

Polk County
Planning Commission
August 22, 2014

Call to Order: 9:00 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 July 25, 2014 by Gagner. Second by Wright. All in favor.

Public Hearing: Conditional Use Permit Michelle Buchholz Parcel #74.00144.01

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

Holte said that the applicant is requesting a CUP to hook an existing septic system to an accessory structure located over 300 feet from Birch Lake.

PCZO Section 18.2225(e) requires a CUP for a septic system to be installed for use in an accessory structure. The applicant owns a 15.35 acre riparian parcel on Birch Lake. Birch Lake is a Natural Environment Lake.

The applicant received a permit earlier this summer to build a 40' x 40' storage shed. The applicant would now like to connect the new structure to an existing septic system that was connected to a mobile home, which has been removed. The structure met all required setbacks and the septic system meets all the setbacks as well. Passing septic compliance inspections were completed for the existing septic system that is connected to the house and the septic system that the applicant wishes to connect to the storage shed. The applicant will be required to complete and record a no guesthouse waiver.

No comments have been received on this request. Holte then went over slides showing the property and its location. Staff is recommending 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 before the septic system be connected.

Powers asked if the applicant just wants a toilet in the shed?

Buchholz answered she would like a toilet and utility sink in the shed for butchering chickens or deer processing. They need a space to serve these functions as their family enjoys raising chickens and deer hunting. She added that they will park vehicles in the structure.

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

This will go before the County Board on August 26th for final approval.

Public Hearing: Conditional Use Permit Oak Cove Resort Parcel #32.00188.03

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

Holte said that the Oak Cove Resort is applying for a Conditional Use Permit to construct a 30' x 105' boat storage addition onto an existing structure.

Holte added that the PCZO section 18.1220 states Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp.3:

A= Allowed Use P = Permitted Use N = Not Permitted C = Conditional Use

A. Land Use Districts For Lakes

	General	Recreational	Natural
Residential District - Uses			
-Single residential	P	P	P
-Parks & historic sites	C	C	C
-Commercial retail and Personal service establishments	C	C	C
-Gas stations and convenience stores	C	C	C
-Hotels, motels, and trailer courts	C	C	C
-Surface Water Orientated Commercial	C	C	C
-Restaurants, dinner clubs, Private clubs	C	C	C
-Residential Planned Unit Development	C	C	C
-Commercial planned unit development**	C	C	C

Holte added that the PCZO 18.2225 Accessory structures states that the following standards shall apply to

accessory structures in the Shoreland Overlay District property:

On a nonriparian parcel or located a distance of 300 feet or more from the Ordinary High Water mark on a riparian parcel, a maximum size of 2400 sq.ft. for an accessory structure shall be permitted. The combined total of all accessory structures shall not exceed 3200 sq.ft. on a nonriparian parcel. No more than two accessory structures shall be permitted on any nonriparian parcel. The maximum height of the accessory structure(s) shall be twenty-five (25) feet.

Holte went over the pertinent facts that Oak Cove Resort is located on Maple Lake. The parcel where the boat storage addition is proposed is a non-riparian parcel and is 7.05 acres in size. This parcel has RV and Mobile Home sites in addition to existing storage buildings. The current resort is licensed by MDH to have 20 mobile home sites and 7 dependent camp sites. (They currently have 20 mobile home sites and 10 campers onsite.) The applicant would like to expand an existing 30' x 60' storage shed and construct a 30' x 105' addition for additional boat storage. All of the septic systems on this parcel have been evaluated and we have received passing septic compliance inspections. Also, no expansion of camping/mobile home sites is being proposed.

Comments received included Stephanie Klamm, DNR Area Hydrologist, stated that the DNR doesn't have any comment on the proposed request. Diane Rosenberg, Maple Lake Improvement District, stated that the MLID doesn't have any problem with the proposed request. Also, Holte received a call from Dorothy Griffin a neighboring landowner that she has concerns about traffic congestion on the roadways around Oak Cove Resort. She stated several near-miss accidents there and more traffic can only make the problem worse. She also had concerns over a semi-trailer that has living quarters in it and the traffic in the bay at Oak Cove on the water is becoming a problem too.

Holte went over pictures of the structures and semi-trailers located at Oak Cove Resort.

Staff recommends approving the 30' x 105' boat storage addition request as long the following conditions are met:

The applicant must remove the 2 semi storage trailers that have not been permitted on this site or apply for a building permit and meet all required setbacks. If permitted, the semi storage trailers must be used for storage only and may not have any habitable space.

The applicant must remove any additional campers so that they are in compliance with their current MDH permit. The applicant may not have any more camping/rv sites than what is currently permitted without first applying for a receiving CUP.

The 16' x 24' storage shed located north of the office cannot have any habitable space and must be used for storage only unless first applying for and receiving a CUP.

