimate Examples**

Estimate of new development area through 2014: 736 new households per Metro Council estimate (2014)

13 acres in MX-3 (400 housing units, at 30 units/acre)  
50 acres in R-1, 2 or 3 (250 units at 5 units per acre, mix of single-family and townhouse/condo)  
172 acres in RE (86 units at 2 units/acre)  
235 total acres estimated to develop through 2014

Newport Land Costs, based on recent sales and appraisal info from Washington County:

- Developed area, with sewer and water available: \$100,000 per acre single-family; 168,000/acre transit site (county estimated market value)
- RE area or no sewer available, \$25,000-\$50,000 per acre

Total area needed for parks and trails to develop park & trails proposed in Comprehensive Plan – approximately 21-22 acres

Total area to be developed by 2014 – 235 total acres

Need approximately 10% of area to be dedicated as parks and trails

**Option 1. Land % or Equivalent in Cash (St. Paul Park approach, 10% land value fee dedication per ordinance)**

10,000 square-foot lot (2.29 acres), urban area-single family (R-1):  
 $.23 \text{ acres} \times \$100,000/\text{acre} \times .10 = \$2,300$

2 acre lot in RE District  
 $2 \times \$25,000 \times .10 = \$5,000 \text{ per unit}$

Transit station housing development  
 $2.0 \text{ acres} \times \$170,000/\text{acre} \times .10 = \$33,600 \div 42 \text{ units} = \$800$

Since park use by household is likely to be similar for households in various districts, this formula is not equitable, and needs to be modified to meet the statutory requirement that park dedication fees are closely related to potential use of parks by new households. Some options include, setting a per unit fee that applies regardless of density (option 2) or setting a fee level based on density (option 3):

**Option 2. Charge all new units based on the fee calculated for Single-Family Units in R-1: \$2,300**

**Option 3: Sliding fee amount based on density—some typical values for communities that use this method would result in the following calculations:**

RE district – 5% land

Single family unit densities (0-3 per acre) – 10% land

Townhouse densities (5-8 units per acre) –13% land

Multifamily densities (30 units per acre) – 18% land

Calculation:

RE lot: 2 acre lot in RE District

$$2 \times \$25,000 \times .05 = \$2,500 \text{ (for a 5-acre parcel however, would be } \$6,250)$$

SF Lot: 10,000 square foot lot (2.29 acres) in R-1 District

$$.23 \text{ acres} \times \$100,000/\text{acre} \times .10 = \$2,300/\text{unit}$$

Townhouse Development (21 units)

$$3 \text{ acres} \times \$125,000/\text{acre} \times .13 = \$48,750 \div 21 = \$2321/\text{unit}$$

Apartment Development (42 units)

$$2 \text{ acres} \times \$170,000 \text{ acre} \times .18 = \$61,200 \div 42 \text{ units} = \$1500/\text{unit}$$



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Schille Minor Subdivision
<b>Copies To:</b>	Deb Hill, City Administrator Renee Eisenbeisz, Executive Analyst Patrick Schille, applicant	<b>Project No.:</b>	15481.008
<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Routing:</b>	
<b>Date:</b>	November 3, 2014		

**SUBJECT:** Schille Minor Subdivision

**MEETING DATE:** November 13, 2014

**LOCATION:** 1631 3<sup>rd</sup> Avenue  
Newport, MN

**APPLICANT:** Patrick Schille

**ZONING:** Low-Density Single-Family Residential (R-1) District

**60-DAY PERIOD:** December 6, 2014

**ITEMS REVIEWED:** Application and Survey received October 7, 2014; record of previous City approval, September 7, 2006

### BRIEF DESCRIPTION OF THE REQUEST:

The applicant is proposing to subdivide an existing 22,610-square foot parcel to create two lots. The lots are proposed to be 11,668 and 10,942 square feet in area. The subject property is located in the Low-Density Single-Family Residential (R-1) District.

The existing residence on the smaller parcel will remain. Parcel B is proposed for future single-family residential use.

The City approved the proposed subdivision previously, in 2006. However, the property owner failed to record the subdivision at Washington County within one year, as the conditions of approval and the Subdivision Ordinance require. Subdivision ordinances require recording within a limited time period because lot sizes and other requirements can change, and

subdivisions that are not recorded in a timely way may no longer meet Zoning and Subdivision requirements.

### **DETAILED EVALUATION OF THE REQUEST:**

The Subdivision Ordinance requires that subdivisions and the subdivision process meet the following standards:

- That the proposed subdivision conform to the Comprehensive Plan
- That subdivisions are consistent with applicable plans, laws and regulations
- To provide for the orderly subdivision of land and ensure proper legal descriptions
- To ensure that adequate public infrastructure, facilities and services are available concurrent with development
- To require that subdividers furnish land, install infrastructure, pay fees, and install measures needed to ensure that development provides its fair share of capital facilities
- To ensure that new subdivisions contribute toward an attractive, orderly, stable, livable and safe community through adequate design and construction
- To encourage wise use and management of land, water, and natural resources and secure the rights of the public with respect to public lands and waters
- To provide a means to provide adequate recreation areas, school sites, and other public facilities

The sections that follow review the proposed subdivision based on the ordinance requirements.

#### ***Comprehensive Plan***

The Comprehensive Plan says that the intent of the Low-Density Single Family Residential (R-1) District is to permit single-family residential development on urban lots. The plan encourages in-fill development on existing lots or by subdivision of larger lots in the R-1 District. The proposed residential use is consistent with the Comprehensive Plan recommendations for uses in the R-1 District.

#### ***Dimensional Requirements***

The Zoning Ordinance requires that lots be a minimum 9,100 square feet in size in the R-1 District. Lots must be at least 130 feet deep and 70 feet wide (90 feet for corner lots).

The setback requirements include the following:

- Front yard: 30 feet
- Side yard: 10 feet for homes, 5 feet for garages or accessory structures
- Rear yard: 30 feet

The proposed lots are 80 and 75.2 feet wide, 145.85 feet long, and 11,668 and 10,942 feet in area. The existing structures on the smaller parcel meet the front, side and rear setback requirements. Any new buildings proposed on the larger parcel will need to meet the setback requirements in the ordinance. The proposed lots and existing structures meet the dimensional requirements.



### ***Access and Right-of-Way Requirements***

Both parcels have existing driveway access to 3<sup>rd</sup> Avenue. No additional access is needed to serve the parcels.

### ***Maximum Lot Coverage***

The maximum allowed lot coverage in the R-1 District is 35%. The Planner calculated the lot coverage based on the survey submitted for the subdivision and aerial photos. The impervious coverage on the larger parcel (existing driveway) will be approximately 9.5% after subdivision. The existing coverage on the smaller parcel will be approximately 25%. The existing parcels meet the ordinance requirement, and future development proposed on the larger parcel will be required to meet the ordinance requirement for lot coverage.

### ***Accessory Structures***

The ordinance limits the number of accessory structures on parcels in residential districts to 2 structures. The smaller parcel has an existing garage and shed structure, and therefore has the maximum number permitted. Structures on the new parcel will need to meet the ordinance requirement. The existing lot meets the ordinance requirements.

### ***Building Height***

No new buildings are proposed on the parcels.

### ***Water and Wastewater Systems***

The existing home is connected to the City's sanitary sewer and public water systems, but the new parcel does not have connections to those systems. The parcel owner will need to obtain connections for sewer and water service in order to be developed for residential use, and will need to pay the required fees. The Planner has included a condition that the owner obtains connections to the City's sewer and water systems prior to development, and pay the required connection fees.

### ***Grading***

No construction or grading is proposed with subdivision.

### ***Stormwater and Wetlands***

The City Engineer and Public Works Director reviewed the proposed subdivision, and provided the following comment: "Bruce and I visited the property at 1631 3<sup>rd</sup> Ave this afternoon and did not find any drainage or other engineering related concerns with the proposed subdivision." Development on the larger parcel will need to meet City and Watershed District requirements for stormwater management.

There are no wetlands on the parcels.



### ***Park Dedication***

The City requires that all subdivisions dedicate land, or cash in lieu of land, to the public as parks, playgrounds, trails or open space to serve the demand for park facilities created by new development. If the City determines that land is not needed in the area of the proposed subdivision, the subdivider may pay the cash in lieu fee.

When the Schille subdivision was reviewed in 2006, the conditions included a requirement that "A Park Land Dedication fee of \$2,000.00 shall be paid to the City upon approval of the Minor Subdivision." City staff reviewed the records for the subdivision, and found that the fee was not paid at that time.

The Planner reviewed the City's future park and trail map to determine if future parks or trails are planned in or near the proposed subdivision. No future parks or trails are proposed within the subdivision.

The City's current park dedication fee for new single-family lots is \$3,400. The fee was established in 2011, and is currently under review by the Planning Commission. Other communities in Washington County typically have cash in lieu fees between \$2,000 and \$2,500 per single-family residential unit.

The City recently reviewed the Dalluhn subdivision, and the Council recommended a park dedication fee of \$2,000 for the new lot in that subdivision, while the review of the park dedication fee is in process.

Staff recommend that park dedication for this subdivision be satisfied with a cash in lieu fee, and recommend that the fee for this subdivision be \$2,000.00, consistent with the Dalluhn subdivision fee, since a new park dedication fee has not been adopted by the City.

The Planning Commission should discuss the proposed park dedication fee, and make a recommendation to the Council.

### **ACTION REQUESTED:**

The Planning Commission may take the following actions:

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

### **PLANNING STAFF RECOMMENDATIONS:**

The Planner recommends that the Planning Commission approve the proposed minor subdivision located at 1631 3<sup>rd</sup> Avenue, to create two parcels approximately 11,668 and 10,942 square feet in size, with the following conditions:



1. The Final Plat shall be substantially in conformance with the Final Plat drawing submitted by the applicant and dated September 2006.
2. All future development on the parcels shall meet the requirements of the City's Ordinances.
3. The parcel owner shall obtain connections to the City's sanitary sewer and public water systems, and shall pay the required connection fees.
4. The parcel owner(s) shall obtain building permits and any required stormwater approvals or permits for development on the parcels .
5. The applicant shall satisfy the City's park dedication requirement prior to filing the plat at Washington County.
6. The applicants shall pay all fees and escrow associated with this application.



# City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7<sup>th</sup> Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 10/6/14 Public Hearing Date November 13, 2014

## Applicant Information

Name: PATRICK C. SCHILLE Telephone: 651 212 0719  
Mailing Address: 1631 3<sup>RD</sup> AV. Telephone: \_\_\_\_\_  
City/State/Zip: NEWPORT MN 55055

## Property Owner Information

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Mailing Address: SAME Telephone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

## Project Information

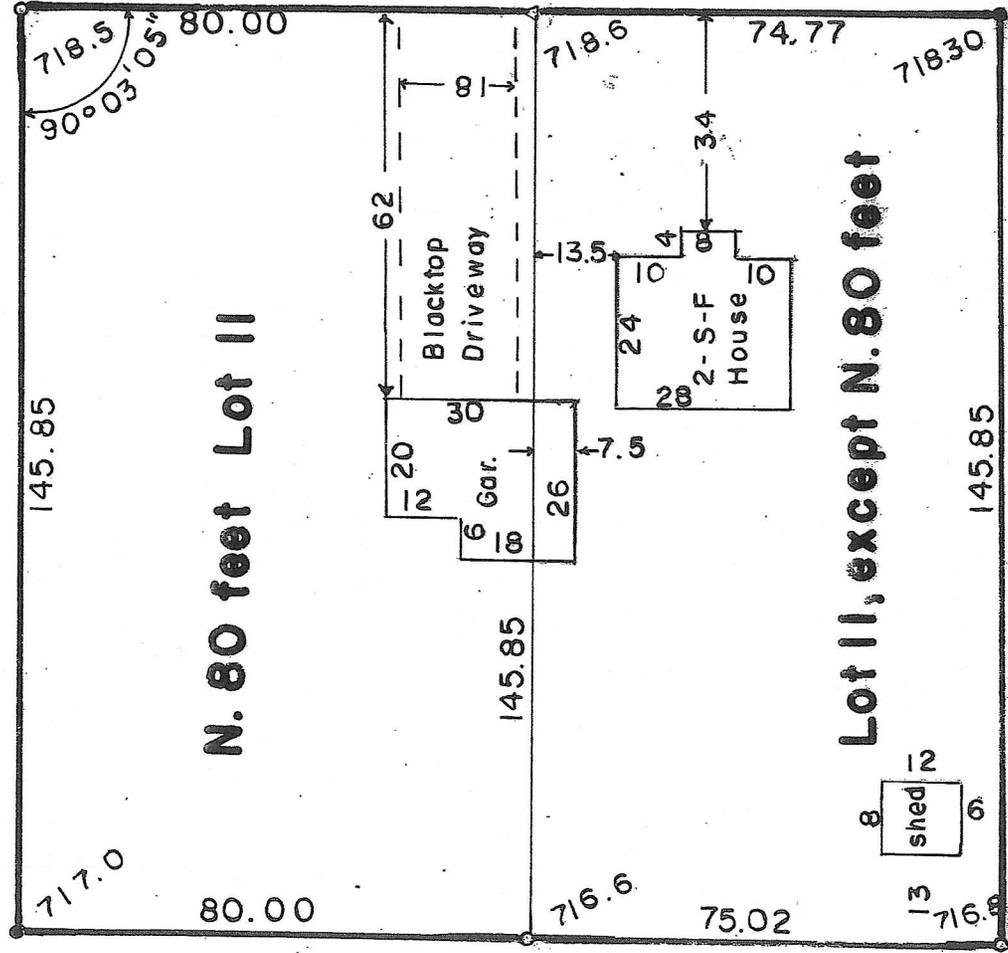
Location of Property: \_\_\_\_\_

Legal Description of Property (Must match description on the Deed) and P.I.D. #: \_\_\_\_\_

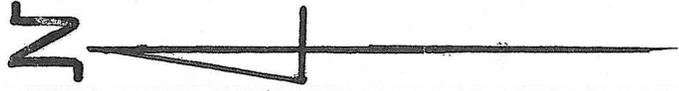
- Zoning District: \_\_\_\_\_ Flood Plain: **AE 0.2% Annual Chance Flood Hazard**
- |                                                                |                                                                                                                 |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Amendment          | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)                                           |
| <input type="checkbox"/> Rezoning                              | \$500 plus Escrow                                                                                               |
| <input type="checkbox"/> Zoning Amendment                      | \$500                                                                                                           |
| <input type="checkbox"/> Variance                              | \$300 plus Escrow                                                                                               |
| <input type="checkbox"/> Conditional Use Permit                |                                                                                                                 |
| <input type="checkbox"/> Residential                           | \$300 plus Escrow                                                                                               |
| <input type="checkbox"/> Commercial                            | \$450 plus Escrow                                                                                               |
| <input type="checkbox"/> Subdivision Approval                  |                                                                                                                 |
| <input checked="" type="checkbox"/> Minor Subdivision          | \$300 plus Escrow and Parkland Dedication Fee <i>ESCROW is \$2,000</i>                                          |
| <input type="checkbox"/> Major Subdivision                     | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____                          |                                                                                                                 |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ |                                                                                                                 |
| <input type="checkbox"/> Review by Engineer Cost: _____        |                                                                                                                 |
| <input type="checkbox"/> Total Cost: _____                     |                                                                                                                 |



# Certificate of Survey for: Patrick Schille



50  
**THIRD AVENUE**  
 O top MH 724.00



**N. 80 feet Lot 11**

**Lot 11, except N. 80 feet**

*This is the layout of the property as purchased in 2005, showing the proposed division.*

April 7, 2006

Scale 1 inch = 30 feet

o - Denotes 1/2 inch iron pipe set with Minnesota Registration No. 10460

● - Denotes iron pin found in place    Δ - Denotes concrete nail set.

## DESCRIPTIONS

The east 145.85 feet of the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.

