

**City of Columbus
Regular Planning Commission Meeting
January 6, 2016**

The January 6, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:00 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Engineer Dennis Postler, Building Official Leon Ohman, and Recording Secretary Karen Boland.

Also in attendance were City Council members Mark Daly and Bill Krebs; Sandy Learned, Karen Willy, Scot Rosevold, Dennis May, Mike Clemens, Kathy Clemens, Barb Ruppe, Chris Knight, Richard Whitman, Steve and Kate Massey, Jerry Willy, Jason Rud, Tom Carlisle, Darrell Thurnbeck, Mike Muske, and Pat Preiner.

AGENDA APPROVAL

Motion by Krebs to approve the Agenda as presented. Second by Preiner. Motion carried.

APPROVAL – 13621 LAKE DRIVE CUP AMENDMENT PUBLIC HEARING MINUTES OF DECEMBER 16, 2015

Motion by Wolowski to approve the minutes from the 13621 Lake Drive CUP Amendment Public Hearing held on December 16, 2015. Second by Watson. Motion carried.

APPROVAL – CHAPTER 7A-800 - PROPERTY ACCESS - ZONING CODE AMENDMENT PUBLIC HEARING MINUTES OF DECEMBER 16, 2015

Motion by Watson to approve the minutes from the Chapter 7A-800, Property Access – Zoning Code Amendment Public Hearing held on December 16, 2015. Second by Wolowski. Motion carried.

APPROVAL - REGULAR PC MEETING MINUTES OF DECEMBER 16, 2015

Motion by Krebs to approve the minutes of the December 16, 2015 regular Planning Commission meeting as written. Second by Preiner. Motion carried.

PUBLIC HEARING – 8830 191ST AVENUE N.E. VARIANCE APPLICATION (PC-16-101)

At this time a public hearing was held to receive testimony regarding a variance request for 8830 191st Avenue N.E., Columbus, MN. The applicant and property owners are Barbara A. Ruppe and Sandy L. Learned. Separate minutes are prepared.

8830 191ST AVENUE N.E. VARIANCE DISCUSSION

It was clarified that the application for variance submitted was only for a system designed on the north site of the house on the property.

Another clarification was that the property is in the Sunrise Water Maintenance Organization District. The City is the local government unit for administering the Wetland Conservation Act. However, the City doesn't have a wetland expert on staff. We use the Anoka Conservation District. Becky Wozney is our technical specialist. She works on behalf of the City when we

have technical questions. She has talked to the applicant as well, because she is also a resource for any citizen that needs assistance.

PC members asked Building Official Ohman if he saw better sites on this property for the septic. Ohman said that the south side is a better site, based on the ordinance and mottled soil. The original application was for a Type III system on one of two possible sites. Based strictly on talking to the designer and discussing the options for a Type III, historically the City has taken certain criteria, such as 42 inches of mound sand. Generally, for variances granted by the City in the past there is no credit given for native soil that is at the site. The 42 inches vs. 36 inches is to allow for settling. Ohman said he looked at the soil borings on both sites. The front site indicated standing water, so he met the designer and the owner at the site. His concern with the front site is that you can't identify redoximorphic features, which are mottled soil, in black soil. You can't see it. Ohman also said the back site is definitely 2-3 feet higher.

There was discussion of the length of pipes to the south side. Is there more potential for failure with so much piping? It was acknowledged that it is a tough property to find a site.

Ohman said that if the system meets the criteria in MN Rule 7080, he can issue the permit. The system on the north site, as proposed in the application, doesn't meet the criteria. Another design was done behind the shed. It was not submitted to the City, so he can't comment on that. It has been a wet year, but what's the longevity of the system, and what can happen? Can that water come up and down over the life of that system? If we get seasonal water coming above the ground, and that would lessen our separation because it's built there, will that impact the groundwater and water quality, because we have a surface elevation change in that water? Those are his concerns.

Ohman said the design of the Type III system itself is acceptable: the 42" of sand, the rock above that, the tank placement are all okay. He just doesn't know where that water sits in the front side, so he can't recommend it. The south site appears to be better, based solely on elevation change. Either site would have to be a Type III system, and would require a variance. Ohman said an administrative variance could have been granted on the south site, based solely on soil borings and elevation change. That was rejected by the applicant, and they wanted to proceed with a public hearing and go to the CC for a variance on the north site.

Ohman was asked his opinion about reworking the current site. He said he can't comment on it, because we don't have a design.

There was discussion about Ms. Wozney's reference to the inability to determine an accurate wetland boundary for the current proposed site until the growing season. In spring the wetland line could end up moving forward.

PC members are not opposed to a variance for a Type III septic; the question is placement of that system.

Co-owner, Sandy Learned spoke to say the variance information says that a variance may be requested if circumstances propose an undue hardship on the petitioner or deny the petitioner the reasonable use of this land. She believes that putting the septic on the south site would deny the reasonable use of the property. It is ten acres, and the potential buyers would like to use that acreage to the fullest. The owners also said they have had no septic problems while living there, and were told by Zierke septic designers that the current septic would be good for another 10 years.

Mursko told PC members that conditions have been put on variances in the past.