The operation shall at all times be in compliance with all Federal, State, and County rules and regulations.

The above conditions must be met within 90 days from issuance of the Conditional Use Permit.

Powers asked if the Resort is seasonal or is there year-round use?

Cynthia Tyler stated that the Resort is only seasonal and the office is the only thing open during the winter. All the other facilities remain closed in the winter months. She also added that there will be no additional traffic on the roadway as only staff of the Resort will be moving the boats to the proposed boat storage shed. She added that she was unaware of the need for permits to place the semi-trailers and they are only used for storage of show cars, boats, and they are placed on railroad ties. The shed that is believed to be living quarters is for overflow storage and has an AC unit only to keep things that can spoil cool in the summer months. There are no living quarters within the semi-trailer. The Minnesota Department of Health, who permit resorts and RV parks told Cynthia it was okay to have personal campers stored on the site as long as they were not collecting revenue on the campers. The two campers are her son and daughters, which they do not charge them to keep them there. The other camper was a local contractor who has since moved his camper off the site.

Powers asked Josh if the additional comments received would change the staff recommendations?

Holte replied no, he has conditions placed on the request to address the comments.

Cynthia explained that they would work with Planning and Zoning to resolve the semi-trailer issues.

Gagner asked if they can stay on the site?

Holte replied if they meet setbacks and get building permits they can stay on the site.

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

This will go before the County Board on August 26th for final approval.

Public Hearing: Prelim/Final Plat Beaver Bay Second Addition Parcel #74.00153.00 -74.00069.00

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

Holte stated that the applicant proposes to plat non-riparian backlots on a portion of land in the Shoreland District on parcels #74.00152.00, #74.00152.01, #74.00152.02, #74.00153.00, #74.00763.00, #74.00069.00, #74.00069.01, #74.00069.02, and #74.00752.01. The proposed plat would encompass 8.55 acres of land located in Section 18 of Woodside Township.

Holte explained that Polk County Zoning Ordinance Sect. 22.0200 requires any proposed subdivision that creates five or more lots shall be processed as a plat in accordance with the provisions of this ordinance. Applicant proposes to create twenty-two (22) lots through subdivision.

PCZO Sect.18.2147 Non-riparian lots abutting nonconforming riparian lots of record may be platted in a manner consistent with the riparian lots under the following conditions:

- A. The plat must indicate that these lots may not be used for dwellings;
- B. The lots must be intended for sale to the owners of the abutting riparian lots;
- C. The area of the lots must be at least 15,000 square feet.

The lots in the proposed plat will meet this requirement.

PCZO Sect. 22.2732 If platted lots shall not have frontage on a public road, a private road must be constructed to meet township specifications and be served by a road agreement recorded with the deed of each lot with frontage on the private road. The lots within the plat will have frontage on Elmer Hanson Dr SE.

Holte stated the plat is proposed to create one new residential lot (Lot 16). The plat is proposed to create 13 new non-riparian backlots that would be allowed to have storage sheds and septic systems in accordance with the PCZO. No guest houses/habitable space will be allowed on these lots. (Lots 1-7, 14-15, 17-19, 22). Within the plat there are currently 6 lots that established. These lots are being included in the plat so that the respective owners will be able to purchase the new adjoining back lots and combine them with their current parcels. (Lots 8, 11, 12 and 20 are the current established lots and will remain buildable for storage sheds or septic systems in accordance with PCZO). Lots 9, 10, 13, and 21 will be platted as non-conforming lots, unbuildable for storage sheds or septic systems unless they are combined with the adjacent lot. (Combine Lots 8 & 9, Lots 10 & 11, Lots 12 & 13, Lots 20 & 21). The lots must be intended for sale to the adjacent riparian lot owners. All lots will have road frontage on Elmer Hanson Drive SE. (Except Lots 9, 10, 13, and 21, which would need to be combined with their adjacent lot to be conforming as a backlot)

Powers asked if the non-conforming status on these lots was due to the lack of road frontage?

Holte replied yes, they are under 15,000 square feet and have no road frontage as platted. That is why it is important that the existing parcels were included in the plat so they can be added together to create conforming parcels that can have sheds or septic systems on them.

Holte continued with the pertinent facts: before a final plat is approved staff will need to receive septic evaluations within the proposed plat area. Staff has viewed the site with the Wetland Coordinator and the proposed plat area doesn't appear to be affected by wetlands. (No delineation report will be required, however if the surveyor finds any possible wetland areas they must be included on the final plat and reviewed by the SWCD Wetland Coordinator). The applicant contacted the MPCA and the applicant is not required to obtain the NPDES Construction Stormwater Permit since the road is already in existence and the owner won't be disturbing any land.