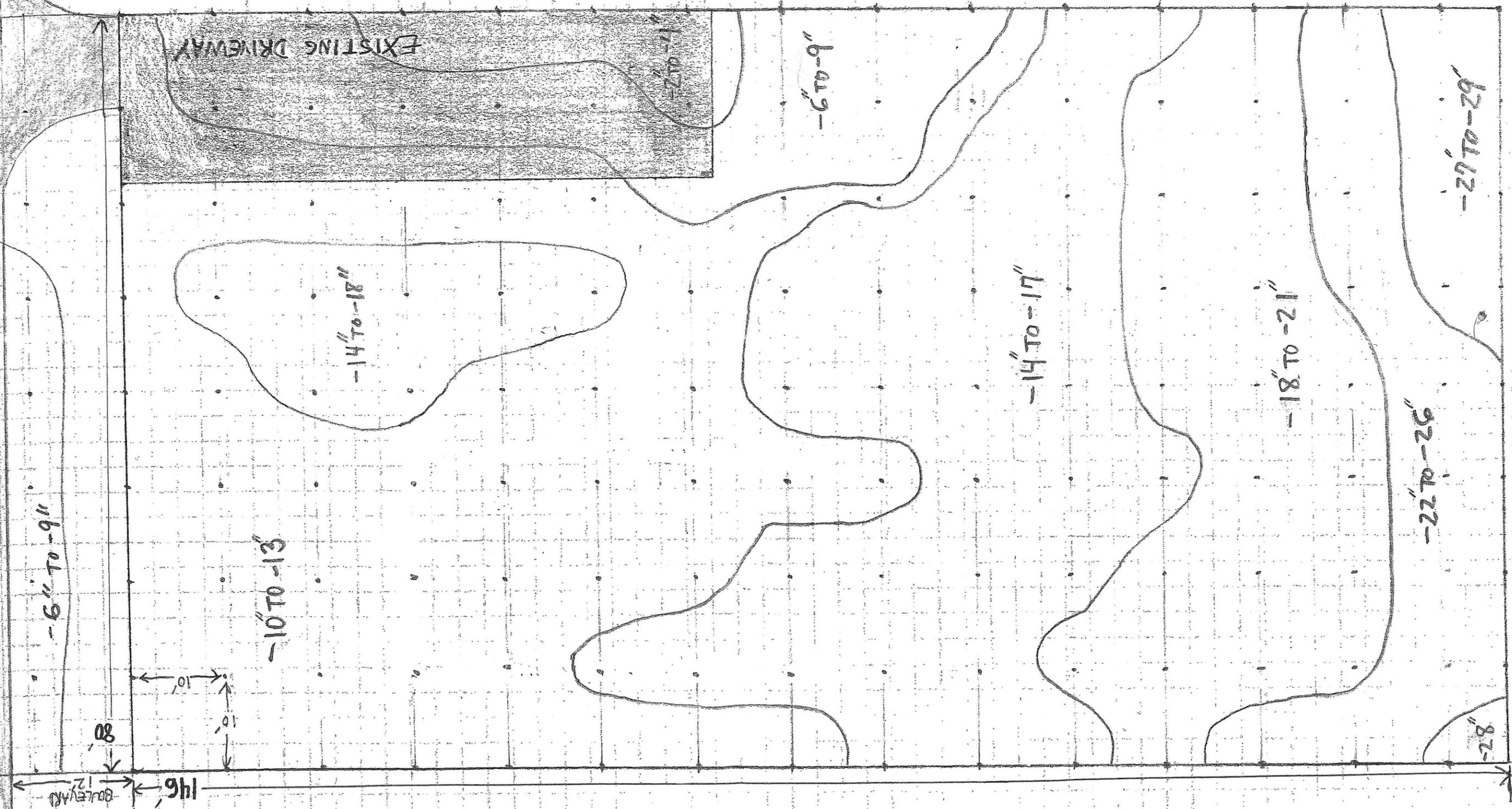
The east 145.85 feet, except the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.

POINT  
NORTH  
3/32 SCALE

0" TO 2"

CR  
STAKE

3" TO 5"



TOPOGRAPHY  
MAP

EXISTING DRIVEWAY

6" TO 9"

10" TO 13"

14" TO 18"

6" TO 9"

14" TO 17"

18" TO 21"

22" TO 25"

27" TO 29"

146' BOULEVARD

12'

10'

82'

**Escrow Fees**

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

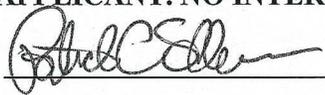
Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: RESIDENCE

State Reason for Planning Request: POSSIBLE FUTURE HOME SITE

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT: 

SIGNATURE OF OWNER (IF APPLICABLE): \_\_\_\_\_

For Office Use

Fee: \$2,300 Date Paid: 10/07/14 Receipt #: 2763

Publication of Notice Date: \_\_\_\_\_

Public Hearing Date: November 13, 2014

P.C. Resolution #: \_\_\_\_\_

Council Action Date: \_\_\_\_\_

Council Resolution #: \_\_\_\_\_

~~PLANNING COMMISSION MEETING~~ November 13 - Need everything by  
 December 11 - Need everything by Nov. 13  
 Oct 16



# Subdivision Preliminary Plat Application Checklist

This is a simplified list of the requirements for a Preliminary Plat for a subdivision in Newport. developers should consult "chapter 12—subdivisions" of the zoning ordinance for detailed information on each of the required site plan submittals. Subdividers must provide a sketch plan and meet with the zoning administrator prior to submitting the preliminary plat.

**GENERAL REQUIREMENTS:**

**INCLUDED IN SUBMITTAL**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                              |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|-----------------------------|
| <ol style="list-style-type: none"> <li>1. Application Form, including location, address (if assigned), legal description, PID number of all parcels included in the proposed plat; name, plat name, address, contact information and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.</li> <li>2. Fees</li> <li>3. Escrow</li> <li>4. A description of the request (either on the application form or in a letter), including at least the number of lots, development type, anticipated completion date, and written verification that all commonly-owned contiguous land is included in the plat.</li> <li>5. A map, aerial photo or plan showing the parcel in question, boundaries of the proposed plat, and all property and ownership within five hundred (500) feet of the parcel boundaries.</li> <li>6. Site Plan           <ul style="list-style-type: none"> <li>• One (1) 11"x17" hard copy, one (1) electronic copy, and three (3) 22"x34" or 24"x36" full-size plan sets.</li> </ul> </li> </ol> | <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input checked="" type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                              |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |
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| <input checked="" type="checkbox"/> YES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                              |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |                                         |                             |

**Plan Sheet Requirements:**

- Title block
- Name, address, phone number for owner, developer, surveyor, engineer
- Signature of the person that prepared the site plan drawings
- Date of preparation and revision dates
- North Arrow
- Graphic scale not less than 1:50 using an Engineer's Scale

**SITE PLAN REQUIREMENTS: PRELIMINARY PLAT  
EXISTING AND PROPOSED:**

**INCLUDED IN SUBMITTAL**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                    |                              |                             |                              |                             |                              |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|
| <ol style="list-style-type: none"> <li>1. An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat.</li> <li>2. Gross acreage of the proposed plat, property lines, proposed dimensions and lot size for all lots and outlots.</li> <li>3. Location, width and name of all existing streets, public roadways, and trails, parks and other public lands (including all permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat,</li> </ol> | <table border="0" style="width: 100%;"> <tr> <td><input type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> <tr> <td><input type="checkbox"/> YES</td> <td><input type="checkbox"/> NO</td> </tr> </table> | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <input type="checkbox"/> YES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                        |                              |                             |                              |                             |                              |                             |
| <input type="checkbox"/> YES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                        |                              |                             |                              |                             |                              |                             |
| <input type="checkbox"/> YES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> NO                                                                                                                                                                                                                                                                                        |                              |                             |                              |                             |                              |                             |

and to a distance of 100 feet beyond the boundary lines of the proposed plat. Layout of all proposed streets, sidewalks, trails, and fire lanes, including those required by the City's Comprehensive Plan, to meet the requirements of the City's Ordinance and Engineering Standards.

4. Location and size of all existing buildings and proposed buildings.  YES  NO
5. Minimum building setback lines.  YES  NO
6. Topography in 2-foot contours intervals within the proposed plat, and to a distance of 100 feet beyond the boundary of the plat.  YES  NO
7. Existing and proposed driveways.  YES  NO
8. Location and size of all existing sewers, water mains, culverts, fire hydrants, and other underground facilities (public and private) within the proposed plat, and to a distance of 100 feet beyond the boundary liens of such plat, and preliminary utility plan.  YES  NO
9. Soil borings and percolation tests, if required by the City Engineer or Building Official  YES  NO
10. A drainage report prepared by a Professional Engineer showing existing drainage areas contributing to the preliminary plat and a calculation of the existing runoff and proposed runoff, identification of proposed stormwater facilities, and related information to meet the requirements of the City's ordinance and Watershed District requirements, and a preliminary grading and erosion control plan.  YES  NO
11. Vegetation and landscaping, including a tree inventory and Tree Preservation Plan as described in the Subdivision Ordinance  YES  NO
12. Wetland delineation report completed by a Certified Wetland Scientist  YES  NO
13. Shoreland and Floodplain district boundaries and classifications: including waterbodies, watercourses, Ordinary High Water Level, and 100 year flood elevation.  YES  NO
14. Bluffs, wooded areas, rock outcrops, power transmission poles lines, and other significant features within the proposed plat, and to a distance of 100 feet beyond the boundary lines of the plat.  YES  NO
15. An environmental assessment worksheet (EAW) or other environmental review, when required, and subject to the provisions of Minnesota Statutes.  YES  NO
16. Additional information relevant to the request, including proposed plan for future platting, if applicable.  YES  NO



# CITY OF NEWPORT

596 7th Avenue  
Newport, Minnesota 55055  
(651) 459-5677  
Fax: (651) 459-9883

September 11, 2006

Mr. Patrick Schille  
1631 3<sup>rd</sup> Avenue  
Newport, MN. 55055

RE: Minor Subdivision

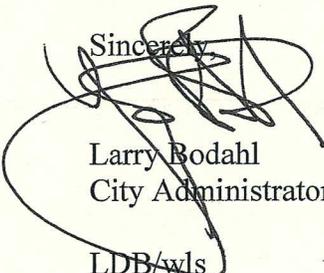
Dear Patrick:

Enclosed is a copy of Resolution No. 2006-31 adopted by the Newport City Council at their regular meeting on Thursday, September 7<sup>th</sup>, 2006. This Resolution grants a Minor Subdivision to divide one existing lot into two to property located at 1631 3<sup>rd</sup> Avenue, Newport, MN.

