

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

July 29th, 2019

6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room

1. Call to Order 6:00 p.m. by Chair Wilkening

Roll Call-Members Present: Susan Ostlund, Rich Hansen (arriving after item 3), Gary Wilkening, Mary Beth Hansen, Randy Carlson

Staff: Pamela Smith

Public: Seth Liefer, Brad Baird, Julia Baird, Jim Thomsen

2. Additions or Deletions to the Agenda.

Wilkening stated that we will add 7.1 to the agenda; Consideration of addition to a building owned now by the Legion at 200 10th Street PID #96-358-1210.

As well as the addition of 9.1; Discussion of adding obstruction permits when we issue a building permit in the Central Business District.

3. Announcements by Chair.

Wilkening stated that Seth Liefer has attended a few of our meetings and turned in an application for joining the Planning Commission. Wilkening adds that he believes he would be a nice addition to our Board. Rich will be done in October. We should relieve Rich after the August meeting.

M/S M.B. Hansen/Carlson to recommend Seth Liefer to fill the soon to be available open seat on the Planning Commission starting in September.

Motion passed (4-0)

4. M/S M.B. Hansen/Carlson to recommend approval of Minutes for June 24th, 2019.

Motion passed (5-0)

5. Planning/Zoning –Report for June 2019

Smith reviews the zoning report for June.

6. Public Hearing 6:00 pm. To hear public comment on LU-2019-05, a Conditional Use Permit for moving > 50 cubic yards (non-shore or bluff impact).

Public Hearing opened at 6:04 p.m.

Wilkening reviewed with the Public that this is for moving an excess of 50 cubic yards of fill onto the lower area in front of 815 Front Street towards the 371 area. He added that it has been inspected and found to have no wetlands in that area. It does have a Right of Way portion with the State that Brad Baird is currently working on. What he is looking to do is take out the debris and some trees and fill the lot and bring it up to grade. It won't create any runoff issues onto other properties; he is the adjacent property owner towards the East of the work and he is also the adjacent property owner towards the West. Any property that would

be impacted; which there shouldn't be would be his own property. He is requesting up to 3,500 yards of fill. None of the work would start until he has worked out his arrangement with MnDOT. He is doing the process with the City first and will work out the terms with MnDOT regarding the Right of Way.

The Board clarifies that those trees near the road would be gone. Brad Baird stated that they would. Brad Baird further explains that with working with MnDOT that a few tradeoffs would happen with the State. Right now you have two access points and they would go down to one access point off of 371 as well as a turn lane going in. He explains that there would be planning schedule for more trees to go back in. The hole is about 12 to 14 feet deep.

The Board questioned if the Right of Way was so wide at that location because of a proposed turn lane. Brad Baird stated that MnDOT did not know why it was so wide because of how long ago it happened. There was a culvert in there at one time that flowed to the South. Brad Baird explains that the grade would be lower than the highway but close to that.

Public Hearing closed at 6:11 p.m.

7. M/S Ostlund/R. Hansen to recommend approval of LU-2019-05, a Conditional Use Permit for moving > 50 cubic yards (non-shore or bluff impact) with the findings of fact and conditions.

Wilkening reads the following conditions:

1. Maintain preventative steps for soil erosion before, during and after the project.
2. All areas disturbed during grading shall be covered with topsoil and seeded. Areas subject to concentrated run-off or steeper than 3:1 shall be sodded or seeded and protected with an appropriate mulch cover.
3. Water run-off shall be contained on subject properties.
4. Steps to protect the adjacent property owner from run-off will require silt fencing during filling.
5. Contingent on the submittal of approved Truck Highway Right of Way Permits with the Minnesota Department of Transportation.

Motion passed (5-0)

Wilkening explained that after the permits were acquired with the State then he could come back to the City to finish the process and get it recorded.

7.1 Consideration of addition to a former building owned now by the Legion at 200 10th Street South PID #96-358-1210.

Smith explained that the submittal of the building permit for an addition at this location has a currently legally nonconforming amount of impervious surface coverage. The addition does not change the amount of impervious surface coverage. Terri had questioned to me if we need to be concerned with the runoff.

M.B. Hansen questioned what the addition was for. Thompsen stated that it is for a garage. They will build the roof at a 3/12 pitch and for water runoff they will pick up the building about an inch and a half so they don't get any water running through it and it can run around it.

Wilkening explained that looking at the topography map that the water should follow its natural path right down into the street and collects into the storm water.

Hansen stated that every other one that we have dealt with that has been legally nonconforming and changes that they have made have made it even more nonconforming can be problematic; and something like this that doesn't make it any more nonconforming doesn't seem like it matters much.

The Board agrees that no motion is needed and sees no issue with runoff and to move forward with the building permit process.

8. Discussion and review on Tiny Homes Ordinance.

Wilkening explains the Bemidji Joint Planning Board treats it as an accessory structure. Brainerd looked at it a bit differently and that they have a variety of nonconforming lots and they were looking at what they could do to occupy them. Theirs didn't allow it as an accessory structure on an adjacent property. They were looking at it as more scattered through the community. Where Bemidji's was part of a subdivision situation.

R. Hansen stated that Brainerd had a problem to solve with over 400 vacant lots that were over 7,500 square feet which was too small to put a single family home.

Liefer questioned what Walker is trying to solve. Wilkening explained that we have a couple opportunities in the City where housing is going in; if we were to allow Tiny Homes as part of a subdivision that could be beneficial, we could increase density and make it more affordable to bring in sewer and water services.

Carlson questioned if we need to look at what the League may have for draft Tiny Homes Ordinance. Wilkening stated that he wondered if we would have to do that. If it is part of a PUD, wouldn't we just simply add a definition into our Ordinance that states a Tiny Home subdivision can be a component of a PUD and add the definition of Tiny Home?

Carlson asked if they have let anyone know that they can do that or how to let anyone know that they can do that if they are doing a subdivision? Smith questioned if most developers that do this; wouldn't they understand that they could work this into the agreement. Hansen stated that he thinks you would have to define it and put it into the PUD language. Wilkening stated that the first question is what the minimum square footage would be. Would it be as simple as Tiny Homes would be allowed as any part of a PUD? Ways of notifying the public of this possibility may be a newspaper article or possible a public hearing or public input meeting.

Wilkening stated that there are only approximately about 5 properties within City Limits that would be able to qualify for a PUD.

Seth questioned what is the worst that could happen and how can we avoid it. M.B. Hansen responded by reading the excerpt of the article that was published in the Bemidji Pioneer, *'The Nameless Coalition for the Homeless often has discussed the prospect of using tiny houses as a means of giving Bemidji's homeless population a place to stay. Coalition member Kristi Miller said the group's main priority at present is establishing an emergency shelter for chronic inebriates, but the group could look into the idea of tiny houses sometime in the future.'* Rich added that part of that issue would be partially resolved due to the fact that there is not a lot of areas in the City where Tiny Houses it would have to be part of development. And the only possibility outside of a PUD would be if a house or current structure is dilapidated enough would it be better to have a brand new tiny home on it or the dilapidated structure.

They discuss the possibility of a developer building 15 tiny homes and sells two and rents out the rest is there a way to write that into the PUD to prevent that; or would it be part of a Homeowners Association that would prevent that? The Board questions the legality of restricting

the ownership and controlling the rental of such. Hansen suggested requiring an HOA and we want this in there. Liefer suggested that it could be written in such a way that if your PUD has Tiny Homes than to make that a requirement. Smith clarifies that how they are looking at allowing this is only by PUD. She questioned if they would like her to contact Justin Bursell or look into other Cities or Municipalities that may have worked Tiny Homes into their PUD Ordinance? R. Hansen stated that he thinks also telling him what we are looking to do. We would like to do Tiny Homes, we would like to limit it from a commercial or organization rental standpoint and see if they have ideas or canned language. Wilkening also brings up that would it be considered a rental if someone had their ‘crew’ living there seasonally but not technically renting it to them.

8.1 Discussion of annexation.

Annexation was discussed at length. Ostlund stressed that we need to seriously consider annexation. The City can’t continue to tax its people for services that everybody in the surrounding township gets the benefit of using i.e. The Library, Park, DMV, Beach, etc. If Shingobee can’t help offset the costs then we have no choice but to annex. Wilkening requested to add the discussion of annexation on the November 2019 Planning Commission Agenda.

9. Discussion on Sign Ordinance enforcement

Temporary signs that have been scattered throughout the City for the farmers market every Thursday as well as Walker Bay Days signs were brought up as either permitting them or prohibiting them. R. Hansen stated that he believes that the farmers market cannot be prohibited. Smith questioned the farmers market that they have is more crafts and other items not a farmers market like the stand off the road of 371. Smith also reads from the Ordinance that signs two square feet or less a permit is not needed. Wilkening stated that he thinks that is only if it is an on premises sign and does not apply to signs placed within the DOT right of way. Wilkening stated that we need to look into either permitting these or prohibiting these. He added that it is too late in the season to take any action at this time.

9.1 Discussion of adding obstruction permits when we issue a building permit in the Central Business District.

Wilkening reviews the difficulty of building in the central business district. He suggested possibly modifying the permits to two different kinds. The regular permit process would remain the same making the permit good for two weeks. However, if the work was extensive and required multiple obstructions dates, possibly make it the length of the building permit as well as a different fee requirement.

10. Chair Wilkening adjourned the meeting at 7:22 p.m.