

Polk County
Planning Commission
February 27, 2015

Call to Order: 9:00 A.M.

Members in Attendance: Donovan Wright, Robert Franks, Paul Jore, Courtney Pulkrabek, Wayne Melbye, Arlet Phillips, Dennis Yell, Mike Powers, and Warren Strandell.

Members Absent: Rolland Gagner

Also Present: Polk County Environmental Services' staff: Josh Holte & Aly Bergstrom

Holte initiated introductions from all present members of the Board of Adjustment and the Planning Commission. Paul Jore was introduced as the newest member of the Planning Commission following the resignation of Kerry Winkelmann.

The election of officers was held and a motion was made by Franks to nominate Powers for Chairman and that nominations cease. Second by Melbye. All in favor. Powers is the Chairman.

A motion was made by Powers to nominate Courtney Pulkrabek for Vice Chairman. Pulkrabek declined because he is not able to attend all hearings. A motion was made by Powers to nominate Dennis Yell for Vice Chairman. Yell declined because he is not able to attend all hearings. A motion was made by Powers to nominate Wayne Melbye for Vice Chairman. Second by Phillips. A motion was made by Franks to cease nominations. Second by Pulkrabek. All in favor. Melbye is the Vice Chairman.

Minutes: A motion was made to approve the Planning Commission minutes from December 12, 2014 by Franks. Second by Pulkrabek. All in favor.

Holte informed the members that Osmund Moe has resigned from the Board of Adjustment and Planning Commission due to health reasons. His seat will be replaced in the near future. Strandell indicated that he has someone in mind that may be interested. Pulkrabek also indicated that he knows of someone who may be interested.

Public Hearing: Conditional Use Permit Waun Vetter Parcel #70.00017.00

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

Holte stated that the applicant is requesting a Conditional Use Permit (CUP) to build a 20' x 60' (1200 sq. ft.) lean to addition onto an existing 30' x 60' (1800 sq. ft.) accessory structure on a 2.3 acre parcel of land, located within agricultural zoning district of Tynsid Township.

Holte went over the ordinance requirements. The Polk County Zoning Ordinance (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.

13.7001 Non-Agricultural Accessory structures:

- a. Accessory structures over 2,500 sq. ft. on parcels greater than two acres and less than five acres.
- b. Accessory structures over 4,000 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 a 2.3 acre parcel in the agricultural zoning district of Tynsid Township. A permit was issued to build a 30' x 60' storage building in 2012. The applicant also has a 14' x 24' shed on the property. Holte added that the addition is proposed to be 20' x 60', and will meet all zoning setbacks. With the proposed addition, the applicant would have 3,336 sq. feet of total accessory structure area on the property. Holte also stated that a permit was issued in 2012 for a new house and septic system on that property.

Holte then went over slides showing the applicant's CUP application, maps and pictures of the property.

Holte stated that no comments were received regarding this CUP request. Holte then stated that the Polk County Planning and Zoning staff recommend approval of this request.

Powers asked if there were any questions or discussion on this request. Hearing none, a motion was made by Pulkrabek to approve this request based on staff recommendations and no comments being received. Second by Phillips. All in favor.

Holte stated that this CUP will go before the Polk County Board on Tuesday, March 3rd for final approval.

Since there was a little time before the next hearing Holte went over the old/new business. Holte gave a brief update on the status of both Boundary Commissions. Holte noted that Boundary Commission #1 hit a snag in the Judicial Review process and an attorney representing a mortgagor of one of the properties might file an appeal. So we have to wait and see what happens with that.

Holte added that Boundary Commission #2 is still waiting on the Minnesota Department of Natural Resources to complete some items on their end before the plat moves forward, but it is going fine.

Holte also informed the Planning Commission that the Minnesota Legislature distributed \$10 million to counties throughout the state to aid in aquatic invasive species (AIS) efforts. Last year, Polk County received around \$25,000 and in 2015 and on Polk County will receive around \$55,000 to use toward AIS prevention. We are currently coming up with ideas to use this money effectively

and we will be establishing an AIS committee to oversee the funding and projects. Input from lakes associations and other groups will be welcomed and appreciated.

