

Polk County
Planning Commission
July 26, 2013

Call to Order: 9:05 A.M.

Members in Attendance: Kerry Winkelmann, Donovan Wright, Rolland Gagner, Courtney Pulkrabek, Osmund Moe, Wayne Melbye, Dennis Yell, Robert Franks, Arlet Phillips, Craig Bunes and Mike Powers

Members Absent: None

Also Present: Polk County Environmental Services' staff: Josh Holte & Jacob Snyder; Huntsville Township staff; John Jeffrey, Arlet Phillips, & Tom Wald

Minutes: A motion was made to approve the minutes from June 28, 2013 by Powers. Second by Pulkrabek. All in favor.

Public Hearing: Conditional Use Permit Ben & Caryl Lester Parcel #40.00065.02

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

Holte announced to the Planning Commission that we are running the hearing as a joint meeting with Huntsville Township; (John Jeffrey, Thomas Wald, & Arlet Phillips). Huntsville Township called their hearing into order at this time.

Holte stated that the applicant is requesting to build a dirt dike on the west side of their house to protect themselves from the Red Lake River flooding potential. The dike was constructed this spring without obtaining a Conditional Use Permit. Holte added the Polk County Zoning Ordinance section 17.4380 States: Conditional Use: Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

Holte state that the applicants received a CUP last year to operate a Youth Ranch on the site. This spring we were informed of a dike being constructed on the property. A CUP was never applied for; therefore this is an After the Fact CUP. All material was taken from their property for construction of the dike. The applicants received a permit from the Red Lake Watershed for the construction of the dike. The work was surveyed and given the "okay" from the Minnesota Department of Natural Resources Floodplain Manager. The work was done within the Shoreland

District and the Floodplain District. The applicants had a septic compliance inspection done and they will need to upgrade their septic system before July 8, 2015. This work will have no impact to other properties on the Red Lake River. An existing auto repair shop is located on the property and needs to obtain a Commercial Land Use/Zoning permit.

Holte stated that several comments were made regarding the CUP.

Stephanie Klamm, (Area Hydrologist, DNR) stated: I have reviewed the Lester CUP for the July 26, 2013 meeting. As we have discussed in the past, if the Lester's dike does not impact the downstream portions of the Red River (which was determined that it didn't) they are okay with keeping the dike at the alignment and placement that they currently have it. Also, as discussed on site with the Lester's during our May meeting, they should leave as many of the willows and trees along the banks to help hold the banks in place and also vegetate the excavated area and dike as soon as possible to lessen the chances of erosion or gullies forming in and around the dike. We also discussed the need for an outlet going through the dike to insure that they are not holding back water against the house.

Ceil Strauss, (Floodplain Manager, DNR) stated: DNR staff evaluated the impacts of the Lester property dike on the Red Lake River just outside of East Grand Forks (Section 8, Huntsville Township). Our staff used the survey information for the dike that was provided on April 15, 2013. The modeling did not show any increase in flood stage due to the dike. This is mainly due a relatively high area on a bend in the river that causes the area where the dike was constructed to be an ineffective flow area. So based on the modeling, it will be acceptable for them to keep the dike if they go through the after-the-fact conditional use process. The dike cannot be extended anywhere in the floodway without an updated evaluation of the impacts on the 1% annual change flood stage.

Holte continued to go over pictures of the property in relation to the dike constructed. He went over before and after photos of the dike. He noted that there was thick cover of vegetation established in the excavated area for the construction of the dike.

John Jeffrey (Huntsville Township) asked Holte how the septic system failed the compliance inspection?

Holte replied it failed to meet the soil separation requirements from the seasonally high water table or the soils limiting layer.

John Jeffrey asked if the septic upgrade included it being converted into a mound septic system?

Holte replied he thought it was to be pumped upslope to shallow trenches.

Thomas Wald (Huntsville Township) asked when the Red Lake Watershed District approved the dike?

Holte replied in the fall of 2012 they got approval from the Watershed District.

Huntsville Township voted All-in-favor to grant the CUP on the Township level. Then they adjourned their meeting.

Powers asked how high in elevation was the dike constructed?

Holte replied it was surveyed and “okayed” by the DNR/ Watershed District to an appropriate elevation. The contractors’ picture document of the survey for the dike was brought back up in the slideshow.

Dennis Yell asked if the dike will help runoff on the site?

Holte replied no that the dike was just constructed around the house the surface water running off the parking areas won’t be buffered by the dike.

Pulkrabek asked if the structure was flooded in the 1997 flood?

Powers replied it was flooded through the walkout basement in 1997 and nearly the entire lowest floor was under water.

Powers made a motion to recommend approval to the Polk County Board of Commissioners with staff conditions:

- 1) Applicants must submit a septic design and apply for a septic permit before September 1, 2013. The updated septic system must be installed before July 8, 2015.
- 2) Applicants must maintain and establish adequate vegetation on new dike and the excavated areas towards the Red Lake River.
- 3) Applicants cannot do any alterations to the dike without prior approval from Polk County Planning and Zoning.

Second by Pulkrabek. All in favor.

This will be brought before the PC Board of Commissioners on August 6, 2013 at 11:00 a.m. for final approval.

Winkelmann adjourned the meeting. Next meeting is August 23, 2013.