

The Planning Commission Meeting was called to order by Acting Chair Katy Ross at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Also present were Commissioners Dick Hara, Joyce Yoshimura-Rank, Bob Turkington, and Kara Ries. Chair Bill Campbell and Commissioner Nancy Reid were absent. City Administrator Mike Robertson, Building Official Greg Schmit, Septic Inspector Brian Humpal, City Attorney Dave Magnuson, Administrative Assistant Linda Hanson and Videographer Maureen Anderson were also present.

### **Approval of Agenda**

**Commissioner Turkington moved to approve the agenda. The motion was seconded by Commissioner Yoshimura-Rank and passed unanimously.**

### **Approval of Minutes**

**Commissioner Yoshimura-Rank moved to approve the minutes from the April 30, 2015 Planning Commission Meeting. The motion was seconded by Commissioner Ries and passed unanimously.**

### **New Business**

#### **1. Variance 15-05, 16 Black Oak Road, ISTS**

Septic Inspector Humpal said that a variance to install a replacement sewage treatment system was requested by the current owner TCF National Bank at 16 Black Oak Road. This variance asked to encroach 7 feet into the required 20 foot building setback, 20 feet into the required 30 foot south property line, and 25 feet into the 30 foot road easement setback. The current system is non-compliant and needs to be replaced.

Staff recommended approval of Variance 15-05 due to the practical difficulties of this lot including the location of the well, the steep slopes on the north and west side of the property, and the setback from the wetland on the north and west sides.

**Commissioner Hara moved to approve Variance 15-05 for 16 Black Oak Road with the following conditions:**

- 1. Completion date 120 days after approval.**
- 2. Verify the south property line by means of a survey.**
- 3. Verify the road easement by means of a survey.**
- 4. System to be located per design dated April 23, 2015 by Septic Check.**

**The motion was seconded by Commissioner Yoshimura-Rank and passed unanimously.**

#### **2. Public Hearing for Revised Subsurface Septic Treatment System (SSTS) Ordinance**

Former Sanitary Inspector Greg Schmit presented a review of proposed ordinance changes to Ordinance 50. By making these changes, the City Ordinance would become number 51 and would be in compliance with revised State Statutes passed in 2009.

The proposed changes included removing the increased system size requirements for soils with a perc rate faster than 10 minutes as this is addressed in new state rules, removing the 50% increase in system size if the bedroom count is greater than one/1,000 square feet (as

the new State rule is adequate), changing the time to come into compliance when a system is declared non-compliant from 3 years to 2 years, and adding a point of sale requirement for a compliance certification that would be needed at the time of transfer of ownership.

**Acting Chair Katy Ross opened the Public Hearing at 7:17 pm.**

**Andrew Michels, 3 Thompson Lane**

Mr. Michels asked why a homeowner would need to come into compliance in two rather than three years. Building Official Schmit stated that this was his suggestion and should be discussed. He stated that in most cities with septic systems the time to come into compliance is two years. It is easier to monitor as often homes change hands one or more times in the three year period. Mr. Michels stated that replacing a septic system is costly and the homeowner may need more time to save for such a large purchase.

**Manny Steil, 25 Robb Farm Road**

Mr. Steil stated that he would like the City to consider that a number of homes have only one person living in the home and many often are gone a portion of each year. The septic system is not used as much in these cases and shouldn't need to be pumped as often.

Building Official Schmit explained that the State requires three years between pumping and maintenance but that the City has always required two years. He stated that keeping track of the number of people in a home and the time homeowners are away would be an administrative nightmare. He also said that it is not required to pump every two years. A homeowner can pay to have a sludge judge done which is much less in cost and if it passes, the system would not need to be pumped for another two years. However, if it does not pass, the homeowner would have to pay for the sludge test and for pumping which would be a greater cost to the homeowner. Mr. Schmit also stated that while pumping seems expensive, paying a municipal sewer bill for two years would be more expensive.

**With no other comments, Acting Chair Ross closed the Public Hearing at 7:30 pm.**

Commissioner Ries had a question about sections 151.978 and 151.079 regarding under what conditions a variance would be approved. Rather than undue hardship the variance requirements would remain "do to practical difficulties" or 151.079 as that is the State law.

The point-of-sale requirement was also discussed. Often the lender on a property sale requires a compliance test, but Building Official Schmit suggested making this a City Ordinance as well. A question came up on how the City would enforce this Ordinance. City Attorney Magnuson stated that if the Ordinance was recorded in Ramsey County, the information would come up when the title search was done for a property. The City Attorney also stated that it would cut down on the number of misunderstandings, disputes, and surprised buyers. Most cities with a large amount of septic systems do have a point of sale compliance requirement.