Holte mentioned that FEMA is currently in the process of updating the floodplain data. The Minnesota Department of Natural Resources will soon release a 90 day appeal comment period. Holte indicated that there are not too many issues with the new floodplain maps in Polk County, other than some possible errors within the Sandhill Watershed District, which are being looked at.

Holte stated that a Planned Unit Development by Maple Lake involving additional storage shed units might be coming up in the near future. Holte also noted there is an application from the Fosston Sportsman's Club for a new shooting range that will be on the agenda next month. The land is currently owned by the Fosston Snowmobile Club just east of Fosston. Holte also mentioned that he received a variance application from Christian Brothers Ford to construct a showroom addition closer to U.S. Highway 2 than what the Polk County Zoning Ordinance allows. This is to replace the showroom that was damaged by fire earlier this winter and it will be on the Board of Adjustment agenda for next month.

Public Hearing: PRELIMINARY/FINAL PLAT Beaver Bay Second Addition

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

Holte stated that this plat was originally heard last August and the applicant is coming back before the Planning Commission because he would like to add six additional lots to the plat before it is finalized.

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, #74.00763.02, #74.00069.00, #74.00069.01, #74.00069.02, #74.00752.01, #74.00752.00, #74.00750.00, and #74.00749.00. The proposed plat would encompass approximately 10.25 acres of land located in Section 18 and Section 7 of Woodside Township. Holte then went over the zoning ordinance requirements.

Holte continued with the pertinent facts. Holte noted that the plat is proposed to create one new residential lot (Lot 16). Holte added that the plat is proposed to create 12 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). Within the plat there are currently 8 lots that are 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, 20, 23, 24, 27 and 28 are the current established lots and will remain buildable for storage sheds or septic systems in accordance with PCZO.)

Holte continued that Lots 9, 10, 13, 21, 22, 25, 26 and 29 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, Lots 22 & 23, Lots 24 & 25,

Lots 26 & 27, Lots 28 & 29) 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, 21, 25, 26, and 29 which would need to be combined with their adjacent lot to be conforming as a backlot)

Holte stated that staff has received septic evaluations within the proposed plat area. Holte added that 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.) Holte also noted that 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 discussed the comments that were received before the August 22, 2014 hearing, regarding the original application:

- 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 stated that no new comments have been received regarding the revision of this plat. Holte then went over slides showing maps of the applicant's location, survey maps, and pictures of the area.

Holte then displayed the staff, Planning Commission, and County Board recommendations following the August 22, 2014 hearing. Holte noted that the Polk County Board gave the plat preliminary approval with the following conditions:

- 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. Staff must work with developer to develop screening restriction to be included in final plat. (Holte noted that items 1-6 above have all been incorporated into the development restriction language on this updated plat.)
- 7) Septic evaluations must be reviewed and approved by the County before final approval of the plat. (Holte noted that this has been completed.)
- 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. (Holte noted that this has been completed.)
- 9) Within six 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.

Updated Staff Recommendations: Holte stated that staff now recommends preliminary and final approval of the revised plat with the following conditions:

The applicant must include the following development restriction language in the final plat:

- 1) Vegetation may be removed on all lots within Beaver Bay Second Addition within ten (10) feet of the Road Right of Way. (Holte noted that this is intended for traffic safety.)
- 2) Existing vegetative screening must be maintained on all lots within Beaver Bay Second Addition between ten (10) feet to thirty (30) off of the Road Right of Way as follows:
 - a) At least 60% of the trees greater than four (4) inches in diameter as measured at a height of four (4) feet from the ground must be maintained for screening. (Holte mentioned that on a 75' wide lot that would allow for a 30' wide path for a driveway.)
- 3) All structures on Lots 2-5 of Beaver Bay Second Addition must not encroach on the building setback line as defined on the plat.
- 4) Lots 1-7, 14-15, and 17-19 will be conforming backlots for accessory structures and/or septic systems in accordance with the Polk County Zoning Ordinance (PCZO). No guesthouse uses or habitable space will be allowed on these lots.
- 5) Lot 16 will be a conforming residential lot.

