

ELKO NEW MARKET - PLANNING COMMISSION MEETING



PC Members: Nicole Weber, Melissa Hanson, Brad Smith, Tara Schroeder, Kasey Pipo and Harry Anderson
City Staff: Senior Planner Renee Christianson, Planner Jacob Skluzacek and City Engineer Rich Revering

AGENDA

TUESDAY, FEBRUARY 28, 2023 @ 7:00 PM
COUNCIL CHAMBERS – NEW MARKET AREA HALL
601 MAIN STREET, ELKO NEW MARKET, MN 55054

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**
Consider Approval of the Agenda
- 4. PUBLIC COMMENT** (public opportunity to comment on items not listed on the agenda)
- 5. ANNOUNCEMENTS**
A. None
- 6. APPROVAL OF MINUTES**
Consider Approval of the following:
A. January 31, 2023 Meeting Minutes
- 7. PUBLIC HEARINGS**
A. Consider Amendment to Chapter 11 of the Zoning Ordinance Regarding Stormwater Management
- 8. GENERAL BUSINESS**
A. None
- 9. MISCELLANEOUS**
A. Residential Minimum Lot Size Research and Feedback
B. Community Development Updates
C. Planning Commission Questions & Comments
- 10. ADJOURNMENT**

BOARD NOTICE:

TO DETERMINE IF A QUORUM WILL BE PRESENT, PLEASE CONTACT ELKO NEW MARKET AREA HALL AT 952-461-2777 IF YOU ARE UNABLE TO ATTEND

PUBLIC NOTICE:

ANYONE SPEAKING TO THE BOARD SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
JANUARY 31, 2023
7:00 PM**

1. CALL TO ORDER

Chair Weber called the meeting of the Elko New Market Planning Commission to order at 7:04 p.m.

Commission members present: Weber, Smith, Pipo, and Schroeder

Members absent and excused: Hanson and Ex-Officio member Anderson

Staff Present: Senior Planner Renee Christianson, Planner Jake Skluzacek, and City Engineer Rich Revering

2. PLEDGE OF ALLEGIANCE

Chair Weber led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

Chair Weber asked if there were any changes to the agenda. Senior Planner Christianson informed her that Johnson Reiland has withdrawn their request for a variance and that item 7a will be removed from the agenda.

A motion was made by Smith and seconded by Hanson to approve the agenda with the subtraction of item 7A, Request for Variance #V1-2022 – Johnson Reiland, Applicant. Motion carried: (4-0).

4. PUBLIC COMMENT

Jodi Lucast, 26501 Xerxes Trail was present for public comment. Lucast's comments related to the proposed Niagara bottling facility. Lucast stated that she tried to measure the distance from Deuce Road to the proposed Niagara Bottling facility using Scott County's GIS application and determined that distance to be 2,300 feet. Lucast noted that the average length of a truck is 70 feet long to 71 feet long. Lucast stated that there would be room for about 24 trucks on that road to the facility. Lucast mentioned that she had visited a Niagara facility in Oklahoma City and noticed that many trucks were parked out into the street. Lucast wanted clarification on Staff's recommendation to make a parking lot smaller from a past Planning Commission meeting. Senior Planner Christianson clarified that was in relation to the employee parking lot and that there is a separate lot for truck traffic. Christianson will review the parking numbers for trucks as she did not have them readily available. Lucast stated that her concern was about safety and mentioned that she is not supportive of the proposed project. Lucast finished by asking the Planning Commission to think how this area can support the

number of trucks sitting and waiting at the facility. Lucast thanked the Commission. Chair Weber said she appreciated Lucast's comments and thanked her for speaking.

5. ANNOUNCEMENTS

None.

6. APPROVAL OF MINUTES

A. A motion was made by Weber and seconded by Smith to approve the minutes of the November 29, 2022 meeting as submitted. Motion carried: (4-0).

7. PUBLIC HEARINGS

~~A. Request for Variance #V1-2022 – Johnson Reiland Buildings, Applicant~~

B. Request for Comprehensive Plan Amendment – R & F Properties, Applicant

Senior Planner Christianson began by giving background to the Commission. R&F Properties owns 122-acre property that is described as Lot 1, Block 2, of Elko Market Place. It was platted in 2008 and located on the east side of CSAH 91, south of the roundabout. The applicant is interested in developing housing along the west side of the property. Formal applications for Comprehensive Plan amendment have been submitted. The property is guided by the 2040 Comprehensive Plan to Commercial besides a small section in the south that is guided to Medium Density Residential. The application to amend the Comprehensive Plan is to re-guide a portion of the property to Medium and High Density Residential.

Christianson stated that Staff has determined the property to be 24.4 gross acres; however, approximately only 8 acres will be able to be built on. Christianson next provided the definitions and typical uses associated with Commercial, High Density Residential, and Medium Density Residential Zoning Districts. The current zoning is PUD and was amended and restated in 2017. The PUD lists all acceptable uses for the property which are associated with the Elko Speedway. The PUD was also amended in 2021 to allow temporary seasonal exterior storage as an interim use. The approved PUD identifies area in question as an overflow parking area for the Elko Speedway. Christianson noted that she has not noticed the property be utilized for parking, and that prior to rezoning of the property, the PUD for the Elko Speedway would need to be amended to remove the reference to the overflow parking. She then let the Commission know that Beth Tatge was present and representing the applicant and could also speak to that.

Christianson provided an overview of the neighborhood conditions surrounding the property in question. Christianson explained if the property was re-guided, there would be between 51 to 120 additional housing units possible for the property. Christianson demonstrated the numbers specific to commercial, medium-density residential, and high-density residential. Exact numbers will take additional survey work. Christianson next

went through traffic volumes and transportation considerations for the site. Any development on the site would need to meet stormwater ponding requirements in City Code. Sanitary sewer is available along the western edge of the property. Water is available near Aaron Drive.

The Metropolitan Council amendment process requires notification to adjacent and affected jurisdictions. Christianson explained that the Lakeville School District, Watershed District and the Minnesota Department of Natural Resources have not submitted a response. New Market Township commented that they had no objections to the amendment. Scott County Planning and Highway Departments both had no comment, provided access to future development doesn't change from agreed upon locations on County Road 91. The Scott County Parks Department had no comment and waived further review.