Commissioner Turkington stated that this Ordinance would be a way to be more transparent and a point of sale requirement would be in the best interest of potential buyers. Acting

Chair Ross asked why the City has a greater setback for the septic system than the State and why the need for an alarm electric circuit separate from the pump? Mr. Schmidt explained that North Oaks has historically maintained a greater setback than required by the State due to its larger setbacks in general and that the alarm on a separate circuit is best practices and should be part of the State Statutes. That way an electrical failure is less likely to cause a backup into a homeowner's basement.

**Commissioner Dick Hara made the motion to recommend approval of the changes to Septic Ordinance #50 bringing the Ordinance into compliance with State Statute, with the following differences:**

- 1. Requiring 4 soil observations and 2 perc tests,**
- 2. Requiring maintenance every two years,**
- 3. Adding 15% vertical separation reduction,**
- 4. Requiring two tanks with increased capacity for all designs,**
- 5. Requiring all system design flows to be Classification I vs 7080.1860 Table IV,**
- 6. Following City setbacks in compliance with the City Zoning Ordinance,**
- 7. Requiring a separate tank be used for the dosing chamber and that the alarm must be on a separate circuit.**
- 8. Adding a point-of-sale compliance requirement.**

**With a second from Commissioner Joyce Yoshimura-Rank the motion carried 4-0. Acting Chair Ross abstained.**

- 3. Public Hearing for Zoning Ordinance Update to Revise Vehicles/Off Street Parking**  
Administrator Robertson said that the City Council directed him to review the ordinance regulating vehicles and off street parking. Currently all recreational vehicles and trailers must be garaged or completely screened year round from all roads, or adjacent dwellings, but can be parked or exhibited in view for a temporary period not exceeding 30 days in a calendar year.

**Acting Chair Ross opened the Public Hearing at 7:57 pm.**

**Dale Severson, 20 East Gilfillan Road**

Mr. Severson stated that he has lived in North Oaks for over 35 years and has always had a trailer on his property. He uses it often helping neighbors and volunteering to haul plants for the Garden Club each spring. He parks it in the back of his two acre lot out of sight when it is not in use. He is not in favor of having to build a garage or provide additional screening.

**Manny Steil, 25 Robb Farm Road**

Mr. Steil said that Mr. Severson has done a lot for North Oaks. He stated that one ordinance could not cover all items and should be more specific. He stated that size should be considered. Smaller trailers placed out of sight should be allowed. Larger trailers and RV's should not be allowed.

**Andy Michels, 3 Thompson Lane**

Mr. Michels explained that he keeps his work trailers at his home because he uses them in his business almost daily. They are large and would be difficult to screen. He would have to keep the trailers at a different location adding to his workday if the Ordinance is changed.

**With no further comments the Public Hearing was closed at 8:12 by Acting Chair Ross.**

Commissioner Ries stated she would like more discussion before voting on this issue. Commissioner Yoshimura-Rank noticed that the Ordinance has been amended over time since its inception in 1999. Administrator Robertson indicated to the Planning Commission that the City is complaint driven and that he does not go out looking for violations. He also mentioned that the best way to handle nuisance issues is for neighbors to talk about their concerns with each other as this will often take care of the issue.

City Attorney Magnuson said that trying to regulate exterior storage is very difficult in every community. Commissioner Yoshimura-Rank said she'd like to look at how the Ordinance has changed throughout the years. Acting Chair Ross suggested that the issue be delayed for two months so that there could be a concerted effort to get feedback from the community. She suggested that an article appear in the North Oaks News to facilitate this. She also encouraged homeowners to attend Public Hearings so that the Commissioners had more feedback on issues.

**Commissioner Ries made the motion to table for two months any action on changes to the Zoning Ordinance regarding nuisance vehicles and off street parking to study the issue further. A second from Commissioner Hara was made and the motion passed unanimously.**

**4. Public Hearing of Zoning Ordinance Update to Revise Minor Subdivision Ordinance**

Administrator Robertson stated that he would like to see the Ordinance dealing with minor subdivisions amended so that it is in compliance with State laws. The requests usually are for minor adjustments to lot lines with little or no changes to the number of lots.

**The Public Hearing was opened at 8:28 pm and with no comments closed at 8:29 pm.**

**Commissioner Hara made the motion to recommend to the City Council approval of the proposed changes reviewed by both the Building Official and the City Attorney regarding the Minor Subdivision Ordinance. The motion was seconded by Commissioner Yoshimura-Rank and unanimously carried.**

**Next Meeting**

The next Planning Commission Meeting is Thursday, June 25, 2015 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

**Adjournment**

**On motion made by Commissioner Ries, seconded by Commissioner Yoshimura-Rank and carried unanimously, the meeting was adjourned at 8:30 p.m.**

Attest:

Respectfully submitted,

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Acting Chair Katy Ross

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Linda Hanson  
Recording Secretary