This Resolution, along with the survey, must be recorded at Washington County. Just a reminder, prior to this recording at the County, you need to submit a check to the City of Newport in the amount of \$2,000.00 for Park Land Dedication.

If you have any questions, please call me at 459-5677.

Sincerely,

  
Larry Bodahl  
City Administrator

LDB/wls

Enclosure

Cc: file



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## RESOLUTION NO. 2006-31

**A RESOLUTION BY THE NEWPORT CITY COUNCIL APPROVING A MINOR SUBDIVISION REQUEST BY MR. PATRICK SCHILLE, 1631 3<sup>rd</sup> AVENUE, NEWPORT, MN 55055 FOR PROPERTY LOCATED AT 1631 3<sup>RD</sup> AVENUE, NEWPORT, MN 55055**

**WHEREAS** Mr. Patrick Schille, 1631 3<sup>rd</sup> Avenue, Newport, MN 55055 has submitted a request for a Minor Subdivision for property located at 1631 3<sup>rd</sup> Avenue, Newport, MN; and

**WHEREAS**, The property located at 1631 3<sup>rd</sup> Avenue, Newport, MN, is more fully legally described as follows:

**RIVERWOOD ACRES # 3 Lot-011 PART OF LOT 11 -BEING THE EAST 145. 85 FEET  
RIVERWOOD ACRES NUMBER 3 NEWPORT CITY**

**Proposed said property legal description:**

**The east 145.85 feet of the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.**

**and**

**The east 145.85 feet, except the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.**

**; and**

**WHEREAS**, The described property is zoned Residential-Single Family (R-1); and

**WHEREAS**, Chapter 12, Section 9, Subsection 905. Minor Subdivisions Paragraph 905.01 of the Code of Ordinances states; *"In the case of a subdivision resulting in three (3) or less parcels, situated in a locality where conditions are well defined, the City Council may exempt the subdivider from complying with some of the requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three (3) new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Ordinance, the division may be approved by the City Council, after submission of a survey by a registered land surveyor showing the original lot and the proposed subdivision. Application for a minor subdivision resulting in three or less lots and which*

complies with the rest of this section, may be made to the Clerk-Administrator for waiver of the requirements of the Model Subdivision Regulation Code, and upon payment of the fee therein required, said application in triplicate may be submitted to the Clerk-Administrator for presentation to the Planning Commission and City Council.”  
; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on May 11, 2006.

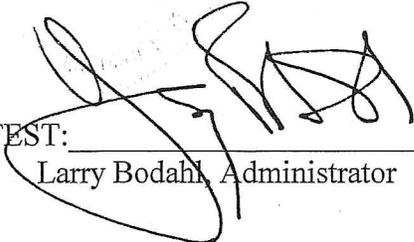
NOW, THEREFORE, BE IT RESOLVED That the Newport City Council Hereby Grants Approval for a Minor Subdivision of the described property to applicant Mr. Patrick Schille, 1631 3<sup>rd</sup> Avenue, Newport, MN 55055, for property located at 1631 3<sup>rd</sup> Avenue, Newport, MN 55055 with the following conditions:

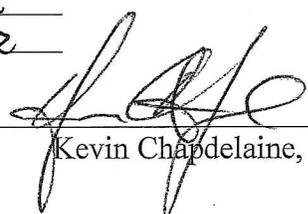
1. A Park Land Dedication fee of \$2000.00 shall be paid to the City upon approval of the Minor Subdivision.
2. The Minor Subdivision shall be in accordance to the survey received by the City on April 12, 2006, which divides one (1) legal lot into two (2) legal lots.
3. The existing garage, which sits astride the proposed property line, shall be removed before the survey received by the City on April 12, 2006, and dated April 7, 2006, is recorded at Washington County and any building permits are issued on new construction.
4. Said survey shall be placed on file at the Washington County Recorder's/Registrar's Office, Government Center, 14949 62<sup>nd</sup> Street North, Stillwater, MN 55082.

Adopted this 7<sup>th</sup> day of September 2006 by the Newport City Council.

Motion by: White, Seconded by: Schottmuller

VOTE:	Geraghty	<u>Aye</u>
	Schottmuller	<u>Aye</u>
	Chapdelaine	<u>Aye</u>
	White	<u>Aye</u>
	Wilcziek	<u>Aye</u>

ATTEST:   
Larry Bodahl, Administrator

Signed:   
Kevin Chapdelaine, Mayor



**CITY OF NEWPORT  
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING  
TO CONSIDER A REQUEST FOR A MINOR SUBDIVISION**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, November 13, 2014 at 6:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7<sup>th</sup> Ave., Newport, MN, to consider an application from Patrick Schille, 1631 3rd Avenue, Newport, MN 55055 for a Minor Subdivision. The request is to divide 1631 3rd Avenue into two parcels.

**Said property is legally described as:**

**PID#35.028.22.11.0029** - The east 145.85 feet of the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.

The east 145.85 feet, except the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.

The Planning Request is governed under Chapter 12, Section 1200.10 Platting Procedures, of the Newport City Code adopted by the Newport City Council on June 5, 1997.

Information on this Application can be reviewed at the Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the project either at, or in writing prior to, the Public Hearing.

Dated this 20<sup>th</sup> day of October, 2014

Deb Hill  
City Administrator

(Publish in the Washington County Bulletin Wednesday, October 29, 2014)



