

TREE
CITY
USA

CITY OF KASSON

401 FIFTH STREET SE
KASSON, MINNESOTA 55944-2204
PHONE: (507) 634-7071
FAX: (507) 634-4737

MEMO

To: Planning Commission

From: Nancy Zaworski

Date: October 11, 2019

Re: Nuisance complaint: Kasel Addition Outlot I

-
1. A complaint was received for this parcel. (see attached)
 2. Staff/attorney/consultant performed review of ordinances, parcel, and documentation.
 3. A nuisance violation letter/notice was sent to the property owner.
 4. Ron Kasel responded with correspondence. (See attached)
 5. Additional staff/attorney/consultant review regarding ordinances. (see attached)
 6. A second nuisance letter was sent.

Planning Commission consideration:

This is an agenda item to:

- 1) Discuss the status of the nuisance
- 2) In light of the current land use ordinance review with Hoisington Koegler, discuss the nature of the Kasson Code of Ordinances to address this and future issues with respect to "open spaces"

SUBJECT PROPERTY





ArcGIS WebMap



August 21, 2019

Roads

CITY

PVT

TWP

Roads

CITY

PVT

TWP

Roads

CITY

PVT

TWP

Roads

CITY

PVT

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Roads

CITY

PVT

TWP

Roads

KASEL DOCUMENTATION

September 14, 2019

City of Kasson:

To whom it concerns,

This letter is in response to the " Letter of Notice" dated September 6, 2019 to Jonathan Kasel.
property owner.

The outlot this letter referring to is not required to have any such manicuring or maintenance.

The 11 acres of heavily wooded areas that has Masten Creek flowing through it is entirely in the 100 year flood plain. During large rain events some standing and or rushing water does occur. All of the outlots A through T are undevelopable and nonbuildable and have no road access. In 2018 further subdividing was done in attempt to satisfy home owners that placed fencing and began manicuring property that was not belonging to them a chance to own it. Outlot I directly behind [REDACTED] residence was offered to them a chance to own it and they declined purchasing the outlot. The [REDACTED] were then requested to remove the fencing, storage shed and the brush piles they created on outlot I. The [REDACTED] removed the fence and storage shed, but left the brush piles. Since then Masten creek has flooded a couple of times redistributing the brush piles to its natural state. The wooded area here will remain neutral as will all other out lots. This land has extensive ATV trails and very little nature gets disturbed.

This subdivision does not have city covenants. The outlots are governed by the DNR and deed restrictions.

I would also like to remind the City of Kasson that outlot S was donated to the city. Outlot I gets the same care as outlot S which no care is required. This was discussed at counsel meetings in depth last year.

If you have further questions or would like to have a site visit, please contact the owners representative.

Owner: Jonathan Kasel

902 6th Ave NE

Kasson, MN 55944

Owners Representative: Ronald Kasel

912 3rd ST NE

Kasson, MN 55944 (507) 272-9541

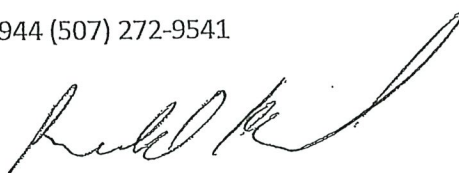
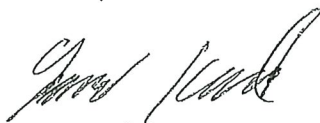


Exhibit A – DEED RESTRICTIONS
KASEL ADDITION

The following deed restrictions shall apply to Outlots A-Q as depicted on the Final Plat of Kasel Addition:

1. No permanent foundations or structures shall be constructed.
2. Permitted accessory structures outside of the 100 year floodplain shall conform to applicable City Ordinances.
3. No additional fencing shall be placed within the 100 year floodplain.
4. The extraction and/or storage of soils or other materials is prohibited within the floodplain.
5. Motorized vehicles, trash, hazardous materials nor scrap metal shall be stored and or disposed of within the floodplain.

Any cleanup associated with the violation of any of the above will be solely at the owner's expense.

ADDITIONAL DOCUMENTATION

MINUTES OF PLANNING COMMISSION MEETING

April 9, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of April, 2018 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commission Torkelson, Commissioner Tinsley and Commissioner Zelinske, Commissioner Burton and Commissioner Fitch.

THE FOLLOWING WERE ABSENT: Commissioner Borgstrom

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, City Engineer Brandon Theobald, Ron Kasel, Rich Massey, Jeff and Tracy King, Joe and Gail Groteboer, Joe and Jolene Ryan, Justin Haase, Jeff Patzke, Jeff and Karen Paschke, Bettie and Stacy Fiscus, Matt Naatz, Jeremy and Alyssa Leeper, Angela Goldsmith, Nicole and Donovan Lambright, Earl and Jackie Longendyke and Joe Winkels

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the March 12, 2018 minutes made by Commissioner Tinsley, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – PRELIMINARY PLAT REQUEST FOR KASEL ADDITION

Administrator Coleman indicated that the City Engineer was present to discuss his recommendations. Engineer Theobald stated that there was a lengthy review in packet including references to City Ordinances, the Comprehensive Plan that is currently in place and the draft of the new Comprehensive Plan. To summarize the review; the intent is to preserve floodplain, recreation and open spaces. Theobald stated three recommendations for consideration. Administrator Coleman stated the City Attorney weighed in on the deed restrictions in a floodplain easement and the removal of fences, sheds and anything on the out lots. Engineer Theobald stated that the City needs to preserve the easement behind all of the current properties.

Public hearing opened –

Rich Massey - suggested that easements are protected by law and doesn't see that there is a way to require that the sheds and fences be removed.

Jackie Longendyke 1002 3rd St NE - stated that the lines on their map are not correct and there are no accesses to these lots except through the owner's lots. She asked about the future for the platted land, what does this means once it is platted, what are the City's requirements once it is platted. Mr. Massey answered that Mr. Kasel's intention is to sell the lots to the adjacent homeowners. Ms. Longendyke asked, if they bought a lot, would they have to pay property taxes. That is affirmative.

Stacy Fiscus 806 3rd St NE – what happens if we don't buy it and will someone go back there and build on it. Mr. Massey answered that no one is forced into buying these lots. Mr. Kasel owns it and others are occupying it and there is a liability factor.

Chairman Ferris asked about plans for unsold lots. Mr. Kasel stated that he would continue to mow it and take care of it. There are 15-20 people who are occupying his land. Mr. Kasel stated that the taxes on the entire 11 acres taxes are \$600 a year. Commissioner Zelinske asked how many have tentatively agreed to buy lots. Mr. Kasel stated that most of the neighbors that have agreed to purchase are not here tonight.

Joe Groteboer 102 8th Ave NE – is concerned that if he doesn't buy the lot behind him can his neighbor buy it and park stuff back there. Mr. Kasel stated the neighbor could buy it but he would prefer to sell it to the adjacent owner. Mr. Kasel stated that deed restrictions could restrict what could be put on this land.

Jackie Longendyke– we haven't seen deed restrictions but if the city is going to allow people to store things on these lots she is concerned. Mr. Kasel stated that it is however you treat your backyard.

Nicole Lambright 906 3rd St NE– there have been vehicles parked there in the past and there is a shed in the back along with mowers and gas cans. Another consideration is that when they bought their house they were under the impression that the city owned this land and were not told that Blaine owned it. They have been in their house for 10 years and have utilized the adjacent property during that time.

Public Hearing Closed

Chairman Ferris stated there are discrepancies between the homeowners and the person who owns the land. Commissioner Burton stated that the property owner is well within his rights to do with his property as he sees fit. If Mr. Kasel doesn't sell it he has the right to require that things be moved off of his land. Engineer Theobald added that deed restrictions would prohibit building on these lots.

Administrator Coleman stated that the Planning Commissions only obligation tonight is to hold the public hearing.

Commissioner Fitch thinks there needs to be more communication between the property owner and the neighbors and he believes this should be rejected and brought back in the future after the questions have been answered.

Administrator Coleman stated that the City has 120 days to act on the preliminary plat.

Mr. Massey asked if the plat is conceptually acceptable to the City.

