

Polk County
Planning Commission
February 26, 2021

Call to Order: 9:03 A.M.

Members in Attendance - Mike Powers, Paul Jore, Rolland Gagner, Robert Franks, Len Vonasek, Mike Schulz, and Jerry Jacobson.

Members Absent: Arlet Phillips, Don Cavalier, Tom Noah, Donovan Wright

Also Present: Polk County Environmental Services' staff: Jacob Snyder & Michelle Erdmann

Minutes: A motion was made to approve the Planning Commission minutes from the January 22, 2021 meeting by Franks. Second by Gagner. All in favor.

Election of Officers:

Gagner nominated Powers for Chairman. Second by Vonasek. Powers called three times for any other nominations. Hearing none, Powers called for a vote on Powers for Chairman. All in favor.

Gagner nominated Franks for Vice Chairman. Second by Powers. Powers then call three times for any other nominations. Hearing none, Powers called for a vote on Franks for Vice Chairman. All in favor.

Public Hearing: Plat -Ridgewood Estates 2nd Addition Parcel #28.00169.00

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant proposes to plat a portion of land located in the agricultural district in section 21 of Garfield Township. The applicant is proposing eleven (11) residential lots and one (1) outlot from the existing parcel #28.00169.00.

Ordinance requirements for this request are found in PCZO Sections 22.0200, 13.8200, 13.8300, 21.4132, 22.2731, 22.2732 and 22.2733.

Snyder said the existing parcel currently encompasses approximately 29 acres of land located in section 21 of Garfield Township. The applicant is looking at creating 11 buildable residential parcels and one outlot. All lots are in the agricultural zoning district. The outlot is for private

access to the existing property that is to be left out of the plat. Both the outlot and the remaining parcel will be non-conforming and non-buildable parcels which will be addressed via development restrictions on the plat.

Snyder stated the existing adjacent public roadway is Garfield Township road 105th Ave SW which has already granted the developer access into the proposed plat. The township policy is that the roadway in the plat would not be taken over until 3 or more homes are constructed in the proposed plat. The applicant has been advised by the township to build the roadway to township specifications so it could be considered for maintenance once homes are built in the development.

Snyder said that if the developer disturbs more than 1 acre of property, the developer must secure an NPDES/SWPPP permit from MPCA. Roadway construction will disturb more than 1 acre of property so this will be addressed conditionally. The applicant is working on this permit with Widseth. Sites developed around this plat are well drained and have standard in ground septic systems. Before a final plat is approved staff will need to receive soil evaluations from a licensed septic professional for the proposed lots. Today one of our techs will be meeting the septic professional on site to do those soils.

Snyder said that there are no known wetlands in the platted area, some may be located along the river bottom which is excluded from the proposed plat. That area of river bottom is not in the proposed plat. Our office has received a letter from the East Polk SWCD stating that a delineation report is not going to be required. Sites meet the applicable sizes/widths and other standards in the Polk County Zoning Ordinance requirements for “buildable” parcels in the agricultural district. Staff has viewed the lots and feel that all parcels would be developable and would have adequate room for 2 standard septic systems as is required by the PCZO.

Snyder said that comments were received from:

1. Rachel Klein, East Polk SWCD, sent an email stating that the plat has a very low chance of being hydric based on the National Wetland Inventory and soil maps. She added that she does not have any wetland concerns in the area that is to be platted.
2. Garfield Township addressed the proposed plat at their February 8, 2021 meeting which touched on the roadway specification and future maintenance. The road would not be assumed by the township until at least 3 houses were present within the plat and possible acceptance by the township would be considered at a later date. The Township did approve the plat access off of township road T43 for construction of the roadway approach to access the 11 proposed lots. Snyder asked Aaron Swenby, applicant about the meeting. Swenby said that the township was more than happy to work with him and he has no problem with the need to have three houses before they take the road over.

Snyder then went over slides showing the application, site location, property photos and plat map. Lot 7 abuts an existing road and access will be from that road, not from the road in the plat. Snyder asked if anyone had questions or if Aaron Swenby, applicant, had anything to add. Swenby said Snyder covered everything.

