

Polk County  
Planning Commission  
October 3, 2014

Call to Order: 9:30 A.M.

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

Members Absent: Wayne Melbye and Osmund Moe.

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

Minutes: A motion was made to approve the minutes from August 22, 2014 by Powers. Second by Pulkrabek. All in favor.

**Public Hearing:      Conditional Use Permit      Premier Signs LLP      Parcel #40.00113.00**

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

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to replace a billboard sign with a 12' x 24' Digital Billboard on a parcel of land owned by Keith Driscoll Trust in the Industrial District.

Holte added the PCZO 16.3050 states: Advertising signs and billboards subject to the following:

16.3051 Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage.

16.3052 Such advertising structure may not contain more than two (2) signs per facing in total of no more than four (4) signs per structure.

16.3053 Advertising structures shall be limited to no more than fifty-five (55) feet in total length.

16.3054 Advertising structures shall not exceed thirty-five (35) feet in height above the average grade.

16.3055 No advertising sign shall be erected within fifty (50) feet of any other zoning district.

16.3056 No advertising sign shall be permitted within ten (10) feet of any road or highway right-of-way.

Holte went over the pertinent facts that the applicant has a Lease Agreement with the Keith Driscoll Trust. The property is approximately 108.12 acres. The proposed sign would be 12 x 24 ft and a height of 32 ft. It would be a V-Type billboard with a digital screen on the West Face and a Standard Billboard on the East Face. The digital face would have automatic dimming based on ambient light conditions. The display would flip no less than every 6 seconds per MNDOT regulations on Trunk Highways. The proposed sign would be located 300' west of an existing Newman structure. The applicant needs to receive a permit from the Minnesota Department of Transportation's permit office. Since the request is in Huntsville Township, the Township will also need to act on the billboard request before it goes to County Board for final approval.

Holte went over the maps and pictures on the proposed location of the sign.

Holte stated that no comments have been received on this matter.

Holte added that staff recommends approval of the CUP with the following conditions:

1. Applicant must receive and submit an Advertising Device Permit from the Minnesota Department of Transportation.
2. The sign shall not exceed 35 feet in height above the average grade.
3. The applicant must submit a copy of the lease agreement.
4. The applicant must get approval from Huntsville Township before final County Board approval.

Powers asked what the previous sign was in size.

Ryan Strem (Premier Signs) stated that the original sign was 12' x 48' and blew down in the storm we had in July. The new proposed sign is half that size and around the same height as the previous sign.

Gagner asked what the size of the proposed sign is.

Nick Aakhus (Premier Signs) stated that it would be 12' x 24' but would have a digital face on one side. They currently have a permit that has not expired through MNDOT.

Powers asked if the permit will cover the new sign through MNDOT.

Aakhus replied that the permit is still active and would cover the replacement of the sign.

Pulkrabek asked if there is a time limit if they expire.

Holte replied that the CUP would expire if not acted on within a year but once constructed it does not

expire.

Gagner asked if a billboard is not used for so long, do they have to be torn down.

Holte added if the conditions are not met then the CUP is void.

Strem stated it is their intension to construct the billboard yet this fall pending weather.

Pulkrabek asked what type of agreement they have with the landowner.

Strem replied they have a 15 year lease with the landowner as it is quite an investment to construct the sign so they need a longer lease to insure the \$140,000 investment is worth it. The demand for digital billboards is new but can serve to replace a lot of billboards/signs.

Aakhus added that the digital sign will visible driving East on Highway 2 and the standard sign be visible driving West on Highway 2.

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

This CUP will go before the County Board, after the Huntsville Township hearing, for final approval.

**Public Hearing:      Conditional Use Permit      Premier Signs LLP      Parcel#45.00030.00**

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 Conditional Use Permit (CUP) to locate a new lighted, double faced advertisement sign on a parcel of land owned by Jim Goss in the Commercial District.

Holte added that the PCZO 15.3060 states: Advertising signs and billboards subject to the following:

15.3061 Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage.

15.3062 Such advertising structure may not contain more than two (2) signs per facing in total of no more than four (4) signs per structure.

15.3063 Advertising structures shall be limited to no more than fifty-five (55) feet in total length.

15.3064 Advertising structures shall not exceed thirty-five (35) feet in height above the average grade.

15.3065 No advertising sign shall be erected within fifty (50) feet of any other zoning district.

15.3066 No advertising sign shall be permitted within ten (10) feet of any road or highway right-of-way.

Holte went over the pertinent facts that the applicant has received a Lease Agreement with Jim Goss. The property is approximately 4.72 acres. The proposed sign would be 14 x 48 ft and a height of 25 ft. The proposed sign would be located 345' east of another sign that was constructed in 2010. The sign will have a changeable message face on the front and back. It will be fully illuminated with indirect lighting. Applicant needs to receive a permit from the Minnesota Department of Transportation's permit office.