Commissioner Zelinske questioned the reason to move forward. Engineer Theobald stated that from an engineering and regulatory perspective we are extending lots into a floodplain and that could be reason to reject the plat. Alternatively, its approved with deed restrictions and the City gets a greenbelt for trail. Another possibility is that the City takes ownership of all of the land, there are pros and cons. The City should preserve the floodplain management and the parkland for the trails systems.

Commissioner Tinsley indicated that access is an issue for these proposed lots.

Mr. Kasel has an updated version of the plat that would give the City an acre of land adjacent to the current park.

Commissioner Zelinske would like to see a determination on the parkland and would want to see what the deed restrictions will look like.

Motion to table the Kasel Addition Preliminary Plat made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – ORDINANCE 154 HEIGHT LIMITATIONS EXEMPTIONS

Administrator Coleman stated that this adds sports press box to avoid future variances since we know that more are going to be built.

Public hearing opened.

Joe Winkels 303 9th Ave NE – asked how many press boxes they need and wanted to make sure that this is not for a jumbo tron.

Administrator Coleman stated that this is only a press box, the building only.

Public hearing closed.

Motion to Approve Ordinance 154.052 as presented made by Commissioner Burton, second by Commissioner Fitch with all voting Aye.

ORDINANCE REVISIONS –

Floodplain ordinance – Administrator Coleman and Engineer Theobald stated that the current ordinance is not very restrictive so they provided a sample restrictive ordinance with markups that comes from the DNR. They do have one concern with the variance process.

Is there a preference that we work with the existing ordinance or should we work with the restrictive one and bring it back. Commissioner Burton has an issue with nonconforming uses and structure and feels we could be even more restrictive than what the ordinance is. If we are making things nonconforming and allowing them to expand up to 50% of the market value doesn't make any sense. Administrator Coleman will confer with the City Attorney about variances and sunset for nonconforming uses.

Ordinance 152 – Design Standards – Administrator Coleman stated that this is for review and has been cleaned up already.

COMPREHENSIVE PLAN UPDATE

Get any comments on the draft plan to Administrator Coleman by tomorrow.

Next Monday, April 16 meeting with the City Council, Planning Commission and Comp Plan Working Group at the Kasson Public Library at 6:00PM.

May 14, 2018 there will be a public hearing for the Comprehensive Plan at the next regular Planning Commission.

OTHER BUSINESS

None

ADJOURN 7:43PM

MINUTES OF PLANNING COMMISSION MEETING

July 9, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of July, 2018 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commissioner Torkelson, Commissioner Tinsley and Commissioner Zelinske, Commissioner Burton and Commissioner Fitch and Commissioner Borgstrom. **THE FOLLOWING WERE ABSENT:** None

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, Doug Buck, Jerry Struthers, Mike Koebele, Tyler Larson, Ron Eidem, Phil Johnson, Samantha Tripp, Matt Bradford, David Martin, George Bayrd, Jon Schuette, Amy Costello, Jared Sargent, Jerry Dallman, Matt Naatz, Tanae and Steve McMurchie, Jeff Patzke, Joe Groteboer, Bettie Fiscus, Ron Kasel, Jamie Finne, Tim O'Morro, Mary Theelke Poppler and Robert Brown

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:30 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the June 11, 2018 minutes made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.

PUBLIC HEARING – KASEL ADDITION FINAL PLAT – Administrator Coleman stated that the staff planning review in the packet lays out the things that could be in the resolution for the final plat. Public Hearing Opened –

David Martin, Massey Land Surveying – stated that the Outlots would have to be in sequential order. Mary Theelke Poppler - 1004 3rd St NE - She finds this illegal by creating landlocked parcels. She wanted to know if the City has gotten permission from the State of MN for this plat.

Joe Groteboer – 102 8th Ave NE - Do they have to mow these lots? Prairie grasses are allowed to grow.

Jeff Patzke 908 3rd St NE – will the zoning be changed or be maintained as residential. Administrator Coleman stated that these are Outlots. They are asking for clarity. Who will check on these lots and make sure that things are going the right way? He would be much more comfortable if ONLY the adjacent owner can purchase the property. They are looking for answers to their questions.

Ron Kasel – 912 3rd St. NE – Ron bought the land from Blaine and he put the property in his son John's name. Ron stated that these lots will not be land locked because he has access. He is getting himself out of a liability situation with respect to the property lines. Outlots not purchased will go to prairie grass.

Mary Theelke Poppler – She wants to know what the City Attorney has to say about this. Administrator Coleman stated that the City Attorney will review the final plat. Administrator Coleman read the staff recommendations and the deed restrictions that would be recorded with the final plat.

Public Hearing Closed

Commissioner Borgstrom – staff has done well; involving the City Attorney.

Commissioner Burton – Questions have been answered and he's ready to move forward.

Ms. Leth - she will review the language of the easements and whatever involvement requested.

Commissioner Torkelson – agrees with Commissioner Borgstrom. The City Engineer has been very thorough with this plat.

Commissioner Zelinske – Mr. Kasel has responded with everything the Planning Commission has asked for.

Motion to Approve the Final Plat with the Stipulations from the Staff Planning Review and the Appropriate Lettering of the Outlots and City Attorney Review made by Commissioner Burton, second by Commissioner Borgstrom with all Voting Aye.

DING +

s around Housing Development. Included here and sustainability

ing strategy is based that the overall ld meet the needs ges of their life.

ng is emphasized to economic seeks to grow y from within by entrepreneurship local business quality of life help attract and

FIGURE 1.2 POTENTIAL PARKS, TRAILS AND GREENWAYS

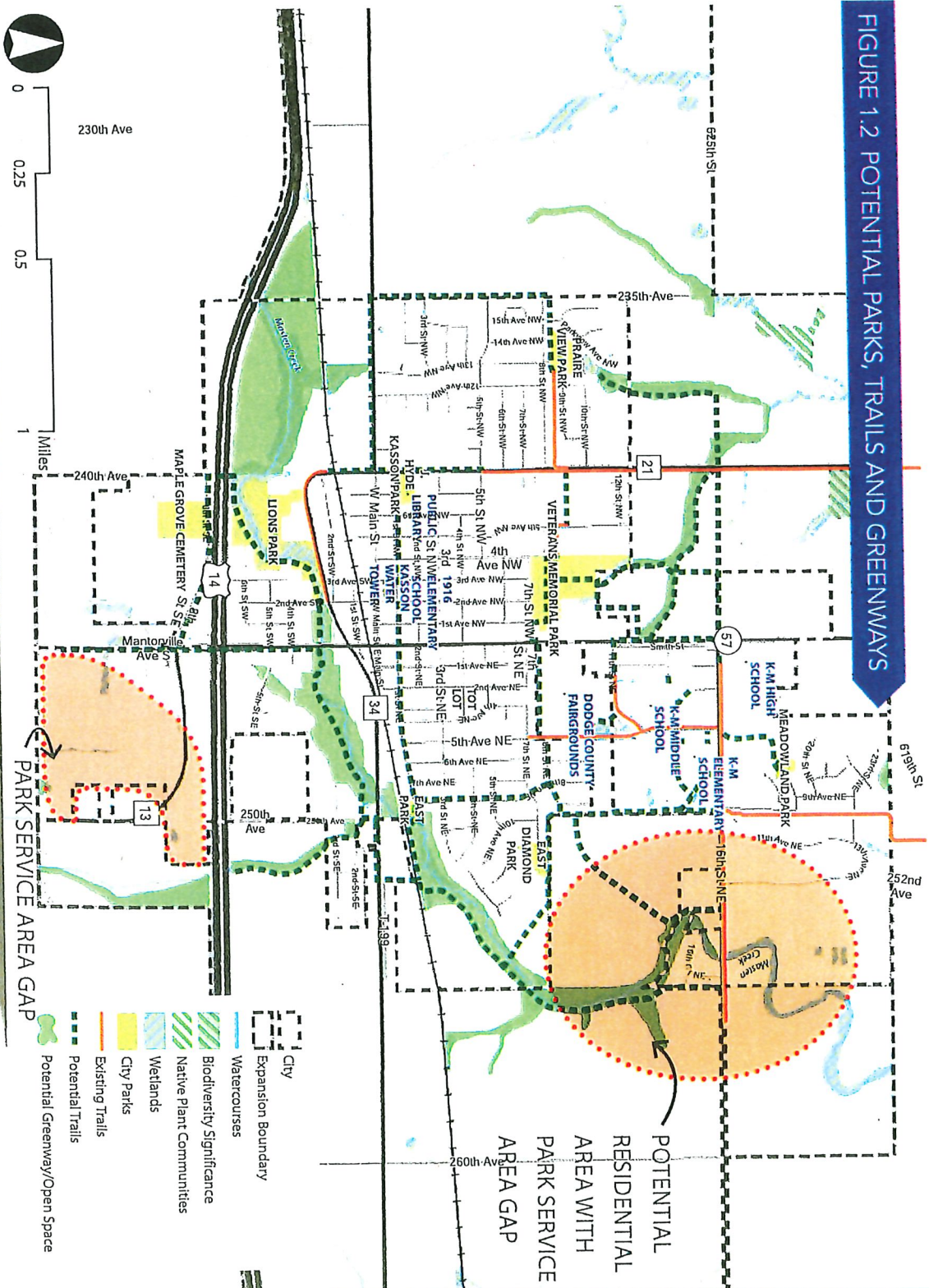


FIGURE 2.26 NATURAL FEATURES

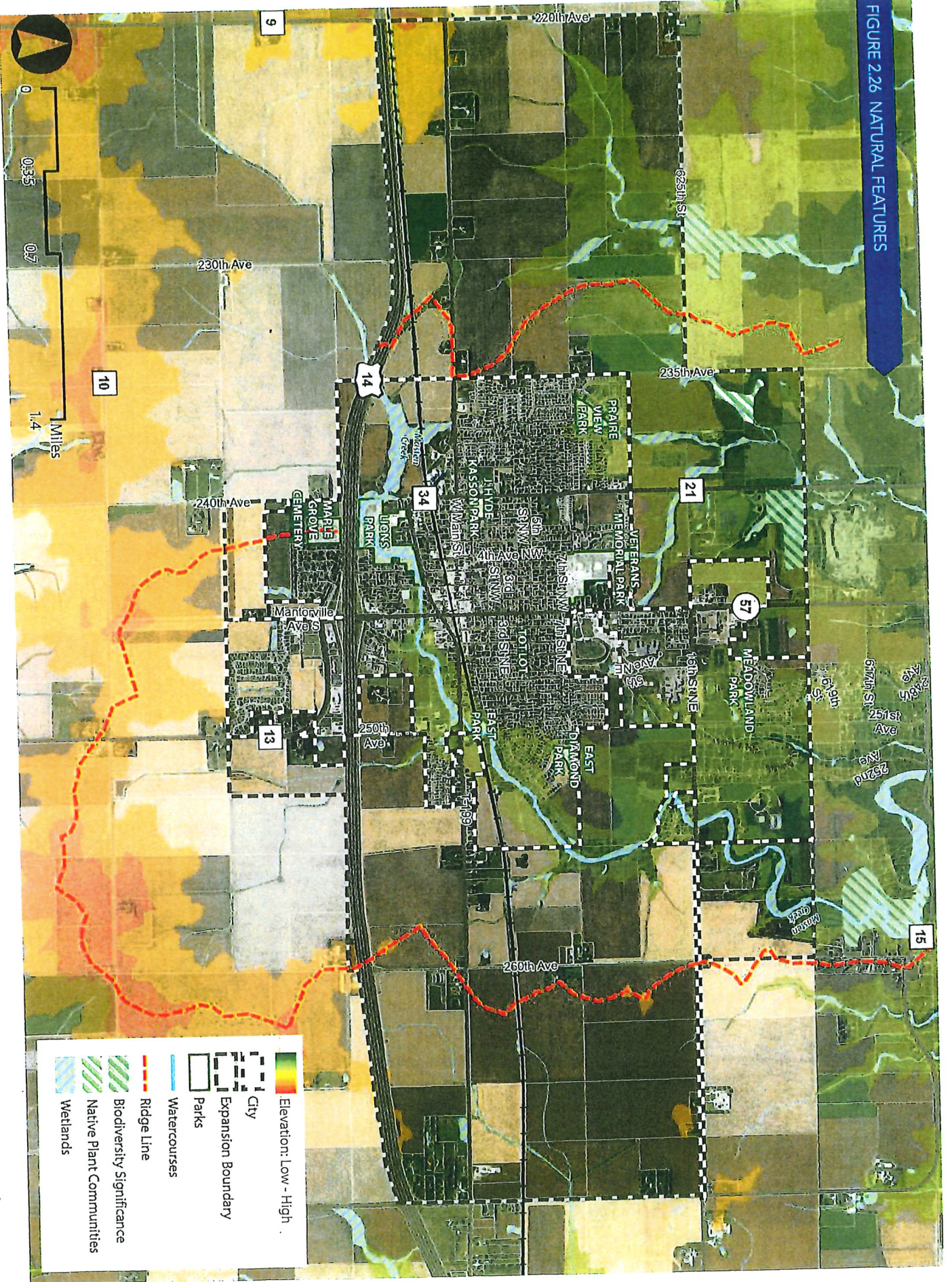
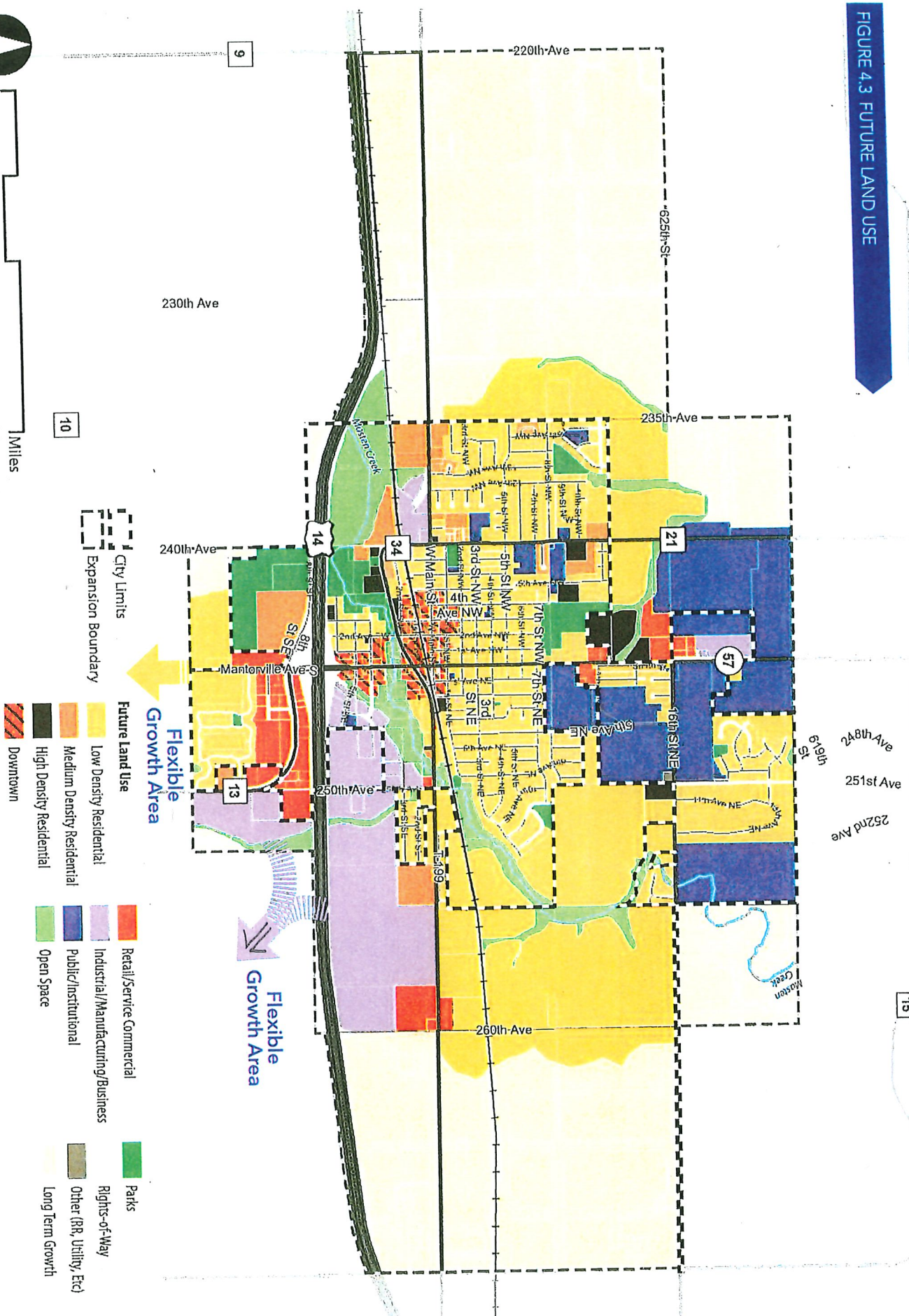


FIGURE 4.3 FUTURE LAND USE



KASSON UPWARD 2040 6-7

FIGURE 6.2 WHAT WE'VE HEARD: PARKS, TRAILS AND GREENWAYS

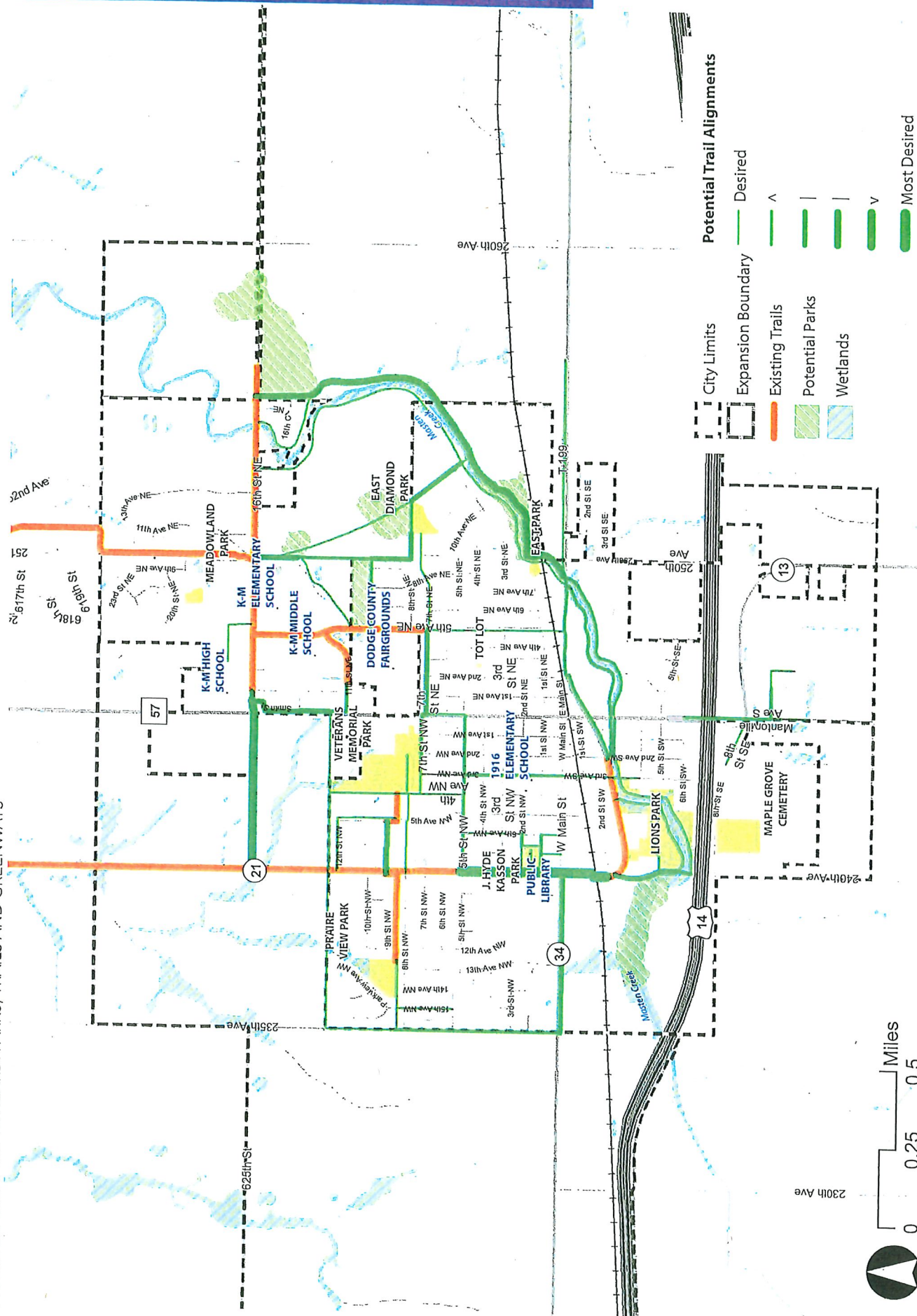
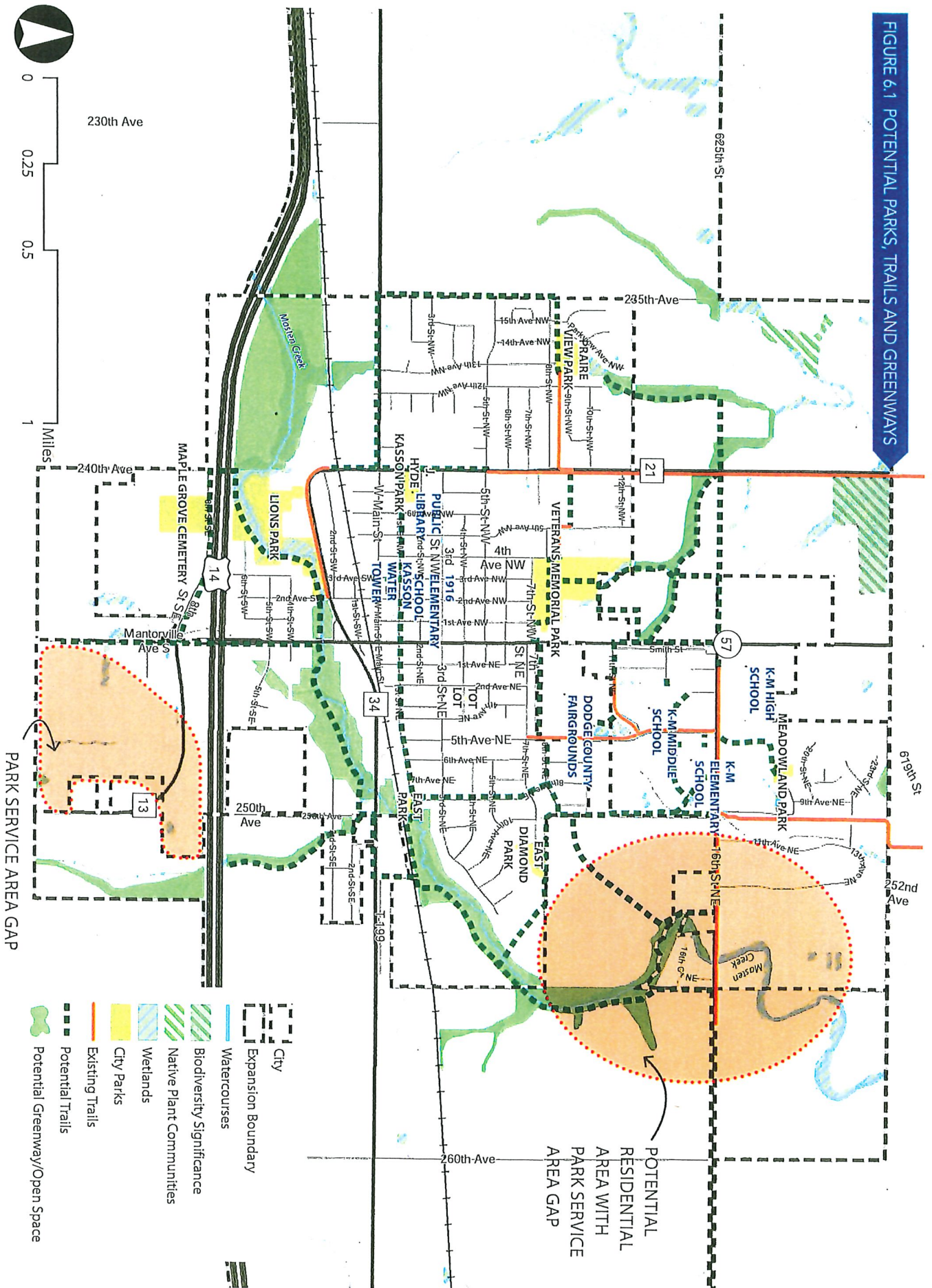


FIGURE 6.1 POTENTIAL PARKS, TRAILS AND GREENWAYS



From Attorney Leth:

Nancy,

Since we are unable to show that the property is within the Floodway District, the City has two enforcement options. It can pursue either one or both.

1. Abate the nuisance per Ordinance §51.02(D)(1) which states that the city may enter upon the property and abate the nuisance by any reasonable means, including contracting with a private person to do so. The expenses of the abatement can be assessed against the property per Minn. Stat. 429.

CAVEAT: as a quasi-judicial (enforcement) action, the City should be careful to allow Mr. Kasel due process before the city enters onto his property, abates the nuisance, and then bills him for it. Especially in this case, when we know Mr. Kasel will argue that the property is within the 100-year floodplain; therefore, he shouldn't have to remove the weeds. (Although I do not agree with this reasoning as there is nothing that I have read in the ordinances to support it).

If the City goes with this option (abatement), I recommend sending Kasel an additional notice, and holding a public hearing that will allow the council to determine whether or not the nuisance exists. (I would also recommend sending the neighbors notice of the hearing). This will allow both the complaining party and the owner the opportunity to be heard before the council would make the determination that the nuisance exists and order the abatement.

And/Or

2. Have the police department cite the property owner for a misdemeanor pursuant to Ordinance §10.99(B)(1). This option was referenced in your letter (dated September 6th) to Kasel. If the City moves forward with this option, we will need documentation of Kasel's failure to abide by Ordinance 51.02 to obtain a conviction. Law enforcement may be able to assist us with the documentation needed for that by viewing the alleged violation, taking photos, etc.

Finally, I have attached Stewartville's weed elimination ordinance for your consideration. It provides exemptions (page 3) for designated natural landscape areas and private naturally landscaped areas. It may be useful to consider with our ordinance revisions.

I thought it might be best to first send a second letter.

FLOODWAY DISTRICT (FW)

§ 153.040 PERMITTED USES.

(A) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;

(B) Industrial-commercial loading areas, parking areas and airport landing strips;

(C) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails; and

(D) Residential lawns, gardens, parking areas and play areas.
(Prior Code, § 9.1-14) (Ord. 642, passed - -)

§ 153.041 STANDARDS FOR FLOODWAY PERMITTED USES.

(A) The use shall have a low flood damage potential.

(B) The use shall be permissible in the underlying zoning district if one exists.

(C) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(D) No farm cultivation is allowed within 100 feet of the normal bank of a river or stream.
(Prior Code, § 9.1-15) (Ord. 642, passed - -)

§ 153.042 CONDITIONAL USES.

(A) Structures accessory to the uses listed in § 153.040 and the uses listed in this section;

(B) Extraction and storage of sand, gravel and other materials;

(C) Marinas, boat rentals, docks, piers, wharves and water control structures;

(D) Railroads, streets, bridges, utility transmission lines and pipelines;

(E) Storage yards for equipment, machinery or materials;

(F) Placement of fill;

(G) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of § 153.102; and

(H) Structural works for flood control such as levees, dikes and floodwalls conducted to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(Prior Code, § 9.1-16) (Ord. 642, passed - -)

§ 153.043 STANDARDS FOR FLOODWAY CONDITIONAL USES.

(A) No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

(B) All floodway conditional uses shall be subject to the procedures and standards contained in § 153.133.

(C) The conditional use shall be permissible in the underlying zoning district if one exists.

(D) (1) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(3) As an alternative, and consistent with division (D)(2) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the County Recorder.

(E) (1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.

(b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 floodproofing classification in the State Building Code

provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate.

(a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.

(b) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.

(F) (1) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(G) Structure works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Ch. 105, as may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

(H) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream. (Prior Code, § 9.1-17) (Ord. 642, passed - -)

FLOOD FRINGE DISTRICT (FF)

§ 153.055 PERMITTED USES.

(A) Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the flood fringe, provided the use does not constitute a public nuisance.

(B) All permitted uses shall comply with the standards for flood fringe permitted uses listed in § 153.056 and the standards for all flood fringe permitted and conditional uses listed in § 153.059. (Prior Code, § 9.1-18) (Ord. 642, passed - -)

§ 153.056 STANDARDS FOR FLOOD FRINGE PERMITTED USES.

(A) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at an elevation at least 15 feet beyond the outside limits of the structure erected thereon.

(B) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally floodproofed in accordance with § 153.043.

(C) The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (A) of this section.

(D) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(E) The provisions of § 153.059 shall apply.
(Prior Code, § 9.1-19) (Ord. 642, passed - -)

§ 153.057 CONDITIONAL USES.

Any structure that is not elevated on fill or floodproofed in accordance with § 153.056(A) or (B) or any use of land that does not comply with the standards in § 153.056(C) or (D) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in §§ 153.058, 153.059 and 153.133.

(Prior Code, § 9.1-20) (Ord. 642, passed - -)

§ 153.058 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES.

(A) *Generally.*

(1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls and the like or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

- (a) The enclosed area is above-grade on at least one side of the structure;
- (b) Is designed to internally flood and is constructed with flood resistant materials; and
- (c) Is used solely for parking of vehicles, building access or storage.

(2) The above-noted alternative elevation methods are subject to the following additional standards.

(B) *Design and certification.* The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(C) *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters; and

(2) The enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(D) *Basements.* Basements, as defined by § 153.011, shall be subject to the following.

(1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(2) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with division (C) above.

(3) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.

(4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for the activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(E) *Storage of materials and equipment.*

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(F) *Other.* The provisions of § 153.059 shall also apply.
(Prior Code, § 9.1-21) (Ord. 642, passed - -)

§ 153.059 STANDARDS FOR ALL FLOOD FRINGE USES.

(A) *Generally.* All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(B) *Commercial uses.* Accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for the facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(C) *Manufacturing and industrial uses.* Measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in division (B) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

(D) *Fill.*

(1) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.

(2) The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.

(3) These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(E) *Hydraulic capacity.* Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

(F) *Travel trailers and the like.* Standards for travel trailers and travel vehicles are contained in § 153.102.

(G) *Manufactured homes.* All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Prior Code, § 9.1-22) (Ord. 642, passed - -)

SUBDIVISIONS**§ 153.070 REVIEW CRITERIA.**

(A) No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities.

(B) All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.

(C) For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
(Prior Code, § 9.1-23) (Ord. 642, passed - -)

§ 153.071 REMOVAL OF SPECIAL FLOOD HAZARD AREA DESIGNATION.

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
(Prior Code, § 9.1-24) (Ord. 642, passed - -)

PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES**§ 153.085 PUBLIC UTILITIES.**

All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the floodplain shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
(Prior Code, § 9.1-25) (Ord. 642, passed - -)

§ 153.086 PUBLIC TRANSPORTATION FACILITIES.

Railroad tracks, roads and bridges to be located within the floodplain shall comply with §§ 153.040 through 153.043 and 153.055 through 153.059. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety

PLANNING COMMISSION

OCTOBER 14, 2019

6:30 O'CLOCK P.M.

1. Call to Order
2. Minutes of the Previous Meeting – September 9, 2019
3. Public Hearing Conditional Use Permit for Planning Unit Development for South Fork Third
4. November 11 Meeting
5. Kasel
6. PW 4th CUP Amendment
7. Other
8. Adjourn

MINUTES OF PLANNING COMMISSION MEETING

September 9, 2019

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of September, 2019 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commissioner Torkelson, Commissioner Fitch, Commissioner Thompson, Commissioner Zelinske and Commissioner Burton.