ADDRESS/PID #	OWNER	OWNER'S MAILING ADDRESS	CITY, STATE, ZIP
161 16TH STREET	ELTON AMANDA	161 16TH ST	NEWPORT MN 55055
174 16TH STREET	STAGE KATHERIN A	174 16TH ST	NEWPORT MN 55055
191 16TH STREET	FLANDERS JIMMY R & LAURA M	191 16TH ST	NEWPORT MN 55055
300 16TH STREET	DONATELL GEORGE M & VICKY ANN	PO BOX 175	NEWPORT MN 55055
380 16TH STREET	PROKOP SUZAN R	380 16TH ST	NEWPORT MN 55055
395 16TH STREET	LETOURNEAU WILLIAM T & DEBORA A HIRSC	661 POINSETTIA AVE 305	CLEARWATER BEACH FL 33767
1579 2ND AVENUE	DUEFFERT MARK G & GINA M	1579 2ND AVE	NEWPORT MN 55055
1591 2ND AVENUE	KRISKE KATHERINE	1591 2ND AVE	NEWPORT MN 55055
1594 2ND AVENUE	DAHL ROBERT G	7473 DICKMAN TRL	INVER GROVE HEIGHTS MN 55076-2747
1608 2ND AVENUE	GREENE MICHAEL T	1608 2ND AVE	NEWPORT MN 55055
1612 2ND AVENUE	SMITH ERIC V & SHARON K	1612 2ND AVE	NEWPORT MN 55055
1620 2ND AVENUE	ETERNITY HOMES LLC	425 THIRD ST	FARMINGTON MN 55024
1625 2ND AVENUE	JOHNSON STEVEN W & ROBIN T	1625 SECOND AVE	NEWPORT MN 55055
1626 2ND AVENUE	MADDEN CHRISTOPHER S	1626 2ND AVE	NEWPORT MN 55055
1633 2ND AVENUE	EBERTOWSKI SUSAN C	1633 2ND AVE	NEWPORT MN 55055
1636 2ND AVENUE	PICASSO CARLOS R & BARBARA J	1636 2ND AVE	NEWPORT MN 55055
1640 2ND AVENUE	PURDY ROBERT P & JUDY G	1640 2ND AVE	NEWPORT MN 55055
1645 2ND AVENUE	DERUSHA CHERYLLEE M & LOWELL P ELLING	1645 2ND AVE	NEWPORT MN 55055
1646 2ND AVENUE	CASTANEDA SERGIO A & MARY A CASTANED	1646 2ND AVE	NEWPORT MN 55055
1650 2ND AVENUE	KOPREN KENNETH I	1650 2ND AVE	NEWPORT MN 55055
1655 2ND AVENUE	REVERE RORY A	1655 2ND AVE	NEWPORT MN 55055
1656 2ND AVENUE	LOTTI JOSEPH J & MARY ELLEN	1656 2ND AVE	NEWPORT MN 55055
1657 2ND AVENUE	KLINGBILE IHLA M	1657 2ND AVE	NEWPORT MN 55055
1664 2ND AVENUE	JUEN JEFFREY	1664 2ND AVE	NEWPORT MN 55055
1668 2ND AVENUE	SEERUP KRISTY A	1668 2ND AVE	NEWPORT MN 55055
1673 2ND AVENUE	NIESEN MARLYS ANITA	1673 2ND AVE	NEWPORT MN 55055
1678 2ND AVENUE	OMER DELORES M	1678 2ND AVE	NEWPORT MN 55055
1575 3RD AVENUE	WILWERT SHERRY L	2400 TEAKWOOD AVE	MAPLEWOOD MN 55119
1579 3RD AVENUE	STADLER BILLE JO	1579 3RD AVE	NEWPORT MN 55055
1580 3RD AVENUE	HANSON WADE R	1580 3RD AVE	NEWPORT MN 55055
1606 3RD AVENUE	KLINGELHOETS CHRIS W & DEBRA J	1606 3RD AVE	NEWPORT MN 55055
1608 3RD AVENUE	SCHWARTZ DAVID L & DENISE L	1608 3RD AVE	NEWPORT MN 55055
1609 3RD AVENUE	STROM WALDON L & ORMA R	1609 THIRD AVE	NEWPORT MN 55055
1613 3RD AVENUE	NICK JOHN E & MEGAN M WATERHOUSE	1613 3RD AVE	NEWPORT MN 55055
1615 3RD AVENUE	WATRUD BRIAN	1615 3RD AVE	NEWPORT MN 55055
1616 3RD AVENUE	BISHOP DAVID D	1616 3RD AVE	NEWPORT MN 55055
1622 3RD AVENUE	KELLER TODD M	1622 3RD AVE	NEWPORT MN 55055
1628 3RD AVENUE	EHLERS GERALD G & SUZANNE J MURPHY	1628 3RD AVE	NEWPORT MN 55055
1631 3RD AVENUE	SCHILLE PATRICK C & CYNTHIA J	1631 3RD AVE	NEWPORT MN 55055
1643 3RD AVENUE	PETERSON MAKANA K	1643 3RD AVE	NEWPORT MN 55055
1644 3RD AVENUE	HUKKA GEORGE K & DEANNA	1644 3RD AVE	NEWPORT MN 55055
1651 3RD AVENUE	SCHROEDER MARY F	1651 3RD AVE	NEWPORT MN 55055
35.028.22.11.0032	SCHROEDER MARY F	1651 3RD AVE	NEWPORT MN 55055
1656 3RD AVENUE	HUHN SAMUEL D	1656 3RD AVE	NEWPORT MN 55055
1660 3RD AVENUE	FLOOD DANIEL M & KIMBERLY A WYCHGRAM	1660 3RD AVE	NEWPORT MN 55055
1661 3RD AVENUE	GRINSTEINER MARK	446 20TH AVE S	SOUTH SAINT PAUL MN 55075
1666 3RD AVENUE	YOUNG PAMELA C & KIMBERLY M & KIMBERLY	1666 3RD AVE	NEWPORT MN 55055
1671 3RD AVENUE	ALTERMATT BRUCE M	1671 3RD AVE	NEWPORT MN 55055
1672 3RD AVENUE	LARSON JOHN M & ANTHONY E	1938 105TH ST E	INVER GROVE HEIGHTS MN 55077
1675 3RD AVENUE	WILKEN MICHAEL J & DONNA M	1675 3RD AVE	NEWPORT MN 55055
1679 3RD AVENUE	SMITH KELLY K & ROBERT F CLIFFORD	1679 3RD AVE	NEWPORT MN 55055
1680 3RD AVENUE	ENGEN ROBERT N & SHIRLEY I	1680 3RD AVE	NEWPORT MN 55055
1575 4TH AVENUE	BARTH KAREN M	1575 4TH AVE	NEWPORT MN 55055
1609 4TH AVENUE	EISEN SARAH E	1609 4TH AVE	NEWPORT MN 55055
1617 4TH AVENUE	EFFIE W & GARY D MILLER TRS	7234 LAMAR AVE S	COTTAGE GROVE MN 55016
1621 4TH AVENUE	SCHOTTMULLER JEFFREY L & BRENDA J SCHC	1621 4TH AVE	NEWPORT MN 55055
1631 4TH AVENUE	SCHULTZ NANCY M	3074 LEYLAND TRL	WOODBURY MN 55125
1635 4TH AVENUE	SANDEEN LYNNAE J	1635 4TH AVE	NEWPORT MN 55055
1637 4TH AVENUE	BROSI HELGESON TERESA J	1637 4TH AVE	NEWPORT MN 55055
1657 4TH AVENUE	KIDD JOHN D & KATHLEEN M	1657 4TH AVE	NEWPORT MN 55055

1671	4TH AVENUE	CASSADY PROPERTIES LLC	1295 BANDANA BLVD N # 135	SAINT PAUL MN 55108
1680	4TH AVENUE	TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0027		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0028		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0030		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0031		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0032		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0033		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0043		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0044		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
36.028.22.22.0045		TRUCKING PROPERTIES	5446 14TH ST	PRINCETON MN 55371
1681	4TH AVENUE	ISAAK CAROL J	1681 FOURTH AVE	NEWPORT MN 55055
1683	4TH AVENUE	STADLER LAWRENCE R & CLAUDIA	1683 4TH AVE	NEWPORT MN 55055
1614	CEDAR LANE	LORFELD DAVID	1614 CEDAR LN	NEWPORT MN 55055
1630	CEDAR LANE	LUTTON JAMES S	1630 CEDAR LN	NEWPORT MN 55055
1640	CEDAR LANE	DEFRANG DANIEL J & ANNE PULTS	1640 CEDAR LN	NEWPORT MN 55055
1652	CEDAR LANE	LESEMAN RONALD P & JEANETTE	1652 CEDAR LN	NEWPORT MN 55055

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2014-16**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A MINOR SUBDIVISION REQUESTED BY PATRICK SCHILLE, 1631 3RD AVENUE, NEWPORT, MN 55055, FOR PROPERTY LOCATED AT 1631 3RD AVENUE, NEWPORT, MN 55055**

**WHEREAS**, Patrick Schille, 1631 3rd Avenue, Newport, MN 55055, has submitted a request for a Minor Subdivision; and

**WHEREAS**, the property is located at 1631 3rd Avenue, Newport, MN 55055, and is more fully legally described as follows:

**PID#35.028.22.11.0029** - The east 145.85 feet of the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.

The east 145.85 feet, except the north 80.00 feet of Lot 11, Riverwood Acres No. 3, all division distances measured along the lot or division lines, City of Newport, Washington County, Minnesota.; and

**WHEREAS**, The described property is zoned Low Density Single-Family Residential (R-1); and

**WHEREAS**, Chapter 12, Section 1200.03, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on November 13, 2014.

**NOW, THEREFORE, BE IT FURTHER RESOLVED That** the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Minor Subdivision of the described property to applicant Patrick Schille, 1631 3rd Avenue Newport, MN 55055, with the following conditions:

1. The Final Plat shall be substantially in conformance with the Final Plat drawing submitted by the applicant and dated September 2006.
2. All future development on the parcels shall meet the requirements of the City’s Ordinances.
3. The parcel owner shall obtain connections to the City’s sanitary sewer and public water systems, and shall pay the required connection fees.
4. The parcel owner(s) shall obtain building permits and any required stormwater approvals or permits for development on the parcels .
5. The applicant shall satisfy the City’s park dedication requirement prior to filing the plat at Washington County.
6. The applicants shall pay all fees and escrow associated with this application.

Adopted this 13th day of November, 2014 by the Newport Planning Commission.

