

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA**

Resolution No. 2005-021

DATE February 15, 2005
MOTION BY COMMISSIONER Kriesel

DEPARTMENT Survey-Land Management
SECONDED BY COMMISSIONER Pulkrabek

**RESOLUTION AMENDING
THE
WASHINGTON COUNTY 2020 COMPREHENSIVE PLAN
AND APPROVING A REZONING REQUEST
ORDINANCE NO. 171**

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to MINN. STAT. CHAPT. 394; and

WHEREAS, the Washington County 2015 Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124 and was amended on March 26, 2002 to Washington County 2020 Comprehensive Plan; and

WHEREAS, MINN. STAT. § 473.865 requires counties to adopt the official controls described in their Comprehensive Plan so as to implement the Comprehensive Plan; and

WHEREAS, the Washington County Development Code was adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, four parcels of land approximately 213 acres in size and legally described as Part of Section 15 and Section 16, Baytown Township, Washington County, Minnesota are owned by the following parties: Peter J. and Marilyn J. Miller; William E. and Marilyn C. Nelsen; Daniel F. and LaVyrle J. Spencer; and Julia K. Weber Living Trust – Julia K. Weber, Trustee; and

WHEREAS, the legal descriptions of the individual properties are attached and incorporated herein by reference as Exhibit A; and

WHEREAS, the Millers, Nelsens, Spencers and Ms. Weber have submitted an application to amend the Washington County Comprehensive Plan and the Washington County Zoning Ordinance to change the land use designation and zoning from a Rural Residential land use designation and zoning (8 dwelling units per 40 acres) to a SFE, Single Family Estate land use designation and zoning (16 dwelling units per 40 acres) on the 213 acres; and

WHEREAS, the request was referred to the Washington County Planning Advisory Commission, which recommended approval of the request after holding a public hearing on December 14, 2004; and

WHEREAS, on January 25, 2005, the Washington County Board of Commissioners conducted a public hearing on the request pursuant to a Notice of Intent to Adopt an ordinance to amend the Washington County Comprehensive Plan and Washington County Development Code; and

WHEREAS, the records of the public hearing consist of the minutes of the Washington County Planning Advisory Commission of December 14, 2004 and the staff reports, correspondence, presentations by staff of Washington County Transportation and Physical Development, representative of the applicants and members of the public; and

WHEREAS, the record indicates that in granting the requested amendment:

1. The proposed land uses and zoning would be in conformance with the Washington County Comprehensive Plan, a Policy guide to 2020 and the Washington County Development Code.
2. The proposed densities of the site would be consistent with surrounding land uses.
3. The proposed zoning would not constitute spot zoning.

WHEREAS, this rezoning is subject to the following condition subsequent:

Any housing developments on the 213 acres shall have community wells and community septic systems. In addition, prior to developing, the developer shall place funds in escrow for traffic lights and right of ways consistent with recommendations of the Department of Transportation. Failure of this condition subsequent will result in a reversion to the prior zoning.

NOW, THEREFORE, BE IT RESOLVED, that for the foregoing reasons, the request of Peter J. and Marilyn J. Miller, William E. and Marilyn C. Nelsen, Daniel F. and LaVyrle J. Spencer, and Julia K. Weber as trustee for the Julia K. Weber Living Trust to amend the Washington County Comprehensive Plan and the Washington County Development Code to rezone the parcels legally described on Exhibit A is granted on the conditions set forth herein.

BE IT FURTHER RESOLVED, that failure to abide by the conditions subsequent set forth herein will result in a reversion to the prior land use designation and zoning of Rural Residential (8 dwellings per 40 acres).

BE IT FURTHER RESOLVED, that the Washington County Zoning Administrator is directed to make the changes set forth in the Washington County Development Code and cause the same to be published and codified according to law and from and after the effective date of Amended Ordinance 171.

ATTEST:

		YES	NO
James R. Schug	PETERSON	X	
COUNTY ADMINISTRATOR	HEGBERG	X	
	PULKRABEK	X	
Myra Peterson	KRIESEL	X	
CHAIRMAN, COUNTY BOARD	STAFFORD	X	

WASHINGTON COUNTY DEVELOPMENT CODE AMENDMENT

WASHINGTON COUNTY
ORDINANCE NO. 171

The Board of Commissioners of Washington County ordains:

- SECTION 1: The Washington County Comprehensive Plan and the Washington County Development Code be amended to rezone four parcels of land approximately 213 acres in size located in part of Section 15 and 16, Baytown Township, Washington County, Minnesota as more particularly described on the attached Exhibit A from a Rural Residential land use designation (8 dwelling units per 40 acres) to a SFE, Single Family Estate land use designation and zoning (16 dwelling units per 40 acres).
- SECTION 2: The Washington County Zoning Administrator is hereby directed to amend the Washington County Comprehensive Plan and the Washington County Development Code, including zoning maps, in accordance with the foregoing amendment.
- SECTION 3: Effective Date. This Ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Passed by the Board of County Commissioners of Washington County, this 15th Day of February, 2005.