Snyder then stated that staff recommends approval of the preliminary/final plat with the following recommendations:

1. Access to the proposed platted lots must be granted by the Road Authority, this is Garfield Township. This has been completed.
2. Roadways must be constructed to Township specifications and approved by the road authority
3. Septic system soils evaluations must be submitted prior to final plat approval.
4. If the developer disturbs more than 1 acres of property, the developer must secure a NPDES/SWPPP permit from the MPCA.
5. Any covenants and/or association agreements that are put on the plat must be reviewed and approved by the County before final approval of the plat.
6. Plat Development Restrictions must include language that states outlot A and the remainder of existing parcel 28.00169.00 are nonconforming parcels so structures cannot be permitted on these properties. The intent of outlot A is to allow for private access to the remaining parcel acreage left out of the plat.
7. No building permits shall be issued within the proposed plat until Final Plat approval. As well as no property within the platted area shall be sold before the Final Plat is recorded.
8. Within six (6) months of preliminary plat approval, the developer shall submit a Final Plat. The plat may contain only that portion of the approved preliminary plat which is proposed to record. Failure to meet this provision shall void the Preliminary Plat.

Swenby said that he plans to do some vague covenants to cover the bases. Some items would be no trailer homes. Snyder said to get them written up for his review, which needs to happen before final plat. Snyder added that he recommends being very specific in the covenants and do not overregulate the lots to turn off potential buyers. He added that covenants are not the Counties responsibility to regulate that is the developers' job to regulate covenants on the plat. The County can provide recommendations but doesn't technically enforce or approve the actual covenants, but that they must be recorded with the plat if the developer wants them on the lots.

Snyder asked for questions. Powers asked if we are doing preliminary? Snyder said that we ran it as preliminary/final so you could send it to the County Board as prelim and final from the Planning Commission if that is their desire. Powers asked about covenants? Snyder said he will work with and review them with the applicant. Gagner said it is good to do the final rather than have them come back. There are quite a few issues, but it won't get final till all of them have been met.

Powers asked Swenby if lots have sold? Swenby said he has a few people waiting and want to build this spring but no land has been sold. Snyder said he has to build his road. Swenby said he has two farmers that are willing to build the road as soon as possible.

Gagner made a motion to recommend preliminary & final approval with staff conditions to the County Board.

Second by Vonasek.

Ayes: All

Nays:

Snyder said that this will go before the County Board for final approval on Tuesday, March 2, 2021, here in this room. The applicant may attend if desired.

Ordinance Amendments:

Powers read the notice for the Intent to Amend Polk County Land Use/Zoning Ordinance. Snyder said the DNR has made it known for years that they wanted language consistent with two areas of MN Statute 6120.3500 subpart 3 which he has taken parts of and “made our own”. We needed to make sure we have it in our rules and we are not approving parcel subdivisions that will need variances down the road. This has not happened to our knowledge, but now we need to have it in our ordinance to make sure it cannot happen.

Snyder said there are other rules that are close to this, but the DNR says technically we need this language. Vonasek asked if this is replacing anything? Snyder said it is not replacing anything. Schulz asked if this is something the County Attorney needs to review. Snyder said he has submitted the proposed changes to the County Attorney and DNR asking for comments. He has yet to receive any comments. Snyder suggested that we act on this today and once he is assured no comments are going to be coming, he will take these to the County Board for final approval.

Snyder clarified that you could still apply for a variance, but not for one that would ask for a reduction in setbacks. For a larger sized building you would be able to.

Schulz made a motion to recommend approval to adopt these changes as written today, to the County Board, as long as the County Attorney and the DNR have no comments.

Gagner asked about a septic holding tank vs a full system if there is room? Snyder said for an accessory structure a holding tank would be allowed, not a house. Snyder added that the holding tank language is to ensure that there must be suitable soils for a septic system and not just a holding tank off the house and no way to have treatment areas on the proposed lots. Holding tanks are not practical for houses as they continually need to pump them when they are full. This works for some seasonal places but not a full time dwelling unit and that is why that language is in the proposed change to the subdivision section. This also means it is not retroactive for already completed plats. It would be for all new plats not plats that were approved in the past. Jacobson asked about pumping of the tanks? Snyder said we require a pumpers agreement before a permit is issued. We don't require they submit records, but we tell the homeowners to keep the records as we could ask for them if a complaint was received. The MPCA would like us to, but we don't.

Vonasek second the motion by Schulz.

Ayes: All

Nays: None

Next meeting is set for March 26, 2021. Meeting adjourned.