VOTE: Lund	_____
Mahmood	_____
Lindoo	_____
Prestegaard	_____
Haley	_____

Signed: \_\_\_\_\_  
Dan Lund, Chairperson

ATTEST: \_\_\_\_\_  
Deb Hill, City Administrator



11 East Superior Street, Suite 340  
 Duluth, MN 55802  
 218.724.8578  
 tkda.com

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Ordinance Updates and Overhead Utilities
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
		<b>Project No.:</b>	15482.000
<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Routing:</b>	
<b>Date:</b>	November 3, 2014		

### Ordinance Amendments

The Planning Commission will hold a public hearing at its November 13 meeting regarding proposed amendments to Section 1350 of the Zoning Ordinance (Non-residential Districts). The amendments include the following:

- Section 1350.14 (A) – the amendment updates the table to specify 35% maximum lot coverage by all impervious surfaces for Single-Family uses in the MX districts. This standard matches the requirement for Single-Family uses in the Residential districts. Staff requested guidance regarding lot coverage for single-family uses in the M-X districts due to concerns related to requests for large accessory structures on single-family lots that exist in the MX districts.
- Section 1350.18 (C) – updates the performance standards related to parking in the MX-1 and MX-4 districts. The update permits City-owned right-of-way areas on the east side of Hastings Avenue to be considered to meet all or part of the 20-foot wide boulevard requirement for parcels that are adjacent to the right-of-way.

The Commission discussed the parking requirements in the MX districts at the October meeting. Staff reviewed the parking requirements, noting that parking is allowed in the “front yard” (area between the street right of way and required front setback line for buildings) in the MX-1 and MX-4 districts, but not in the MX-2 and MX-3 districts. In those districts, new development will be required to locate parking to the side and rear of buildings. The standards in the MX-1 and MX-4 Districts are the same as those for parking in the B and I districts.

The Zoning Ordinance requires that the front setback area in the MX-1 and MX-4 districts shall include a 20-foot planted boulevard (typically over-story trees planted 50 feet on center, with grass understory). The Commission noted that the boulevard should be as consistent as possible to create a good visual appearance along Hastings Avenue, and that the existing right-of-way provides for the required boulevard area along much of

the street. Requiring additional boulevard area from businesses along Hastings is not needed, and could result in a lack of unity along the street. The Commission directed staff to add the proposed language related to the right-of-way to the performance standards in Section 1350.18.

The Commission may discuss the requirements and standards for parking in the Mixed Use districts, and determine if it will recommend changes in the standards to the City Council.

### **Underground Utilities**

The Planning Commission discussed concerns related to the appearance of overhead utilities in the City at the meeting in October, and requested that staff look for ways to require that utilities be placed underground.

#### *Newport Ordinance and Attorney Comments*

Newport's Subdivision Ordinance requires that in new subdivisions, "When practicable and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles." (Chapter 12, Section 1200.13, Item K)

Newport's Zoning Ordinance does not require that utilities in developed portions of the community be placed underground with infill development that does not require subdivision, or if redevelopment occurs. In practice, many residential developers currently chose to place the utility lines within private lots underground with infill or redevelopment, but it is not required. (Communication with John Anderson regarding recent development on infill lots in Newport.)

The Planner requested that the City Attorney provide an opinion on the following questions, based on the Planning Commission discussion in October:

1. Can the City add a requirement similar to the one in the subdivision ordinance to require utility undergrounding in existing neighborhood with redevelopment or infill?
2. Can the City require that existing overhead utilities along Hastings Avenue be placed below ground?

The Attorney provided the following responses:

- "The City can require underground placement for all new construction.
- "The best place to deal with existing overhead utility lines is in the City's Franchise Agreement with the utility. We did have some discussion on this topic during the Highway 61 construction. My recollection is that the utilities will do it but will insist that the cost be borne by the City. You may recall a similar controversy in Minneapolis when the city wanted the utilities to move their lines to accommodate the light rail construction, and the utilities balked, insisting the City pick up the cost."

#### *Ordinances in Neighboring Communities*

The Planner reviewed ordinances in the cities of Maplewood, Woodbury and Cottage Grove to identify how neighboring communities deal with the utilities issue. The findings included the following:



- Woodbury’s Subdivision Ordinance includes a requirement that is similar to Newport’s Subdivision Ordinance: “When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.”
- Maplewood’s Zoning Ordinance includes a performance standard that applies to infill or new development in existing neighborhoods as well as to new subdivisions. It states, “Underground placement of utilities shall be required unless economic, technological or land characteristic factors make underground placement unfeasible. Economic considerations along shall not be the major determinant regarding feasibility.”
- Cottage Grove’s Zoning Ordinance includes an extensive section on Undergrounding (a copy is attached). It applies to existing neighborhoods and new subdivisions.
  - Like the Maplewood ordinance, Cottage Grove’s ordinance requires that new facilities be placed under ground, unless it is not technically or economically feasible.
  - Item D. also states that the City may require that replacement, relocation or reconstruction of facilities be located underground, and provides a process for replacement or retirement of overhead facilities, including notice to the utility companies and a public hearing.

The Planner discussed the implementation of the Cottage Grove ordinance with one of the senior planners at the City. He stated the following:

- While the ordinance says that the City may require that existing utilities that are proposed for replacement, relocation or reconstruction be placed underground if feasible, the City cannot require the utility companies to pay for the underground placement. The City would need to pay for placing the existing utilities underground.
- The Cottage Grove planner provided two recent examples of how the ordinance has been implemented:
  - A developer proposed a new senior housing development in Cottage Grove. The City felt that the existing above ground utilities that would serve the development were unsightly, and wanted to require the developer to place them underground. The developer objected, and the City Attorney determined that the City could not require the developer to underground the utilities, because the existing utilities were not part of the project. The City chose not to pay the high cost to place the utilities underground, so they remain above-ground.
  - As part of a recent roadway project on County Road 19, the City proposed that Xcel Energy place the existing utility lines underground along the roadway. The City could not require Xcel to pay the cost of undergrounding the existing utilities. Xcel provide a cost estimate to the City for the undergrounding—the cost was high (John thought between



\$500,000 and \$1,000,000), and the City decided undergrounding would not be implemented.

Options for Discussion

The Planning Commission may discuss the following options or suggest others if it wishes to amend the ordinance to require that new or existing utilities be placed underground:

- The City could add an item to its performance standards to require that new utilities associated with development or infill development in existing neighborhoods be placed underground. The item could be similar to the requirement in the City's Subdivision Ordinance, or the requirement in the Maplewood ordinance.

The item could be added to Sections 1330.05--Subdivision 3 performance standards for non-residential districts, and Subdivision 20, the performance standards for residential districts.

- The City could add a more extensive section such as the one that Cottage Grove has that requires the consideration of undergrounding of existing utilities with redevelopment. However, experience in Newport, Cottage Grove and other cities indicates that the City would need to pay for the undergrounding. Adoption of the ordinance requirement to consider undergrounding does not give the City the authority to require that utilities pay for the change in utility location.



1350.14 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	B-1 and B-2	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	30	30	100	100	100	100
Maximum lot coverage by all buildings (%) - <a href="#">Uses other than Single-Family Residential</a>	80%	50%	None	80%	30%	40%	50%	50%
Maximum lot coverage by all <a href="#">impervious surfaces</a> (%) - <a href="#">Single-Family Residential uses</a>	<a href="#">35%</a>	<a href="#">35%</a>	<a href="#">35%</a>	<a href="#">35%</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">N/A</a>	<a href="#">N/A</a>
<i>Structure setback standards***</i>								
Minimum front yard setback	0	10**	0	0	20	20	20	50
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	50	50	50	100
Minimum side yard	0	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
<i>Parking and driving aisle setback in feet</i>								
Minimum front yard	20	Not allowed	Not allowed	20	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard for multifamily,	20	20	20	30	30	30	30	30

(5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

**1350.18 Performance Standards for Non-residential Districts**

- A. The Performance Standards included in Item 1330.05 of this Ordinance shall apply in the Non-residential districts, except as modified in this Section.
- B. All public rights-of-way within the MX, Business, and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.
- C. MX District Parking standards.

1) Parking requirements in the MX Districts shall be governed by Section 1330.06 except for the following:

a. Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.

~~a.b.~~ The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that is a minimum of 20 feet in width and that meets the landscaping requirements of the ordinance. City-owned right-of-way areas on the east side of Hastings Avenue shall be considered to meet all or part of the 20-foot boulevard requirement for the parcels adjacent to the right-of-way.

~~1)2)~~ In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.

~~2)3)~~ Parking standards for the MX-3 District are included in Section 1350.19.

~~3)4)~~ Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.