Holte went over the comments received regarding this proposed plat:

- 1) Katie Engelmann, Wetland Coordinator, East Polk SWCD, stated: This project does not appear to be affected by wetlands. A closer review using LiDAR and aerial mapping will be completed. WSN survey crew is going to alert staff if any wetlands are presumed.
- 2) Stephanie Klamm, DNR area Hydrologist, stated: This proposed preliminary plat does not impact any public waters, there is one wetland near lot 1 that should be noted in the plat. This

preliminary plat is for the addition of back lots to the riparian lots along Maple Lake. As long as the lot sizes meet the requirements of the shore land ordinances and all rules and regulations are followed, I have no comment on the proposed plat.

- 3) Diane Rosenberg, Maple Lake Improvement District, stated that the MLID doesn't have any problem with the proposed request.

Holte went over maps and explained the area to be platted. He went over photos showing the area is heavily wooded along the roadway.

Staff recommends that the plat be given preliminary approval as long as the following conditions are met:

- 1) Lots 1-7, 14-15, 17-19 and 22 will be conforming backlots for accessory structures and/or septic systems in accordance with the PCZO. No guesthouse uses or habitable space will be allowed on these lots.
- 2) Lot 16 will be a buildable residential lot.
- 3) Lots 8, 11, 12 and 20 will remain buildable for accessory structures and/or septic systems in accordance with the PCZO.
- 4) Lots 9, 10, 13, and 21 will be platted as non-conforming lots, unbuildable for accessory structures or septic systems unless combined with the adjacent lot.
- 5) Lots must be intended for sale to the adjacent riparian lot owner.
- 6) Any covenants that are put on the plat must be reviewed and approved by the County before final approval of the plat.
- 7) Septic evaluations must be reviewed and approved by the County before final approval of the plat.
- 8) When preparing the final plat if surveyor finds any wetland areas they must be drawn on the final plat and reviewed by the East Polk SWCD Wetland Coordinator
- 9) 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.
- 10) If approved, staff would recommend that the Planning Commission waive the review of the final plat before it goes to County Board once all conditions are met.

Yell asked how wide the frontlots are along this stretch of lakeshore?

John Swanson replied that most of the frontlots were 75 feet but a few are only 50 feet in width.

Yell stated that if they are small lots then they could be bought for storage but that there are areas where

these small backlots are not desired like in the Shalom plat which may have two lots sold so far.

Gagner added that on the frontlots with limited area the backlots can serve as an area where septic systems can be placed if there isn't room on the frontlot.

Swanson stated that the backlots are for sheds and septic systems.

Diedrich asked where old fire number 2901 was located so he could get a reference on the location on Maple Lake?

Swanson replied that it was by the old rock shop.

Powers asked what the sliver of land between lots 13-14 was?

Swanson stated that is the section line.

Garrett Borowicz (WSN) stated that the lines between 13-14; lots 9-10 are property lines.

There was a comment that there should be a stipulation of buffer zones to restrict tree removal along the roadway.

Fern Letnes added that she feels that a vegetative buffer is a good idea as large structures are a problem. They do not add value to the surrounding area, they are eye soars, and she wants there to be a buffer to restrict them from clear cutting a backlot to place a large shed on them. The height of these large structures is also a concern of hers.

Winkelmann added that they can look into the screening issue.

Yell asked what the height restriction is on backlot structures?

Letnes replied they can be 25 feet tall.

Holte replied that the ordinance allows 800 to 2400 square foot structures to be constructed at 25 feet in height and they must be setback 40 feet from the road right-of-way.

Swanson stated that they were working with WSN to put additional setbacks in along the backlots especially around the curve on the road to try and create a buffer from the road. One instance he remembers coming around the curve and some small children on bikes in the middle of the roadway. He had to swerve on somebodies frontlot to avoid an accident.

Letnes stated that she has an issue with people backing out of these backlots when they are developed. She can foresee a lot of accidents occurring where people will back out of the backlot into the roadway. She has a problem with this plat and especially the vegetation being removed.

Winkelmann asked if there was ample room to create a buffer and people backing out of the backlot?

Letnes replied if they rip out all the trees then its decreasing the value of homes along this stretch of lake.

Gagner added he thinks screening is a good idea.

Swanson replied that he has hesitated on selling this property as they like the trees as well. Once the lots are sold he does not have control of what others do with their property. He would not mind to have buffers and extra setbacks especially around the curve in the roadway.

Grant Schiller stated he owns a frontlot by the curve they are discussing. He stated that he is very much in favor of the plat as they will move people's septic systems away from the lake. He feels some of the structures constructed on other area backlots are very attractive and small lots just do not have the room to remove clutter from frontlots.

Letnes added I am not arguing that sheds are not needed in some areas she feels they are too large and not reasonable. They are tall enough to put industrial equipment in and are not needed.

Philips asked if they could do covenants to address the screening or height restrictions?

Holte replied that they can place covenants on the plat.

Swanson stated he thinks it is a good idea regarding the screening added in covenants but wants clarification that the screening is vegetation versus fencing.

Holte replied that the ordinance does have vegetation screening within the shore-impact zone or 50 feet from the waters' edge. Section 18.2312 states: vegetation alterations shall in no case exceed 50% of the brush and 25% of the trees within the shore and bluff impact zones or on steep slopes. For the purpose of this section trees less than four (4) inches in diameter as measured at a height of four (4) feet from the ground shall be considered brush.

Letnes asked how many people have abided by that restriction?

Holte replied that this is a section in the ordinance to address brush and trees along the shoreline not for backlots but through covenants they could add similar language to create a buffer for the plat.

Letnes stated that she would like to see this area stay as natural as possible as it is very wooded.

There was a question about if there can be restrictions on the height of structures too?

Swanson replied that in order to have a 16 foot sidewall height and a 4/12 pitch on the roof there needs to be 25 feet to obtain this building dimension. He stated that he is not a builder but that is why a lot of backlot structures on Maple Lake are 25 feet tall.

Winkelmann stated that we have to deal with the ordinance that has been adopted. The only way is to place covenants on the property to add further restrictions. The board cannot change the height restriction without changing the ordinance.

Letnes asked if that can be done at this meeting?

Winkelmann replied that this meeting is to address the plat and to use the ordinance in place.

Neighboring landowner stated that he would not like to have covenants on height restrictions as all other backlots are held to this standard of 25 feet and now they would be more restricted than other areas of the lake.

Another neighbor stated that she understands height restrictions but she would like to see the area kept as natural as possible. Can covenants solve this?

Holte replied that covenants can address both issues but is it fair to place special height restrictions on this Plat? We want to keep our standards fair across the board too.

Swanson stated that he knows a person that has a fifth wheel and needs a tall enough building to put it in and this would not be possible in a shed with less than a 16 foot sidewall height.

Melbye stated he sees two major issues we are in need of addressing; size of buildings and screening.

Swanson stated he would be willing to place covenants on the first 30 feet to add the vegetative screening the PCZO has for shorelines.

Letnes stated that she would like Planning & Zoning to do the verbage on the screening.

Diedrich asked if this requires plantings for lots that are not wooded.

Winkelmann added that we should use the shoreline screening section in the ordinance.

Pulkrabek added he thinks this will be a plus for de-cluttering frontlots and addressing parking issues.

Holte explained that the shoreline vegetative screening is for wooded lots and plantings are not required to obtain screening. It is in the ordinance to address clear-cutting vegetation along the shoreline.

Powers makes a motion to approve the plat with staff recommendations and that the screening issue get addressed as discussed. Pulkrabek seconds the motion. Winkelmann asked for discussion on the matter of screening for clarification purposes.

Holte replied we can add condition that the first 20 feet of lots along the roadway have section 18.2312 attached to them to meet 50% brush standard and no more than 25% removal of trees.

Swanson asked if there was any way to have more trees left and less brush? He stated that it takes a long time to establish trees and very little time for brush to grow, so he would like more trees left.

Diedrich stated that the landowner and Polk County P&Z work together to come up with screening solution.

Powers stated that the landowner knows the property better than me I just want to add screening from our discussions today.

Letnes stated she believes larger structures need more screening.

Gagner asked if the standard in the ordinance is to leave 25% of trees or leave 75% of trees?

Holte replied cannot remove over 25% of the trees 4 inches in diameter or more at a height of 4 feet.

Winkelmann stated that there was a previous motion to approve/second with staff recommendations and vegetation screening. Vote was taken and all in favor of approving the preliminary plat.

This will go before the County Board on August, 26 for preliminary approval.

Public Hearing: Prelim Plat Paradise Point Estates Parcel #74.00281.00 -74.00282.00

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

Holte stated the applicant proposes to plat a portion of land in the Shoreland District on Union Lake on parcel #74.00281.00 and #74.00282.00. The proposed plat will encompass around 15.85 acres of land located in Section 35 of Woodside Township.

Holte explained that PCZO Sect 22.0200 requires any proposed subdivision that creates five or more lots shall be processed as a plat in accordance with the provisions of this ordinance. Applicant proposes to create eight (8) lots through subdivision.

PCZO Sect.18.2100 Minimum lot configuration standards in the Shoreland Overlay District for a Recreational Development Lake shall be 40,000 square feet and 150' wide with 150' of road frontage. Lots 1-6 fully meet the lot configuration standards. Lot 7 also meets the lot configuration standards since it does have the required frontage on the County Road.

PCZO Sect. 22.2732 If platted lots shall not have frontage on a public road, a private road must be constructed to meet township specifications and be served by a road agreement recorded with the deed of each lot with frontage on the private road. The applicant intends on either dedicating the road for public use and having the township take it over or he will need to develop and record a private road agreement.