Christianson explained what a Comprehensive Plan does and requirements set by the Metropolitan Council. The proposed amendment would help meet Housing Goal #2 contained in the City's Comprehensive Plan: Provide housing options for people in all life stages and of all economic means. Next, Christianson shared Staff's opinion. Staff's opinion is that the re-guidance of approximately 24 gross acres, or 8 net acres, from Commercial to Medium and High-Density Residential will not have a serious or negative affect on the overall planned land uses within the 2040 growth boundary and will help achieve housing goals contained in the Comprehensive Plan. Lastly, Christianson stated the requested actions for the Planning Commission which include holding a public hearing and providing a recommendation to the City Council.

Chair Weber opened the public hearing at 7:23 PM.

Chair Weber asked those in attendance three times if anyone had any comments. Hearing no public comment, Chair Weber closed the public hearing at 7:23 PM.

Commissioner Smith mentioned that he thought the re-guidance will work and that the pond provides a natural buffer to the speedway. Commissioner Schroeder said that she had no concerns and thinks that the access will be more conducive for residential compared to commercial. Commissioner Pipo mentioned the issue of groundwater damaging foundations in the area and some concerns he had with the traffic for the site. Christianson shared Commissioner Hanson's comments as she was unable to attend the meeting, and read them into the record: "Yes, rezoning this property to a combination of Medium and High-Density Residential makes sense: the property adjacent to the north is already zoned for high-density – continuity of use, shared access to 91, configuration of the property (wetlands, access, etc.) makes this property less desirable for commercial development, pros to a residential project: access to paths for residents, ease of access to downtown."

A motion was made by Smith and seconded by Schroeder to recommend approval to the City Council the Applicant's petition for re-guiding of property. Motion carried: (4-0).

C. Consider Proposed Amendments to Zoning Ordinance Regarding Exterior Building Materials for Multi-Family Housing

Planner Skluzacek presented the history of the discussion topic. He mentioned that it was in response to a recent application to amend the 2040 Comprehensive Plan for multi-family housing. A City Council joint workshop with the Planning Commission took place in September of 2022. Past presentations have covered the different classes of exterior building materials along with the design standards associated with R3, R4, and R5 Zoning Districts along with sample housing projects from other cities. Skluzacek briefly presented the information previously shared with the Commission.

Skluzacek shared Staff's recommended Ordinance amendment that would exclude Class IV exterior building materials from being allowed on multi-family developments in the R3 and R4 Zoning Districts. Skluzacek mentioned there are no other changes to percentage requirements and classes I-III would still be allowed. Skluzacek also mentioned that this amendment would not affect townhomes. Skluzacek finished by stating the requested actions for the Planning Commission which include holding a public hearing and providing a recommendation to the City Council.

Chair Weber opened the public hearing at 7:31 PM.

Chair Weber asked those in attendance three times if they had any comments. Hearing no public comment, Chair Weber closed the public hearing at 7:31 PM.

Commissioner Smith and Weber mentioned that they were in favor of the Ordinance Amendment. Commissioner Pipo also mentioned he was in favor of recommending approval of the Ordinance Amendment. Commissioner Schroeder expressed concerns including increased cost without added value. Chair Weber thanked the Commissioners for their comments.

Chair Weber called for a vote. It was moved by Smith and seconded by Weber to recommend approval of the proposed Ordinance Amendment as presented. Motion carried: (3-1). Commissioner Schroeder dissented.

8. GENERAL BUSINESS

A. Discussion Regarding Multi-Family or Mixed-Use Development on Outlot B, Elko Market Place 1st Addition – R & F Properties Request

Christianson introduced the background on the item. Staff have met with the property owner who is interested in possibly rezoning Outlot B, Elko Market Place 1st Addition to High-Density Residential or Mixed-Use. The property contains two lots totaling 4.541 acres and 0.256 acres respectively. The property is guided by the 2040 Comprehensive Plan to Commercial and is currently zoned PUD. Christianson shared typical uses associated with commercially guided areas and its definition according to the 2040 Comprehensive Plan. The property's current zoning is subject to the requirements of the B5 Zoning District. Allowable

uses are a variety of retail, office, service, restaurant, daycare, clinics, and hotels. Christianson presented past concept plans created by the property owner in past attempts to market the site.

Christianson stated that the property is flat and does not contain any wetlands. Municipal utilities are available to the property on its southerly boundary. Access to the site is available from Market Place Boulevard or a private street that is under construction. She stated that a noise assessment was conducted in 2005 for the Elko Speedway. The objective was to describe the noise environment around the speedway in an effort to understand the compatibility of existing and proposed land uses associated with any proposed development near the Elko Speedway site. Christianson shared an image of the results of that study. She stated that Elko Speedway is exempt from State and City noise standards due to it outdating those standards.

Christianson mentioned that the Planning Commission should consider the total acreage available within the City for Commercial and High-Density Residential. Currently there are 66.22 acres available for High-Density Residential and 311.16 acres available for Commercial. Christianson noted that this is one of the few pad-ready sites for Commercial in the City as a vast majority is not yet connected to municipal utilities. Christianson then went over the items the Planning Commission should consider as they provide feedback, as follows:

- Availability of pad ready commercial sites within the City
- The loss of commercially guided land in key locations of the City
- The availability of other high-density residential land in the City
- The location and visibility of the subject parcel, adjacent to an arterial and collector road
- Compatibility of proposed high-density residential with adjacent land uses

Christianson introduced Beth Tatge who was present representing the Applicant. Tatge went over the history of development of the site. Tatge mentioned that for the past 15 years, the property has just been sitting waiting for a developer. Many attempts were made but nothing ever came out of it. Tatge described wanting a project similar to the Scott County Library with apartments on top and a Commercial aspect on the bottom floor. She mentioned that a multi-family component may help bring more retail and services to the City by increasing population. Tatge wanted to see how open the Commission would be to the concept of rezoning before any formal submissions or applications are made.

