

Lawrence Lake Acres
Preliminary Plat Hearing
May 17, 2022

In accordance with the City of Vergas Land Usage Statute, 152.07, and any other applicable Statutes, the Planning and Zoning Commission (P&Z) held the public hearing on the preliminary plat on Tuesday, May 17, 2022, at 6:30 PM, Vergas Event Center. Members of the P&Z present were Bruce Albright, Van Bruhn, Neil Wothe, and Robert Jacoby, absent was Paul Pinke. Others included: Mike DuFrane, Vergas Public Works Director; Julie Bruhn, Vergas Mayor; Josh Hanson, Subdivision Developer; Josh Pfeffer, Meadowland Surveying; and Patricia Wallace, Loren K. Menz, Charles Hillstrom, and Sherri Hanson.

Albright called the hearing to order at 6:30 PM. A signup sheet was circulated to record attendance. He stated the purpose of tonight's hearing was to combine three separate parcels purchased by Hanson (the former Donald Bunkowski property, the City of Vergas property, formerly Todd Bunkowski's, and a parcel Hanson purchased from Keith Kuehne); the preliminary plat for 28 lots and the extension of Glenn Street (ST) with a cul-de-sac; and that the first four lots that will be put up for sale (former Todd Bunkowski property) will not have City sewer or water because it has been determined that it is unfeasible for said services. After tonight's hearing, the P&Z will review the comments at their 05/23/22 regular meeting, and if all statute requirements have been met, including comments to the notice of plat, and a review of the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, and the compatibility with the city Comprehensive Plan and overall city planning, the P&Z can either recommend approval, conditional approval, or denial of the preliminary plat. The P&Z action is then submitted to the City Council for their consideration. If approved, the City Council would most likely place it on their 06/14/22 meeting agenda. If approved by both the P&Z and Council, the process repeats itself with the final plat hearing, with includes more details.

Josh Hanson said the project's goal is to create some residential lots in Vergas, starting off with 4 lots along West Lake ST, and up to 28 lots in the future. He'll be happy to try and answer any questions the audience or P&Z might have. The goal is to keep the process rolling. His goal is to follow the City's rules. The final plat will only include the first four lots, the roads, and the larger leftover parcel. The road is being dedicated to the City at this time, so the City can possibly apply for sewer, water and road grants for construction. A lift station for the sewer for these first four lots was estimated to cost \$150,000, and due to time restraints, grants, etc., the first four lots will have their own individual sewer treatments systems and wells. He would like to start marketing the first four lots later this summer.

Josh Pfeffer, Meadowland Surveying, said he's also available to answer any questions. The first phase will just be the four lots as indicated. The Mayor asked if he could point out the location of these lots on the maps on display in the room. Pfeffer highlighted said lots. The City will need to be involved with the City sewer and water for the remaining lots.

Loren Menz questioned when the sewer and water is supplied to the remaining 24 lots, where will the sewage be lifted to? Pfeffer said he didn't know at this time, that will be part of further engineering after tonight's hearing. Albright said from the City's perspective, there are some United States Department of Agriculture (USDA) small cities grants available for possibly roads, sewers, and water. The City has to be applicant for said funds, which might pickup up to 50% of said costs. The grant(s) have not been applied for at this time.

Sherri Hanson questioned if the present owners on West Lake ST have city sewer and water? Albright said they did not, and this was confirmed by DuFrane. Menz asked if the former Tim

Hanson house had city sewer and water. Albright said it does not. While somewhat related, Albright said the City intends to look at future road improvements for Glenn and Lake ST. About a year ago, there was a realignment of Glenn ST, which placed the road where it is now located, rather than where it was shown on the plat. Property was traded with the affected landowners for a 66' right-of-way (R/W) that fit with the adjoining properties. Albright felt the City will need to make improvements for Glenn ST, so it connects with Hanson's property. We're currently waiting to start the review of Glenn and West Lake ST, as the City recently done a Request for Proposals (RFP) for engineering services. The Council is doing interviews this Thursday night, and there will be a new engineer, as of the 6 proposals we received, KLJ did not meet the cut for an interview. One of the new engineer's first tasks will be a preliminary review of Glenn ST and West Lake ST. The work on West Lake ST will need to be coordinated with Candor Township, as they have residents that use this road for their access. Once the preliminary numbers are assembled, there will be separate meetings with each affected road group. Assignment of road improvement costs will also be reviewed at the preliminary meetings. Menz said he was concerned about the cost of Glenn ST, as he is a major frontage owner along said road. He feels that he could have major costs, with no benefit, and he is not willingly agreeable to pay said costs. He thought that typically with new developments, the developer should pick up the majority of the new road costs. Albright said the new road costs in the proposed development are all the developers costs. Albright felt with or without the proposed development, someday, Glenn ST should be realigned to match the new R/W. There would have been those road improvement costs either way. The other question is if the existing Glenn ST was improved and extended to Hanson's property, who does it benefit. Menz said it wouldn't benefit him. Albright said if the existing roads are improved, that is a separate process, and any proposed assessment of costs could always be challenged. Hanson said is aware that he is responsible for his development road costs. Menz said the extension of Glenn ST to meet Hanson's property could cost him considerable money, and does him no good. Albright thought that if the City explores grant funding for the roads, maybe the extension of existing Glenn ST could be part of said grant.

Patricia Wallace questioned if the roads in the subdivision will be gravel roads or tarred roads? Hanson said to start with, the roads will be gravel. Asphalt would only be added once the majority of the work in the subdivision was complete. This preserves the roadway from heavy truck traffic associated with home construction.

Chuck Hillstrom questioned if any of the first four lots touch Lawrence Lake? The answer was no. His next question was how many boat accesses will there be? Pfeffer said when fully developed, there will be 8 lots that have frontage on Lawrence Lake. Hillstrom asked if there will be an access for the other subdivision lots? Pfeffer said there is not. Hillstrom asked if there will be lot covenants? Hanson said proposed covenants have been drafted. Hillstrom asked for an example, such as square footage for a house. Hanson said a "shouse" would not be allowed on the lake lots. Hillstrom asked if storage sheds would have height restrictions? Hanson thought it was a maximum of 35', which is in accordance with Otter Tail County ordinances.

Mayor Bruhn asked about the size of the lots on the lake. Hanson said they average one acre. The average frontage along Lawrence Lakes is about 150'. Wallace questioned what will be their road access? Hanson said it will be off the new Glenn ST extension.

Albright said there have been a number of meetings between the City and the developer. At the last meeting, there was talk about preserving the large number of wetlands on the site. Albright thought that one of the amenities of living in the development area is the natural features, such as wetlands that already exist. The wetlands can also be used for stormwater storage, drainage, etc. Pfeffer said the plat could contain "conservation easements" on the wetland areas, but they are not that popular. The State already has numerous regulations that

govern over wetland areas. Another issue is that the plat cannot show the conservation areas. Legal descriptions would need to be developed for the wetland areas, and an easement for the areas would need to be granted to somebody, such as the City. It would be the City's responsibility to maintain the easement areas. He hasn't seen this type of easement deeded to anyone else. It normally isn't the developer's responsibility to maintain said easement areas. Hanson said this was the intent of the development, to maintain the wetland areas, with lots large enough to have buildable sites without impacting the wetlands. The City of Vergas's Shoreline Management Ordinance, adopted in 1992, pertains to the area within 500' of Lawrence Lake, which is a "General Development" lake, versus Long and Loon Lakes, which are "Recreational Development". The minimum lot size for Lawrence Lake is 40,000 square feet (sq.ft.). This is for unsewered lots, and if public sewers are added, the minimum lot size could decrease to 20,000 sq.ft. Hanson said all of the proposed lots exceed the minimum requirements.

