

**MINUTES  
PEQUOT LAKES PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 18, 2007**

PRESENT: Tom Woog, Tom Adams, Bill Habein, Mark Hallan, Scott Pederson and Dean Williams. ABSENT: John Derksen and Roger Varilek.

CITY PLANNER: Charles Marohn, PE.

ZONING ADMINISTRATOR: Dawn Bittner.

CITY COUNCIL LIAISONS: Craig Nagel and Tom Ryan.

The meeting was called to order by Chairman Woog.

**APPLICANT: A. Scott Pederson  
Applicant requests Final Plat of Nordenstua on Sibley.**

Mr. Pederson recused himself from the Planning Commission. Mr. Marohn explained the Staff Report. Zoning Administrator neglected to insert copies of the Final Plat and Association Documents in the Planning Commission packets. She passed out the copies of the Final Plat. Mr. Williams requested the Association Documents from the file and reviewed them. Mr. Marohn stated that the title work is satisfactory to the City Attorney, but there is still information missing in the Declaration. Staff also stated that the City Attorney has not reviewed the Articles of Incorporation.

Mr. Pederson stated that Lot 1 is excluded from the Association. Mr. Marohn stated there are no changes from the Preliminary Plat and that Lot 16 will need to be rezoned to Open Space. Mr. Pederson was advised that Park Dedication is determined by the City Council.

Mr. Hallan stated that Mr. Pederson had not submitted the Preliminary Plat to the Department of Health for the water supply. Fifteen units is the threshold to become a public water supply system. Mr. Pederson stated there were extenuating circumstances for Lot 1 being included in the Plat. Lot 1 is a correction to the title and not part of the plat making this under the threshold.

Mr. Williams stated the Association Documents were satisfactory to him.

A motion was made by Dean Williams, seconded by Tom Adams, to approve the Final Plat of Nordenstua on Sibley, based on the following Findings of Fact:

1. The City Attorney has reviewed the documents provided. Mr. Sandelin has concerns regarding the status of the plat, whether it is being done as a Common Interest Community or not. He has also requested some additional information, including,
  - a. Current title work,
  - b. Homeowners Association Documents,
  - c. Copies of exhibits to be attached to the declaration.

The title work has been provided and is being reviewed by Mr. Sandelin.

2. There are no lights to be placed within the shore impact zone, therefore a lighting plan is not required.
3. The applicant has submitted a stormwater pollution and prevention plan to the City Engineer for review. Engineer Mike Rude has provided comments, including the following recommendations:
  - a. While the plan sheets address sediment tracking, including inspection for and removal of the same, we would suggest adding rock construction entrances to the BMP's shown on sheet 1 of 2.
  - b. From the plan view on sheet 1 of 2 and the impervious calculations table on the same page, it appears that 3 separate paved walking trails are proposed. One of these is proposed in close proximity to Sibley Lake. Presuming that this location is allowed under applicable State and City ordinances, we would suggest some type of perimeter sediment control, at a minimum, be shown for this trail.
  - c. At such time as the owner and/or contractor have identified personnel that will be responsible for SWPPP implementation, contact information for these people should be provided to the City of Pequot Lakes.

The applicant has amended the SWPP plan to add the suggested rock construction entrances and also to remove the walking trail in close proximity to Sibley Lake.

4. The applicant has submitted sewage treatment design information to the City Engineer. The Engineer has reviewed the design and provided the following comments:
  - a. The flow determination for Phase 1 design was based on 300 gallons per day (gpd) per 2-BR dwelling. Phases 2 and 3 were based on 450 gpd per 3-BR dwelling. The City should note the difference for these phases and be aware of the floor plans for the units when building permits are issued.
  - b. Phases 1 and 3 are proposed as pressure trenches, while Phase 2 is proposed as gravity distribution. Phase 2 treatment field is very close to (if not at) the edge of bluff as shown in the drawings submitted. The setback required between a building structure and a treatment area is 20 feet. If this system can be moved away from the edge of bluff at all, this would minimize the potential for surfacing at this bluff location. The City may also consider allowing the building setback from Unit 10 to be reduced as warranted by site conditions, but no less than a 10 foot setback is recommended.
  - c. The primary and secondary treatment areas should be protected from compaction due to construction activities, and after construction by

fencing or other means as approved by the City. Trails should not be constructed over the treatment areas.

