

The Planning Commission Meeting was called to order by Chair Campbell at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. The following Commissioners were present: Dick Hara, Bob Wilson, and Commissioner/City Council Liaison Katy Ross. Commissioners Nancy Reid and Joyce Yoshimura-Rank and City Council Liaison Gregg Nelson were absent. City Administrator Mike Robertson, Building Official Greg Schmit, Administrative Assistant Linda Hanson and Videographer Kevin Scattum were also present.

Approval of Agenda

With a few minor corrections to the agenda, Commissioner Katy Ross moved to approve the agenda. The motion was seconded by Commissioner Bob Wilson and passed unanimously.

Approval of Minutes

Commissioner Bob Wilson moved to approve the minutes from the August 28, 2014 Planning Commission meeting. The motion was seconded by Commissioner Katy Ross and passed unanimously.

New Business

1. Variance 14-13 for an ISTS System at 4 Poplar Lane, Craig Jannsen

Building Official Schmit presented Variance 14-13 for a new septic system at 4 Poplar Lane. Mr. Jannsen is asking to encroach 15 feet into the required 30 foot setbacks on the west and south sides of his property. The current system is non-compliant. Mr. Jannsen had previously obtained a variance in another location on his property for a Type IV septic system. He has now hired another designer who has submitted a design for a Type III mound system. This is a small lot and there are practical difficulties due to the location of the lake, well, and driveway. Schmit recommended approval of the variance.

Commissioner Ross made the motion to recommend to the City Council approval of Variance 14-13 for 4 Poplar Lane with the following conditions:

- 1. Completion date 90 days after approval;**
- 2. System to be located according to the design dated May 4, 2014 by Ed Elkin Septic System Design & Inspection LLC;**
- 3. Owner and contractor to consult with the City Forester to preserve and protect any heritage trees if possible prior to beginning the installation.**

The motion was seconded by Commissioner Hara and passed unanimously.

Chair Campbell asked if Mr. Jannsen filled in the area behind the garage. Building Official Schmit stated that he could do so without a CUP if he was within 25 feet of the building. Also, Chair Campbell asked if he exceeded the amount of impervious surface allowed. Mr. Schmit said no, that he is allowed 25% of the lot for this type of surface and that has not been exceeded on this property.

2. Variance 14-12 for an ISTS System at 21 North Oaks Road, Gregory Peterson

Building Official Schmit presented Variance 14-12 to encroach 15 feet into the required 30 feet setback in the road easement. The current system is non-compliant. The property is very limited for locating a new septic system. It has a 40% slope to the wetlands and with the location of the driveway and well this is the best option according to Schmit. The conditions allow him to have a longer date for installation since installers are currently very busy. The spring rains prevented any septic installation until late July. They may not be able to install the new system until spring.

Commissioner Hara moved to recommend to the City Council approval of Variance 14-12 for 21 North Oaks Road for a new ISTS system with the following conditions:

- 1. Completion date 10 months after approval;**
- 2. System to be located as per design dated September 10, 2014 by Ed Elkin Septic System Design and Inspection LLC.**

Commissioner Ross seconded the motion which carried unanimously.

3. Variance 14-14 for an ISTS System at 11 Hawk Lane, Lawrence J. Scott

Building Official Schmit presented Variance 14-14 for 11 Hawk Lane to encroach 10 feet into the required 30 foot setback. The present system was found to be non-compliant. This lot is limited due to severe slopes, the location of the well and because it is a corner lot. Schmidt said the recommended location is the only viable location for this small lot as there is a deep vertical slope and the driveway interferes with another location. The Staff's only additional recommendation for this system is to ask the City Forester to visit the lot to discuss the impact on a large maple tree near the proposed site.

Commissioner Wilson made the motion to recommend to the City Council approval of Variance 14-14 for a new ISTS System with the following conditions:

- 1. Completion date 10 months after approval;**
- 2. System to be located according to the design dated September 2, 2014 by Ed Elkin Septic Design and Inspection LLC;**
- 3. Owner and contractor consult with the City Forester to consult on how to preserve the large maple tree prior to beginning the installation.**

The motion was seconded by Commissioner Ross and passed unanimously.

4. Proposed Amendment to Change Allowable Building Height in Residential Districts from 35 feet to 42 feet

Administrator Robertson explained that a public hearing would need to take place at the next Planning Commission meeting to process this amendment. The request is for a language change to Zoning Ordinance 151.005 Residential Single Family Low Density to increase the allowed residential building height from 35 feet to 42 feet. They also wish to change the definition of Grade to be measured from the garage slab rather measured from the lowest elevation within 5 feet of the house as currently stated in the ordinance. If this request is approved it would also be necessary to change the Allowed Building Height on the rear and side elevations of walk-outs from 45 feet to 52 feet. Staff has proposed several possible options besides those requested by the applicant.

The additional proposed options include;

- Change the definition of Grade to be “as measured from each building elevation.” The current definition of Grade had been in the State Building Code but was removed years ago. This proposed change would meet the current state Building Code and is actually how the Building Official currently measures Grade.
- Remove any limitations on Allowable Building Height while retaining the requirement to only allow two stories and a basement.
- Keep the same 35 feet in Allowable Building Height but change how height is measured from “the highest point on the roof surface” to “the midpoint of the roof grade.” This is the of height definition that is used by most communities.

Chair Campbell asked if City changed the way height was measured to mid-point on the roof would there be a need to change the allowed height requirement to 42 feet as well. Building Official Schmit and Administrator Robertson said that the Commission should consider either changing the definition of how height is measured or the allowed height requirement, but not both. They felt either change would meet the needs of the builders.

Chair Campbell expressed his preference to change the definition of grade and how it is measured and leave the allowed height at 35 feet. Robertson noted that the proposed changes will be presented at the Public Hearing on October 30th, 2014.

5. Review of Proposed Tree Ordinance

Administrator Robertson reviewed the proposed Tree Ordinance. The ordinance was driven by Emerald Ash Borer disease, which is expected to wipe out all ash in North Oaks. Approximately 7% of the trees in North Oaks are ash and the NRC would like to see these replaced as they die off. Robertson said he has made changes to address the concerns previously expressed by the Planning Commission. Some of the changes are that no replacement trees would be required unless trees were removed as part of a City permit. Trees would only need to be replaced if 12 inches or more in diameter and the number needing to be replaced would be capped. Nuisance trees that are spelled out in the Ordinance could be removed without requiring replacement and the City Council would determine what, if any, replacement trees would be required as part of a new development.

NRC Chair Larson stated that the intent of the NRC is to take a long term approach to protect the natural resources of the community and to create a healthy forest for many years.

Commissioner Campbell was concerned that the way it was written that the requirement for a Tree Protection Plan would not just apply to new development but to any City permit. He also suggested setting a tree density level on a property that if you are over that amount you can remove trees without requiring replacements. Commissioner Ross agreed with Commissioner Campbell and stated that she would like to see more work done on the Ordinance. Also, she suggested that it is important that the new Ordinance

not cause a large increase in work load for the City Forester or in cost to the City.
Robertson said he would revise the sections required by the Planning Commission.

Next Meeting

The next Planning Commission Meeting is Thursday, October 30, 2014 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive. Administrator Robertson asked Commissioners to come up with an alternative meeting date for November-December since their regular meeting dates fall on Thanksgiving and Christmas.

Adjournment

On motion made by Commissioner Dick Hara, seconded by Commissioner Katy Ross and carried unanimously, the meeting was adjourned at 8:35 p.m.

Attest:

Respectfully submitted,

Chair Bill Campbell

Linda Hanson
Recording Secretary