

Polk County
Planning Commission
February 25, 2022

Call to Order: 9:02 A.M.

Members in Attendance - Mike Powers, Paul Jore, Len Vonasek, Don Cavalier, Tom Noah and Joan Lee

Members Absent: Mike Schulz, Arlet Phillips and Rolland Gagner.

Also Present: Polk County Environmental Services' staff: Jacob Snyder and Michelle Erdmann.

Minutes: A motion was made to approve the Planning Commission minutes from December 3, 2021 meeting by Jore. Second by Vonasek. All in favor.

Election of Officers:

Chairman – Jore nominated Powers.

Powers called three times for any other nominations. None were made

All voted in favor of Powers for Chairman

Vice-Chairman – Powers nominated Gagner

Vonasek nominated Noah

Noah nominated Schulz

Powers called for more nominations. None were made

Vote – all in favor of Gagner – Noah, Powers, Lee, Cavalier

Gagner is Vice-Chairman

Public Hearing: CUP – Alan & Corina Pietruszewski Parcel #74.00417.00

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

Snyder then stated that the applicant is requesting a Conditional Use Permit (CUP) to hook a new septic holding tank to a new accessory structure on a non-riparian lot on Maple Lake.

Ordinance requirements for this request are found in PCZO Section 18.2225 E.

Snyder said the applicant owns a non-riparian lot on Maple Lake. The total parcel (frontlot and backlot) size is 100' x 204' and 100' x 249', totaling approximately 46,650 sq ft in size. The applicants are proposing to have a bathroom in the new proposed (40' x 60') shed and noted on the application that the structure will be a shed with a bathroom. The applicant would like to

connect a new septic system to the accessory structure, and or office has not received the septic design for the proposed septic holding tank.

Snyder stated that the existing house's septic system will be required to get a septic compliance inspection as the septic system hasn't been checked in the prior three years. Our office did receive a septic compliance on September 10, 2018, but three plus years have passed from the prior compliance inspection. The existing impervious coverage factoring in the proposed new accessory building and the existing impervious surface on the parcel is approximately 21% coverage. Stormwater rules state that 25% impervious or under is allowed on any parcel. The applicant will be required to complete and record a no-guesthouse waiver before the building permit is issued. This will be addressed conditionally if the CUP is approved.

Snyder said comments were received from:

1. Stephanie Klamm, DNR Area Hydrologist stated that the primary reason for shoreland controls is to protect water quality by retaining vegetation and riparian habitat. Shore land regulations seek to minimize erosion and sedimentation into public waters by limiting density and impervious surfaces. The existing impervious coverage is approximately 15%. The property owner should consider practices that slow down runoff on this parcel to protect water quality of the lake and bay of Maple Lake. She adds if the County approves this application, the DNR would recommend the following conditions:

1. No living/sleeping quarters or kitchen facilities shall be added to the accessory structure in the future.
 2. Future buildings on the parcel meet all setbacks, height restrictions and impervious surface coverage of 25%, this may mean that future projects only allow pervious pavers.
 3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirements. This shall include sidewalks, patios, pavers, etc.
 4. All future structures and associated septic systems do not block or change natural drainage way on the above-mentioned parcel.
 5. The backlot has an additional location for another septic system if the existing one shall fail or not meet future septic compliance
2. Maple Lake Improvement District has no issues with the proposed request.

Snyder then went over slides showing the application, location map, site map and site photos. Snyder said staff recommends approval of the CUP with the following conditions:

1. No guesthouse uses – applicant shall have furnished evidence of having recorded the signed guest house waiver with the property deed before the building permit is issued.
2. The Planning & Zoning office must receive/approve a septic design for the proposed septic system and septic compliance on the existing septic system prior to issuing the land use permit.
3. No future development shall be allowed on the lot that would exceed the 25% impervious surface requirement. This shall include sidewalks, patios, pavers, etc.

two (2) residential lots and one (1) outlot from the existing parcels #28.00166.00 and #28.00169.00.

Ordinance requirements for this request are found in PCZO Sections 22.0200, 13.8100, 13.8300, 21.4132, 22.2731, 22.2732, 22.2733 and 22.2721.

Snyder said the existing parcels currently encompass approximately 33.5 acres of land located in Section 21 of Garfield Township. The applicant is looking at creating 2 buildable residential parcels and one outlot. Both lots are in the agricultural, shoreland and floodplain zoning districts. The outlot is for a parking area to access the remaining property east of the planned plat that is not in the plat. Both the outlot and the remaining parcel will be non-conforming and non-buildable parcels which will be addressed via development restrictions on the plat.

Snyder stated that the existing adjacent public roadway was taken over by Garfield Township which has already granted the developer access into the prior 2nd Addition. The applicant proposes to develop a private drive from the township cul-da-sac utilizing an outlot designed for a roadway in the prior plat. The applicant has been advised that the private roadway must be built to township specifications and requires a roadway maintenance agreement to be recorded with the final plat. If the developer disturbs more than 1 acre of property, the developer must secure an NPDES/SWPPP permit from the MPCA. Private roadway construction is not anticipated to disturb more than 1 acre of property. The applicant shall still control runoff from road construction activity to ensure it doesn't enter the Sand Hill River, this will be addressed conditionally.

Snyder said sites developed around this plat are well drained and have standard in ground septic systems. Before a final plat is approved, staff will need to receive septic soil evaluations from a licensed septic professional for the proposed lots. These were received yesterday afternoon and look good.

Snyder stated there is very little wetlands in the platted area, most are located along the river bottom area to the north of the plat. The platted area has been delineated for the wetlands located in this proposed plat. Setbacks don't allow any buildings or septic systems near the delineated wetland areas. Our office has received a notice of decision from the East Polk SWCD stating that this project is considered a no-Loss A, which anticipates wetlands will not be impacted.

Snyder said that Floodplain areas are identified on the plat and there are building areas outside the 100-year floodplain. The applicant started the LOMA process with FEMA that would remove areas that were incorrectly mapped on the effective FEMA floodplain map from 1983. Sites all meet the applicable sizes/widths and other standards in the Polk County Zoning Ordinance requirements for "buildable" parcels. The preliminary LOMA survey suggests both sites have buildable areas without needing to bring in significant fill to construct them to floodplain regulations (RFPE standards). Staff have viewed the lots and feel that both parcels would be developable and would have adequate room for 2 standard septic systems as is required by the PCZO.

Snyder stated comments were received from-

1. Rachel Klein, East Polk SWCD, stated that the plat has very low chance of being hydric based on the National Wetland Inventory and soil maps. She added that she does not have any wetland concerns in the area that is to be platted.
2. Stephanie Klamm, DNR Area Hydrologist, stated via email there is a DNR protected watercourse, Sand Hill River on the north side of the plat. For all watercourses, the Ordinary High-Water Level (OHWL) is considered the top of the bank. Please show the top of the bank elevation on the final plat. Please be aware that activities affecting the Sand Hill River below the OHWL (top of the bank) may require a DNR permit and setbacks for buildings are measured from the top of bank not the height of the water in the river. Individuals who purchase the riparian lots should be informed that the DNR has jurisdiction over the Sand Hill River below the OHWL and may require permits for work that is done in the river or on the banks below the OHWL elevation. She adds that this plat also has a portion of the lots that are currently in the floodplain. Please show the floodplain base elevation (BFE) and the contour elevation of the floodplain on the plat this might be easier to identify if it was a different colored line. Polk County is currently in the process of updating their floodplain maps, please use the best available data for the base flood elevation on the parcels. When the new maps are finalized, it may show portions of the lots are out of the floodplain, this may mean that the property owners will have to apply for a LOMA. DNR is aware that the LOMA process has already started, please keep us informed when that comes through. All lots within the floodplain district must have buildings at or above the Regulatory Floodplain Protection Elevation (RFPE) and all access roads should be designed no lower than two feet below the RFPE. Individuals who purchase the lots should be informed of the floodplain rules and regulations for the State and County.

The following comments are general and apply to all proposed developments; If construction involves dewatering more than 10,000 gallons per day or 1 million per year, a DNR water appropriation permit is needed. If construction activities disturb one acre of land or more the contractor must apply for a storm water permit from the MPCA.

Snyder then went over slides showing the application, location maps – pointing out the 2 portions of each parcel that will remain and that Snyder will be listing as a condition that those two remainder parcels be added together, floodplain map from 1983, survey and LOMA papers and site photos.

Snyder said staff recommends approval of the preliminary plat with the following recommendations:

1. Access to the proposed platted lots must be granted by the Road Authority, this is Garfield Township.
2. Roadways must be constructed to Township specifications and approved by the road authority. Private roadways must be served by a road agreement and recorded with the deed of each lot with frontage on the private road. The roadway agreement must be recorded with the final plat.

3. The final plat must contain the Ordinary High-Water Level for the Sand Hill River as well as the 100-year floodplain contours clearly visible and the Base Flood Elevation indicated on the final map.
4. Septic system soils evaluations must be submitted prior to final plat approval.
5. If the developer disturbs more than 1 acre of property, the developer must secure a NPDES/SWPPP permit from the MPCA. Any land disturbance on slopes shall require erosion control so no runoff enters the Sand Hill River.
6. Any covenants and/or association agreements that are put on the plat must be reviewed by the County before final approval of the plat.
7. The remainder of parcel #28.00166.00 and #28.100169.00 shall be combined as to limit the amount of nonconforming properties “leftover” from this plat.
8. Plat Development Restrictions must include language that states that “outlot A and remainder of existing parcel #28.00166.00 and #28.00169.00 are nonconforming parcels so structures cannot be permitted on these properties.” The intent of outlot A is to allow for parking to access the remaining parcel left out of the plat.
9. Plat Development Restrictions must include language that states “the proposed buildable lots within the plat shall contain a building site at or above the Regulator Flood Protection Elevation in accordance with parts 17.0000 to 17.9034 of the Polk County Zoning Ordinance. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.”
10. No building permits shall be issued within the proposed plat until Final Plat approval. As well as no property within the platted area shall be sold before the Final Plat is Recorded.
11. 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.

Powers asked if the covenants/agreements for this plat are similar to the 2nd addition plat? Swenby said yes, they are. Snyder said the Board needs to decide if they want to process this as preliminary or preliminary/final to the County Board. Jore said he feels it should go as preliminary/final.

Cavalier made a motion to recommend approval of the preliminary/final plat with staff conditions. Jore Second the motion.

Discussion: Vonasek said he feels it is easy enough to bring it back for final and should go as a preliminary plat. Erdmann said it would all be in the timing in regard to the deadlines for the meeting. Snyder said either way I am fine with, but the PC needs to decide how to proceed. Lee said County Board could send it back if they see issues, so even if this is done as preliminary/final today it does not mean they can't send it back. Snyder then explained the 6-month deadline to Noah.

Vote – Ayes: All
Nays: None
Motion carries.

Old/New Business:

Snyder mentioned to the group that next month he will be presenting a request to extend the deadline for action on a CUP that was approved in 2020. Looking for an extension to get the permit work started and not go through the CUP process again.

Next meeting is set for March 25, 2022. Meeting adjourned.