PCZO Sect. 21.4132 states that all lots created after January 23, 1996 shall have a minimum of two (2) soil treatment areas that can support a standard ISTS. Septic evaluations will need to be completed on the lots prior to final plat approval.

PCZO Sect. 22.2733.A.2 states the plat cannot be recorded until the road has been built to those specified dimensions and verified by the appropriate road authority. Road construction has not started and the applicant would be authorized to start construction after preliminary approval is given.

Holte went through the pertinent facts that the plat is proposed to create seven new residential lots and one outlot. The applicant hasn't decided whether the road will be dedicated for public use or be a private road. Regardless the road will need to be built to township specifications and if private a road association agreement will need to be recorded with the plat. The applicant would also like to plat Outlot A. The remainder of the land in Parcel 74.00281.00 and 74.00282.00 won't be included in this plat. Outlot A would be large enough for a buildable residential lot. Before a final plat is approved staff will need to receive septic evaluations within the proposed plat area. Staff has viewed the site with the DNR and SWCD. There is a possible wetland area along the shoreline of the proposed plat so a wetland delineation will need to be completed for the plat. The delineation report will need to be approved by the East Polk SWCD Wetland Coordinator before the final plat is approved. If the area along the shoreline is delineated as wetland area no development would be allowed within the delineated area. (This includes fill, sand beach blankets, etc.)

Holte added that the applicant will be required to obtain the NPDES Construction Stormwater Permit for this plat. This is a MPCA requirement and they handle the permitting. If the applicant plans to have covenants included with this plat these would need to be received and reviewed by Planning and Zoning before the final plat is approved. The applicant originally proposed to install another access off of County Road 42 and this would still be his first choice. However, Rich Sanders, Polk County Engineer is opposed to installing another access along that stretch of County Road 42. Therefore the surveyors have adjusted the original plan to remove this access and place a cul-de-sac at the end of the new road. The road right of way along this stretch of County Road 42 will also be dedicated on the plat.

Holte went through the three comments he received on this plat:

Rich Sanders, Polk County Engineer, stated: The proposed access is 403.92 feet away from the existing access and the current regulatory speed on CSAH 42 is 55 mph. With this location being so close to Union Lake and all the lake traffic I would oppose adding another access so close to the existing West Shore Drive access. Rich was fine with the applicant installing the cul-de-sac.

Stephanie Klamm, DNR area Hydrologist, had concerns about the possible wetland areas along the shore and future development in the wetland area. Other than that she stated that it appears all dimensional standards have been met. (A complete copy of her comments are on file at PCPZ.)

Katie Engelmann, East Polk SWCD Wetland Coordinator, stated that wetlands exist on the property where the subdivision is proposed, these should be delineated before the final plat is accepted.

Holte went over the maps of the proposed plat area. He explained the issues which Rich Sanders commented on creating a new access point and his recommendation to do a cul-de-sac instead of a new approach. Holte went over both options of the plat, one with an access to Highway 42 and the other with a cul-de-sac incorporated in the plat.

Staff recommends that the plat be given preliminary approval as long as the following conditions are met:

The applicant must proceed with the cul-de-sac option as drawn in the preliminary plat.

The road must be built to township specs and we will need documentation from the township that they agree to take it over, or we must receive a private road agreement for all the lots before final approval of the plat.

Any covenants and association agreements that are put on the plat must be reviewed and approved by the County before final approval of the plat. Covenant Restrictions **must** include: Restrictions on development along the shoreline, prohibiting any land alterations/rip-rap/sand blankets/fill within any delineated wetland area.

Septic evaluations must be submitted and reviewed by staff before final approval of the plat.

A wetland delineation will need to be completed and submitted to the SWCD. The SWCD Wetland Coordinator will need to approve the wetland delineation report before final approval of the plat.

The applicant must comply with any applicable MPCA and NPDES Construction Stormwater permitting requirements for this plat.

Silt fencing must be installed along all wetland boundaries, drainage ways and shoreline areas that are impacted by development and remain in place until adequate vegetation is established.

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.

Winkelmann asked if Steve Vesledahl was present at the hearing?

Vesledahl answered yes.

Powers asked what the applicant would prefer he does for establishing an access?

Vesledahl stated he doesn't like cul-de-sacs as he has put them in before and they are very bad for catching snow and would prefer to have access directly to County Highway 42. There is a slower speed zone (40 mph) along this stretch of lake and 23 established access points currently in ¾ mile stretch.

Winkelmann stated it may be preferred by the County Engineer to do a dead end cul-de-sac to avoid an approach on the turn of the highway.

Richard Westacott, neighboring landowner stated he can't see a problem with speeding or an approach built on the curve.

Winkelmann added that it is not a good idea to have approaches on curves and that is probably why Rich Sanders has his opinion to use the existing roadway as an access.

