

Polk County  
Planning Commission  
May 23, 2014

Call to Order: 9:00 A.M.

Members in Attendance: Kerry Winkelmann, Donovan Wright, Rolland Gagner, Wayne Melbye, Dennis Yell, Robert Franks, Don Diedrich, Courtney Pulkrabek, Arlet Philips and Mike Powers.

Members Absent: Osmund Moe

Also Present: Polk County Environmental Services' staff: Josh Holte & Michelle Erdmann

Minutes: A motion was made to approve the minutes from April 25, 2014 by Gagner. Second by Powers. All in favor.

**Public Hearing: Conditional Use Permit Raymond LaBrecque Parcel #45.00419.00**

Winkelmann read the notice of the hearing and turned the meeting over to Holte.

Holte said that the applicant is requesting a CUP to build a 1200 sq. ft. accessory structure on a riparian lot located less than 300 feet from the OHW in the Shoreland District on Lake Sarah.

PCZO requirements are found in section 18.2225 (f). The applicant owns a riparian lot on Lake Sarah. The parcel is currently 2.659 acres – this parcel may be split and the applicant also owns a 1.286 acre parcel to the east.

The applicant would like to build a 1200 sq. ft. structure for storage. The applicant currently has several small sheds on the property. The structure is proposed to be over 150 feet from the closest point of the OHW mark and will meet all setbacks. The applicant has submitted a passing septic compliance.

No comments were received. Holte went over the slides showing the property and its location.

Staff is recommending approval of the CUP with the following conditions:

- 1.) The applicant will be required to comply with the two accessory structure limit on this parcel by 5/27/2015. This shall include either:
  - a.) Splitting the parcel into two conforming lots and having a maximum of two accessory structures per lot.
  - b.) Removing all but one of the current accessory structures on the parcel to comply with the two accessory structure ordinance requirements.

Yell asked about having the shed farther back than 150'? Holte said he is only required to be 100' off the OHW, so 150' is good. Melbye asked if the lot is split, would it still be conforming? Holte said yes.

Powers made a motion to recommend approval to the County Board with staff conditions. Second by Gagner. All in favor.

This will go before the County Board on May 27<sup>th</sup>, 2014 for final approval.

**Public Hearing:      Conditional Use Permit      Charles Winjum      Parcel #74.00032.01**

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

Holte said that the applicant is requesting a CUP to build a 1600 sq. ft. accessory structure on a riparian lot located less than 300 feet from the OHW in the Shoreland District on Maple Lake.

PCZO requirements are found in Section 18.2225 (f). The applicant owns a riparian lot on Maple Lake. The parcel is 3.89 acres. The applicant applied to build a 40' x 40' (1600 sq. ft.) structure for storage. The applicant has stated that the actual size will be approximately 32 x 46 or 1472 square feet.

The applicant currently has a small shed on the property by the lake which is under 100 sq. ft.. The new structure is proposed to be over 150 feet from the closest point of the OHW mark and will meet all setbacks. The applicant will need to submit a passing septic compliance inspection before any permit is issued.

No comments were received. Holte then went over slides shows the property and its locations. Staff recommends approval of the CUP with the following condition:

- 1.) The applicant is limited to two accessory structures with a maximum accessory structure(s) square footage of 1600 square feet on the property as required by the zoning ordinance.

Powers asked about the extra shed, if they will keep it or do away with it? Holte said with the size change from the original application, they will keep it.

Yell stated that MLID has no issues with the request.

Motion was made by Yell to recommend approval to the County Board with the staff condition. Second by Wright. All in favor.

This will go before the County Board on May 27<sup>th</sup>, 2014 for final approval.

**Public Hearing:      Conditional Use Permit      Ronald Osowski      Parcel #74.00548.00**

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

Holte said that the applicant is requesting a CUP to build/replace a 1368 sq. ft. (36' x 38') accessory structure on a riparian lot on Union Lake. The applicant is also requesting a CUP to hook a new septic system to the accessory structure.

PCZO requirements are found in Sections 18.2225 (e) and 18.2225 (f). The applicant owns a riparian and non- riparian lot on Union Lake. The lot is 2.05 acres. The applicant would like to replace an old garage with a 36' x 38' structure. The applicant has a 40' x 60' shed on the non-riparian portion of his lot that was permitted in 2007. The applicant recently combined the lots to meet setbacks for the replacement of the old garage.

The structure is proposed to be over 250 feet from the OHW and will meet all setbacks. The applicant might look at building a new cabin in the future therefore the applicant plans to install a new septic system for the house and tie the new garage into the septic system as well. We will need to receive a copy of a new septic design before we issued any permit. The applicant will also be required to complete and record a no guesthouse waiver.

No comments have been received. Holte then went over slides of the property and its location. Staff recommends approval of the CUP with the following conditions:

- 1.) No guest house uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed.
- 2.) Applicant must connect house/new house to new septic system by May 27, 2016.

Oowski stated that his plans are to build the garage this summer and in the future a larger cabin with a bigger kitchen/dining area.

Holte discussed the reason for the requirement for the new septic system.

Yell asked how soon would the office check for guesthouse? Holte said we are working on setting up an inspection schedule. No sleeping quarters are allowed, but yes he can have a bathroom. Letters will be going out soon to all properties that have signed a guesthouse waiver to be checked hopefully yet this summer. Powers asked about doing cooking and such in the garage? Holte read the definition of “habitable”, and no cooking would not be allowed. Gagner stated that he knows the property and the new garage would be located on the old footprint and it needs replacing.

Motion was made by Wright to recommend approval to the County Board with staff conditions. Second by Powers. All in favor.

This will go before the County Board on May 27<sup>th</sup>, 2014 for final approval.

**Public Hearing:      Conditional Use Permit      Mark Johnson      Parcel #45.00474.00**

Winkelmann read the notice of the hearing and turned the meeting over to Holte.

Holte said that the applicant is requesting a CUP to hook a new septic system to a new accessory structure located on his riparian lot on Union Lake.

PCZO requirements are found in Section 18.2225 (e). The applicant owns a back lot and a riparian lot on Union Lake. Applicant has a home on the back lot of Union Lake. The riparian lot has never been developed. The riparian lot has a large drainage area that goes through the property and the buildable ground on the property is extremely limited.

The lot is approximately 18,440 sq. ft. The applicant would like to build a 780 sq. ft. (30' x 26') structure for storage with a bathroom on their riparian lot. They would then hookup the structure to a new holding tank that meets the zoning requirements. The structure and holding tank is proposed to be approximately 10 feet from the OHW and will meet all setbacks.

We have not yet received a copy of the new septic design. The applicant will need to submit a no guesthouse waiver and holding tank servicing agreement. This area is a very low area that is impacted by a large drainage ditch.

Comments were received from Katie Englemann, East Polk SWCD:

The proposed structure is located adjacent to an area that has a site history of drainage and high water concerns. In 2007 East Polk SWCD received a project application from the Sand Hill River Watershed District to construct four rock drop structures, each approximately 4-5 ft. high as well as a drop inlet into the existing culvert (at East Union Dr.) at the lower end of the waterway just before it enters Union Lake. The purpose of the structures are to slow down the peak flow of runoff temporarily impounding the water and allowing it to gradually draw down and move to the lake. This in turn mitigates erosion and sediment deposition into the lake. I recommend dialect with the Sand Hill River Watershed District to discuss effects of building or filling or flooding and potential obstruction of the overland flow path. East Polk SWCD has a copy of the erosion control project plan layout and profile and could provide upon request.

Personal communication with Gary Lee, District Manager at East Polk SWCD accounts being contacted in the late 90's by neighboring property to the north with concerns over property flooding during periods of high water. At the time of contact flood water was nearing the garage structure. East Polk SWCD encourages Polk County Planning and Zoning to consider the potential risk to property damage arising from the development of overland flow/flood prone land also the associate water quality impact of the fill. Lee added that although the Union Lake/Sarah Lake level reduction and stabilization project has been established, the operation of the outlet pump depends on the downstream system's ability to handle pumped and local flows. Certain conditions may exist that restrict pumping so lake level fluctuation should still be of concern to property owners. Lee also recalls clearing of willows along the drainage way and adjacent low lying areas has been done in the past. In regards to vegetation the District encourages property owners to maintain natural shorelines. Scientific research shows that the quality of near shore areas affect lake water quality and fish and wildlife habitat. To protect and improve our lakes, we need to improve our shorelines. The best way we can do that is by adding or keeping a buffer strip of natural vegetation along the shore.