Holte added that no comments have been received on the request.

Holte went over the maps and pictures

Aakhus explained the location of the proposed sign from the pictures presented.

Holte added that staff recommends approval of the CUP with the following conditions:

1. Applicant must receive and submit an Advertising Device Permit from the Minnesota Department of Transportation.
2. The sign shall not exceed 35 feet in height above the average grade.
3. The applicant must submit a copy of the lease agreement.

Yell asked if the existing sign on the property located 300 feet away from the proposed sign will stay.

Aakhus answered yes it will stay there.

Pulkrabek asked who has jurisdiction on what is put on the sign.

Aakhus replied that MNDOT has rules that a sign cannot contain certain phrases, but it is also at our Discretion. We are not going to put our business on the line to advertise something that is in bad taste.

Pulkrabek asked if negative political signs could be put up.

Strem replied that they could be but that they have been doing this for 9 years and their reputation is on the line too as a business. They do not want negative publicity for their company.

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

This CUP will go before the County Board on Tuesday, October 7<sup>th</sup> for final approval.

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 Conditional Use Permit (CUP) to build a 1560 sq. ft. accessory structure on a riparian lot located less than 300 feet from the OHW in the Shoreland District on Lake Sarah.

The PCZO 18.2225 F states: A CUP is required for one single story accessory structure over 800 sq.ft on a riparian parcel, or for the placement of an additional single-story accessory structure on any riparian parcel where the total combined square footage of both accessory structures will exceed 800sq.ft. No more than two single-story accessory structures shall be permitted on any parcel. The Conditional Use Permit will be subject to the following criteria:

1. Vegetative screening will be required between the Ordinary High Water Mark (OHW) and the one story accessory structure(s). Screening must be to the satisfaction of the Polk County Planning and Zoning Office.
2. The maximum height of the one-story accessory structure(s) will be 15 feet.
3. The accessory structure(s) must meet the setback requirement for structures as defined in Section 18.2211 of the Polk County Zoning Ordinance. The string-test rule will be prohibited for determining the setback from the OHW.
4. The square footage of the riparian parcel will determine the maximum square footage or combined square footage of the one-story accessory structure(s). See chart below for maximum accessory structure square footage per riparian parcel square footage.

<u>Parcel size in sq. ft.</u>	<u>Max. acces. structure in sq.ft.</u>
0 – 20,000	800
20,000 – 30,000	1000
30,000 – 40,000	1200
40,000 and over	1600

5. Any additional requirements or restrictions that are deemed necessary to preserve the character of the area and to meet the intent of the Polk County Zoning Ordinance may be placed as a condition of the CUP.

Holte went over the pertinent facts that the applicant owns a riparian lot on Lake Sarah. The parcel is approximately 51,750 square feet. The applicant would like to build a 30’ x 52’, 1560 sq. ft. structure for storage. The applicant currently has two small sheds on the property. One is 10’ x 12’ (120 sq.’) and the other is 8’ x 12’ (96 sq.’) Staff will recommend that the applicant bring his property into compliance with the 2 accessory structure and size limit. The structure will meet all setbacks. We received a failing septic compliance inspection and the applicant will have two

years to upgrade the septic system. We will need to receive a new septic design and fees before we issue the building permit.

Holte stated that no comments have been received on this request.

Holte went over the pictures and maps of the area where the proposed structure is planned.

Holte added that staff recommends approval of the CUP with the following conditions:

The applicant will be required to comply with the two accessory structure limit and 1600 square foot accessory structure limit on this parcel by 10/7/2015. This shall include either:

1. Removing the two small storage sheds.
2. Removing one of the two small storage sheds and decreasing the size of the new building to meet the 1600 square foot requirement.

Gagner stated he has been to the property and that one shed needs to be removed for sure and the other should be removed as they aren't in very good condition. There is enough room to add a row of trees between the proposed shed and the road.

Winkelmann asked if the power lines would cause an issue for tree planting.

Gagner replied yes the power lines are in the location where trees would go but shrubs could be an option.

Pulkrabek asked if the camper in the pictures presented was on his site.

Holte replied that was on a neighboring lot and they can be parked on the site but need to maintain setbacks like accessory structures.

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

This CUP will go before the County Board on Tuesday, October 7<sup>th</sup> for final approval.

**Public Hearing: Final Plat Hideaway Cove Parcel #45.00228.00, #45.00229.00, and #45.00215.00**

Winkelmann read the notice of the hearing, reading the full legal description, 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.

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 eighteen (18) lots through subdivision.