THE FOLLOWING WERE ABSENT: Commissioner Tinsley

THE FOLLOWING WERE ALSO PRESENT: Interim-Administrator Nancy Zaworski, City Clerk Rappe, Tim O'Morro, Scott Stroh, Dan Stroh, Tony Bigelow

CALL TO ORDER AT 6:30PM

MINUTES OF THE PREVIOUS MEETINGS – August 12, 2019 – Motion to Approve the Minutes as presented by Commissioner Thompson, second by Commissioner Burton with All Voting Aye.

PUBLIC HEARING STROH REQUEST FOR CONDITIONAL USE PERMIT FOR HOME BREWERY – Interim City Administrator Zaworski stated that the City will have to update the Ordinances regarding alcohol. Zaworski also referred to the new Comprehensive Plan and staff comments.

Public Hearing Opened

Scott Stroh – 601 3rd Ave NW – Mr. Stroh stated that his primary focus is distribution to retailers. He would only like to keep the option open for small level sales out of his garage. Mr. Stroh stated there would be no on site consumption it would only be for them to take home. Hours would be minimal. Mr. Stroh stated that he would be brewing around 100 gallons a month with a maximum of 300-500 gallons a month. Mr. Stroh would handle all of the distribution himself so there would be no truck traffic. Mr. Stroh has a 5 year plan of brewing more and eventually moving to a commercial building. Mr. Stroh stated that he would be disposing of the spent grain within a day of use.

Public Hearing Closed

Discussion:

Commissioner Burton does not see that there is any conflict with any of the 13 CUP standards as this is proposed. Burton would suggest conditions of; acquiring a building permit, getting the appropriate licensure, addressing the utilities, limiting the hours of sale from noon to six, being able to track the production.

Commissioner Zelinske would like a review process, after discussion, this would be a Commission and staff issue not the owners.

Commissioner Fitch – concerned with the traffic of off sale in a residential neighborhood. Mr. Stroh stated that he offered to limit it to “by appointment only”. After discussion the Commission decided to leave hours as Noon to 6PM.

Motion to Approve with the Conditions of requiring a building permit, limit sales on site from Noon to 6PM, addressing the utilities, waive Ordinance 154-084 C2, made by Commissioner Burton, second by Commissioner Zelinske with All Voting Aye.

PUBLIC HEARING SOUTH FORK THIRD PRELIMINARY PLAT – Interim City Administrator Zaworski stated that the consultant reviewed this application read her comments and she feels that there should be a Conditional Use Permit for a Planned Unit Development. Zaworski also read the staff

Planning Commission Meeting June 10, 2019

comments and referred to the City Engineer's review of the plats. All of these comments were submitted to Tony Bigelow and the Planning Commissioners.

Public Hearing Opened

Tony Bigelow – 1210 16th St NE – Mr. Bigelow stated that this is 7 acres in the middle of South Fork and was held off due to a recession. Mr. Bigelow acknowledged the letter from a resident regarding the association and the streets. Mr. Bigelow stated that he would comply with all of the conditions listed in the reviews. Mr. Bigelow stated that there is still enough room in the storm shelter for more patio homes and manufactured homes. Mr. Bigelow stated that the streets are done to City standards except that they don't have boulevards, sidewalks or are not as wide as a normal city street.

Public Hearing Closed

Discussion: There was no discussion

Motion to Approve the Preliminary Plat as presented made by Commissioner Burton, second by Commissioner Torkelson with All Voting Aye.

PUBLIC HEARING SOUTH FORK THIRD FINAL PLAT – Interim Administrator Zaworski suggested including the Engineer's recommendations.

PUBLIC HEARING OPENED

PUBLIC HEARING CLOSED

Motion to Approve the Final Plat with Conditions that the City Engineer has Stated made by Commissioner Zelinske, second by Commissioner Burton with All Voting Aye.

DODGE COUNTY ZONING ORDINANCE PUBLIC HEARING – Interim Administrator Zaworski stated that this is included for the Commissions information and in case any of them would like to attend the hearing or have comments for the hearing.

OTHER - Nothing

ADJOURN 7:13PM

Respectfully Submitted,

Linda Rappe, City Clerk

PLANNED UNIT DEVELOPMENTS

§ 154.335 INTENT AND PURPOSE.

The planned unit development (PUD) provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by-lot development. Although planned unit developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow flexibility in design in order to promote developments which will be an asset to the city by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD is an overlay district in which primary uses are those listed as permitted or conditional in the underlying zoning district where the PUD is located.

(Prior Code, § 24-173) (Ord. 728, passed - -)

§ 154.336 CONDITIONAL USE PERMIT REQUIRED.

Each planned unit development shall require a conditional use permit.

(Prior Code, § 24-174) (Ord. 728, passed - -)

§ 154.337 LAND OWNERSHIP.

The tract of land to be developed as a PUD shall be under the control of:

(A) A single owner; or

(B) A group of landowners, acting through a corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record the covenants, easements and other provisions in the County Recorder's office.

(Prior Code, § 24-175) (Ord. 728, passed - -)

§ 154.338 GENERAL PROVISIONS.

(A) The city may approve the planned unit development only if it finds that the development satisfies all of the following standards in addition to meeting the requirements of conditional use permit provisions:

(1) The planned unit development is consistent with the comprehensive plan of the city;

(2) The planned unit development is an effective and unified treatment of the development plan and provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain and similar areas;

(3) The planned unit development will be developed to harmonize with any existing or proposed development in the areas surrounding the project site;

(4) The proposed primary uses are listed as either permitted or conditional uses in the zoning district in which the proposed development is located; and

(5) Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.

(B) The primary uses in a PUD shall conform to the permitted or conditional uses of the underlying zoning district or districts in which the land for the development is located and may be a combination of uses when by design, use and restriction, the development will not result in undue adverse effects on surrounding areas and will be compatible with adjacent uses and consistent with the intent of this section and the proposed PUD.

(C) A primary function of the PUD provision is to encourage development which will preserve and enhance the natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in approving or denying the application.

(D) Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements, or to surrounding developments, will be a primary consideration in the review stage by the Planning and Zoning Commission and the City Council.

(Prior Code, § 24-176) (Ord. 728, passed - -)

§ 154.339 TYPES AND RESTRICTIONS.

The following restrictions shall apply.

(A) A PUD in which more than 50% of the development is residential in nature shall be known as a PUD residential development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas or areas surrounded to a major extent by developed land, no PUD residential development project area shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 30% of the PUD, residential development is recommended to be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas should be considered in calculating the green space.

(B) A PUD in which more than 50% of the development is commercial in nature shall be known as a PUD commercial development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas or areas surrounded to a major extent by developed land, no PUD commercial development shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 15% of the PUD commercial development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas shall be included in calculating the green space.

(C) A PUD in which more than 50% of the development is industrial in nature shall be known as a PUD industrial development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas and areas surrounded to a major extent by developed land, no PUD industrial development shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 10% of the PUD, industrial development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas shall be included in calculating the green space.

(Prior Code, § 24-177) (Ord. 728, passed - -)

§ 154.340 PROCEDURE.

The procedures and requirements to establish a PUD district shall be as herein specified.

(A) Pre-application meeting. Prior to the submission of any plan to the and Zoning Commission, the applicant shall meet with the Zoning Administrator, and if necessary with the Planning and Zoning Commission, to discuss the contemplated project relative to community development objectives for the area in question and learn the procedural steps for a conditional use permit. The applicant shall submit a sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the sketch plan and development procedure.

(B) Preliminary development plan. Following the pre-application meeting, the applicant shall submit a preliminary plan, official application and all required information to the city. The Zoning Administrator shall review the application and within ten business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required. The city shall take action to approve or deny the application within 60 days of receiving a completed application. If the city cannot take action to approve or deny the application within 60 days of receiving the completed application, the city may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing. The preliminary plan shall be reviewed by the Planning and Zoning Commission and the Commission shall address concerns and make recommendations, if necessary, to make the development more compatible or desirable. The preliminary plan submitted for review shall include:

- (1) A certified survey of the land to be included in the PUD;
- (2) Existing zoning and land use;
- (3) Location of any existing structures, easements, streets, parking, public or private drives and natural features;
- (4) Existing topography illustrating existing and proposed drainage;
- (5) Existing and proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;
- (6) Proposed land use as identified on the comprehensive plan;
- (7) A plan with locations of all structures including placement, size and type with topography showing two-foot contour intervals;
- (8) All common open spaces shall be labeled as such and their intent or design and functions;
- (9) Proposed street locations, names and the location of other public or private drives and generalized parking areas;
- (10) Approximate density, number, types, location of structures, open spaces and parking areas;
- (11) Proposed use of land and buildings;
- (12) Proposed design of buildings, locations of signs and lighting;
- (13) Generalized landscaping; and
- (14) Form of organization proposed to own and maintain public or private open space.