- D. Building Standards. Every primary and accessory building in a Commercial, Industrial, or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2014-17**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO  
SECTION 1350 NON-RESIDENTIAL DISTRICT**

**WHEREAS**, The City has been working to clean up language in its Zoning Code; and

**WHEREAS**, The Planning Commission feels it is advantageous to clean up language regarding lot coverage for single-family homes in the mixed-use districts; and

**WHEREAS**, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, November 13, 2014; and

**NOW, THEREFORE, BE IT RESOLVED**, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1350 Non-Residential Districts*. They will read as follows:

**Section 1350 - Non-residential Districts**

**1350.14 Dimensional Requirements for lots and structures in non-residential districts**

A. Non-residential district requirements

<b>Requirements</b>	<b>MX-1</b>	<b>MX-2</b>	<b>MX-3</b>	<b>MX-4</b>	<b>B-1 and B-2</b>	<b>I-1</b>	<b>I-2</b>	<b>I-S</b>
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	30	30	100	100	100	100
Maximum lot coverage by all buildings (%) - Uses other than Single-Family Residential	80%	50%	None	80%	30%	40%	50%	50%
Maximum lot coverage by all impervious surfaces (%) - Single-Family Residential uses	35%	35%	35%	35%	N/A	N/A	N/A	N/A

**1350.18 Performance Standards for Non-residential Districts**

A. The Performance Standards included in Item 1330.05 of this Ordinance shall apply in the Non-residential districts, except as modified in this Section.

B. All public rights-of-way within the MX, Business, and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.

C. MX District Parking standards.

1) Parking requirements in the MX Districts shall be governed by Section 1330.06 except for the following:

a. Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.

b. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that is a minimum of 20 feet in width and that meets the landscaping requirements of the ordinance. City-owned right-of-way areas on the east side of Hastings Avenue shall be considered to meet all or part of the 20-foot boulevard requirement for the parcels adjacent to the right-of-way.

Adopted this 13th day of November, 2014 by the Newport Planning Commission.

VOTE: Lund	_____
Mahmood	_____
Lindoo	_____
Prestegaard	_____
Haley	_____

Signed: \_\_\_\_\_  
Dan Lund, Chairperson

ATTEST: \_\_\_\_\_  
Deb Hill, City Administrator

COTTAGE GROVE  
ZONING ORDINANCE

**7-6-24: UNDERGROUNDING:**

- A. Purpose: The purpose of this section is to promote the health, safety and general welfare of the public and is intended to foster: 1) safe travel over the right of way, 2) nontravel related safety around homes and buildings where overhead feeds are connected and 3) orderly development in the city. Location and relocation, installation and reinstallation of facilities in the right of way must be made in accordance with this section. This section is intended to be enforced consistently with state and federal law regulating right of way users, specifically including, but not limited to, Minnesota statutes, sections 161.45, 237.162, 237.163, 300.03, 222.37, 238.084 and 216B.36 and the telecommunications act of 1996, title 47, USC section 253.
- B. Undergrounding Of Facilities: Facilities newly installed, constructed or otherwise placed in the public right of way or in other public property held in common for public use must be located and maintained underground pursuant to the terms and conditions of this section and in accordance with applicable construction standards, subject to the exceptions below. Aboveground installation, construction, modification, or replacement of meters, gauges, transformers, street lighting, pad mount switches, capacitor banks, reclosers and service connection pedestals shall be allowed. The requirements of this section shall apply equally outside of the corporate limits of the city coincident with city jurisdiction of platting, subdivision regulation or comprehensive planning as may now or in the future be allowed by law.
- C. Exceptions To Undergrounding: The following exceptions to the strict application of this section shall be allowed upon the conditions stated:
1. Transmission Lines: Aboveground installation, construction, or placement of those facilities commonly referred to as "high voltage transmission lines" upon which a conductor's normal operating voltage equals or exceeds 23,000 volts (phase to phase) shall be allowed only by prior approval of the council; provided, however, that sixty (60) days prior to commencement of construction of such a project, the city shall be furnished notice of the proposed project and, upon request, the right-of-way user involved shall furnish all relevant information regarding such project to the city. This provision shall not be construed as waiving the requirements of any other ordinance or regulation of the city as the same may apply to any such proposed project.
  2. Technical And Economic Feasibility: Aboveground installation, construction, or placement of facilities shall be allowed in residential, commercial and industrial areas where the council, following consideration and recommendation by the planning commission, finds that:
    - a. Underground placement would place an undue financial burden upon the landowner, ratepayers, or right-of-way user or would deprive the landowner of the preservation and enjoyment of substantial property rights; or

- b. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions that adversely affect underground facilities placement.
3. Temporary Service: Aboveground installation, construction, or placement of temporary service lines shall only be allowed:
- a. During new construction of any project for a period not to exceed twenty four (24) months;
  - b. During an emergency in order to safeguard lives or property within the city;
  - c. For a period of not more than seven (7) months when soil conditions make excavation impractical.
- D. Undergrounding Of Permanent Replacement, Relocated Or Reconstructed Facilities: If the city finds that one or more of the purposes set forth in subsection A of this section would be promoted, the city may require a permanent replacement, relocation or reconstruction of a facility of more than three hundred feet (300') to be located, and maintained underground, with due regard for seasonal working conditions. For purposes of this section, reconstruction means any substantial repair of or any improvement to existing facilities. Undergrounding may be required whether a replacement, relocation or reconstruction is initiated by the right-of-way user owning or operating the facilities, or by the city in connection with: 1) the present or future use by the city or other local government unit of the right of way or other public ground for a public project, 2) the public health or safety, or 3) the safety and convenience of travel over the right of way.
- E. Retirement Of Overhead Facilities: The city council may determine whether it is in the public interest that all facilities within the city, or facilities within certain districts designated by the city, be permanently placed and maintained underground by a date certain or target date, independently of undergrounding required pursuant to subsection B of this section (new facilities) and subsection D of this section (replacement facilities). The decision to underground must be preceded by a public hearing, after published notice and written notice to the utilities affected (2 weeks published: 30 days written). At the hearing the council must consider items in subsection G1 through G4 of this section and make findings. Undergrounding may not take place until city council has, after hearing and notice, adopted a plan containing items in subsection H1 through H6 of this section.
- F. Public Hearings: A hearing must be open to the public and may be continued from time to time. At each hearing any person interested must be given an opportunity to be heard. The subject of the public hearings shall be the issue of whether facilities in the right of way in the city, or located within a certain district, shall all be located underground by a

date certain. Hearings are not necessary for the undergrounding required under subsection B or D of this section.

- G. Public Hearing Issues: The issues to be addressed at the public hearings include, but are not limited to:
1. The costs and benefits to the public of requiring the undergrounding of all facilities in the right of way.
  2. The feasibility and cost of undergrounding all facilities by a date certain as determined by the city and the affected utilities.
  3. The tariff requirements, procedure and rate design for recovery or intended recovery of incremental costs for undergrounding by the utilities from ratepayers within the city.
  4. Alternative financing options available if the city deems it in the public interest to require undergrounding by a date certain and deems it appropriate to participate in the cost otherwise borne by the ratepayers.

Upon completion of the hearing or hearings, the city council must make written findings on whether it is in the public interest to establish a plan under which all facilities will be underground, either citywide or within districts designated by the city.

- H. Undergrounding Plan: If the council finds that it is in the public interest to underground all or substantially all facilities in the public right of way or in nonright-of-way public ground, the council must establish a plan for such undergrounding. The plan for undergrounding must include at least the following elements:
1. Timetable for the undergrounding.
  2. Designation of districts for the undergrounding unless the undergrounding plan is citywide.
  3. Exceptions to the undergrounding requirement and procedure for establishing such exceptions.
  4. Procedures for the undergrounding process, including, but not limited to, coordination with city projects and provisions to ensure compliance with nondiscrimination requirements under the law.
  5. A financing plan for funding of the incremental costs if the city determines that it will finance some of the undergrounding costs, and a determination and verification of the claimed additional costs to underground incurred by the utility.
  6. Penalties or other remedies for failure to comply with the undergrounding.

#### I. Facilities Location:

1. In addition to complying with the requirements of Minnesota Statutes sections 216D.01-09 (one call excavation notice system), before the start date of any right-of-way excavation, each registrant who has facilities located in the area to be excavated shall mark the horizontal placement of all said facilities. To the extent its records contain such information, each registrant shall provide information regarding the approximate vertical location of its facilities to excavators upon request. Nothing in this subsection is meant to limit the rights, duties, and obligations of facility owners or excavators as set forth in Minnesota Statutes sections 216D.01-09. Any right-of-way user whose facility is less than twenty inches (20") below a concrete or asphalt surface shall notify and work closely with the excavation contractor in an effort to establish and mark the exact horizontal and vertical location of its facility and the best procedure for excavation.
2. All facilities shall be placed in appropriate portions of right of way so as to cause minimum conflict with other underground facilities. When technically appropriate, all utilities shall be installed, constructed or placed within the same trench.

