

Polk County
Planning Commission
July 25, 2014

Call to Order: 9:10 A.M.

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

Members Absent: None

Also Present: Polk County Environmental Services' staff: Josh Holte & Jacob Snyder

Minutes: A motion was made to approve the minutes from June 27, 2014 by Powers. Second by Gagner. All in favor.

Public Hearing: Conditional Use Permit Randy Pecka Parcel #40.00148.00

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

Holte stated that the applicant is requesting a CUP to exceed the allowed square footage for accessory structures on a parcel of land that is less than 2 acres in size in the Agricultural District. (Ordinance allows for a maximum size of 1200 Sq. ft.).

PCZO 13.4210 states: The following standards shall apply to nonagricultural accessory structures to be located upon parcels of two acres or less:

The maximum size shall be 1,200 sq. ft. Two or more accessory structures having a combined total of 1200 sq.ft. are permitted. Additions to existing accessory structures will be permitted only in cases where the total square footage after the addition will not exceed 1,200 sq.

PCZO 13.7000 states: Conditional Uses. Land in the agricultural district shall be used for any of the following purposes only upon the issuance of a Conditional Use Permit.

Non-Agricultural Accessory structures:

- a. Accessory structures of over 2,500 sq. ft. on parcels greater than two acres and less than five acres.

b. Accessory structures over 4000 sq. ft. on parcels over five acres.

c. A new accessory structure on a parcel of less than 10 acres that would bring the total square footage of accessory structures to over that permitted in Section 13.4200.

Holte continued with the pertinent facts that the property is 1.92 acres. The applicant currently has a 45' x 90' shop on the property. He would like to add a 15' x 60' addition on the building. Holte added that the addition has already been added and this is being treated as an after the fact Conditional Use Permit. The structure was built in 1979 and the applicant acquired the property in 1997. The applicant has a trucking operation on the site.

Holte stated that the shop is connected to a septic system. The applicants proposed use for the addition is for parts storage and an office. The applicant's property is within 300' of a coulee and is in the underlying shoreland zoning district. Therefore the septic systems on the property need to be inspected before any building permit is issued. If failing we will need to receive a septic design and permit fees and the septic systems will need to be upgraded within two years. Holte added that Huntsville Township has signed off on the permit application for the addition.

Holte stated that the neighbors' comments were from Debbie Abar, neighboring landowner, who called and questioned who owned the lot right west of Mr. Pecka's property, where he stores trailers and equipment. Holte stated that the property is owned by the City of East Grand Forks. She also added that there are a lot of trucks coming and going on the site. Paul and Peggy Zavoral, neighboring landowners, stated that Mr. Pecka's addition is already built and they don't have a problem with his shop addition. Stephanie Klamm, DNR Area Hydrologist, didn't have any concerns.

Holte then went over pictures, maps, and location of the addition.

Pulkrabek asked what the property is currently zoned?

Holte replied it is within the Agricultural district with shoreland overlay due to the sites proximity to the protected coulee directly to the West of Mr. Pecka's property.

Powers asked if the property should be rezoned? Moe stated that the site has had its use as a trucking business for a long time since the 70's if he recalls correctly. Pulkrabek asked if it should be within the commercial district?

Holte responded that this is not a use change it is an addition to an existing business and the Zavoral shop is located right next to this site and is under the same zoning restrictions. Holte added that he spoke with John Pavilish, Huntsville Township Zoning Representative about the site and has concerns that if it grows or expands than rezoning may be the best option. Holte added that if the use stays the same, then there shouldn't be any reason to rezone the property.

Pecka replied that he has got rid of 4 over the road trucks and has actually scaled back on his trucking business. He simply did the addition in order to get rid of a trailer on the site that was being used for part storage. He is trying to clean the site up.

Gagner asked Mr. Pecka what business he operates on the site?

Pecka replied that he hauls precast concrete slabs to Williston, ND and last fall he moved his parts trailer off the site and just didn't have the room in the existing shop to handle the extra items. He had Huntsville Township officials look at the addition and they signed off on the application for the County permit. That is when he found out he needed a permit from Polk County P& Z and came to see Jake to get the permit. That is when Mr. Pecka realized he needed a CUP through the County. Mr. Pecka also stated that he has a septic design from Allyn Roley for the two structures out there.

Phillips stated that the issue with Huntsville Township is that the site is used as a commercial business and has a house on it. If we rezone the site then many other sites would be reconsidered to commercial along that stretch of just outside East Grand Forks city limits. There is a traffic concern with that area and trucks moving out onto the roadway there.

Winkelmann stated that we are not looking at rezoning we need to make a decision on the addition.

Phillips stated that the use on the site is commercial. Holte added that the use is not changing on the site so rezoning is not being considered for this CUP.

Winkelmann asked if the applicant is requesting that we rezone the property? Pulkrabek added that we are discussing the addition and not the zoning of the parcel. Holte stated that the site is one parcel away from East Grand Forks City limits. Pulkrabek asked if it could someday be in East Grand Forks? Pecka said when he spoke to the City of East Grand Forks they were not looking in to annexing his lot into City limits at this time.

Powers stated that Mr. Pecka is parking trailers on East Grand Forks property currently and that he thought the City owned across from the coulee but not the parcel just to the north of this site.

Pecka stated that he has inquired about buying the property to the north of his parcel and that he recently found out was owned by the City of East Grand Forks but it is a FEMA buyout site and can never be developed on so they are not interested in selling it at this time.

Winkelmann stated that the addition is what we need to make a decision on and not the use of the property. Gagner asked why Mr. Pecka did not obtain a permit before construction of the addition?

Pecka replied that he went out of town for a few days and some friends had become available to do the work so when he got back they had most of the addition completed and that is when he realized he most likely needed a permit and got an application from Planning & Zoning.

Pulkrabek asked if there is a fine we can administer to the permit, since the work was completed with out a permit? Holte replied that we processed the application as an after-the-fact CUP so the permit was three times the normal fee for the Conditional Use Permit application.

Pulkrabek made a motion to approve the CUP based on the use not expanding. Second by Moe. All in favor. Motion carries.

New/ Old Business

Holte stated that the Eickoff Plat will probably be back on the agenda next month for the final plat. Hideaway Cove might also be back on the agenda as they have addressed the wetland and stormwater issues.

Holte added that we will have a plat for some back-lots on Maple Lake coming up next month and a small plat on Union Lake right south of the Boundary Commission #1 area.

Holte also noted that the FEMA floodplain maps have been updated and a public meeting hosted by the DNR and FEMA has been set-up at the Crookston City Hall building. Wright asked when the meeting was? Holte replied that is was set for August 27th at 4pm for the public portion of the meeting.

Powers asked Holte if he had been out to Hideaway Cove Plat recently? Holte he has driven by there and the DNR and SWCD have been out there. There were some issues with their silt fencing placement, but they have been resolving everything else.

Gagner said he had talked with Katie from SWCD and she had stated that the silt fencing had been incorrectly installed. Pulkrabek asked if their access road to Hideaway Cove Plat had in fact gone through a wetland? Holte replied that the Hideaway cove road may have went through a wetland area and the SWCD is doing some evaluation. We will address all our wetland concerns in the hearing next month for the plat.

Winkelmann adjourned the meeting at 9:35 a.m. The next meeting is August 22, 2014.