(C) Final development plan. Following review and tentative approval of the plan by the Planning and Zoning Commission, the applicant shall prepare and submit a final development plan to the city within one year of tentative approval of the Planning and Zoning Commission. The final plan shall be reviewed by the Planning and Zoning Commission who shall make recommendation to the City Council to either approve, approve with conditions or deny the application. The City Council shall then take action on the application and inform the applicant in writing. If conditional approval is granted, the applicant shall be notified in writing of the conditions attached to the approval. The following information shall be submitted with the final development plan:

- (1) The final development plan shall conform to the preliminary development plan and include information required for a final plan and any required changes by the Planning and Zoning Commission to the preliminary development plan;
- (2) Detailed grading and drainage plan at two-foot contour intervals;

(3) Landscape plan;

(4) Deed restrictions, covenants, agreements, bylaws of proposed owners association and other documents controlling the use of property, type of construction or development the activities of future tenants or residents;

(5) If land is being platted or required to be platted as a condition of the conditional use permit, a public hearing for the preliminary plat may be held in conjunction with the public hearing for the conditional use permit (at final development stage). Preliminary plat requirements shall be as identified in Chapter 152 of this code. If the petitioner chooses to hold the hearings at the same time, the preliminary plat must be submitted to the city at least 15 days prior to the date of the public hearing;

(6) A public hearing shall be held by the Planning and Zoning Commission, the Commission shall make a recommendation to the City Council to either approve, approve with conditions or deny the petition. The City Council shall take action on the petition.

(D) Amendments. To amend a final plan which was approved, the applicant shall submit to the city an application and plans showing all proposed changes. A public hearing shall be held by the Planning and Zoning Commission following proper notice procedures for public hearings. The Planning and Zoning Commission shall make recommendation to the City Council to either approve, approve with conditions or deny the request to amend the final plan. The City Council shall then take action on the request. Any changes approved by the City Council shall be by resolution as an amendment to the final plan.

(Prior Code, § 24-178) (Ord. 728, passed - -)

MANUFACTURED HOME PARKS

§ 154.355 GENERALLY.

All regulations prescribed by the State Board of Health or other authority having jurisdiction and the regulations of the Building Code of the city shall be complied with in addition to the regulations set forth in this subchapter.

(Prior Code, § 24-179) (Ord. 728, passed - -)

§ 154.356 SIZE.

Any manufactured home park established after the effective date of this chapter shall contain not less than 20 manufactured home lots and shall be at least three acres in area.

(Prior Code, § 24-180) (Ord. 728, passed - -)

§ 154.357 ACCESS.

(A) Each manufactured home park shall abut upon a public street and shall have no less than two ingress and egress locations abutting the public street.

SECTION 24-18 CONDITIONAL USE PERMITS

PURPOSE. The purpose of a conditional use permit is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon finding that (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) the use or development conforms to the Comprehensive Plan, and (3) is compatible with the existing area.

STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT. In making the determination whether or not the conditional use is to be allowed, the city shall consider (1) the effects of the proposed use on the Comprehensive Plan, (2) and the effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. Among other thing, the City shall make the following findings where applicable:

- 1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area.
- 2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- 3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- 4. The use, in the opinion of the City, is reasonably related to the overall needs of the City and to the existing land use.
- 5. The use is consistent with the purpose of this ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6. The use is not in conflict with the Comprehensive Plan of the City.
- 7. The use will not cause traffic hazards or congestion.
- 8. The traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the City in order to handle the additional traffic generated by the use.
- 9. Adequate measures have been taken or are proposed to prevent or control offensive order, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property.
- 10. Adequate utilities, parking, drainage and other necessary facilities will be provided.
- 11. The proposed use will not impede the normal and orderly development or improvements of the surrounding property.
- 12. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property.
- 13. The use will not disrupt the character of the neighborhood.

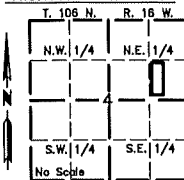
REQUIRED EXHIBITS FOR CONDITIONAL USE PERMITS

The following items shall be required:

- | | | |
|---------|---------|---|
| Y _____ | N _____ | 1. A completed application form. |
| Y _____ | N _____ | 2. An accurate boundary description of the property. |
| Y _____ | N _____ | 3. Evidence of ownership or enforceable option on the property. |
| Y _____ | N _____ | 4. A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs. |
| Y _____ | N _____ | 5. Landscaping and screening plans. |
| Y _____ | N _____ | 6. Any additional information deemed necessary by the City to determine the suitability of the particular site for the proposed use. |

NOTE: SUBMITTAL OF THE REQUIRED INFORMATION DOES NOT GUARANTEE THE ISSUANCE OF A CONDITIONAL USE PERMIT. ADDITIONAL INFORMATION MAY BE NEEDED OR CONDITIONS MAY EXIST THAT WOULD PREVENT THE ACTUAL GRANTING OF A CONDITIONAL USE PERMIT.

PROPERTY LOCATION MAP



GENERAL NOTES

1. THE BOUNDARY AND TOPOGRAPHIC SURVEY WAS PERFORMED BY MASSEY LAND SURVEYING AND ENGINEERING ON 10/00/00.

DESCRIPTION

That part of the Northeast Quarter of Section 4, Township 106 North, Range 16 West, Dodge County, Minnesota, described as follows:

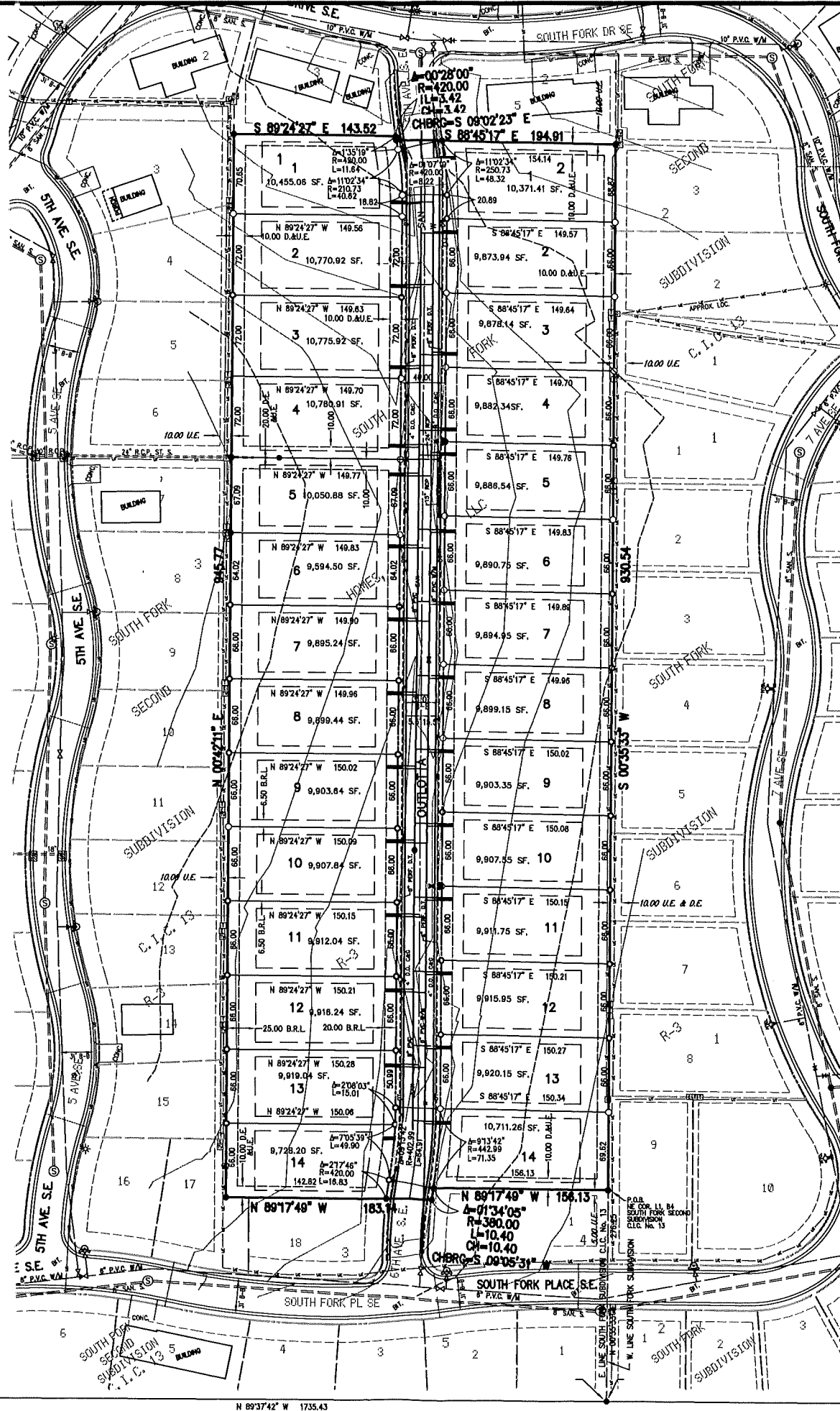
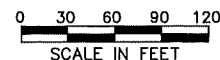
Commencing at the southeast corner of the Northeast Quarter of said Section 4; thence North 89 degrees 37 minutes 42 seconds West (Note: All bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996), along the south line of said Northeast Quarter, 893.53 feet to the southwest corner of SOUTH FORK SUBDIVISION and the south east corner of SOUTH FORK SECOND SUBDIVISION COMMON INTEREST COMMUNITY NUMBER 13; thence North 00 degrees 35 minutes 33 seconds East along the west line of said SOUTH FORK SUBDIVISION and the east line of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13, 276.25 feet to the northwest corner of Lot 1, Block 4, of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13 and the POINT OF BEGINNING; thence North 89 degrees 17 minutes 49 seconds along the north line of said Block 4, 156.13 feet to the northwest corner of said Lot 1, Block 4; thence southerly on a nontangential curve concave easterly, having a central angle of 01 degrees 34 minutes 05 seconds, radius of 380.00 feet, chord bears South 09 degrees 05 minutes 31 seconds West, along the west line of said Block 4, for an arc length of 10.40 feet to a point on the extension of the north line of Lot 18, Block 3 of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13; thence North 89 degrees 17 minutes 49 seconds West, along the north line of said Lot 18, Block 3, 183.14 feet to a point along an extension of the north line of said Lot 18, Block 3 and the extension of the east line of Block 3, of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13; thence North 00 degrees 42 minutes 11 seconds East along said east line, 945.77 feet to the southwest corner of Lot 1, Block 3, of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13; thence South 89 degrees 45 minutes 17 seconds East along the south line of said Lot 1, Block 3, 143.52 feet; thence southerly on a nontangential curve concave easterly, having a central angle of 00 degrees 28 minutes 00 seconds, radius of 420.00 feet, chord bears South 09 degrees 02 minutes 23 seconds East, for an arc length of 3.42 feet to a point on the extension of the south line of Lot 5, Block 2, of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13; thence South 88 degrees 45 minutes 17 seconds East along the south line of said Lot 5, Block 2, 194.91 feet to the southeast corner of said Lot 5, Block 2; thence South 00 degrees 35 minutes 33 seconds West along the west line of Block 2 of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13 and the west line of Block 1 of said SOUTH FORK SUBDIVISION, 930.54 feet to the northwest corner of Lot 1, Block 4, of said SOUTH FORK SECOND SUBDIVISION C.I.C. No. 13 and the POINT OF BEGINNING.

Said parcel contains 7.33 acres, more or less.

Said parcel is subject to any easements or encumbrances of record.

BASIS OF BEARINGS

All Bearings are in relationship with the Dodge County Coordinate System NAD '83, Adjusted 1996.



LEGEND

- PROPERTY LINE
- CENTER LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- EXISTING FENCE
- EXISTING WATER MAIN, WATER SERVICE MAIN, REDUCER, GATE VALVE AND HYDRANT
- EXISTING SANITARY MAIN AND LINE
- EXISTING STORM SEWER MAIN, LINE, CATCH BASIN OR INTAKE AND OUTLET
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING TELEPHONE PEDESTAL
- EXISTING LIGHT POLE
- UTILITY POLE W/ GUY ANCHOR
- PROPOSED STORM OR SANITARY SEWER MANHOLE
- PROPOSED INLET
- PROPOSED WATER LINE
- PROPOSED SANITARY LINE
- PROPOSED LAWN
- PROPOSED BITUMINOUS PAVING

- MONUMENTS
- FOUND (AS INDICATED)
- SET (S/S PIPE UNLESS NOTED OTHERWISE)

OWNER/DEVELOPER

SOUTH FORK HOMES, LLC
4057 28TH STREET NW, SUITE 100
ROCHESTER, MN 55901

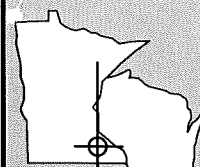
SURVEYOR & ENGINEER

MASSEY LAND SURVEYING & ENGINEERING
P.O. BOX 100
KASSON, MN 55944

SINGLE FAMILY LOTS 28
OUTLOTS 1
TOTAL LOTS 29

SOIL TYPES AND LIMITATIONS

1. M507B, MARQUIS SILT LOAM, 2 TO 8% SLOPES DEPTH TO SATURATED ZONE
2. M509C2, MANTORVILLE LOAM, 8 TO 12% SLOPES, MODERATELY ERODED NONE



MASSEY
LAND SURVEYING
& ENGINEERING

P.O. BOX 100
KASSON, MN 55944
PH. NO. 507-634-4505

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

David A. Martin
DAVID A. MARTIN

51131 9/20/18
Number Date

PRELIMINARY PLAT
SOUTH FORK THIRD SUBDIVISION
COMMON INTEREST COMMUNITY NUMBER 15
PART OF THE NE 1/4 SECTION 4, T 106N, R 16W
CITY OF KASSON, DODGE COUNTY, MINNESOTA

THIS SURVEY AND DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF:
SOUTH FORK HOMES, LLC
ROCHESTER, MN

SCALE: 1" = 60'
DATE: 2/20/19
DRAWN BY: G.D.Z.
JOB NUMBER: 3012
DWG. FILE: 3012SP01
REVISION DATE:

SHEET NO. 1 OF 1

Staff Review Comments

South Fork Third

Conditional Use Permit and Planned Unit Development for single family homes/association

10.10.19

Zoning Administrator:

- Updated Association documents that establishes community ownership of common areas, accepts responsibility for the maintenance of those areas, commits the Association to professional management and establishes an adequate funding mechanism for that maintenance. Any change in association management must be approved by the Planning commission.
- A Capital Maintenance account of appropriate size will be placed on deposit and that an annual fund account of this fund will be furnished to the city. Prior to January 1st of each year.
- Waiver agreement (prepared by City?) to be signed by each property owner at the time of applying for a building permit or transferring utility billing, detailing the City's lack of maintenance responsibility.
- Supply As-built documents to the city for all existing and future streets and utility connections.
- City agrees to flush city hydrants, but only in order to maintain the integrity of the water product. The flushing is not intended to serve as maintenance of the water mains.
- Agrees to notify City Public Works, on an emergency basis, in the event of future water main repair or maintenance.
- All service lines will be installed as per city specifications.
- Change street limit signs to yellow(advisory) so as to remove confusion that city police will enforce the posted speed limit.
- Building permits may be issued when streets are certified by City Engineer being capable of supporting construction vehicles.
- Final plat

Finance:

- Development agreement with performance bond
- WAC/SAC/Parkland – due at final plat
- All easements recorded

Public Works:

- Follow city specs on water/sewer/hydrants/subdrains
- Association ownership and maintenance of common areas (water/sewer/streets/hydrants) to include subdrains
- All infrastructure to be built to city specifications

City Engineer:

- Pond maintenance agreement between South Fork and pond owner, possible upgrade required by State