I also recommend that a wetland delineation be completed before the project commences to assure no impacts to wetlands regulated by the Wetland Conservation Act rules, chapter 8420 will occur. From my observation the site has a high likelihood of meeting the technical definition of a wetland

based on the landscape position identified using 0.5 ft. contour LiDAR data and onsite verification.

Also neighbor Sheldon Trandem commented that he has no objections to the request.

Holte went over slides of the property and its location.

A neighbor asked how the owners planned to get onto the site/property? Johnson said he was thinking a small bridge for use by a golf cart would be all they would need, not big driveway. He also stated he has been working with Sand Hill Watershed and the SWCD. He wants to get it done right and keep the erosion in control.

Mr. Proulx, a neighbor, asked about pump access? His concern is with the actual location of the shed and septic tank in regards to the natural flowage. What is showing on the the photos is not the natural flow. Hopefully that natural flow has been mitigated by all the work done, but history shows it could go back. Holte stated that the site has been measured and stakes were placed at the 100' setback from the OHW which is determined and set by the DNR.

M. Proulx stated that water is an issue. Their cabin was surrounded by water in the past and that was after the pump was installed. Johnson said that the designer was out and the site is good for a holding tank. Proulx said you get a deep freeze in that area because of the water. Johnson said that if the septic tank does not work out, so be it. His main goal is the shed on the property.

Gagner gave a brief history of the area. The erosion problem started when the previous owner back behind these properties put in a 36-42" culvert and that is when Sand Hill Watershed District came in to do an assessment for erosion control. Dan Wilkens has the plans/drawings to do more, but the previous owner wouldn't allow it. Now the new owner seems willing to work with them. The lake association is trying to do things also, but needs permission. If there is a way to do this without infringing on the neighbor's property it should work, but we don't want to start a war. We can slow the water down but not stop it.

Staff is recommending approval of the CUP with the following conditions.

- 1.) The site must be determined by PCPZ to be buildable and the building will have to meet all applicable setbacks and requirements of the Polk County Zoning Ordinance.
- 2.) Construction of the building and holding tank must not impact the drainage area and erosion control measures must be taken to control run-off during and after construction.
- 3.) No guest house uses – applicant shall have furnished evidence of having recorded the signed guesthouse waiver with the property deed.
- 4.) Any land alteration or work done to the drainage way and or shoreline must be authorized by a land alteration permit.

Proulx stated that there is no road access and safety should be considered. Are these part of this meeting? Holte said that the bridge Johnson mentioned might be a DNR/SWCD issue. This hearing is in regards to the ability to hook the shed, which only needs regular permit, to a septic system.

Proulx then asked if the OHW is right? He feels there will be problems with water if the building is to go where they think it should be. Is the building going to be on a pad or slab ? Johnson said pads, raised up and will have a patio on the front side that would not hinder water flow. Proulx said that if the building is only 3 ft. above grade it will get wet. Four feet would be better. Proulx asked if the DNR was notified. Holte said they were and have visited the site. Their concern is if the site is buildable. As long as it is buildable, the structure is a normal permit. We are only here for the septic tank.

Pulkrabek asked if there is high water, won't the tank be under water? Holte said that water over the tank is not an issue, if permitted, you would want it up higher. Gagner asked about moving the building to the other side? Johnson said it would be too close to the road then.

Winkelmann stated that we need to move on. We are here only to deal with the septic tank. Are there any questions on the ability to service the holding tank? Mrs. Johnson said that the designer said the pumper could stay on the road to pump.

Diedrich asked if they could get the tank high enough? Holte referred to his staff conditions. Gagner asked if the building could be smaller? Johnson said yes, he is willing to work with the agencies.

Motion was made by Franks to recommend approval to the County Board with staff conditions. Second by Powers.

Ayes – Winkelmann, Wright, Franks, Gagner, Philips, Melbye, Yell, Powers

Nays – Diedrich, Pulkrabek

This will go before the County Board on May 27<sup>th</sup>, 2014 for final approval

Winkelmann adjourned the meeting. Next meeting is June 27, 2014.