

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
APRIL 13, 2010**

1. Meeting Opening.

A. Call to Order.

Stevens called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance.

Everyone rose for the pledge of allegiance.

C. Roll Call.

Members Present: David Englund, Sue Larson, Ross Lorinser, Steve Rask, Michael Streiff III (arrived at 7:03 p.m.), and Sean Stevens.

Members Absent: Cindy Lind-Livingston (no prior notice).

Staff Present: Lisa Krause, City Planner and Brad DeWolf, City Engineer

D. Agenda Modifications.

Krause stated there were no modifications to the Agenda.

2. Approval of Minutes from March 9, 2010 Planning Commission Meeting.

Motion by Lorinser, second by Larson to approve the March 9th, 2010 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. Request from MJS Services LL C for a Conditional Use Permit to permit the extraction, grading, or filling of land involving the movement of earth and materials in excess of twenty-five (25) cubic yards for the properties located at 740 County Road 5 NW and 308 County Road 23 NW / Whiskey Road NW.

Krause presented the staff memo.

Stevens opened the public hearing at 7:02 p.m. Stevens stated that there were no comments or questions from the public. Stevens closed the public hearing at 7:03 p.m.

Lorinser questioned if they were planning on completing this project soon or if this request was to line things up so they could grade the area when they wanted to.

Krause stated that when the petitioner had submitted the application, the understanding was that he wanted to move forward with the project. Krause stated that City staff had requested that the petitioner be present to field any questions, but he was not present this evening.

Stevens stated that it concerned him that there was not a formal site plan review. Stevens questioned if that is necessary prior to grading the property.

Krause stated that the request is for the property owner to be grading the property and establishing the storm water area for future development. Krause stated that if the petitioner

were to move forward with a physical project, then a site plan review and building appearance review would be required.

Stevens stated that he questioned why the property owner would want to move dirt on the property without a formal plan in place.

Krause stated that there are many instances where the property owner will do so. Krause stated that this is preparation for what may be.

Lorinser stated that the property is bumpy, etc. Lorinser stated that this is just trying to level the property.

Stevens questioned condition number 3, as to whether this was standard boiler plate language or if there were concerns with specific instances on the parcel.

Krause stated that it is general language. Krause stated that the item may have already been satisfied in the past. Krause stated that staff would check on that item.

Lorinser questioned the impact to the stream.

DeWolf stated that any grading would need to have the proper erosion control measures in place. DeWolf stated that the NPDES Phase II permit would regulate what would be needed to protect the stream. DeWolf stated that it is a condition of the approval as shown in the staff report.

Stevens questioned if there would be any flow changes or any changes to the way that the creek would flow.

DeWolf stated that there should be no changes. DeWolf stated that the creek is to the east of the stormwater pond location.

Motion by Stevens, second by Larson to recommend approval of the Conditional Use Permit to allow for the extraction, grading, or filling of land involving the movement of earth and materials in excess of twenty-five (25) cubic yards on the property located at and immediately to the east of 308 Whiskey Road NW / County Road 23 NW and 710 County Road 5 NW with the conditions as presented by City staff based upon the Findings of Fact as presented. Motion was unanimously approved.

B. Amendments to Ordinance No. 445 Zoning Ordinance Section 21: Administration and Enforcement, Article 5 Variances, Subdivision 4 (D).

Krause presented the staff memo.

Stevens opened the public hearing at 7:06 p.m. Stevens stated that there was no public comment or concerns brought forth. Stevens closed the public hearing at 7:07 p.m.

Motion by Lorinser, second by Larson to recommend approval of the Amendment to Ordinance No. 445, Section 21: Administration and Enforcement, Article 5 Variances, Subdivision 4 (D) as presented based upon the Finding of Fact. Motion was unanimously approved.

4. Other Business.

A. Residential Soil Requirements.

DeWolf stated that additional research requested by the Planning Commission had been completed. DeWolf stated that at the previous meeting there were numerous questions regarding whether the City should continue with sod versus seed or whether 4" of dirt was sufficient. DeWolf stated that they had contacted the Metropolitan Council regarding their requirements and found that they require 6" of topsoil. DeWolf stated that the criteria is the MnDOT specification. DeWolf stated that depending upon where you are at in the metro area, this could be the same type of topsoil that we have or it could be more of a premium blend, if it is available on site.

DeWolf stated that benefits of sodding versus seeding, one of the big items that comes into play is the required permits through the MPCA for erosion control. DeWolf stated that they started 5 years ago that when you mass grade a site, you are required to have an NPDES Phase II permit. DeWolf stated that the developer when mass grading a project takes out a permit for the entire area. DeWolf stated that the permit then is assigned on a per lot basis to the owner of the lots, which is typically the builder. DeWolf stated that under our current ordinance, the builder puts in sod, and the permit is terminated at that point, which is the biggest benefit of sodding each individual lot.

DeWolf stated that if the City were to go to seeding, then the builder would probably still seed the lot, but the permit would be transferred to the property owner. DeWolf stated that the MPCA requires 70% of the lot to be covered before the permit can be terminated. DeWolf stated that the permits, required inspections, and paperwork that the MPCA has; most property owners do not have the knowledge on how to go about administering this permit. DeWolf stated that from an administrative standpoint, it is much easier to stay with the sodding requirement that is currently in place, as it eliminates the transferring of the permit to the individual homeowner.

DeWolf stated when looking at soil, it comes down to a cost standpoint. DeWolf stated that you could put the best topsoil in the world on the ground, but if the resident does not water and maintain the lawn, the grass will turn brown. DeWolf stated that it comes down to a cost issue. DeWolf stated do you require the builder to put the dirt down for each lot or do you require the developer to do so for the entire development. DeWolf stated that it is about \$2,000 a lot to place the premium topsoil. DeWolf stated that the first developer that comes in that would be required to do so, is going to request a variance from the requirements.

DeWolf stated that he had spoken to the Building Official and one option would be to keep our current ordinance requirements, but provide an educational piece to builders and homeowners to the difference in topsoil.

Lorinser stated that builders already know the difference.

DeWolf stated that he understands that they do. DeWolf stated that one thing that has changed, due to the economy, is that the houses being built are going to be built for a specific individual rather than as a spec home. DeWolf stated that if the City did do educational materials, if someone is buying that house before the yard goes in, the owner will be able to work with the builder to have premium topsoil brought in if that is a priority for them.

DeWolf stated that it is a cost issue. DeWolf stated that if it is in an ordinance, the developers are going to be requesting variances based upon a cost issue.

Lorinser stated that if the City were to amend the ordinance, the City needs for it to be clear in the minutes and findings that we know it is a cost issue and people are going to complain, but the City is doing so to make the community look better, make the yards easier to maintain, and use less water. Lorinser stated that many know that whether or not you have a sprinkler system or not, to keep grass green on sand, you need a lot more water. Lorinser stated that if you have the educational piece and the ordinance change that residents are going to find that it is a wise investment. Lorinser stated that there are Cities all over that require the higher standards. Lorinser stated that residential development does not pay for itself. Lorinser stated why not do it right, and if residential development is slower because of this requirement, then we end up with nicer developments with nicer yards.

Stevens questioned if there was a possibility to have incentives in place. Stevens questioned if the developer were to go above and beyond the established requirements, could there be an incentive or credit to the developer for doing so. Stevens stated that he was unsure of how that would work. Stevens stated that it concerns him that we would be requiring yards and yards of topsoil that is an added expense to the new resident.

Streiff questioned if the ordinance could be amended to require 6" of topsoil, but if a sprinkler system is placed on the property; then they could place only 4" of topsoil.

DeWolf stated that incentives are good. DeWolf stated that he was unsure if the City could put incentive language within our subdivision ordinance, unless we are willing to have the dollars to make the incentive or create the incentive. DeWolf stated that the fees developers pay are usually trunk fees or utility/infrastructure fees that refund the City for items. DeWolf stated that there may be a possibility for developers and builders to work together on this issue, but he was unsure if it would be the City's position to do so.

Larson stated that she had concerns as they would be offering such an incentive and then provide a notice that there is a water ban. Larson stated that she thought that would defeat the purpose.

Lorinser stated that better soil requirements will help with the watering restrictions. Lorinser stated that people will not violate them as much.

Englund stated that there are yards in this community that have never had the black dirt placed on them first and they look good. Englund stated that there are others that have put black dirt on, but if they do not mow, fertilize, or water the yard; they will look brown.

Lorinser stated that he is not suggesting that black dirt will help to provide a maintenance free lawn because there is no such thing. Lorinser stated that when you look at two of the larger townhome developments in the City, the Sedona area has not been maintaining the yard properly, but the yard looks good and they had higher soil requirements. Lorinser stated that the Villages on the Rum development does maintain the yard, but the lawn is still brown. Lorinser stated that there are dirt and grading issues within this development. Lorinser stated that in talking with residents regarding the costs of water, there are concerns. Lorinser stated that when you water your grass, the bill goes up. Lorinser stated that the better dirt will help them save that money in the long run.

Stevens stated that there is still that education piece that was previously referenced that is needed.

Motion by Lorinser to recommend that City staff amend the Ordinance to include provisions for 4" of premium black top soil and that City staff create an educational piece to builders and residents explaining why and the benefits to having the proper soil.

Stevens questioned if City staff was looking for a motion.

Krause and DeWolf stated yes.

Stevens recognized the motion. Stevens stated that people coming to the City are young families looking for affordability. Stevens stated that he thought rather than amend the ordinance; builders should be speaking to the potential buyers regarding the positives and negatives to the various soil types. Stevens stated that the City should implement an educational piece to help do so. Stevens stated that the City should not mandate 6" of foreign topsoil.

Stevens questioned if the MPCA mandates 6".

DeWolf stated that the Met Council requires 6".

Lorinser stated that 6" of topsoil, as done now, is just tilling up what is already on site.

DeWolf stated that 6" of topsoil, is soil that has to meet the MnDOT standards. DeWolf stated that there are different levels of MnDOT specifications. DeWolf stated that in locations where it is all sand, they will need to bring in dirt to meet the organic content required by MnDOT specifications. DeWolf stated that the organic content for the MnDOT specifications is 3%, which is quite low.

Streiff stated that the City could try to have an alternative in place with the sprinkler system. Streiff stated that there may be more research that we could do. Streiff stated that it is not an incentive by the City per se. Streiff stated that there may be watering bans, but those are usually for every other day.

Stevens questioned where Streiff was on the educational piece.

Streiff stated that he was for the educational piece. Streiff stated that the more you can educate someone the better off you will be. Streiff stated that where it gets dicey is deciding when the education should take place. Streiff stated that say you are building a house and picking out interior options, do you review the topsoil then. Streiff questioned when you would work it into the process.

Lorinser stated that the piece could be available at the City for review when people come in.

Streiff stated that the piece needs to be offered earlier in the process.

Stevens stated that the piece should be delivered to the builders in advance.

DeWolf stated that City staff had not had the opportunity to discuss this suggestion. DeWolf stated that the piece could be available at the front counter, but could also be provided at the time the building permit is pulled for a new home.

Lorinser stated that this should be broken into two motions. Lorinser stated the first would be the educational piece for soil requirements and the pros and cons.

Englund questioned the cost of hydro-seeding versus sod.

DeWolf stated that hydro-seeding is when they spray the seed and mulch together. DeWolf stated that it is less expensive than sod.

Englund stated that there is a property in town that has done so and within two weeks they had a yard.

DeWolf stated that some of those products work quite well. DeWolf stated that there is the transfer of the NPDES Phase II permit that would be required to the property owner.

Englund stated that it should be built up enough that the lot would be covered.

Stevens questioned the process for closing the permit and what the test was to meet the requirements.

DeWolf stated that the MPCA checks permits for percent ground cover by area. DeWolf stated that if 70% is established then the permit is terminated. DeWolf stated that for localities and states the MPCA checks quite often, but he was unsure what that timeline is for residential property owners. DeWolf stated that there is relatively few communities that allow the transfer down to the homeowner.

Stevens stated that it is usually done at the developer level and builder level.

DeWolf stated that is correct.

Lorinser stated that the builder is installing the dirt.

DeWolf stated that is correct.

Rask questioned if the lots would be dirt yards until someone would decide to move in.

DeWolf stated that the yards have to be completed before they can obtain a Certificate of Occupancy.

Lorinser stated that there are yards that are still dirt for some time before sod is placed.

Stevens repeated the previous motions. Stevens stated that the previous motions had died for lack of a second.

Motion by Lorinser, second by Rask to recommend to the City Council that City staff develop an educational piece for builders/residents regarding topsoil requirements. Motion was unanimously approved.

Motion by Lorinser to recommend to City Council that the Ordinance be amended to require 4" of black premium topsoil, instead of the state minimum mandate of 4" that is currently in place. There was no second to the motion.

Motion by Stevens, second by Larson to recommend to City Council that the Ordinance be amended to require 6" of topsoil to meet MnDOT specifications. Motion was approved 5 – 1. Stevens, Larson, Englund, Streiff, Rask voting yes. Lorinser voting nay.

5. Discussion Items.

A. Storm water Ponding Requirements.

Lorinser stated that this was another thought that he had to try to make our community better. Lorinser stated that our current stormwater ponds, some are owned by the City. Lorinser stated that the CIP Plan had \$175,000 for maintenance to the ponds. Lorinser questioned if this was accurate.

DeWolf stated that this total amount takes into consideration both street maintenance and storm water pond maintenance.

Lorinser questioned if seal coating was in there also.

DeWolf stated that it was. DeWolf stated that in the past the City has completed \$100,000 a year in seal coating. DeWolf stated that the annual expenditure for storm water pond maintenance is estimated at \$75,000.

Lorinser stated that the City needs to look at the storm water ponding requirements. Lorinser stated that other communities have beautiful storm water ponds. Lorinser stated that the City of Andover has dry ponds, but you can walk through them, bike through them, they are graded evenly. Lorinser stated that our ponds would appear to be done on the cheap by the developer. Lorinser stated that some ponds have fences; others have no trespassing signs, and are features that residents do not want to live by. Lorinser stated that they should be constructed right the first time, have minimal maintenance, etc. Lorinser stated that he would like to see City staff look into how other communities do their ponding.

Stevens questioned if he was implying the implementation of design standards.

Lorinser stated yes.

Larson stated that for history, the developers have put the ponds in based upon what the City has requested.

Lorinser stated that they are built based upon flood standards.

Larson stated that some are fenced in because there was not a lot of space, so they are deep and the City had required the fence. Larson stated that the City has had issues with people storing junk in these areas or they do not realize that it is a storm water pond and they make it part of their yard.

Lorinser stated that Ever Cat has one that is irrigated.

Larson stated that the City has not completed a lot of storm water pond maintenance and we are now looking to do so.

Lorinser questioned if there were standards that would result in low maintenance ponds.

DeWolf stated that there are some ways in which we could modify our standards and staff has discussed this internally. DeWolf stated that the inlets and the construction of the storm water ponds to date have resulted in some high maintenance ponds. DeWolf stated that the City has modified some of the inlets in some areas. DeWolf stated that many of the ponds are going to be dry. DeWolf stated that with our permit requirements and MPCA requirements, the City is going to have to maintain the pond areas.

Larson stated that rain gardens have been discussed in the Palomino area. Larson stated that some residents were interested, but many residents were not. Larson stated that there was not enough of the community willing to maintain the rain gardens.

DeWolf stated that rain gardens are nice if they are maintained. DeWolf stated that City staff could look at some design standards.

Lorinser stated that he would like to see what we currently have in ordinance. Lorinser stated that he would like to see some options brought back from other communities. Lorinser stated that maybe we will find that there are no options.

DeWolf stated that the biggest question is do storm water ponds belong in outlots or do they belong on private property.

Lorinser stated that this was discussed and voted on years ago.

DeWolf stated that there is differences of opinion on this item.

Lorinser stated that if the City has to maintain privately owned ponds that could be an issue.

Dewolf stated that even if they are located on private property; the City always has control over them because of the drainage and utility easements.

Lorinser stated that City staff could review and bring the information back to a future meeting.

Englund stated that this is the time to be reviewing these types of items.

Lorinser stated that if anyone else on the Commission has items that they would like to discuss, to contact staff to have them added to the agenda.

Stevens stated that ICICLE has been meeting to discuss mutual cooperation between the entities. Stevens questioned if there was anything that the Planning Commission could do to foster the work that is being done with ICICLE.

Larson stated that the next topics of discussion will be technology needs. Larson stated that they will also be looking at the equipment that each entity has that could potentially be shared. Larson stated that meetings are scheduled with the City group as well as with the Townships.

Stevens stated that it may not seem like a planning issue, but there may be some areas that could be discussion items. Stevens questioned if there were anything additional that the group would want to discuss.

Larson stated that there are some corner sight line issues that could be discussed. Larson stated that there are various places where property owners have installed vegetation that does not meet the site line requirements. Larson questioned if the City would be requiring removal of these items. Larson stated that many property owners have things in the easement areas; and awareness that the City could remove such items without reimbursement should be expressed.

6. Other Communications.

A. Zoning Ordinance Amendments.

Krause stated that the amendments to the Ordinance had been provided to each member as a reference.

7. Adjournment

Motion by Englund, second by Larson to adjourn the April 13th, 2010 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:49 p.m.

Dated at Isanti, Minnesota this 11th day of May 2010.

Respectfully Submitted,

Lisa M. Krause, AICP
City Planner