PC members would like a condition that the septic will not impact wetlands. The owners, based on a conversation Mr. Rosevold said he had with Becky Wozney today about there being different classifications of wetlands, would like more specifics about types of wetlands. They hope to close on the sale of the home on January 15th. Without access to this conversation or to specifics on classifications of wetlands, or to knowing what wetland delineations will be in the spring, the PC cannot speak more specifically to wetland issues.

PC members also discussed a condition that the septic be placed in the best location where it will work. The owners objected to this being too subjective. They do not want the south site used. PC members referred to the best workable site between the north site and the current septic location site, depending on where it will work without encroaching upon wetlands.

The following questions were considered by the Planning Commission in determining whether the variance request meets the criteria to cause a practical difficulty:

1. The landowner proposes to use the property in a reasonable manner.

Question: Does the proposal put property to use in a reasonable manner? **Yes.**

Finding: Do the requirements in the Zoning Ordinance prohibit the property from being used in a reasonable manner? **Yes** or No

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

Question #1: What are the unique physical characteristics of the particular piece of property? **High water table and the lack of 12" mottled soil.**

Question #2: How is it not like other pieces of property? **Same as above.**

Question #3: Did the landowner create the circumstances? **No.**

Examples:

- Topography
- Wetlands
- Trees
- Irregularly shaped or sized lot
- Shape or size of existing buildings
- Placement of existing structures on lot

Finding: Are the circumstances unique to the property? **Yes** or No

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

Question: Will the resulting use or structure be compatible with the underlying purpose and goals of the Zoning Ordinance? **Yes.**

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

4. Granting the variance is consistent with the City’s Comprehensive Plan.

Finding: The variance will not create a conflict between the Comprehensive Plan and the proposed use or structure. **Agree** or Disagree?

5. The variance if granted, will not alter the essential character of the neighborhood or City.

Question: Will the resulting structure be out of scale, out of place, or otherwise inconsistent with surrounding area?

Finding: The variance, if granted, will not alter the essential character of the neighborhood or City. **Agree** or Disagree?

6. The practical difficulty is not created solely by economic considerations.

Finding: Economic considerations are not the only reason for the practical difficulty. **Agree** or Disagree?

A variance shall not be granted unless the Planning Commission makes specific findings of fact based directly on the particular evidence presented to it, and the City Council determines that these support conclusions that the standards and conditions as stated above have been met by the applicant.

Planning Commission Recommendation:	Approval: 01/06/16 SUBJECT TO CONDITIONS
(Insert dates of action)	Denial:
City Council Action:	Approval:
	Denial:

Motion by Sternberg to forward to the City Council the application for a variance for the property at 8830 191st Ave. NE, to permit and construct a mound type septic system of “other construction” (Type III) to replace an existing failing system with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty, and subject to the following conditions: the system and its placement must meet all applicable legal codes; approval be subject to a new design standard than the one submitted with the application; and that the site submitted with the application be used only if it does not encroach upon wetlands – an alternate site appears possible where the current system is located. Second by Watson. Motion carried.

This matter will go before the City Council at their meeting on January 13th.

PUBLIC HEARING – CHAPTER 7A-803, MINIMUM CONSTRUCTION ABOVE KNOWN HIGH WATER AND CHAPTER 7A-201-9B DEFINITION OF “BUILDABLE AREA” – ZONING CODE AMENDMENTS (PC-15-102)

At this time a public hearing was held to receive testimony regarding amending the Columbus City Code, Chapter 7A-803, Minimum Construction Above Known High Water and Chapter 7A-201-9B Definition of “Buildable Area”. Separate minutes are prepared.

CHAPTER 7A-803, MINIMUM CONSTRUCTION ABOVE KNOWN HIGH WATER AND CHAPTER 7A-201-9B DEFINITION OF “BUILDABLE AREA” – ZONING CODE AMENDMENT DISCUSSION

Motion by Preiner to forward to the City Council amendments to Chapter 7A-803, Minimum Construction Above Known High Water and Chapter 7A-201-9B Definition of “Buildable Area” in the Columbus City Code, with a recommendation for approval. Second by Sternberg. Motion carried.

This matter will go before the City Council at their meeting on January 13th.

PUBLIC OPEN FORUM

Council member Daly commended the Planning Commission members for doing a good job.

CITY ADMINISTRATOR'S REPORT

Mursko reported that there will be two hearings before the PC in February. One is for a cell tower on Lake Drive. A previous CUP was issued, but has expired with no implementation. The applicant is reapplying. The other hearing involves a request from EJM to add buildings on their site.

Mursko recommended cancellation of the January 20th PC meeting, as there are no applications, and two PC members will not be present. PC members agreed.

PLANNING COMMISSION MEMBERS' REPORT

WOLOWSKI COMMENT:

Wolowski said she is better educated on septic systems after tonight’s meeting.

STERNBERG COMMENT:

Sternberg commented that a piece of land which he hunted on three years ago was dry ground, but this year has standing water and spongy ground.

There was brief discussion about the failure of Columbus Elementary School’s experimental septic system, and the school district ultimately having to pay \$100,000 to fix it.

ATTENDANCE - NEXT CC MEETING

Preiner is scheduled to attend the City Council meeting on January 13, 2016.

Motion by Krebs to adjourn. Second by Watson. Motion carried.

Meeting adjourned at 9:58 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary