

**City of Columbus  
Regular Planning Commission Meeting  
November 2, 2016**

The November 2, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:02 p.m. by Acting Chair Jody Krebs at the City Hall. Present were Commission members: James Watson, Pam Wolowski, and Jesse Preiner; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were Mary Preiner (7:48) and Pat Preiner (7:48).

**AGENDA APPROVAL**

*Motion* by Preiner to approve the Agenda as presented. Second by Watson. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye. Motion carried.

**APPROVAL – PUBLIC HEARING MINUTES– 190<sup>TH</sup> LANE (VACANT LOT) SHARPER HOMES VARIANCE REQUEST OF OCTOBER 19, 2016**

*Motion* by Watson to approve the minutes from 190<sup>th</sup> Lane (Vacant Lot) Sharper Homes Variance Request Public Hearing held on October 19, 2016. Second by Preiner. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye. Motion carried.

**APPROVAL – REGULAR PC MEETING MINUTES ON OCTOBER 19, 2016**

*Motion* by Preiner to approve the minutes of the October 19, 2016 regular Planning Commission meeting as written. Second by Watson. Votes as follows: Watson – aye, Wolowski – abstain, Preiner – aye, Krebs – aye. Motion carried.

**EXCAVATION ORDINANCE DISCUSSION**

Commissioner Watson attended the last CC meeting where the PC’s ordinance questions were discussed before review by the City Attorney. The first question: **Should the amount of material needed to require a permit be set at 100 or 200 cubic yards?**

The majority of CC members were in favor of increasing to 200 cubic yards the amount designated in Section 9-101. B., where it defines excavation, grading or filling as the removal, digging, filling, rearranging or transportation of earthly deposits. Any amount less than 200 cubic yards would not require a permit.

The second question: **Should a setback provision be added, requiring that any excavation, grading or filling to be done less than 50 feet from an adjacent property requires a drainage plan?**

The opinion of the CC was that the State handles any problems stemming from a change in water flow.

The third question: **Do we want engineering plans when a drainage plan is required or can that be done by a layperson? Is the point to have people take a real look and think about it?** CC members objected to the potential cost of requiring an engineering plan, and, again, felt that drainage issues will be under State jurisdiction.

The fourth question: **If the City reviews a drainage plan, and problems arise anyway, what is the City’s liability?**

CC members again defaulted to the State.

While the ordinance already has language that says it is the property owner's responsibility to ensure that their small excavation or fill meets the requirements of the local watershed management, the county or state and federal government, the only recourse for a property owner adversely affected by that excavation would be a lawsuit. The City has no recourse if there is no standard.

Following the CC meeting, the questions in bold above were addressed by the City Attorney. In response to the questions about amount of material needed to require a permit, and whether a setback should be required, the Attorney said these are policy decisions to be made by the PC and CC. If a drainage plan is required, the Attorney suggested having the City Engineer advise as to what would constitute a sufficient plan. In answer to whether the City would be liable if a drainage plan is submitted and reviewed and problems arise anyway, the Attorney said the City would likely be immune from liability under State Statute.

The potential for drainage problems was discussed at length. Most homeowners are not drainage experts, and do not think about the potential effect of their actions on a neighboring property when it comes to drainage. It was again discussed that drainage problems have been arising related to the recent increases in the allowable size of accessory buildings. Even meeting the setback requirements, when a very large building is placed 20 feet from the property line, it can cause a great alteration in water drainage.

Planner Johnson pointed out that the current ordinance requires anyone removing, digging, filling or transporting more than 100 cubic yards of material must submit a site plan, including proposed drainage plans. If we are considering doubling that, a setback of some distance should be considered. He suggested that if 50 feet is not acceptable, perhaps 20 feet should be considered.

Mursko reported that whenever someone is doing something close to the property line, neighbors get nervous. She said the City used to require a survey for everything, including, for instance, addition of an accessory building. They received a lot of complaints. That was changed and now if you want to build an accessory building within 20 feet of a neighboring property you need to either find the property line or get a survey. She said many people don't know the actual location of their property line. If a complaint is received, the City can say, 'You didn't need a permit, but the structure has to be 20 feet from the property line.' If that setback standard isn't met, the Building Official has the enforcement power to tell them to move it.

PC members took into consideration the CC's concerns about cost and burdensome regulation, but also feel it is important to take into account the issues that arise in the City and that come to the counter to be addressed by staff. If the City consciously doubles the amount of material that can be moved with no permit, what are the potential problems that may arise, and how can we best address them?

Johnson suggested that at some point the City Engineer should make a comment before this goes to public hearing. He may have a sense of what amount of setback is reasonable for the soil conditions in the area, the amount of natural infiltration, and the amount of materials potentially being moved.

Mursko said the most common reasons for excavation, grading and filling, are: building some type of retaining wall, landscaping, and playground equipment. The City's concern is that the activity doesn't impact the neighbors, and doesn't damage City roads. Mursko said if a property owner is not using City roads for hauling, and they have a setback of 50 feet, the most she would need for moving more than 200 cubic yards of material would be a site plan.

Johnson suggested that if someone comes in and can't meet the setback, they need to submit a plan. He thinks it could be as simple as a site plan or layperson plan, depending upon the level of comfort of the City Administrator. If it meets the setback, they would not need that.

It was clarified that any excavation on Coon Lake requires a drainage plan. Mursko said she has never had any complaints about that.

PC members agreed to go along with the CC's desire to increase to 200 cubic yards the amount of material needed to require a permit. PC members also agreed that a safeguard of having a 20-foot setback should be in the ordinance. If the excavation, grading or filling will take place less than 20 feet from a neighboring property, a drainage plan must be shown. This 20-foot setback distance should be reviewed by the City Engineer for comment before the draft ordinance goes to public hearing.

*Motion* by Preiner to forward to the City Council Draft 2 of the ordinance amending Chapter 7A and Chapter 9 of the City Code pertaining to Mineral Extraction; and Excavation, Grading or Filling, with an amendment to Section 9-105, changing the words "fifty (50) feet" to "twenty (20) feet", with this distance pending review by the City Engineer. Second by Watson. Motion carried.

### **PUBLIC OPEN FORUM**

There was no topic raised for discussion for Open Forum.

### **CITY ADMINISTRATOR'S REPORT**

Mursko reported that Election Day is next Tuesday, November 8<sup>th</sup> and said City staff are ready.

### **PLANNING COMMISSION MEMBERS' REPORT**

#### **WATSON COMMENT:**

Watson reported on a fundraiser for the Marine Corps' Toys for Tots program. When dining at Applebee's Restaurants in Forest Lake or Blaine on November 9<sup>th</sup> and November 16<sup>th</sup>, between 4-9 p.m., 15% of the tab—less alcohol and tax—will be donated to the Toys for Tots program.

#### **KREBS COMMENT:**

Krebs attended the tour of Bituminous Roadways' Shakopee facility on October 20<sup>th</sup>. She said the tour was fascinating, and the plant is very clean and efficient. They toured the lab and saw how products are produced. The sound of the drum could not be heard from the frontage road, but when right up to the plant, it sounded like a steady hum. There were some beeping sounds as trucks were leaving with product, but it was short-term noise. Krebs described the odors as minimal at the time of their visit. It was explained to them that when the tanks are filled in the morning, the odor would be greater for a short period of time. They were told it dissipates quickly.

### **ATTENDANCE - NEXT CC MEETING**

Preiner is scheduled to attend the City Council meeting on November 9, 2016.

*Motion* by Preiner to adjourn. Second by Watson. Motion carried.

Meeting adjourned at 8:17 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary