

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Via Electronic Means/Teleconference
August 5, 2021**

CALL TO ORDER

Chair Azman called the meeting of August 5, 2021, to order at 7:03 p.m. This is a rescheduled meeting from July 29th due to the lack of quorum.

Pursuant to Minnesota Statute 13D.021, the meeting was conducted with all attendees and Commissioners participating via Zoom.

ROLL CALL

Present via electronic means: Chair Mark Azman, Commissioners, David Cremons, Nick Sandell, Grover Sayre III, Joyce Yoshimura-Rank (joined at 7:20 p.m.).

Absent: Stig Hauge, Anne Conroy

Staff Present: Administrator Kevin Kress, City Engineer Tim Korby, City Attorney Jim Thomson, Council Liaison Jim Hara

A quorum was declared present.

PLEDGE OF ALLEGIANCE

Chair Azman led the Pledge of Allegiance.

CITIZEN COMMENTS

There were no citizen comments.

APPROVAL OF AGENDA

Chair Azman asked to switch item 7c for the 12 Swallow Septic Variance, up to 7a to be presented as the first agenda item.

MOTION by Cremons, seconded by Sandell, to approve the amended agenda. Motion carried unanimously by roll call.

APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of June 24, 2021 Planning Commission Meeting Minutes

Chair Azman mentioned Commissioner Rank suggested clarification regarding her comments related to clear cutting and the NOHOA tree policy – however this detail was not specified in the minutes so no changes were required.

MOTION by Sayre, seconded by Cremons to approve the previous months minutes. Motion carried unanimously by roll call, with exception of Commissioner Sandell who abstained as he was not present at that meeting.

BUSINESS ACTION ITEMS

a. Discussion and possible action on Septic Variance application 21-10 for 12 Swallow Lane

Attorney Thomson provided an overview of the Variance process. A variance is a request to do something with a property that is not generally allowed unless can meet certain criteria. Applicant must show practical difficulties with the land in question. Per City code and state law: 1) use the property in reasonable manner that is otherwise allowed by normal controls 2) the landowners must show difficulty is unique to property and not economic 3) the situation is not created by the landowner and 4) the variance granted would not alter the character of the locality.

Septic Inspector Brian Humpal provided a staff report. Applicant is requesting construction of a sub-surface sewage treatment system (SSTS) to within the required thirty (30) foot north property line setback, which would encroach four (4) feet into the required thirty (30) foot north property line setback, a variance for the future SSTS to encroach thirty (30) feet into the required thirty (30) foot north property line setback, and a variance of 4,400 square feet from the required 5,000 square foot areas for both the primary and future SSTS's

This property had been previously developed and the re-construction of the house will be in the same vicinity as the existing house. The area available for the installation of a replacement and future system is severely limited due to water supply wells, structures, impervious areas, steep slopes, drainage ways, and property lines. This area appears to be the only viable location for the primary and future SSTS's.

Based on the review, City Staff recommended approval of the requested Conditional Use Permit subject to the following conditions:

1. Completion of the SSTS installation shall occur by December 31, 2020.
 2. Primary and future SSTS's to be located per the design dated July 24, 2021 by Steve Schirmers.
- Commissioner Cremons asked for clarification on the setback request. Inspector Humpal stated the applicant is asking for a variance total of 600 feet to each property line setback for a total of 1,200 sq. feet. The requirement to have two 5,000 square foot septic fields is to allow room for standard septic system. The soil conditions in this project were ideal for a Type 4 system with a smaller footprint. The site itself has significant slope without many other options.
 - Cremons asked if there is an alternative to the secondary system setback to the neighbor. Humpal clarified that the 30-foot setback goes up to the road easement, not a neighbor. Cremons ask if fill could be brought in as options that may allow a more conventional approach. Humpal indicated that you need undisturbed soil, and the amount of fill brought in on a slope such as this would be excessive and he wouldn't have confidence it would perform.

- Y-Rank asked if possible to reuse the existing system site. Humpal mentioned it may be possible when a secondary site is needed they could possibly reuse the initial primary location. If needed for secondary site in 30 year – they could come back for to ask for permission to use the variance area in the 30-foot setback.
- Azman asked the total amount of land is typically used for trench system. Humpal mentioned it depending on the site-specific circumstances and type system used. Generally, 5,000 square feet is more than what is needed for an average system.
- Azman noted the drainfield planned requires 600 square feet. Humpal confirmed the tanks are planned for south and west of the proposed drainfield and would be pumped up to the drainfield. The tanks do not need a variance.
- Humpal indicated that 600 square feet is a very common drainfield size. The primary and future systems would be up against each other. Humpal stated that the tanks can be reused in the same spot.
- Chair Azman asked to confirm there is no other possible options for septic drainfield. Humpal stated that is correct due to the slope and the approval of this project will remove the current cesspool on the property.
- Humpal noted the reconstruction on the house triggers the requirement to have both a new primary and secondary septic site. If the reconstruction was not taking place, they would still need a variance to put in a septic system to replace the cesspool.
- Sandell asked if 600 square feet is acceptable, is the current City code of two 5,000 square feet sites excessive. Humpal stated a mound system take about 3,000 sq. feet but with tanks and lines and it can get more than that. Some communities require not a square foot number, but must allow enough room for two 3,000 square Type 1 systems. The 10,000 square feet give additional flexibility to a septic designer. A type 4 system reduces the footprint needed.
- Humpal stated this system has 3 tanks (one of them is separated into two compartments) and confirmed they do regular inspections as put in, then a compliance inspection once it is completed. Generally, the old tanks are pumped out and collapsed and filled in. The applicant must submit a tank abandonment completion form.
- City Engineer Korby stated their firm's septic designer did review this application. Based on the application request and lot restrictions they agree with the recommendation by Inspector Humpal. They would rather see the drain field in the flat surface and conditions are right for this.

- Matt of Streeter Homes, on behalf of the applicant stated they have worked closely with Steve Schirmer to design the site, and have confidence in Streeter Builder to execute it correctly.
- Joe Crowley from Streeter Custom Homes stated the Type 4 system are held to higher standard of monitoring with a cleaner output.

MOTION by Cremons, seconded by Yoshimura-Rank, to approve the Septic Variance application #21-9 for 12 Swallow Lane with conditions as listed by City Staff. Motion carried unanimously by roll call.

Chair Azman noted that the recommendation will go before the Council at their next meeting on August 12, 2021.

b. Public Hearing Conditional Use Permit for 12 Cherrywood Circle – CUP #21-10 for Fill Grading and garage space of 1,500. Discussion and possible action.

Chair Azman called the Public meeting to order at 7:44 p.m. to review the application for garage space in excess of 1,500 square feet and fill for grading.

Administrator Kress provided a high-level review of the application for garage space in excess of 1,500 square feet, with total 1,627 square feet requested. The second request is to bring in fill to complete a gap on the property.

City Engineer Korby recommends approval of the fill request as the fill will complete a low spot on the site and be beneficial to the grading at that location. He has walked the site, and found the fill request at this location will be an improvement to the drainage of the location, and does not impact the surrounding areas.

- Chair Azman asked the applicant Michael Hara to confirm that the garage will only be used for personal use for woodworking and not a commercial operation. Mr. Hara confirmed this to be true. He also noted the plans reflect the current septic location and driveway location.
- Mr. Hara noted the auxiliary building on the plans is a separate space, but this is not part of the current construction and building permit. Hara stated the auxiliary building would be reviewed in the future and plans submitted for review at that time.
- Commissioner Kress asked about insulation on the woodworking shop. It will be a 2 x 6 wall with full insulation, with a stone wall on top of that. This full 5-inch-thick rock wall should provide sufficient insulation from noise pollution.

MOTION by Sayre, seconded by Cremons, to open the public hearing/public comment portion at 7:53 p.m. Motion carried unanimously by roll call.

There were no public comments in person or submitted to Administrator Kress by the public or NOHOA.

MOTION by Yoshimura-Rank, seconded by Sandell, to close the public hearing/public comment time at 7:56 p.m. Motion carried unanimously by roll call.

There were no further comments by Commissioners.

MOTION by Yoshimura-Rank, seconded by Sayre to approve Conditional Use Permit application #21-10 for 12 Cherrywood Circle for excess garage space and fill in excess of 100 cubic yards with conditions as listed by City Staff. Motion carried unanimously by roll call.

Chair Azman noted for the applicant, this recommendation for approval will be presented the City Council at the August 12th meeting.

c. Public Hearing Conditional Use Permit for 2 Lost Rock – CUP #21-8 for Fill in excess of 100 cubic yards. Discussion and possible action on CUP.

Chair Azman called to order the public hearing at 8:00 p.m. for the Conditional Use Permit for fill in excess of 100 cubic yards. Administrator Kress stated that notices have been sent to neighbors.

Administrator Kress provided a staff report in the packet. Staff worked with Streeter Construction on the site build out and there is one area that requires excess fill. Instructions were given to builder to go forward with the home, while the fill request is reviewed for the backside of home. City Engineer Korby recommended approval and felt it was justified. The fill is to be used for the basement.

Azman indicated that the prior owner had altered land to accommodate walk out. The new home will be filling back in this area to become a standard basement. Korby confirmed there is no adverse effects on the lakeshore or to neighbors. He feels it preserves the site.

Applicant Joe Crowley from Streeter home stated there is an existing retaining wall, and they are just continuing this elevation.

MOTION by Sandell, seconded by Yoshimura-Rank, to open the public hearing/public comment portion at 8:05 p.m. Motion carried unanimously by roll call.

There were no public comments.

MOTION by Yoshimura-Rank, seconded by Sayre, to close the public hearing/public comment time at 8:07 p.m. Motion carried unanimously by roll call.

Chair Azman noted the request to restore the land seemed reasonable and responsible construction.

MOTION by Cremons, seconded by Yoshimura-Rank to approve the Conditional Use permit application #21-8 for 2 Lost Rock Lane with conditions as listed by City Staff. Motion carried unanimously by roll call.

COMMISSIONER REPORTS

- Council Liaison Hara noted during their visits to the Night to Unite event there was great concern about the pathway to get to the Chippewa Middle School, which has been closed by the private owners. Cremons noted this is not a dedicated easement; however, the former owners had allowed kids to access this path to the school for the last 30 years. With school starting soon this was a great concern for parents. Hara noted that it is not an official path and is on private property. NOHOA would need to be involved to possibly gain agreement for a 5-foot fenced path.
- Sayre wondered if City could use eminent domain to gain access to serve the public. Attorney Thomson noted since trails are under NOHOA, this could be a factor.
- Chair Azman asked if Administrator Kress could work with NOHOA and Council to see if there is an option. Engineer Corby stated they would be willing to take a look at possible options for a new path, and there may be grant options available for Safe roads to school initiatives.
- Cremons stated that this was the largest concern they heard about and encouraged negotiation with the owners to see about acquiring a 10-foot easement.
- Sayre mentioned the need to confirm that the School District and NOHOA is onboard with a trail.
- Chair Azman would be in support of our engineer taking a quick look to even see if there are options. Administrative Kress and Council to take the lead, with Planning Commission offering assistance as needed.

Chair Azman noted that the next meeting of the Planning Commission will be on August 26, 2021.

ADJOURN

MOTION by Yoshimura-Rank, seconded by Sandell, to adjourn the Planning Commission meeting at 8:23 p.m. Motion carried unanimously by roll call.

Kevin Kress
Kevin Kress, City Administrator

Mark Azman
Mark Azman, Chair

Date approved 9/30/2021