- 6) Lots 8, 11, 12, 20, 23, 24, 27 and 28 will remain conforming for accessory structures and/or septic systems in accordance with the PCZO.
- 7) Lots 9, 10, 13, 21, 22, 25, 26 and 29 will be platted as non-conforming lots, unbuildable for accessory structures or septic systems unless combined with the adjacent lots noted above.
- 8) Lots must be intended for sale to the adjacent riparian lot owner.

Holte stated that the applicant has already included the above 8 conditions as a development restriction on the preliminary/final plat map. Holte noted that staff also recommends the following conditions when the applicant prepares the final plat:

- 1) If any covenants are put on the plat, they must be reviewed and approved by the County before final approval of the plat. (Holte stated that no covenants are being proposed.)
- 2) Septic evaluations must be reviewed and approved by the County before final approval of the plat. (Holte stated that this has been completed.)
- 3) 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. (Holte stated that this has been completed.)
- 4) 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.
- 5) 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.

Powers asked if there were any questions or comments.

Pulkrabek stated that it seems like there hasn't been many changes other than adding the additional lots compared to the original plat.

Jore requested clarification that the back lots associated with the plat are intended to be sold to the owners of the front lots. John Swanson (applicant) confirmed that is the intent.

Karen DeMarais (landowner along Elmer Hanson Dr SE) asked if lot 13 and 14 could be purchased together in order to make 14 a conforming lot. She also asked if someone purchased lot 13, could the owner of lot 14 sell an access easement to that person. Holte responded by saying that the language is not clearly defined. Although if it was sold it would not be buildable.

Swanson restated that the intent of the plat is for the back lots to be sold to the owners of the front lots.

Phillips asked if there would be an issue with camper storage on the newly platted lots. Holte stated that

he doesn't think it will be any more of an issue here than anywhere else on the lake. People are allowed to store one camper on a property.

Yell mentioned that in the Shalom Development, many of the back lots from that plat have not yet sold. Maybe there will not be as much interest in the back lots in this plat since a lot of the front lot owners only live there seasonally.

Powers asked Swanson if all of the front lots have been developed already. Swanson stated that they have all been developed, or are in the process of being developed.

Powers asked Swanson if any of the new back lots have been sold since the August 2014 hearing. Swanson said no, because he couldn't sell any yet. He stated that he has had a lot of requests to buy them though.

Powers asked Swanson if there are any covenants being proposed. Swanson stated only what is listed in the development restriction language on the plat.

Jore asked Swanson if lots 8, 11, and 12 were existing lots prior to this plat request. Swanson confirmed that they were and that it made sense to include them in this plat.

Bradley Betting (landowner along Elmer Hanson Dr SE) said he is concerned with the development restrictions listed in the plat. He stated that he doesn't want any new vegetative restrictions on his existing lot.

Swanson and Holte stated that the development restriction would not apply if vegetation has already been removed from an existing lot. Holte stated that the sixth item in the development restriction language addresses that, but additional clarification would be good to add to the plat language. Holte proposed that the following language be added to the end of item number 6 in the development restriction language: "and will not be bound by the vegetative screening restrictions in item #1 and item #2 described above."

Pulkrabek asked if the intent is for the owner of the front lot to purchase the back lot, why doesn't the wording get changed to require that landowner to purchase the newly platted back lot. Swanson stated if that was the case, the lots could be purchased for \$1 because there would be no competition.

Powers asked Holte if he was amending item six in the development restriction language on the plat. Holte stated yes, it would make sense and satisfies the concerns of the landowners.

Powers asked if there were any further comments.

Franks made a motion to approve the Beaver Bay Second Addition plat based on staff recommendations, and the addition of the amended language in item number six of the development restrictions. Second by Pulkrabek. All in favor. Motion carries.

Holte stated that this plat will go before the Polk County Board on Tuesday, March 3rd for final approval.

Swanson added that he tried to get the property lines on the back lots to line up as best as possible with the existing front lots. It was difficult to get them perfect, however, since there is a significant curve in the road.

Pulkrabek made a motion to adjourn the meeting at 10:05 A.M. Second by Yell. The next meeting is scheduled for March 27, 2015.