PCZO Sect.18.2100 Minimum lot configuration standards in the Shoreland Overly District for a Recreational Development Lake shall be 40,000 square feet and 150' wide with 150' of road frontage. All lots meet this requirement; however the developer plans to restrict residential dwellings on Lots 10-18.

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 building and dedicating the road for public use and having the township take it over.

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 have been received within the proposed plat area.

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. The township will need to verify that the road is to specs and we will need to receive documentation from the township before final County Board Signature.

Holte added that the road was still to soft so the road needed to dry out before the Township can evaluate if they can take it over.

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 still need documentation that the road is built 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 has drafted covenants for this plat and they have been received and reviewed by Planning and Zoning. The applicant received a NPDES/SDS General Stormwater Permit for Construction Activity from the MPCA.

Holte added that 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. The road has been completed, but the township had concerns about assuming responsibility for the road before all of the soft spots harden up. The township is meeting later this month and will submit a letter to the County regarding the road.

Holte added that the developer will have this language in the covenants to limit back lot development. The language will state: "All ownership of the front and back lots shall remain titled in the same name as the landholder. The front and back lots cannot be subdivided. No separate residential dwelling will be allowed on lots 10-18. A separate guest house will be allowed on lots 10-18, but must be under the same ownership of the corresponding front lot. Guesthouses must also follow all zoning requirements for setbacks and septic systems as defined in the Polk County Zoning Ordinance."

Holte stated that we received one new comment from Stephanie Klamm, DNR area Hydrologist. Klamm stated: Thank you for sending the Hideaway Cove First Addition final plat for review. After reviewing the final plat, I have the following comments to offer: As mentioned in the letters dated June 20 and August 18, 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. Future development on these lots should be viewed with the stricter standards if they are proposing work in the shore impact zone. 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. The wetland areas identified on the preliminary plans are now showing the proper natural drainage ways on the final plat, it is important that these drainage ways are not diverted and that culverts are installed under the access road and driveways to insure that the wetlands and natural drainage ways are not impacted or flows are not diverted.

Holte stated that we have the East Polk SWCD approval letter and storm water permit from MDH on file at Polk County Planning & Zoning. Both of which were completed at the last hearing. Holte read through the covenants to be placed on the lots of the plat. They are all on file with Polk County Planning & Zoning.

Holte went over the maps and pictures from the site, showing the preliminary pictures and the current pictures.

From the preliminary plat the PCPZ staff recommended preliminary approval to Hideaway Cove First Addition with the following conditions:

- 1) The ordinary high water mark must be indicated on the plat. (COMPLETED)
- 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. (Road is built, will need official documentation from the township before final County Board approval)
- 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. (COMPLETED)

- 4) The final plat must come back before the Planning Commission for review. (COMPLETED)
- 5) Silt fencing must remain along all wetland boundaries and along the shoreline of a lot until adequate vegetation is established. (MUST BE FOLLOWED)
- 6) Vegetation and land alterations on the proposed lots must follow all requirements of the PCZO. (MUST BE FOLLOWED)
- 7) No building permits shall be issued within the proposed plat area until Final Plat approval. (MUST BE FOLLOWED)
- 8) All East Polk SWCD, Sand Hill Watershed District, and MPCA guidelines and permit conditions must be followed while preparing the final plat. (MUST BE FOLLOWED)
- 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. (COMPLETED)

Holte added that 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 declaration of covenants must be recorded with the plat.

Gagner asked if the County has an easement on the ditch connecting the two lakes if we need to have debris cleaned from the ditch?

Richard Rock stated that he believes they do have an easement on the ditch and Dan Wilkens of Sandhill Watershed District brought it up at the last Union Lake Improvement District (ULID) meeting. He stated that Dan Wilkens should have record of the easement.

Bratvold stated he believes the watershed has the documents on the easement.

Gagner stated that they need to know if they have the legal documents as the beavers are in there making quite a mess of the ditch.

Richard Rock asked if Monty Lund owned the portion of land by the culvert?

Lund replied that area is not a part of this plat, but he did not believe there was any easements on the property he owns.

Winkelmann asked if the watershed would have any record of the easement.

Gagner stated if there isn't an easement in writing then we don't have it.

Bratvold stated that he believes that it falls within the 33 feet of ROW the Township has to maintain the roadway.

Lund stated he owns a large chunk of the shoreline in that area but was unsure where the property line is on that side. He also stated that the beavers are doing a lot of work in that area.

Gagner stated that he thought there was to be no guest houses in the covenants from the previous meeting and now there is language that would allow them on the backlots.

Lund stated that it was brought up in the previous meeting by Arlet Philips that if a person owned a lot and wanted a guesthouse on it the previous covenants would not allow it. The new language is to allow a small cottage that a lot this size could have if they wanted it on the backlot.