Westacott replied that he has no idea why a cul-de-sac would need to be there.

Winkelmann answered that they have to create an area where a plow truck can turn around and not back out of the drive.

Pulkrabek added that he feels Rich Sanders is the expert on roadways and takes his opinion with high regard. Pulkrabek motions to approve the preliminary plat with staff conditions and cul-de-sac option, second by Wright.

Westacott asked why would the cul-de-sac be the best option?

Pulkrabek stated that it was important for Rich Sanders to have that in the plat and he is the expert on roadways, so he felt it necessary for the cul-de-sac to be in there.

Diedrich stated that speed and the curve are probably the biggest factors on approaches.

Westacott asked why?

Holte explained that Rich Sanders is the County Engineer.

All in favor. Motion carries.

Holte asked if the board wanted to see the final plat.

Gagner answered yes.

Westacott stated that the lots abut to his property on Union Lake and that the lot to the north has the septic going in a large ravine. He stated you can't put a septic system or house in the ravine.

Borowicz (WSN) replied that the property line is at the same angle as Mr. Westacott's lot.

Westacott asked if that lot was buildable?

Holte stated it can be built on but these are just preliminary locations for now, they need designs and further review for septic system planning.

Westacott stated it doesn't affect him but was just a comment.

Holte reiterated that the sites need further review for septic locations.

This will go before the County Board on August 26th for preliminary approval.

Public Hearing:

Final Plat Eickhof Estates

Parcel #74.00220.00 -74.00220.05

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

Holte stated that the applicant proposed to plat a portion of land in the Shoreland District on parcels 74.00220.00, 74.00220.01, 74.00220.02, 74.00220.03, 74.00220.04 and 74.00220.05. The properties currently encompass over 70 acres of land located in Section 26 of Woodside Township.

PCZO sections 22.0200, 18.2100, 22.2732, 21.4132 and 22.2733 list the requirements for a plat of this nature.

Holte explained that the plat is proposed to create one new buildable lot and create 3 new back lots. The remaining lots involved in the plat are already developed and split out as individual parcels. The applicant plans to dedicate Eickhof Road for public use and should already be up to township specifications.

The remainder of the land in Parcel 74.00220.00 won't be included in this plat. There are areas for possible future development along Sawmill Bay. Lots 1-5 in Block 1 are intended to be and remain buildable lots for residential dwellings and meet the size requirements. Lots 1-5 in Block 2 are intended to be back lots that will be available for the corresponding front lot owners. They meet the requirements for backlots and can be utilized for septic systems and accessory structures. No residential dwellings or guest houses would be allowed on Lots 1-4 in Block 2. Lot 5 in Block 2 is large enough to be classified as a buildable lot.

All existing structures in the proposed plat will meet property line setbacks or will be considered non-conforming. (The only structure that wouldn't meet setbacks would be an old shed located on Lot 3, Block 2.) Before a final plat is approved all current septic systems will need to be inspected to make sure they are in compliance. If failing owners would have 2 years to upgrade their septic systems. This has been completed the septic on Lot 3, Block 1 is failing and will need to be updated within 2 years.

There are a couple wetlands located within the proposed plat and these have been delineated. The delineation report has been received by East Polk SWCD and they will need to approve it before the final plat is approved.

Outlot A has been removed from the plat and the area of land in contention between Dallas and Beth Kopp has been left out of the plat.

Holte went over the two additional comments received:

- 1) Stephanie Klamm, DNR area Hydrologist, was happy Outlot A was removed from the plat. Concerns were still expressed regarding proposed future development on the northern edge of the plat. A copy of the complete letter is on file at PCPZ.

- 2) Katie Engelmann, East Polk SWCD Wetland Coordinator, stated that the wetland application notice has been sent out and the comment period ongoing. Field review of delineation is to be completed before final decision. Final decision notice will be sent out.

Staff recommended approval of the preliminary plat with the following conditions:

- 1) Remove Outlot A from the proposed plat. (Most of Outlot A is wetland area and staff has concerns that Outlot A might be used for future access to the lake and a road through that area could impact the wetlands.) **(COMPLETED)**
- 2) Adjust the westerly boundary line of Lot 1 Block 1 so that it uses straight lines rather than the curved outlot. (Staff feels a property boundary like that would be really hard to verify setbacks and might create issues for future property owners.) **(COMPLETED)**
- 3) Correct the error in Block 2 so the Lots are numbered 1-5. **(COMPLETED)**
- 4) The road must be to township specs and we will need documentation from the township that they agree to take it over before final approval of the plat. **(Must be completed before final County Board approval)**
- 5) Any covenants and Association Agreements that are put on the plat must be reviewed and approved by the County before final approval of the plat. **(None)**
- 6) The SWCD will need to approve the wetland delineation. **(Received. Must be approved by the SWCD before final County Board approval)**
- 7) Any property line dispute between the Kopp's property and the proposed plat is resolved or the property in contention must be left out of the plat before final plat approval. **(Area left out of Plat)**
- 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. **(COMPLETED)**

Staff feels that the applicant has completed and met the conditions of preliminary approval and staff recommends final approval of the plat with the following conditions:

- 1) The road must be to township specs and we will need documentation from the township that they agree to take it over before final County Board approval of the plat.
- 2) The SWCD will need to approve the wetland delineation report that is currently under review before final County Board approval of the plat.

Winkelmann asked if John Eickhof was present at the hearing?

Eickhof asked if the Township needs to take the road over?

Holte replied that is up to the Township to determine.

Gagner asked to clarify that Block 1 lots 2-6 were existing lots? Lot 1 is the only new lot except for the backlots?

Holte stated that Lot 1 was a new lot and that 2-6 were existing lots.

Borowicz (WSN) stated that lots 1-4 are setup for backlots.

Pulkrabek stated that it looks as if the Eickhof Plat has fulfilled all the recommendations from the previous hearing.

A neighboring landowner asked if the north lot has been left alone?

Holte replied this lot can be built on.

Another neighbor had some questions on the surveyed property line and just doesn't want to lose any lake frontage.

Borowicz (WSN) replied that they adjusted the plat and found the old monuments by the lakeshore. They jogged the line to meet the condition from the previous hearing.

The landowner replied that water levels do change the frontage a lot has.

Powers makes a motion to approve the final plat with staff recommendation, Pulkrabek seconds the motion. All in favor. Motion carries.

This will go before the County Board for final approval once the conditions have been met.

Public Hearing: Final Plat Hideaway Cove Parcels 45.00228.00, 45.00229.00, 45.00215.00

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

Holte stated that the applicant proposed to plat a portion of land in the Shoreland District on parcels #45.00228.00, 45.00229.00 and 45.00215.00. These properties currently encompass over 35 acres of land located in Section 29 and 30 of Knute Township.

PCZO sections 22.0200, 18.2100, 22.2732, 21.4132 and 22.2733 list the requirements for a plat of this nature.

Holte went over the pertinent facts that the plat is proposed to create nine (9) new buildable riparian lots

and create nine (9) new back lots. The applicant plans to dedicate the new road for public use and will need to be built up to township specifications. The applicant has plans for future development on the east side of this plat.

There are wetlands in the plat area and a delineation report has been reviewed and approved by the East Polk SWCD Wetland Coordinator. The area along the shoreline is delineated as wetland area and no development will be allowed there.

The applicant plans to have covenants included with this plat and these would need to be received and reviewed by Planning and Zoning before the final plat is approved.

The developer was issued a Stop Work Order on June 4th because development was taking place before preliminary approval. The developer had started installing the road and had cleared paths down toward the shoreline on the riparian lots. The developer had also cleared a couple sites to prep the area for construction.

The applicant has received a NPDES/SDS General Stormwater Permit for Construction Activity from the MPCA.

Staff has viewed the site again with the DNR and SWCD. The applicant has followed his stop work order and has installed all of the required silt fencing and complied with the SWCD and MPCA requests regarding the wetland and stormwater management issues. The beginning of the road is next to a wetland and the concerns over this and any potential ditching along that area has been addressed by the SWCD and the Sand Hill Watershed. Other potential drainage issues have been addressed by the SWCD and the watershed and the applicant will need to follow the SWCD and watershed advice and permit guidelines.

The applicant submitted an application to start building a house on Lot 1, but staff feels that construction should not start until final plat approval.

Holte went over additional comments received after the matter was tabled from the previous June 27th meeting:

- 1.) Katie Engelmann, SWCD Wetland Coordinator, stated: The flow path on Lot 5 and Lot 12 should be indicated in the final plat. East Polk SWCD staff, MN DNR staff, and Zoning staff visited the site and confirmed wetland characteristics along the drainage flow path. This drainage path should be maintained/ installed under road/driveway to maintain flow. East Polk SWCD will contact Mr. Lund and WSN complete the addition. East Polk SWCD will need to quantify cumulative impacts to see if impacts will meet the de minimus exemption under the Wetland Conservation Act.
- 2.) Stephanie Klamm, DNR area Hydrologist, stated: After reviewing the preliminary plat and completing our site visit on June 10th and July 31st, I have the following comments to offer: Please refer to my first comment letter date June 20, 2014 for my preliminary comments on the 1st version of the preliminary plat.

There appears to be natural drainage ways that are under the risk of being diverted by the installation of the access road. These natural drainage ways need to have access to their natural flowages and will likely require the installation of culvert under the access road and under any driveways that are installed.