J. Developer Responsibility: All owners, platters, or developers are responsible for complying with the requirements of this section, and prior to final approval of any plat or development plan, shall submit to the director written instruments from the appropriate right-of-way users showing that all necessary arrangements with said users for installation of such facilities have been made. (Ord. 700, 6-20-2001)



11 East Superior Street, Suite 340  
 Duluth, MN 55802  
 218.724.8578  
 tkda.com

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Park Dedication Requirements Analysis and Recommendations
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Project No.:</b>	15482.000
<b>Date:</b>	November 3, 2014	<b>Routing:</b>	

This memo reviews the statutory requirements regarding Park Dedication, and includes an analysis and options for setting park dedication requirements in Newport, based on the required nexus (connection) between the City’s park fee and the need for parks, trails and open space to meet the needs of new development in Newport.

The Planning Commission should review this information, make any changes in the analysis or conclusions, and make a recommendation to the City Council regarding the amount of land that should be dedicated with new subdivisions, if desired, and a cash in lieu fee to be applied when land dedication is not required.

The City’s Subdivision Ordinance currently requires that all new subdivisions dedicate a minimum of 10% of the area subdivided to meet park dedication requirements, or a cash in lieu fee as determined by the Council. The current cash in lieu fee is \$3,400 per single-family residential unit.

### Basis and Calculation of Park Land Dedication Required with Subdivisions

The Planning Commission reviewed statutory requirements related to park dedication with new subdivisions at its meeting in October. Minnesota Statutes require that the fee must be proportional to the need for parks and open space that is created by the proposed development. The statute requires the following:

- The local government must establish the park fee by ordinance or resolution.
- The local government must have an adopted capital improvements budget and an adopted parks and open space plan.
- The portion of land to be dedicated must be calculated based solely upon the “buildable” land in the subdivision as defined by the local ordinance
- The local government must reasonably determine that it will need to acquire that portion of land for park and trail purposes as a result of the approval of the subdivision. There must be an essential nexus (nexus means a “substantial connection”) between the fees

or dedication required and the municipal purpose, “The fee or dedication must bear a rough proportionality to the need created by the proposed subdivision or development.”

1. Park Land Dedication Requirement calculation—need for parks, trails and open space, and potential development

In order to determine the need for parks, trails and open space that will be created by each new subdivision, the community must have an adopted park system plan that substantiates the community’s need for new parks and trails, and the proportion of the need that will be generated by each new development. Newport’s current plan was adopted with its 2030 Comprehensive Plan. Based on the plan, the analysis of need for dedication of land is as follows:

- 1) Total area needed for new parks, trails, and open space through 2030, as identified in the Parks Chapter of the Comprehensive Plan: approximately 22 acres.  
This includes land needed to create the proposed Levee Park, and land or easements needed to complete the proposed city-wide trail system.
- 2) Estimated development through 2030, based on Comp Plan and Metro Council household and population forecasts:
  - 13 acres in MX-3 District
  - 50 acres in R and MX Districts, infill and redevelopment
  - 167 acres in RE District
  - 230 acres

230 acres total estimated new development area ÷ 22 acres needed for parks & open space = approximately 10% of land needed for park dedication.

2. Cash in lieu fee calculation

If no parks, trails or open space are planned in the area where the new subdivision is located, the Statute allows local governments to accept an equivalent value of money, known as a cash in lieu fee or “park dedication fee.” The fee must be based on the fair market value of the unplatted land for which park fees have not already been paid.

The cash in lieu fee for each subdivision may be determined based on the actual value of the land in the subdivision, as determined by an appraisal. However, many developers or land owners subdividing only one or two lots prefer to know the park dedication fee up-front, rather than to pay appraisal costs. Therefore, most cities establish a per unit cash in lieu fee for park dedication that may be applied to all subdivisions in the community. The fee is based on current land values, and may be updated as values change.

Cash payments received must be placed in a special fund to be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands or open space based on the approved park systems plan. Cash payments may not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands or open space.

- a. The Planner used information on typical land values in Newport and development densities to calculate proposed cash in lieu fees for single-family and multi-family



developments in Newport, if the cash in lieu fee is based on applying the 10% land dedication requirement at all densities:

Newport land costs (2014), based on recent sales and information from Washington County:

- Developed area, with sewer and water available - \$100,000 per acre for single-family development
- Developed area, with sewer and water available, - \$170,000 per acre for multi-family development
- Residential Estates area, no sewer available, \$25,000 to 50,000 per acre

Based on those land values, some typical development examples would generate the following fees, if cash in lieu that is the equivalent of 10% of the land area were required, regardless of density:

- 1) R-1 District, 1 acre site developed with 4 lots, at land cost of \$100,000 per acre:  
 $1 \text{ acre} \times \$100,000 \times .10 \div 4 = \text{park fee of } \$2,500 \text{ park fee per unit}$
- 2) MX-3 District, 1.4-acre site developed with 42 housing units at land cost of \$170,000/acre  
 $1.4 \text{ acres} \times \$170,000 \times .10 \div 42 = \$570 \text{ park fee per unit}$
- 3) RE District, 2-acre parcel developed with 1 single-family unit at land cost of \$30,000 per acre  
 $2 \text{ acres} \times \$30,000 \times .10 \div 1 = \$6,000 \text{ park fee per unit}$

The example illustrates that using a straight .10 land dedication requirement, the fees for each housing unit vary widely, from \$570 for an apartment or condo developed in the MX-3 District to a \$6,000 for a single-family home developed in the RE District. However, typical demands for parks, trails, and open space are unlikely to be 10 times greater for a household in the RE District than a household in the MX-3 district. By statute, Park dedication fees need to be related to the potential demand for parks, trails and open space that will be generated by the new development.

Therefore, many communities use a graduated dedication requirement based on development density as a more equitable fee basis, since land costs typically vary by the density of development permitted.

- Typically communities set one fee for single-family residential units, regardless of lot size, under the assumptions that most single-family households will use a similar level of park and trail services. (In the example above, if the fee for large-lot development in the RE district is the same as for typical lots in the R-1 district, the land dedication requirement in the example shown above is about 4% of the subdivision in the RE District.)
- Fees for multi-family developments are determined based on density. Per unit fees for multifamily units are typically lower on a per-unit basis, because multifamily households are typically smaller; but on a per-acre basis multi-family development generates a much higher fee than single-family development, because the development will generate more demand for parks and trails per acre.



Recommendation: Since households in the RE District are likely to generate similar demands for parks and trails as those in the R-1 District, the City could set the fee for all single-family residential units at \$2,500 per unit.

Using some typical values that other Metro Area communities use to calculate multifamily per unit fees based on density to account for higher land values, as follows:

Townhome densities (5-9 units per acre): 13% land dedication

Multifamily densities (10-20 units per acre): 15% land dedication

Multifamily densities (greater than 20 units per acre): 18% land dedication

Calculation:

Townhouse development: 24 units on 3 acres, valued at \$125,000 per acre  
 $3 \text{ acres} \times \$125,000/\text{acre} \times .13 = \$48,750 \div 24 = \$2,031 \text{ per unit}$

Multifamily development, 30 units on 2 acres, valued at \$150,000 per acre  
 $2 \text{ acres} \times \$150,000/\text{acre} \times .15 = \$45,000 \div 30 = \$1,500 \text{ per unit}$

Multifamily development, 60 units on 2 acres, valued at \$170,000 per acre  
 $2 \text{ acres} \times \$170,000/\text{acre} \times .18 = \$61,200 \div 60 = \$1,020 \text{ per unit}$

Recommendation: since land costs and densities may vary among multifamily developments, a reasonable fee may be 1) an average \$1,500 per unit for multifamily developments or 2) a fee of \$2,000 per unit for development densities below 10 units per acre, and a fee of \$1,500 per unit for densities 10/acre and higher.

If developers did not want to use the adopted cash in lieu fee, they would have the option to seek an appraisal of the land value to base the park dedication on the required land dedication.

### **Ordinance and Fee Update**

The Planning Commission should review the analysis, and determine the land dedication requirement and cash in lieu fee that it will recommend to the City Council.

Next steps could include:

- If the Commission recommends changing the flat 10% land dedication requirement to a scale based on density and the Council agrees, the City should amend the subdivision ordinance to indicate the change in requirement.
- The City Council should adopt the land dedication requirement and cash in lieu fee by resolution.