Gagner asked what the guest house restrictions are in the ordinance.

Holte explained they can have 700 sq. ft. for guest houses and in the previous meetings there was no guidance given to Mr. Lund on how this issue would be resolved as I brought it up in the preliminary hearing.

Richard Rock stated that the Union Lake Sarah Improvement district has an issue with just addressing it in covenants as they are governed by the area landowners and not the County. He added that if the front and back lots are tied together than the County can enforce the lots for no more than one dwelling per front and back lot. People in the surrounding area want the County to restrict this as Sunset Shores has covenants and a manufactured home got permitted there.

Holte replied that covenants are enforced by neighboring property owners within the plat and not the County.

Diedrich asked what Mr. Rock's opinion is on guest cottages.

Richard Rock answered that the backlots were originally for storage buildings and they just don't want 18 new houses on the plat. He stated that if the County ties the front and back lots together than we can resolve the issue of multiple dwellings.

Lund stated that he agrees to a point as to the dwelling issue. It was not his intent to have multiple dwellings on these parcels but the County would not allow them to be tied together so his option was to do covenants.

Powers asked if the plat will have elected officers to control the covenants and strongly urges them to do so to enforce them correctly.

Lund stated he did not have plans to but does not oppose doing so.

Powers stated he is in a development with covenants and was the first president. He stated it is a lot of work and he strongly suggests that they set up a board to govern the plat.

Bratvold asked to see the shoreline picture again in the power point presentation. He stated that the wetlands the DNR is concerned about is along the shoreline, so that no fill can be brought in these areas.

Holte replied that there are wetland boundaries that extend onto these front lot properties and the County cannot issue alteration/ fill permits in known wetland areas.

Pulkrabek asked why is there language in the covenants now about guest houses on the backlots when before it was not going to be in there.

Holte replied that it was brought up in the previous meeting and no direction either way was given to Mr. Lund.

Lund stated that someone in the previous meeting brought it up about family going in on a lot together and placing one house on the front lot and one on the back lot.

Richard Rock stated that covenants can change, if all the landowners band together and say in a few years we will all sell our back lots then they can without question or approval.

Gagner stated that all the back lots are buildable as far as size.

Lund stated that it is not his intent to have the backlots under different ownership than the frontlots.

Diedrich asked if language could be added to the plat that addresses the separate ownership issue and guest house issue.

Winkelmann stated that we could tie the lots together in the plat.

Holte asked how they would add it to the plat.

Paradise stated that he received a notice in the mail about the County inspecting a structure for no guest house use. What is the rule on guest houses.

Holte replied that lot size determines if you are allowed a guest cottage and then held to 700 sq. ft. in size.

Philips stated that covenants can be changed to other uses from under the table handshakes.

Diedrich asked if we allow guest houses.

Hote explained that it is based on lot size and in this plat the back lots are big enough in size to have separate dwellings on them. Covenants that Mr. Lund has put in place are more restrictive than the ordinance.

Winkelmann stated that the biggest issue is that the front and back lots are divided and they meet specs to have dwellings on both.

Lund stated that they tried to have the same parcel numbers but the County didn't allow it. Sheds can be turned into living quarters pretty easily. He understands that we cannot restrict the plat totally through covenants but had to have something in place to control buildings. He added that things can change with property and change in ownership.

Philips stated that it is probably more likely that guest houses could be changed to year round uses rather than sheds turned into dwellings.

Gagner stated that guest houses are restricted to 700 sq. ft.

Lund stated that each owner has a vote regarding the plat so people have control of what is around them that's just the nature of the beast.

Gagner asked if we are determining final approval.

Winkelmann stated they need to deal with this issue about covenants.

Holte replied that they can add a paragraph to the plat with the restrictions on the backlots for guest houses.

Winkelmann asked Mr. Lund if that was agreeable.

Lund stated that he wants development restrictions and if adding plat language can make that easier to enforce than that is what he wants.

Gagner motions to approve with the conditions of the guest cottage language as stated in the covenants added to the final plat. Pulkrabek seconds the motion.

Powers asked if they were the 700 sq. ft. restrictions on the backlots.

Bratvold asked why they cannot just add the front and backlots together under one parcel.

Holte replied it is cleaner to have the front and backlot separate as they are separated by a road. It helps with calculating square footage, tax assessments, and having to be in the same name. It is just cleaner on the county end.

A vote was held. All in favor. Motion carries, the plat will go to the County Board on Tuesday, Oct. 7<sup>th</sup> for County Board review. Once the township acts on the road, the plat will be brought before the County Board for final approval and signature.

10:57 A.M. - Meeting Adjourned