Myra Peterson, Chair
Washington County Board of Commissioners

ATTEST:
James R. Schug
Washington County Administrator

Approved as to form and legality:
Linda C. Krafthefer
Assistant Washington County Attorney

Exhibit A

The entire properties encompass approximately 213 acres and are legally described as:

William E. & Marilyn C. Nelsen

3911 Osgood Avenue North

PID (16.029.20.11.0001)

The Northeast Quarter of the Northeast Quarter of Section Sixteen (16), Township twenty-nine (29) North, Range twenty (20) West, according to the United State survey thereof and subject to Osgood Avenue North.

Julia K. Weber, Trustee

3735 Osgood Avenue North

PID (16.029.20.14.0002)

Lot One, Block One, Weber-Kidds Addition

Daniel F. & LaVyrle J. Spencer, Trustees

Surrounding properties

PID (16.029.20.14.0001; 16.029.20.41.0001)

The Northeast Quarter of the Southeast Quarter of Section 16, Township Twenty-nine (29) North, Range Twenty (20) West, Washington County, Minnesota; and

The Southeast Quarter of the Northeast Quarter of Section 16, Township Twenty-nine (29) North, Range Twenty (20) West, Washington County, Minnesota, excepting therefrom the following:

Lot One (1), Block One (1), Weber-Kidds and subject to 37th Street North; and

That part of the North Four and Fifty-four Hundredths (4.54) feet of the Southeast Quarter of the Northeast Quarter of Section 16, in Township Twenty-nine (29) North, of Range Twenty (20) West, Washington County, Minnesota lying easterly of the following described line: Commencing at the northwest corner of said Southeast Quarter of the Northeast Quarter; thence North 89 degrees 07 minutes 56 seconds East, assumed bearing, along the north line of said Southeast Quarter of the Northeast Quarter a distance of Seventy-five (75) feet to the point of beginning; then South 32 degree 57 minutes 31 seconds East Five and Thirty-six Hundredths (5.36) feet to the south line of said North four and Fifty-four Hundredths (4.54) feet of the Southeast Quarter of the Northeast Quarter and said line there terminate.

Miller property

3636 Stagecoach Trail

PID (15.029.20.23.001; 15.029.20.32.006; 15,029.20.24.0001; part of 15.029.20.31.0005 west of Stagecoach)

Part A

The Southwest Quarter of the Northwest Quarter, The Northwest Quarter of the Southwest Quarter and that part of the Southwest Quarter of the Southwest Quarter lying North of the centerline of 30th Street North as now constructed, all in Section 15, Township 29 North, Range 20 West, subject to the right-of-way of 30th Street North, excepting therefrom the following:

Property conveyed to Robert W. & Donna M. Herzfeld as evidenced by Document No. 579499 on file and of record in the Washington County, Minnesota, Records Office:

Property conveyed to Mark R. & Tracy J. Pelletier as evidenced by Document No. 583528 on file and of record in the Washington County, Minnesota, Records Office:

Property conveyed to Daniel P. & Cathleen M. Jacobson as evidenced by Document No. 3071800 on file and of record in the Washington County, Minnesota, Records Office:

Also:

Part B

That part of Section Fifteen (15), Township Twenty-nine (29) North, Range Twenty (20) West, described as follows, to-wit:

Beginning at a point sixty-nine and one-fourth ($69 \frac{1}{4}$) rods South from the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section Fifteen (15); running thence East on a line parallel with the North line of said Section One Hundred Sixty (160) rods; thence South on a line parallel with the East line of said Section sixty-eight and three-fourths ($68 \frac{3}{4}$) rods; running thence West on a line parallel with the first mentioned line to the center line of the public highway which crosses said section and known as the Point Douglas-Stillwater Road; running thence South along the centerline of said road one-half ($1/2$) rods; running thence West on a line parallel with the first mentioned line to the West line of the Northeast Quarter of the Southwest Quarter of said Section Fifteen (15); running thence North Sixty-nine and one-fourth ($69 \frac{1}{4}$) rods to the place of beginning, subject to the public highway which crosses the same.

EXCEPT Parcel No. 6 of the Washington County Right of Way Plat No. 39 in the Northwest Quarter and the Southeast Quarter of Section 15, T29N, R20W containing 2.79 acres, of which 1.75 acres is existing right of way. Filed and of record in the office of the Washington County Recorder.

EXCEPT Property conveyed to Timothy G. & Mary K. Balder as evidenced by Document No. 577849 on file and of record in the Washington County, Minnesota, Records Office.

The Nelsen, Weber, and Spencer properties are located north of 30th Street North and just east of Osgood Avenue North and the Miller property is located north of 30th Street North and just east of Stagecoach Trail North (C.S.A.H. 21)