Commissioner Pipo had a question for Tatge concerning how long the speedway plans on remaining open. Tatge responded by saying she was uncertain but Tom Ryan, the owner, is a proven businessman and would sell for the right price but the plan currently is to run it as it has been run in the past. Commissioner Smith said he could envision a hotel on the property but not necessarily residential living. Pipo agreed. Commissioner Schroeder stated she liked the idea of mixed-use. Schroeder mentioned that there are residential developments nearby already so noise should not be an issue. Pipo countered that there are some trees that act as a buffer to the existing residential neighborhoods. Schroeder agreed but also stated seeing social media posts about people who live in that neighborhood enjoying the sounds of the speedway. Schroeder stated that mixed-use would be positive due to retaining the pad-ready Commercial land while at the same time marketing the site for multi-family housing. Pipo wanted clarification on remarks made about a grocery store locating in the City during Tatje's speech.

Christianson began by explaining that the City also participated in a marketing study and partnered with a developer to determine if the City could support a grocery store. The study indicated that the City could; however, the potential leakage is too great with a majority of the residents leaving the City for work and other nearby options. Pipo had another question regarding if a grocery store would choose to locate in the City after Kwik-Trip is developed. Christianson stated that it could actually be a draw as often times retail attracts more retail. Christianson confirmed that mixed-use would incorporate Commercial on the bottom floor and Residential uses above. Discussion followed. Chair Weber read comments received from Commissioner Hanson into the record as follows: “A compromise would work here. Apartment/condo building with shops on the main level preserves commercial space and offers a new housing option. Market Village has been successful with the library occupying much of the 1st floor, the Hamilton in Savage also has shops on the 1st floor. Eagan has apartments with shops on the 1st floor too. If we are guiding the property around it as commercial, there’s already an element of walkability- including the post office right there and Kwik Trip. Access to paths to the downtown (library) and Wagner Park are also readily available.” Tatge asked for clarification on what would be allowed if the property was rezoned for mixed-use. Christianson informed her that she envision it as similar to the B5 Downtown Business requirements which allow for a variety of retail, service and office on the main floor with residential on top, and that the idea would need to be reviewed with the City Attorney. Tatge thanked the Commission for their input. Chair Weber thanked Tatge for her comments.

B. Discuss and Adopt Planning Commission Goals and Priorities for 2023

Skruzacek reviewed the following goals/priorities for 2023, for consideration by the Planning Commission:

- Research minimum residential lot size requirements and determine if changes are recommended
- Review of 2040 Comprehensive Plan
- Develop educational modules for Planning Commissioners and/or identify continuing education opportunities/requirements
- Continued incremental review and simplification of Zoning and Subdivision Ordinance
- Continued review of tools that foster housing affordability and diversity
- Learn and practice meeting video etiquette and professionalism

The Commission expressed support for the identified goals and priorities. Following discussion, it was moved by Smith and seconded by Weber to adopt the above Planning Commission goals and priorities for 2023. Motion carried: (4-0).

9. MISCELLANEOUS

A. 2022 Planning Commission Report / Accomplishments

Planner Christianson provided an overview of the 2022 Planning Commission accomplishments, as contained in the January 31, 2023 memorandum.

B. Planning Commission Expectations – Attendance and Education Report

Planner Christianson stated that the Planning Commissioner expectations have been included in the packet as an annual reminder of the requirements. She noted that there have not been opportunities for the Commissioners to meet the educational requirements as Staff is still researching additional trainings to replace the ones no longer offered. Attendance at 75% of meetings is required for Commissioners and Christianson shared that all of them have met that minimum.

C. Community Development Updates

Christianson provided an update for the proposed Niagara Bottling facility. Citizens have submitted a petition to the Environmental Quality Board asking them to rule if an additional Environmental Assessment Worksheet should be required for the project. The Minnesota Department of Natural Resources was the governing body assigned to review the request and they have requested multiple extensions. The last extension expires on February 27th, so a decision should be made by then. Discussion followed.

Christianson informed the Commission that Staff is almost ready to issue Kwik Trip's building permit. A grading permit has already been granted so they could start construction of underground utilities.

Skruzacek informed the Commission that the City Council has authorized the hire of an additional Planner. Christianson added that there will be some restructuring in City Hall involving the new Planner position and the Parks and Recreation Commission.

D. Planning Commission Questions & Comments

Commissioner Smith asked if there were any updates on the property behind the strip mall. Christianson replied that the property has sold to the Geigers, who made the application to rezone the property in 2022. The last time Staff had conversations with the owners, they were leaning towards town home developments rather than multi-family apartments, but no plans have been submitted. Discussion followed on the development to the north, Christianson informed the Commission that the first phase has been completed and they are beginning work on the second phase. Commissioner Smith asked how the Pete's Hill development was going. Commissioner Pipo said he had recently been through there and it looks nice, one house in particular has an extraordinary view. Christianson added that the townhomes are getting built out, but the single-family detached homes are lagging behind a little.

10. ADJOURNMENT

It was moved by Schroeder and seconded by Smith to adjourn the meeting at 8:09 p.m. Motion carried: (4-0).

Respectively submitted by:



Jake Skluzacek
Planner 1

DRAFT



601 Main Street
Elko New Market, MN 55054
phone: 952-461-2777 fax: 952-461-2782

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, SENIOR PLANNER
JACOB SKLUZACEK, PLANNER
RE: ZONING ORDINANCE AMENDMENT REGARDING STORMWATER
MANAGEMENT – PUBLIC HEARING REQUIRED
DATE: FEBRUARY 28, 2023
PLANNING COMMISSION MEETING: FEBRUARY 28, 2023
CITY COUNCIL MEETING: MARCH 9, 2023
60-DAY REVIEW DEADLINE: N/A

Background / History

Elko New Market has been an MS4 city since late 2006, meaning it's covered under the State of Minnesota MS4 General Stormwater Permit. A brief description of the MS4 system is attached. The 2020 Minnesota MS4 General Permit was issued in 2020. Elko New Market must comply with the requirements of this latest permit. Accordingly, official controls not conforming to the permit are required to be revised. For most cities, including Elko New Market, the official controls are contained in the City Code. To be in compliance with State requirements, the City of Elko New Market must amend its official controls regarding stormwater management, which are contained in Title 11-11 -2 of the City Code (Zoning Ordinance).