Albright said proposed subdivisions also need to consider "dedication requirements". "Subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space". The City may choose to accept an equivalent in cash for part or all of the portion required to be dedicated based on the fair market value of land. The developers have proposed dedication of 4.81 acres as shown on the plat along the east side as a "public" area. The area could be used as a sliding hill. Pfeffer showed the area on the map. It contains a wetland area. With the public dedication, Lot 1, Block 2, also lessens the amount of frontage along Glenn ST. Menz said that particular lot is about "90%" swamp. Pfeffer said it is not 90%, but maybe about 60% wetland. Menz questioned the development status of Lawrence Lake, which was deemed earlier to be "General Development". Patricia Wallace thought it was an "Environmental Lake". Menz said the status deals with setback requirements, lot sizes, etc. Pfeffer agreed. Wallace concurred that there will be no public access to Lawrence Lake. Wothe questioned if the developer thought about allowing the other lots in the development, not on the lake, access? Hanson said they thought about that, but didn't want to impact Lawrence Lake. Hanson felt the lake couldn't stand that pressure. Wallace said the lake owners like their swans. Albright said Lawrence Lake is very shallow, and 50 years ago, he used to duck hunt out there. Menz commented that there is all kinds of wildlife that use the proposed subdivision area. There are 20-30 deer that use the area regularly, wolves that frequent the area, foxes that use the area, loons, turkeys, and geese that all use the area. That's probably his biggest concern about the subdivision. He feels all of that could be gone with the development. Albright said the area is already in the City limits, and zoned residential.

Menz questioned if this was the hearing tonight for the first 4 or 6 lots as noted. Albright said this was the preliminary hearing for the entire plat (28 lots). The final plat could and will differ as noted. There are some time frame restrictions, but maybe we won't have to hold another "preliminary" hearing for the next phases. Menz confirmed that tonight's hearing was for the preliminary plat containing all 28 lots. Albright agreed. Menz questioned the lake's classification. Albright felt one would have to go the Minnesota Department of Natural Resources (DNR) classification system for the variances between the different classifications.

Hanson questioned the City's timeline for approving the preliminary plat?

Jacoby questioned if there is adequate separation between the water level for individual sewage treatment systems on the first four lots? Pfeffer said this was discussed. There is really no way for him to know the groundwater level, but the lots all have considerably higher ground than the elevation of Lawrence Lake. The first four lots are 10'-15' than the Lake. Jacoby thought that Otter Tail County could verify that the elevation is sufficient. Pfeffer said that if a particular lot had an issue, the house could always be raised with fill. Pfeffer said that

earlier, Jacoby had questioned the setback distance to some buildings in the northeast corner of the proposed subdivision in relationship to the proposed road. Pfeffer moved the road slightly to alleviate these setback concerns. Jacoby thanked him for doing this.

Wallace questioned if there has been much interest in the lots? Hanson said they really haven't tried to market them yet. Albright said from a Council perspective, additional residential lots should be a good idea. We have a quite a bit of land in the City limits, but not all if it is available or suitable for development. We hope to grow in an orderly fashion. That is why the City is finishing their Comprehensive Plan. Lots of people say they liked Vergas the way it was. He felt change was going to happen, and it made sense to use the Rules and Regulations we have, along with the Comprehensive Plan, to guide that change. Jacoby asked if the proposed covenants are on file with the City? Hanson said Lammers does have a copy. Jacoby asked if the entire development is limited to single family homes? Hanson said at this time, it was. Albright said there was a list of questions developed by the City's engineer, Scott Kolbinger, KLJ, about the subdivision. There was also replies to said questions from Meadowland. He felt it would be beneficial if that list was available to the P&Z members Monday night. Jacoby questioned Hanson's thought process for Phase II? Hanson said it would be to continue to work along West Lake ST, moving south towards Lawrence Lake. Jacoby felt that marketing will determine if people want the lake lots first. If done in phases, future phases could have smaller lots if demanded by the public. Hanson agreed. Albright thought the City Staff should look at the proposed covenants to make sure they are consistent with the City's rules, regulations, and ordinances. Hanson said the covenants contain language that the City's rules would supersede, should a discrepancy be noted. Someone asked if all the hills on the property will be leveled? Hanson said the intent at this time was to leave the area pretty much as is and natural.

Albright asked three times if there was any other comments, testimony, or questions to come before tonight's hearing, being none, he asked for a motion to adjourn. Motion by Wothe, seconded by Bruhn, approved. Albright adjourned the hearing at 7:05 PM.

Respectfully prepared and submitted by Bruce E. Albright.