As mentioned in the letter dated June 20, 2014 the edge of this plat is very natural and we need to ensure that any work between the OHWL and the 100' setback does not impact the wetlands. The lot owners may be able to put out a boardwalk to reach the lake edge and placement of a dock. Mowing and other maintenance activities should not be allowed except to maintain a walking path to the lake. Sand beach blankets will not work for this area as there are some wetland areas above the OHW that are under the jurisdiction of the local Wetland Conservation Act. The WCA rules does not allow for "fill" in wetland areas, sand can be viewed as fill and therefore would not be allowed. (Complete copies of the Klamm's letter are on file at PCPZ.)

Staff recommends preliminary approval to Hideaway Cove First Addition with the following conditions:

1. The ordinary high water mark must be indicated on the plat.
2. The road must be built to township specs and verified by staff and the township. We will need documentation from the township that they agree to take the road over before final approval of the plat.
3. Covenant Restrictions and Association Agreements that are put on the plat must be reviewed and approved by the County before final approval of the plat. Covenant Restrictions **must** include: Restrictions on development along the shoreline, prohibiting any land alterations/rip-rap/sand blankets/fill within the delineated wetland areas. Discretion on whether restrictions on Lots 10-18 limiting residential development or guest cottages should be determined by the developer/planning commission.
4. The final plat must come back before the Planning Commission for review.
5. Silt fencing must remain along all wetland boundaries and along the shoreline of a lot until adequate vegetation is established.
6. Vegetation and land alterations on the proposed lots must follow all requirements of the PCZO.
7. No building permits shall be issued within the proposed plat area until Final Plat approval.
8. All East Polk SWCD, Sand Hill Watershed District, and MPCA guidelines and permit conditions must be followed while preparing the final plat.
9. 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.

Holte went over the maps and pictures taken at the site. Silt fencing has been installed around the shoreline and drainage ways, and along wetland boundaries along the shoreline and waters' edge.

Winkelmann asked if Mr. Lund was present at the meeting?

Monty Lund replied yes.

Powers asked about the condition with the covenants, who are they approved by?

Holte replied we review the covenants and approve them.

Gagner asked if all the lots are buildable for houses?

Lund replied the backlots are to go with the frontlots. A person could not buy the frontlot without the backlot or vice versa. That's why we have covenants on the lots as they are for storage structures only.

Gagner stated but they are buildable as two sewers are designated in each backlot.

Holte replied that they have enough area/frontage for homes or they can have storage sheds, and septic systems.

Dennis Bratvold stated that he was very against this plat before when they started doing work without any approval. I am just hear to make sure they now have all their ducks in a row.

Lund replied that he assures the board that they have everything under control.

Winkelmann stated that the board needs to decide what to do with the backlots.

Lund stated that the covenants already address the backlot issue.

Holte stated that the covenants state that the backlot and frontlot cannot be under separate ownership, not about what can be placed on them.

Bratvold stated that the shoreline looks to have wetlands all along it and that access seems very restrictive.

Holte replied that there cannot be clearing or any type of land alterations in that wetland area along the lakeshore.

Gagner asked if Rick Rock the head of the Union Lake Improvement District had any comments?

Rock stated there was a shock factor in all the work that was done without any preliminary approval. A lot of area landowners were concerned about how much work was completed without notice.

Gagner asked if they are deciding today on a preliminary or final basis?

Holte replied it is preliminary as the plat was tabled from a previous hearing on June 27th.

A neighbor asked how much fill will be brought in to counter act the wetness moving the roadway? He stated that the Township road adjacent to the plat often has to be rebuilt to accommodate spring runoff.

Holte replied that if the Township doesn't take the road over then a road association agreement must be in place to address issues with road maintenance.

Lund replied that a Township supervisor met him onsite to discuss Township specs for the road and no fill other than to establish the road will be brought in.

Philips asked if two parties purchased a frontlot together and the backlot that comes with all the frontlots. Could they build two cabins, one on the frontlot and one on the backlot.

Lund stated he has covenants that no guest house get put on the backlot only sheds or storage buildings. We will make sure not to allow two residences through covenants.

A neighbor stated you can issue permits to build structures but no land alteration permits will be issued?

Holte replied that the PCPZ cannot issue land alterations in known wetland areas.

The neighbor added that the landowners would need some type of access to the water possibly by boardwalk or docks.

Holte stated that is correct. No fill can be brought in wetland areas.

Melbye makes a motion to approve the plat with staff recommendations. Moe seconds the motion. All in favor. Motion carries, this will go before the County Board on August, 26 for preliminary approval.

OLD/ NEW BUISNESS

There was a tabled request for a possible campground on Ullands bay on Maple Lake and this applicant has withdrew his CUP request.

Next month we have two billboard replacement requests. One in Huntsville Township the other in Knute Township by Erskine. They will involve digital billboards.

Meeting Adjourned

11:15am