Requested Action

The Planning Commission is being asked to hold a public hearing regarding the draft Zoning Ordinance amendments and make a recommendation to the City Council regarding its adoption.

Attachments:

Draft Ordinance Amending Title 11-11-2 of City Code Regarding Stormwater Management
MS4 Permit Description

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE
TITLE 11 CONCERNING STORMWATER MANAGEMENT**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA
ORDAINS:

SECTION 1. Section 11-11-2 of the Elko New Market City Code is hereby amended as follows (underline indicating new text, and ~~strikethrough~~ indicating deletion):

11-11-2: STORMWATER MANAGEMENT:

A. Plan And Permit Required:

1. Requirements: Unless specifically exempted by this chapter, no person or political subdivision shall commence a land disturbing activity without first developing an approved project specific stormwater management plan and obtaining a grading permit from the city. Land disturbance equal to or greater than one acre shall also require issuance of an NPDES general construction permit.

2. Application Requirements: Unless otherwise exempted by this section, an application for stormwater management approval shall include the following as a condition for its consideration:

- a. A stormwater management plan;
- b. A maintenance agreement (if private stormwater management facilities are proposed).

The stormwater management plan shall be prepared to meet the requirements of subsection B of this section and the maintenance agreement shall be prepared to meet the requirements of subsection F of this section.

B. Criteria: Project specific stormwater management plans shall comply with the following criteria:

1. Methodology: A hydrograph method based on sound hydrologic theory and approved by the city will be used to analyze stormwater runoff for the design and

analysis of flows and surface water levels. Green infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, and green roofs) shall be given preference as design options consistent with zoning, subdivision and public utility district requirements.

2. Drainage Patterns:

- a. Existing drainage patterns to off-site areas and internal wetlands not approved for impacts (compliance points) must be maintained to the extent practicable. The requirements of this ordinance apply at each compliance point.
- b. Existing runoff leaving the site as sheet flow must either be perpetuated at existing locations and rates or routed to a point draining to the sheet flow's downstream eventual concentration of flow location. The new discharge location will be considered a compliance point and requirements of this section will apply.

~~2.3~~ Runoff Rates:

a. Stormwater runoff rates for the proposed activities, development or redevelopment shall:

- (1) Not exceed existing runoff rates for the 1-year, 2-year, 10-year and 100-year, 24-hour storm events. Precipitation depths using NOAA atlas 14 volume 8 precipitation frequency estimates, published June 2013, or its successor, shall be used for each project location;
- (2) Not accelerate on or off site watercourse erosion, create a downstream nuisance, or cause flooding or damage as determined by the city according to the downstream assessment provisions of this chapter; and
- (3) Runoff rates may be restricted to less than existing rates when necessary for the public health, safety and general welfare of the city.
- (4) The county soil survey shall be used to determine the hydrologic soil group for determining the curve number for land use covers.

b. Redevelopment projects are exempt from criteria in runoff rate controls; however, for the purposes of this chapter, if an activity creates one-tenth (0.1) acre or more of new or additional impervious surface, the activity is considered new development and the entire site must comply with this section.

~~3.4~~ Downstream Evaluation: The city will provide an assessment of the potential for adverse impacts downstream of a proposed project to determine if the project can proceed in advance of downstream regional improvements as it may deem necessary. To evaluate the impacts, the city will complete an evaluation downstream to the point where the proposed activity is ten percent (10%) of the drainage area (e.g., a 10 acre development must evaluate downstream to the point

where the drainage area is 100 acres). The applicant shall identify the study area(s). The evaluation will consist of and include an assessment of:

a. Landlocked basin evaluations.

(1) The city will provide an assessment of water levels in the landlocked receiving water bodies resulting from the contributing watershed's full annual runoff yield during a 100-year wet year using the simplified hydrologic yield method (SHYM), or other methods for back to back 100-year, 24-hour storm events for existing conditions and fully developed watershed conditions; and

(2) The applicant shall identify all public and private structures in the landlocked basin including: low floor and entry elevations of residences; individual sewage treatment systems (ISTS); and infrastructure (sanitary sewer, stormwater pipes, drain tile and facilities, and roads) surrounding the receiving water bodies and located within two (2) vertical feet of the elevation for the back to back 100-year, 24-hour storm event defined by the city.

(3) If there are public or private structures or infrastructure located within two (2) vertical feet of the back to back 100-year, 24-hour storm event elevation, the applicant shall provide corrective actions, delay the project until downstream regional infrastructure is in place, or revise the application.

b. Potential impacts to downstream infrastructure, public and private structures, and erosion along the drainage path and downstream public waters.

(1) The applicant shall identify:

(A) The existing public and private drainage easements;

(B) The locations, condition, and dimensions of the existing drainage infrastructure to the nearest regional stormwater facility, if any;

(C) The location and elevation of structures with low floors, or entries within two (2) vertical feet of the existing 100-year flood level;

(D) The location and description of known existing flooding problems; and

(E) A hydrologic and hydraulic assessment of flooding impacts of the proposed project on downstream public and private structures.

(F) An assessment of existing and potential watercourse erosion, bank stability, bank protection, and watercourse slope.

(G) An assessment of the hydrologic and hydraulic capacity of the downstream public and private infrastructure.

(H) An assessment of property damages including health, safety, and welfare impacts relative to increased flooding of public and private infrastructure. Minnesota department of transportation guidelines shall be used to assess safety of flood levels at downstream driveways and road crossings.

(2) If property damage, erosion, and public health, safety, and welfare impacts are identified, the applicant shall provide approved corrective action or delay the project until downstream regional infrastructure is in place or revise the application.

c. Potential impacts to wetlands with exceptional vegetative diversity functional value as defined in section 11-11-4 of this chapter.

(1) The applicant shall provide:

(A) Delineation and functional assessment of all wetlands on the subject site.

(B) Corrective actions that mitigate in proportion to the proposed project impacts if the water level bounce and period of inundation created by the alterations exceeds the limits specified in the following table. Corrective actions shall consist of runoff rate and volume controls necessary to keep the water level bounce and period of inundation within the limits specified in the following table:

Hydroperiod Standard	Highly Susceptible Wetlands	Moderately Susceptible Wetlands	Slightly Susceptible Wetlands	Least Susceptible Wetlands
Storm bounce 1- and 2-year events	Existing	Existing, plus 0.5 foot	No limit, plus 1.0 foot	No limit
Period of inundation for 1- and 2-year events	Existing	Existing, plus 1 day	Existing, plus 2 days	Existing, plus 7 days
Period of inundation for 10-year event	Existing	Existing, plus 7 days	Existing, plus 14 days	Existing, plus 21 days

(2) The city shall provide hydrologic and hydraulic analyses of the before and after project water level bounce and period of inundation for wetlands with exceptional vegetative diversity for the 1-year, 2-year and 10-year, 24-hour storm events.

~~4.5.~~ Routing Capacity: All storm drainage conveyance systems shall have capacity for the runoff from a 10-year, 24-hour storm event. Runoff from larger events shall be routed by pipes or overland means to ponds and related systems. All storm drainage ponds and related facilities shall be designed to store and/or pass the runoff from the 100-year, 24-hour storm event or accumulative antecedent conditions without damage to the system or facility, downstream areas and/or significant risk to public health, safety, and welfare unless these stormwater management regulations are waived by the city.

~~5.6.~~ Regional Detention Basins: Regional detention basins shall be used to manage peak flow rates and runoff volumes and meet water quality objectives when required by the city. The city may charge the applicant "cash in lieu of" fees for regional facilities, depending upon the degree of on site detention and treatment

provided. On site stormwater detention basins, volume control facilities, and permanent sedimentation and water quality ponds will be used for land disturbing activities, the development or redevelopment of land that creates greater than one acre of impervious surface when regional basins are not in place or feasible, or would not otherwise meet requirements for the protection of downstream areas that are located between the project and the regional basin.

~~6.~~ 7. **Alternative BMPs:** The city may approve alternative BMPs instead of permanent sedimentation and water quality ponds if it finds that the water quality performance of the proposed alternative BMPs is equivalent to that of a permanent sedimentation and water quality pond designed according to the criteria set forth in this chapter. Total suspended solids removal shall be on an annual average basis. The estimated performance for the proposed BMPs shall be based on information from independent laboratory work, studies, published reference materials, or the Minnesota stormwater manual. The city may require monitoring of alternative practices and contingency plans based on the requirements in the NPDES/SDS general construction permit issued by the Minnesota pollution control agency, as amended.

~~7.~~ 8. **Landlocked Outlets:** Landlocked water basins may be provided with outlets if an outcome based analysis and resource oriented management review regarding downstream impacts is completed that demonstrates:

a. A hydrologic regime is maintained that complies with the wetland and drainage alteration regulations;

b. Dead storage is provided to retain the fully developed future conditions SHYM predicted water volumes, or the back to back 100-year, 24-hour storm event volume, above the highest anticipated groundwater elevation while preventing damage to property adjacent to the basin;

c. The outlet does not create adverse downstream flooding or water quality conditions, or materially affect stability of downstream watercourses according to the criteria in this chapter;

d. Proposed development in tributary areas to the landlocked basin have incorporated runoff volume control practices to the extent practical;

e. There is a demonstrated need for an outlet to protect existing structures and infrastructure; and

f. The outlet design is part of an approved project specific stormwater management plan.

~~8.~~ 9. **Treatment:** Permanent sedimentation and water quality ponds shall be designed to the following standards:

a. Water quality features consistent with NURP criteria or the Minnesota stormwater manual and approved BMPs;

b. Outlet skimmers are required to prevent migration of floatables and oils for at least the 1-year storm event;

c. Ponds shall be designed to prevent short circuiting of the flow from the pond inlet to the outlet;

d. A normal water elevation above the OHW of adjacent water bodies, or normal water level (NWL) where an OHW is not established;

e. A minimum freeboard of one foot (1') above the pond's HWL and a minimum dike top width of four feet (4');

f. A submerged outlet six inches (6") or more from the NWL to the crown of the outlet pipe; and

g. Unobstructed vehicular access road to the safety shelf and outlet structure. The access should be ten feet (10') wide or greater with slopes of fifteen percent (15%) or less in the running direction and five percent (5%) or less in the cross direction.

9. 10. Structure Elevations: Any new residential, commercial, industrial, and other habitable structures shall be constructed with the following minimum low floor elevations:

a. In the case of a landlocked basin, the lowest floor elevation must be at least one foot (1'), and the lowest opening elevation must be at least three feet (3') above the surveyed basin overflow or the high water level of the basin as determined from an estimate using the SHYM, or 100-year, 24-hour back to back storm events, under full build out conditions for the contributing watershed.

b. Where the 100-year flood level has been established, the low floor and low opening elevations shall be at least one foot (1') above the 100-year flood level. Low openings shall be at least one foot (1') above the emergency overflow.

c. For public waters and public water wetlands (DNR protected water bodies) where the 100-year flood level has not been established, low floor and opening elevations shall be at least three feet (3') above the OHW.

d. In all other cases, the low opening elevation shall be at least three feet (3') above the highest known water level.

10. 11. Volume Control:

~~a. New development projects shall achieve no net increase from preproject conditions (on an annual average basis) of:~~

~~—— (1) Stormwater discharge volume, unless precluded by the volume standards below;~~

~~—— (2) Discharges of total suspended solids (TSS); and~~

~~—— (3) Discharge of total phosphorus (TP).~~

~~—— b. Redevelopment projects shall achieve a net reduction from preproject conditions (on an annual average basis) of:~~

~~—— (1) Stormwater discharge volume, unless precluded by the volume standards below;~~

~~—— (2) Discharges of total suspended solids (TSS); and~~

~~—— (3) Discharge of total phosphorus (TP).~~

ea. Development and redevelopment that creates one acre or more of ~~in sum of new~~ impervious ~~plus fully reconstructed existing impervious~~ surfaces and increases runoff volume shall meet the most restrictive of either of the following two (2) volume standards:

(1) Volume standard 1: One inch (1") of runoff from the ~~sum of the new and any fully reconstructed~~ impervious surfaces created by the project shall be retained on site and meet the requirements of the NPDES/SDS general permit. ~~Impervious surfaces removed and replaced at the same or new grades or reclaimed and overlaid impervious surfaces shall be considered fully reconstructed.~~

(2) Volume standard 2: The proposed runoff volume shall be limited to the existing runoff volume for a 2-year, 24-hour storm. ~~This standard may be waived by the City for sites with predominately Type C and D soils, or where factors in 11.c. (7) prevent construction of infiltration systems, provided the following are met in order of decreasing preference:~~

a. ~~BMPs and site design practices to minimize the creation of connected impervious surfaces are used to the maximum extent practicable.~~

b. ~~Underdrains are used to promote filtration instead of infiltration.~~

~~db. For linear projects that lack right of way for the installation of volume control practices, a reasonable attempt must be made to obtain right of way during the planning process. Exceptions may be made for lesser volume on site if any limitations are encountered as allowed per the NPDES/SDS general permit. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in item 11.e.(10). Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the project area.~~

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ec. At a minimum, volume control practices shall comply with the following:

(1) When using infiltration for volume control, infiltration volumes and facility sizes shall be calculated using the appropriate hydrological soil group classification and saturated infiltration rate from the table below, and shall be capable of infiltrating the required volume within forty eight (48) hours. Site specific infiltration or hydraulic conductivity measurements completed by a licensed soil scientist or geotechnical engineer may be used in place of the values in the following table:

Hydrologic Soils Type	Infiltration Rate	Soil Texture
A	0.30 inch/hour	Sand, loamy sand, or sand loam
B	0.15 inch/hour	Silt loam or loam
C	0.07 inch/hour	Sandy clay loam

(2) Infiltration areas will be limited to the horizontal areas subject to prolonged wetting.

(3) The bottom area of treatment ponds shall not be accepted as part of an infiltration practice; however, properly designed slopes and safety shelves may be accepted.

(4) Before infiltrating runoff, pretreatment shall be required for gravel and paved surface lot runoff that will enter the infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging and to protect groundwater quality. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollution source areas such as parking lots.

(5) Infiltration systems shall be designed to bypass higher flows without incurring damage from erosion or loss of topsoil.

(6) Infiltration areas shall be fenced or otherwise protected from compaction and/or disturbance before and during all land disturbing activities.

(7) ~~Constructed infiltration practices, such as infiltration ponds and trenches, are discouraged in favor of other appropriate volume control practices.~~ Constructed infiltration practices shall not be used in ~~the following situations~~areas:

(A) ~~For runoff from fueling and vehicle maintenance areas and industrial areas with exposed significant materials that receive runoff from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface~~

(B) ~~In areas~~ with less than three feet (3') of vertical separation from the bottom of the infiltration system to the elevation of seasonally saturated soils or top of bedrock.

(C) ~~where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour. For areas with runoff from industrial, commercial, and institutional parking lots and roads where there is less than five feet (5') of separation from the bottom of the infiltration system to the elevation of the seasonal high groundwater.~~

(D) ~~Where~~ ~~where~~ high levels of contaminants in soil or groundwater will be mobilized by the infiltration of stormwater.

~~(E) with predominately hydrologic soil group D soils~~

~~(8) Infiltration practices shall be restricted, without higher engineering review that provides sufficient information to show that the treatment system can function properly and prevent adverse impacts to groundwater, when the infiltration practice will be constructed in areas:~~

~~(A) With predominately hydrologic soil group D soils;~~

~~(B) Within~~ ~~within~~ one thousand feet (1,000') up gradient, or one hundred feet (100') down gradient of active karst features;

~~(E) in an Emergency Response Area (ERA) W~~ ~~within~~ a drinking water source management area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high by the (MDH) the city's wellhead protection plan; or

~~(G) in an ERA within a DWSMA classified as moderate vulnerability unless the applicant performs, and the City approves, a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.~~

~~(H) outside of an ERA within a DWSMA classified as high or very high vulnerability unless the applicant performs, and the City approves, a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.~~

~~(I) that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.~~

(D) ~~Where soil infiltration rates are more than 8.3 inches per hour.~~

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~~— (9) Constructed infiltration facilities in areas of medium or high groundwater susceptibility shown in the city wellhead protection plan, as amended; within four hundred feet (400') of a community water system, or within one hundred feet (100') of a private well, shall have acceptable pretreatment of runoff.~~

(10) The use of infiltration or green infrastructure techniques and practices shall be the preferred BMPs considered first for meeting the volume control standards. Examples of green infrastructure include the following practices: bioretention, filtration, evapotranspiration, reuse, harvesting, conservation design, green roofs, trees, or similar techniques on the site to reduce stormwater discharge volume. One or more of these practices treating the water quality volume defined in the MPCA General Stormwater Permit in total is required if infiltration is not feasible under the conditions listed above. Biofiltration practices must be used if infiltration is not feasible and other measures cannot retain the required volume on site.

~~(11) When the postconstruction stormwater management for total suspended solids and total phosphorus cannot be cost effectively managed on the site of the original construction activity, mitigation measures shall meet the requirements of the NPDES/SDS general permit. For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the permittee applicant must identify locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment.~~

~~The permittee applicant must ensure off-site treatment project areas are selected in the following order of preference:~~

- ~~a. locations that yield benefits to the same receiving water that receives runoff from the original construction activity;~~
- ~~b. locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity;~~
- ~~c. locations in the next adjacent DNR catchment area up-stream; or~~
- ~~d. locations anywhere within City limits~~

~~Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs cannot be used to meet this requirement.~~

~~Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If the permittee applicant determines more time is needed to complete the treatment project, the permittee applicant must provide the reason(s) and schedule(s) for completing the project in writing to the City for approval.~~

The permittee applicant may seek to negotiate a cash-in-lieu of stormwater BMPs with the City. If an agreement is reached, funds paid to the City must be used for reimbursement of past expenditures for stormwater BMPs meeting the above requirements for offsite treatment or for new facilities that conform to requirements of this ordinance.

~~11. 12.~~ Flood Storage:

a. Site alteration or filling shall not cause a net decrease in flood storage capacity below the projected 100-year flood elevation unless it is shown that the proposed alteration or filling, together with the alteration or filling of other land on the affected reach of the water body to the same degree of encroachment as proposed by the applicant, will not cause high water or aggravate flooding on other land and will not unduly restrict flood flows.

b. The applicant may be required to create compensatory storage to mitigate loss of flood storage.

C. Waivers: The city may waive the on site stormwater runoff rate control and water quality design criteria of this section if the city has regional stormwater facilities capable of meeting the requirements stated herein. Waiver of the on site stormwater facility siting requirements does not preclude the city from collecting appropriate stormwater area charges and/or cash in lieu of on site stormwater management fees. (Ord. 137, 8-11-2016)

D. Maintenance: All stormwater management structures and facilities to be maintained by the city shall be located in outlots dedicated to the city. (Ord. 30, 10-23-2008)

E. Easements And Outlots:

1. The applicant shall dedicate or convey to the city easements or deeds to outlots for ponding, flowage, and drainage purposes over hydrologic features such as water bodies and stormwater basins as follows:

a. Easements: Flowage, drainage, ingress/egress, and conservation areas;

b. Outlots: Wetlands and associated buffers, infiltration basins, ponds and associated buffers.

2. Outlots and easements conveyed under this subsection shall include the right of ingress and egress for inspection, monitoring, maintenance, and enforcement purposes, including issuance of connection permits.

F. Private Stormwater Facilities:

1. Maintenance Agreement: While stormwater management facilities are generally owned and managed by the city, situations may arise where a private stormwater facility is appropriate. The applicant shall enter into a maintenance agreement with the city that documents all responsibilities for operation and

maintenance of all stormwater treatment practices. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. The maintenance agreement shall be executed and recorded against the parcel. The maintenance agreement shall be in a form approved by the city, shall describe the inspection and maintenance obligations of this section and shall, at a minimum:

a. Designate the applicant, who shall be permanently responsible for maintenance of the structural or nonstructural measures.

b. Pass responsibility for such maintenance to successors in title. Be designed to preserve the City's right to ensure maintenance responsibility for structural stormwater BMPs not owned or operated by the City when those responsibilities are legally transferred to another party; and

c. Grant the city and its representatives an easement over the parcel for the purposes of inspecting all stormwater treatment practice and repairing and maintaining the facility, if necessary maintenance is not performed after proper and reasonable notice to the applicant. Allows the City to conduct inspections of structural stormwater BMPs not owned or operated by the City, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the City determines the owner of that structural stormwater BMP has not ensured proper function;

d. Include a maintenance plan that contains, but is not limited to, the following:

(1) Identification of all stormwater treatment practices.

(2) A schedule for regular inspection, monitoring, and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed and may include, but is not limited to, quality, temperature, and quantity of runoff.

(3) Identification of the applicant for conducting the inspection, monitoring, and maintenance for each practice.

e. Identify a schedule and format for reporting compliance with the maintenance plan to the city.

f. Are designed to protect/preserve structural stormwater BMPs. If structural stormwater BMPs change causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

2. Inspection Of Stormwater Facility:

a. Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or

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areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

b. When any new stormwater treatment practice is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer, or combined sewer; the property owner shall grant to the city an easement to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the city has a reasonable basis to believe that a violation of this section is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this section.

c. The city engineer, public works superintendent or designated representative shall inspect all stormwater management facilities during construction, during the first year of operation, and at least once every five (5) years thereafter. The inspection records will be kept on file at the public works department for a period of six (6) years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

3. Records Of Installation And Maintenance Activities: The applicant shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the stormwater treatment practice and at other reasonable times upon request.

4. Failure To Maintain Practices: If an applicant fails or refuses to meet the requirements of the maintenance agreement, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater treatment practice in proper working condition. In the event that the stormwater treatment practice becomes a danger to public safety or public health, the city shall notify the applicant in writing. Upon receipt of that notice, the applicant shall have thirty (30) days to perform maintenance and repair of the facility in an approved manner. After proper notice, the city may specially assess the owner(s) of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county. (Ord. 137, 8-11-2016)

SECTION 2. This Ordinance shall take effect immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2023, by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, City Administrator/ City Clerk

MS4 PERMIT - OVERVIEW

The Municipal Separate Storm Sewer System (MS4) general permit is designed to reduce the amount of sediment and other pollutants entering state waters from stormwater systems. Entities regulated by the MS4 general permit must develop a Stormwater Pollution Prevention Program (SWPPP) and adopt best practices.

Elko New Market was designated an MS4 community in December of 2006 pursuant to a stipulation agreement entered into by the former Cities of Elko and New Market with the Minnesota Pollution Control Agency (MPCA) related to wastewater treatment. The cities merged in January 2007, and Elko New Market has been subject to the State of Minnesota MS4 permit requirements and implementation of a SWPPP ever since.

An effective SWPPP has six components, called minimum control measures (MCM).

1. Public education and outreach, which includes teaching the public about better stormwater management
2. Public participation: Include residents in solving stormwater pollution problems
3. A plan to detect and eliminate illicit discharges to the storm sewer system (like chemical dumping and wastewater connections)
4. Construction-site runoff controls
5. Post-construction runoff controls
6. Pollution prevention and municipal “good housekeeping” measures, like inspecting and maintaining infrastructure, covering salt piles, and street sweeping

Parties subject to the MS4 general permit must submit an annual report to the MPCA by June 30th of each year. The 2020 MS4 General Permit was issued on November 16, 2020, and will remain in effect for at least 5 years. Once the MPCA issues a new permit MS4 entities typically have 12 months to comply with the new permit.



601 Main Street
Elko New Market, MN 55054
phone: 952-461-2777 fax: 952-461-2782

MEMORANDUM

TO: PLANNING COMMISSION
FROM: JACOB SKLUZACEK, PLANNER
RENEE CHRISTIANSON, SENIOR PLANNER
RE: LOT SIZE RESEARCH
DATE: FEBRUARY 28, 2023

PLANNING COMMISSION MEETING: N/A

CITY COUNCIL MEETING: N/A

60-DAY REVIEW DEADLINE: N/A

Background / History

Reviewing the City's minimum lot size standards was identified as a priority policy discussion topic during the City Council's 2021 and 2022 visioning and goal process. Staff has heard concerns from builders and developers that the City's current lot size requirements are too restrictive as housing options keep trending towards narrower houses on smaller lots. Staff has researched minimum lot standards of other communities. Research has been limited to zoning districts that allow for single-family detached homes / lots.

