

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
September 26th, 2016
6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room**

- 1. Call to Order** 6:02 p.m. by Chair Wilkening.

Roll Call-

Members Present: Gary Wilkening, Char Moore, Annie McMurrin, Rich Hansen

Public: None

Staff: Terri Bjorklund, Pamela Smith

Absent: None

- 2. Additions or deletions to agenda.**

None.

- 3. Announcements by Chair.**

Chair Wilkening stated that at the previous Planning Commission meeting it was discussed that Randy Carlson may be interested in serving on the Planning Commission; however, he has taking another part time position will not be available to serve on this committee.

- 4. M/S McMurrin/Moore to recommend approval of Minutes for August 29th, 2016.**

Motion passed (4-0)

- 5. Planning/Zoning –Report for August 2016.**

Smith reviewed the ZA report noting that the average building permits to date for August in the previous 4 years is around 30 so we are slightly under that average at 23.

- 6. Discussion on the revisions recommended by City Council on the updated draft of the Comprehensive Plan.**

Wilkening noted that the theory behind the first bullet point in question:

Identify city-owned, platted lots currently used for public parking or other uses.

Develop a strategy for converting each to commercial or other uses when it would help achieve the goals of the Comprehensive Plan.

This derives from when the 2010 comprehensive plan was developed by a representative that was coordinating with the Community Growth Institute.

Wilkening-His view was to make roads narrower and more winding and eliminate as much infrastructure in the city as possible, meaning you tried to not have roads pass by lots that the City owned because the City would have to pay for it. You increase your densities. That was his concept about a healthy community. His theory is if you spend 5.4 million dollars and you have 30 people to assess or have 130 people to assess. Everyone is happier at the 130. The area that they are referring to was the area between the Legion and Zona's, taking the parking green and turning into something like the flea market was or shops that you rent out seasonally.

McMurrin-So you have less parking?

Wilkening stated that when this statement was put in here in 2010 he didn't necessarily agree with it but, it is someone's opinion.

Moore reminds the board that one other argument at that time was that the businesses on Main Street aren't full as it is and why would they be adding more of them.

Bjorklund questioned if the board would like to consider possibly deleting line number nine. She clarified with the board what Wilkening was trying to explain to the City Council was that this is a working document that changes.

Bjorklund-Why spend the money and the time to go back and revise this? When we know everything isn't in here and this isn't something that we are all going to agree with but some people did at some point in time. We could take a look at some of these issues the next time we do this and not expend more funds on this document.

The board agreed with this statement.

Wilkening reminds the board of the public input meetings that happened at the Community Center and the Chase. Some of these opinions came from community members. Wilkening reads the next line:

The lakeside park is not easily accessible by pedestrians or even by car. This limits the spontaneous value of the park as a public gathering space and requires much of the limited area to be dedicated to parking.

McMurrin believed that what this means is, it's not accessible because there is no sidewalk to it.

Wilkening-A lot of the space that would normally be for the 'park' is taken up for 'parking'. In a regular park setting if you didn't want a boat launch you would probably be stopping at the top and the area that is for boats and cars to park would be just for walking access and that would all be green space. But our space is such that you really can't do that.

McMurrin-Our area needs the boat launch. It all depends on where your park is located in what area of the country also.

Hansen stated that he viewed that bullet item as a statement of fact. There is no direction in this line item it is a challenge.

Hansen-This is a problem here, keep it in mind. To the extent that you can fix the development around the park, to make it more pedestrian and vehicle traffic usable. It's great and a good thought to do. I don't know how to go about this just yet and don't know that any of us do. And we probably won't until some development issues come up. That is why that is a statement of fact.

Bjorklund stated that there is only one way in and there are no sidewalks to get there. It is a hike.

Wilkening noted that the next bullet item regarding the library in the park:

Construct a new public library at the City's lakeside park so as to help promote the park as a gathering space and improve pedestrian-oriented connections between public spaces and the commercial areas on the eastern edge of downtown.

Believes the Councilmember's disagreement with this bullet item is his opinion on this option of a location for the library.

Wilkening questioned what the board would like to do.

McMurrin-Everything in the Comprehensive Plan is not going to happen. Why would we change a few little things and spend more money?

Hansen, after clarifying that there was no deadline for having the Comprehensive Plan approved by the Council. He recommends to the board to look at this next month and address each one of these issues. For example 'Why isn't Leech Lake Township included?' and state failed to include that township, however, it doesn't make sense to spend the money on doing it. And we will keep it as duly noted as the Planning Commission. I think we can address it in a letter as a recommendation to Council to explain that we understand the bullet point issues but it doesn't make sense to pay to change it when we all know these issues and several other are in there. We have spent a lot of time and money on this already.

Bjorklund agreed to draft a letter this month and bring it back to the Planning Commission and put it back together the way you want to see it. And at least then you have a working document to start with and we aren't spending a lot of time or money on it.

Hansen encouraged that we address each one of the bullet items in the letter with an explanation listed on each one. Also, noting that it doesn't make sense to expend the funds for this at this time.

Wilkening stated that this will be moved to next month's meeting for a quick review and then to make the recommendation to Council.

7. Review and discussion on proposed drafts regulating building maintenance/appearance and open burning regulations.

Wilkening reviewed with the board that the City Council asked the planning committee to draft regulations for building maintenance/appearance. We have several issues with some existing structures in the City and no correct way to go about regulating building maintenance within our current Code.

Hansen questioned where the proposed section draft came from. Bjorklund stated that it came from Mahnomen.

Bjorklund-They had quite a property appearance issue and they took it quite seriously. My thought is it looks good. Yes it expects a lot. But maybe we want to say it takes two of these things or three of these things? Or instead of it stating a cracked window maybe revise it to read a broken-out window. She reminded the Council that we have houses in the City that currently do not meet building codes. If we have rules and regulations that state that they don't comply and that it is deemed a nuisance, and then staff has grounds to write a letter and address those problems, hopefully before becoming an issue.

Wilkening questioned if John had reviewed this?

Bjorklund stated that John is reviewing it and section (C) that she drafted, John wanted to teak a bit. But had not heard back as of yet what those changes would be.

Bjorklund-Do we want to talk about from a building inspector point of view? They can't go into a house and inspect the nuances in there unless they have a leg to stand on. A current house that they are dealing with there is enough violations of the building code on the exterior that we can do something about it. How do you ensure that once they shore up the exterior and they are going to rent it out again, that it's actually a livable property? Apparently this property doesn't have plumbing and electrical in it.

The Board discussed the Building and Maintenance and Appearance regulations that were proposed and suggested the following changes:

§96.04 BUILDING MAINTENANCE AND APPEARANCE

Correct the spelling of lose to loose.

(1) No part of any exterior surface may have deterioration, holes, breaks, gaps, lose loose or rotting boards or timbers.

The Board discusses if 20% is too tough. Hansen stated that when you think of this in terms of an outside wall of a house, it is generally a large area; 20% would be a good amount of square footage.

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any one wall or other flat surface; or

(b) All door and window moldings, eaves, gutters, and similar projections on any one side or surface.

The Board discusses that that the screens alone shouldn't deem further action by Council that it should take at least 3 violations of the 8 identified building nuisance items listed in (B) Standards.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

Wilkening suggested that they move the current section (C) to (D) and insert a description that reads for (C) as such:

(C) If three or more of items in section 96.04 (B) Standards, numbers (1) through (8) are found in violation; it may be declared a nuisance property.

Hansen questioned if the §96.99 Penalty was a heading issue verses the §10.99 Penalty listed. Bjorklund stated that they would have to decide if they have two penalty sections or have it incorporated into one section.

The Board briefly discusses §96.02 SNOW REMOVAL and agrees to make no changes in this section.

The Board reviews the OPEN BURNING regulations.

Wilkening stated that he was unaware that the forestry service no longer issued burning permits. Bjorklund clarified that City Residents could still get burning permit from the City. You can also go on-line to get them as well. Hansen suggested adding the verbiage under §96.031 PERMIT REQUIRED FOR OPEN BURNING permits are available through the City.

§96.031 PERMIT REQUIRED FOR OPEN BURNING

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in § 96.03. Burning Permits are applied for at City Hall.

Hansen suggested adding specifics such as; Cass County as to where the MPCA declares an air quality alert.

§96.038 BURNING BAN OR AIR QUALITY ALERT

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert *in Cass County*.

Hansen clarified that section §96.036 REVOCATION OF OPEN BURNING PERMIT first sentence should have the word ‘or’ between DNR forest officer, the Fire Chief.

§ 96.036 REVOCATION OF OPEN BURNING PERMIT

The open burning permit is subject to revocation at the discretion of DNR forest officer *or* the Fire Chief. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

Wilkening stated that the EPA requires that anything manufactured after January 1st, to be certified. The Board discusses how many outdoor stoves currently exist in the City.

Wilkening suggest it to read like all external solid fuel-fired heating devices (outdoor wood burning stoves) must be EPA certified to the 2015 source performance standards.

Wilkening stated that you could consider this an accessory structure and it would have to meet accessory structure setbacks. Bjorklund also suggested the setbacks apply to inhabited structures. Wilkening noted the importance of making sure that it is compliant with the EPA instructions but also that it is also operated according to the instructions. Wilkening stated making the setback 10 feet from the principal structures and 250 feet from any inhabited neighboring structures, I think we would be treating everyone reasonably.

§ 96.040 EXTERNAL SOLID FUEL-FIRED HEATING DEVICES (OUTDOOR WOOD BURNING STOVES).

(A) Definitions.

(1) EXTERNAL SOLID FUEL-FIRED HEATING DEVICE. A device designed for external solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

(2) PERSON. An individual, partnership, corporation, company or other association.

(3) STACKS OR CHIMNEYS. Any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially, the part of such a structure extending above a roof.

(B) Requirements for operation.

(1) EPA Standards. All external solid fuel-fired heating devices (outdoor wood burning stoves), must be EPA certified to the 2015 performance standards, be compliant with the EPA instructions and also operated according to the instructions.

(2) Setback requirements. The setback requirement for this in all districts will be 10 feet from the principal structure and 250 feet from any inhabited neighboring structure(s).

8. Draft of revised Code of Ordinances.

Wilkening suggested that the Board take the time to read this revised draft of the Code of Ordinances. And move this to the meeting next month for Planning Commission review or suggestions.

Council approved Ordinances 2016-02 through 2016-10 is not included in this draft, but will be included. It is also noted that Valen, Bjorklund, Smith along with the attorney from Municode have looked at in detail the substantive changes; remarking on the 100 blue tabs on the current ordinance book sitting in front of Bjorklund are a notation of every change.

9. Chair Wilkening adjourned the meeting at 6:55 p.m.