- d. The City may wish to require a copy of the sewage pumping contract between the association and their pumper/maintenance contractor, and maintenance records on an annual or bi-annual basis.
- e. All piping/collection systems must meet the requirements of the Minnesota Plumbing Code, and include cleanouts at the required intervals, minimum slope, size of pipe, pipe materials, etc.

The applicant has modified the sewage treatment system plans to provide for the Phase 2 treatment field to be relocated 20-feet from Lot 10 and 10 feet from the top of the bluff.

5. The applicant has not complied with all conditions and requirements of preliminary approval. Outstanding concerns from the City Attorney remain.
6. The Final Plat has been prepared in agreement with the preliminary plat.
7. The title work has been provided and is being reviewed by the City Attorney.
8. There are no required improvements and therefore no financial security is necessary.
9. An independent land surveyor has concurred that the final document meets the statutory requirements.

subject to the following conditions:

1. Homeowner's association documents satisfactory to the City Attorney.
2. Copies of all exhibits are attached to the Declarations.
3. The applicant shall concur to have Lot 16, the common space lot, rezoned to Open Space consistent with the use and intention of the lot prior to the recording of the document.

All members voted "aye". Motion carried.

Park Dedication was brought up. Mr. Marohn checked the Ordinance and stated that the Park Board makes a recommendation to the Planning Commission. The Planning Commission acts on Final Plats, meaning Park Dedication.

Mr. Pederson was prepared to dispute the recommendation of the Park Board for a Park Dedication Fee of \$55,900.00. He asked if the City had a capital improvement budget on parks and open space. Without one, there are no legal grounds to make a Park Dedication Fee. Staff stated that she was not qualified to answer this question. She would need to check with the City Clerk. Mr. Marohn stated that there is a trail plan included in the Comprehensive Plan. Demand for parks is driven by growth and development, thus the purpose of a Park Dedication Fee.

Mr. Pederson passed out a handout. Previous plats with Park Dedication Fees were discussed. Staff was directed to re-evaluate the Park Dedication for Trailside Estates and bring back to the Planning Commission in February.

Staff was directed to draft guidelines for the Park Board, commercial vs. residential and to set minimum and maximum amounts, with considerations. They should consider what was done in the past, giving weight to Open Space.

Mr. Pederson stated he would be happy with a Fee of \$500.00 per lot.

A motion was made by Dean Williams, seconded by Mark Hallan, to set the Park Dedication Fee at \$1,000.00 per lot, for 15 lots. All members voted "aye". Motion carried.

Mr. Pederson stated he will appeal this decision to the City Council.

**APPLICANT: City of Pequot Lakes**

**Applicants requests to Rezone from Residential to Rural Residential. Paul and Debra DeWolfe, property owners, Parcel No. 290263401DB0009 and Donald and Rita Stangler, property owners, Parcel No. 290263401CAA009.**

Property owners were not present. Mr. Marohn explained the Staff Report.

A motion was made by Tom Adams, seconded by Bill Habein, to recommend the City Council rezone these parcels to Rural Residential, based on the following Findings of Fact:

1. The rezoning to Shoreline Residential is not entirely consistent with the City's Comprehensive Plan and Future Land Use Map, which designates these properties as Shoreline Residential near the shoreline with East Twin Lake and Rural Residential in the off-lake areas.
2. Rezoning to Rural Residential would be consistent with the City's Comprehensive Plan and Future Land Use Map as the map designates the majority of this area as Rural Residential.
3. The Shoreline Residential zone is compatible with the zoning of the surrounding parcels, which are zoned Shoreline Residential along East Twin Lake and Rural Residential to the east of County Road 107.
4. Rezoning to Shoreline Residential does not meet the compatibility requirement of being adjacent to the Water Resource zone as neither of these properties is adjacent to East Twin Lake. The DeWolfe property (290263401DB0009) is approximately 40 feet from East Twin Lake at the closest point, while the Stangler property is more than 500 feet from the lake.
5. Rezoning the two properties to Rural Residential would not be consistent with the previous zoning classification of Residential, as the minimum lot size and dimension standards would increase.
6. The properties do not meet the minimum lot size of five acres for the Rural Residential district, being 3.6 and 1.4 acres each. These lots would be considered non-conforming under this zoning classification.

7. Because of the odd shapes of the properties, neither one meets the minimum lot width requirement of 200 feet for the Rural Residential zone. Both properties, however, are more than 200 feet wide at their widest points.
8. Rezoning to Rural Residential would meet the compatibility requirements for the zone, as the zone would be established next to the Shoreline Residential zone and the Rural Residential zone.

All members voted “aye”. Motion carried. Mark Hallan abstained as he is an adjoining property owner.

**ADDITIONS OR DELETIONS TO AGENDA:**

6. b. Metes and Bounds Subdivision Discussion.
7. d. Darrell Lake Enforcement Letter.

**OPEN FORUM:**

Charles Gordon, 31115 Pine Street, was present. He stated he had received a violation letter for constructing an addition to his garage without a permit. He didn’t realize he needed a permit. He removed the addition by January 5, 2007. He requested that the after-the-fact permit fine be waived since he removed the addition. Staff directed to verify addition removed.

A motion was made by Mark Hallan, seconded by Scott Pederson, to waive the after-the-fact fine since the structure has been removed. All members voted “aye”. Motion carried.

Tim Houle had the following 3 comments:

1. He thanked the Planning Commission for facilitating the earlier meeting with the City Council.
2. He would like to be included as Staff when the Roles and Responsibilities meeting is held.
3. Suggestion for a future meeting topic – municipal water/wastewater systems and private water/wastewater systems. Do we want to continue this type of approach with future growth? The City needs to make a policy decision on de-centralized systems.

**NEW BUSINESS:**

**Regional Planning:**

Mr. Marohn explained that Community Growth Institute will be at the January 29 meeting, but not representing Pequot Lakes. He will bring back information as a courtesy.

**Metes and Bounds Subdivision Discussion:**

Mr. Marohn explained that he had been contacted by an area realtor. Two property owners want to swap pieces of property but they do not want to do a survey. With the Planning Commission approval, he would tell him we would require a Certificate of Survey, per our Ordinance, but waive the topography, tree location and soil survey information. The properties will be required to have conforming Individual Sewer Treatment Systems. Staff was directed to make this recommendation.

**OLD BUSINESS:**

**Administrative Fines and Fine Designation on Fee Schedule:**

Bittner stated the Police Chief and his Staff have spent quite a bit of time over the past several months creating a template for Administrative Fines for Zoning Violations. The Enforcement section and Definition section will need to be amended. The Planning Commission discussed the policy that would need to be developed and approved by the City Council. Staff was directed to make the modifications to the policy and forward to the City Attorney and Prosecuting Attorney for their comments.

**Future Road Plan:**

Tim Houle, City Engineer, stated he had reviewed our comments and forwarded his recommendations. This Road Plan would need to be revised every 5 years or so. Mr. Marohn stated that the Comprehensive Plan could be amended to include this map as an appendix. The alternate route could be included on this map.

**Extractive Uses and Restoration Ordinance:**

Mr. Marohn explained the Staff Report. He was directed to hold a public hearing next month to amend Ordinance 8.5.

**Darrell Lake Enforcement Letter:**

Staff was directed to forward the letter to Mr. Lake requesting his attendance at the February 15 meeting. Staff was also directed to include the list of expenses for this violation in the Planning Commission packets next month.

**APPROVAL OF MINUTES:**

A motion was made by Tom Adams, seconded by Bill Habein, to approve the December Minutes, as read. All members voted “aye”. Motion carried.

**PLANNING AND ZONING ADMINISTRATOR’S REPORT:**

Bittner pointed out the 8 permits issued in December and the 37 letters either sent or received. Staff was directed to verify that the chickens have been removed on the Ganley violation.

Mr. Derksen asked about a vehicle parking on a street as advertising. This would be an off-site sign which is not allowed.

A motion was made by Bill Habein, seconded by tom Adams, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 10:38 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Administrator