Current City of Elko New Market Standards

The City currently has three zoning districts which allow for development of single-family detached housing and lots, the R1, R2, and R3 districts. The City's minimum lot criteria was last reviewed in 2018, when some minor changes were made. Prior to 2018, the only option for developing single-family residential lots in Elko New Market was to create R-1 zoned lots (see minimum standards in table below). Following review by the Planning Commission in 2018, changes were made to allow smaller lots in certain locations. These changes allowed certain properties to apply for R2 or R3 zoning, which allow for smaller single-family lots than the R-1 district. Not all properties are eligible to be rezoned to R2 or R3, however, under the City's current zoning ordinance.

Despite the changes made in 2018, Staff continues to hear feedback from residential developers that the City's minimum lot sizes are larger than typical and that the market has continued to go to smaller, more narrower lots. Developers are seeking Planned Unit Development zoning as a way to get around the City's current minimum lot standards. The next page displays the City's current requirements for the R1, R2, and R3 Single Family Residential Zoning Districts for reference.

City of Elko New Market – Single Family Residential Zoning Districts

	R1	R2	R3
District Description	Suburban Single-Family Residential District	Urban (Small Lot) Single-Family Residential District	Medium Density Residential District
2040 Land Use Plan, Land Use Guidance Category	Low Density Residential	Low Density Residential	Medium Density Residential
District Purpose	R1 zoning is intended for those areas containing unique physical features worthy of preservation, or areas <u>not</u> located near major transportation corridors, higher density housing, commercial zoning districts, or historic residential development centers	R2 zoning may be used in areas of the community that are located near major transportation corridors, higher density housing, commercial districts, or historic residential development centers	R3 zoning is intended to establish medium density residential housing in single or multiple-family structures.
Minimum Lot Size	12,000 sq ft	8,400 sq ft	7,200 sq ft
Minimum Lot Width	85'	70'	60'
Minimum Lot Width (Corner Lots)	100'	70'	60'
Front Yard Setback	30'	30'	25'
Side Yard Setback	10'	7'	7'
Rear Yard Setback	30'	30'	20'
	<i>*Applying the minimum lot size and width requirements would result in a minimum lot depth of 141'</i>	<i>*Applying the minimum lot size and width requirements would result in a minimum lot depth of 120'</i>	<i>*Applying the minimum lot size and width requirements would result in a minimum lot depth of 120'</i>

Research

According to the League of Minnesota Cities, metro zoning data shows that 84% of cities have zoning districts that allow residential property to be built on a 1/4-acre lot or less. 60% of cities in the metro allow for single-family detached homes and other residential structures to be built on a 1/5-acre lot or less. For reference, 1/4-acre is the equivalent of 10,890 square feet. 1/5-acre is equivalent to 8,712 square feet. To encourage the construction of starter homes, the LMC explains that most cities provide a range of different residential zones that include:

- Single-family detached homes
- Smaller lot sizes for various residential structures
- Multi-family unit development of varying densities – sometimes within the same zoning district.

Smaller lot sizes lead to lowered costs for the builder, developer and ultimately the purchaser. Although cost is not the only consideration in examining lot size standards, it is noted that smaller lot sizes typically lead to higher affordability. Safety and livability should also be heavily considered as to not leave a finished product that is unable to be used or creates a hazard or nuisance for bordering properties and districts. The City’s current R2, small lot, district already allows residential property to be built on a 1/5 acre or less which puts the City of Elko New Market in line with the 60% of metro cities allowing lots of that size. Staff notes that current City standards allow for the

creation of affordable single-family housing, although; more flexibility in relation to the R1 district may be needed to address concerns from builders and developers. This may include lowering the minimum lot size or width to allow builders and developers to have more flexibility while not having to apply for PUD zoning as often.

Infrastructure Costs

City Engineer, Rich Revering, estimates that the current cost to construct a residential street, including providing sanitary sewer, water, and storm sewer in that street, was approximately \$750 per lineal foot in 2022. The below tables depict the number of lots that could be created on a 1/2 mile length of road using varying lot widths (ranging from 60’ to 85’), and the estimated cost of constructing the street/sewer/water in front of each lot. Staff notes that inflation and other financial factors may need to be considered when analyzing these figures in 2023. The purpose of this information is to depict how the minimum lot width requirements effect the cost of lot development.

Estimated Construction Cost for Residential Development with Double-Loaded Lots (2022)

<u>Potential Number of Lots</u>	
2640	feet of street/sewer/water (1/2 mile)
85	foot lot width
31	lots on each side of the street
62	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$31,875	per lot to construct street/sewer/water

<u>Potential Number of Lots</u>	
2640	feet of street/sewer/water (1/2 mile)
80	foot lot width
33	lots on each side of the street
66	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$30,000	per lot to construct street/sewer/water

<u>Potential Number of Lots</u>	
2640	lineal feet of street
75	foot lot width
35	lots on each side of the street
70	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$28,125	per lot to construct street/sewer/water

<u>Potential Number of Lots</u>	
2640	lineal feet of street
70	foot lot width
38	lots on each side of the street
75	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$26,250	per lot to construct street/sewer/water

<u>Potential Number of Lots</u>	
2640	feet of street/sewer/water (1/2 mile)
65	foot lot width
41	lots on each side of the street
81	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$24,375	per lot to construct street/sewer/water

<u>Potential Number of Lots</u>	
2640	feet of street/sewer/water (1/2 mile)
60	foot lot width
44	lots on each side of the street
88	total lots
<u>Estimated Construction Cost for Street/Sewer/Water</u>	
2640	feet of street/sewer/water (1/2 mile)
\$750	dollars per lineal foot to construct street/sewer/water
\$1,980,000	total estimated construction cost
\$22,500	per lot to construct street/sewer/water

Requested Action

This agenda item is for informational purposes. Preliminary Planning Commission feedback is encouraged at this time.

Attachments:

- 2040 Land Use Plan Map
- Zoning Map