

**MINUTES  
PEQUOTLAKES PLANNING COMMISSION  
REGULAR MEETING  
October 20, 2016**

PRESENT: Deb Brown, Todd Engels, Bill Habein, Mark Hallan, Mark Mortenson, Nathan Norton, and Wesley Wilson. ABSENT: None.

CITY PLANNER: Justin Burslie, NJPA

ZONING SPECIALIST: Dawn Bittner

COUNCIL LIAISON: Absent

Chair Engels called the meeting to order at 6:00 p.m. and opened the Public Hearing.

**PUBLIC HEARING:**

**APPLICANT: Chris & Ronda Disch, Obsidian Enterprises of Minnesota LLC**  
**Applicants request an Ordinance Amendment to Section 17-8.3**  
**Manufactured & Pre-Build Housing Development**

Mr. Burslie explained the Staff Report. Applicants were not present. Mr. Burslie further explained the Buildings Standards language is now contained in our ordinance and must be met. The Planning Commission will need to make a recommendation to the City Council for either approval or denial.

Planning Commission Member Norton asked if language could be included making it necessary for the applicants to pay for the inspection and resealing. Mr. Burslie stated that could be clarified. Planning Commission Member Norton suggested including language that the exterior also be improved.

Mr. Burslie pointed out that under Building Standards 5B (6) is subjective. What is acceptable to one person may not be acceptable to another.

Planning Commission Member Wilson stated mobile homes were certified for HUD in 1976. If the City removed the 5-year limit on age, someone could move in a 1950's trailer. He stated he didn't agree with the 5-year limit, but taking it out opens the barn door.

Planning Commission Member Brown asked how they provide certification for the state electrical code. What is the definition of a "seal"? What does the seal from 2016 mean for a unit built in 1988? The bottom line is we want to support affordable housing, but

in reality we want it to be safe. How would an applicant prove the 6 items in Building Standards?

Mr. Burslie stated it would be the owners' responsibility on how they are met.

Planning Commission Member Norton stated that depending on the age, at one point they used aluminum wiring. If they don't open the walls, there could potentially be dangerous wiring.

Planning Commission Member Wilson stated the contractor has stated he hardly ever opens up the walls. Some are so old no seal is left on the siding.

Planning Commission Member Mortenson stated the Code from the 1980's is different from today for electrical and plumbing. They now need to be hard wired for arc faults, ground faults, smoke detectors, and carbon monoxide detectors. It will be hard to find a contractor willing to take liability for certifying the wiring is okay.

Planning Commission Member Brown asked if the owner can prove these 6 items in Building Standards, an older unit would be safe. How do they provide evidence? Is it doable?

Mr. Burslie pointed out it may not make economic sense; it may be better to purchase a newer unit.

Planning Commission Member Hallan stated per her email September 21 the Institute for Building Technology can re-issue or verify the original seal. Is that economically feasible? He wished the applicant was present. Her email indicates if the walls haven't been opened, then verification should provide evidence that the home meets safety standards, but are they certifying standards for 2016 or the requirements that were in place in 1998 when the home was manufactured.

Mr. Burslie stated the last sentence of the second paragraph on page two states if the walls were not opened verification from IBTS should provide evidence that the home meets safety standards that were in place at the time it was manufactured.

Planning Commission Member Norton reminded the Planning Commission of the number of items that would void a seal from his earlier research.

Planning Commission Member Mortenson stated he would be comfortable with a cap of 10 to 20 years; Planning Commission Member Norton stated he would be comfortable with 10 to 15 year cap.

**PLANNING COMMISSION MEMBER HALLAN MADE A MOTION, SECONDED BY PLANNING COMMISSION MEMBER WILSON, TO TABLE THE ORDINANCE AMENDMENT UNTIL NEXT MONTH, HAVE STAFF SEND NOTICE TO APPLICANT REQUESTING THEIR ATTENDANCE TO ADDRESS AND ANSWER QUESTIONS, PROVIDE A LIST OF WHAT IBTS INSPECTS AND HOW THEY PLAN TO MEET REQUIREMENTS OF SECTION 4.5. ALL MEMBERS VOTED "AYE". MOTION CARRIED.**

Chair Engels closed the Public Hearing.

**ADDITIONS OR DELETIONS TO AGENDA:** None.

**OPEN FORUM:** None.

**NEW BUSINESS:**

- a. Steve Fester, on behalf of Verizon Wireless  
Request to Extend Variance an Additional Six Months**

Mr. Burslie explained the Staff Report. Applicant was not present. Mr. Burslie stated the applicant can "act" by applying for and receiving the Land Use Permit. They would then have one year in which to begin construction.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION NORTON, TO EXTEND THE TIME TO ACT ON THE VARIANCE TO MARCH 17, 2017. ALL MEMBERS VOTED "AYE". MOTION CARRIED.**

- b. Nancy & Mervin Kiryluik, applicants  
Metes and Bounds Subdivision**

Mr. Burslie explained the Staff Report. Applicants were not present.

Chair Engels asked if the easement for ingress/egress needed to be approved by the City. Mr. Burslie stated the City cannot require the land owner to the north to grant access. The applicant needs to be sure they have access. This subdivision is not creating a new lot, simply moving the south lot line.

Mr. Burslie stated the original proposal was to split Tract A into 2 parcels. There is no access to public right-of-way. A new parcel has to have proper access. This subdivision is not creating a new parcel.

**Planning Commission Member Hallan moved to approve the Metes and Bounds Subdivision Application 16-4453 and waive the ordinance requirement that requires all non-conforming structures on the subject property be brought into conformance as per Section 17-9.4 (2) of the Land Use and Subdivision Ordinance, based on the following Findings of Fact:**

1. The subject property is currently zoned Shoreline Residential.
2. The lot widths of the proposed parcels both meet the minimum standard of 100 feet.
3. Both of the proposed parcels meet the minimum area requirements of the Shoreline Residential zone.
4. The existing structure on Tract A is located within the bluff. The existing structure on Tract B located near the south property line of Tract A-1 is within the bluff impact zone and the OHW setback. The other structures on Tract B also appear to be non-conforming as viewed on the aerial photo.
5. The subject property is not adjacent to the municipal water and wastewater utilities. Tract A does not contain a dwelling. Tract B contains a private SSTS and a water well.
6. The property is suitable in its natural state for the intended purpose and this lot split would not be harmful to the health, safety, or welfare of future residents or of the community.
7. The applicant is not proposing any provisions for water-based recreation.
8. The proposed lot layout meets the requirements of the ordinance.
9. The proposed side lot lines are at right angles to the existing road line and the property line of the adjacent property.
10. With the proposed lot line adjustment, no new parcels are being created without access to the public right-of-way. The subject property is currently accessed via a private driveway located on the property immediately north of the subject property. It is unclear as to whether or not a formal easement agreement exists for usage of this driveway. The applicants intend to formalize the 33' ingress/egress easement identified on the survey with the owner of the property located immediately north of the subject property.
11. "Tract B Combined" has sufficient frontage on a public right-of-way (State Highway 371).
12. The subject property meets the requirements of the code for stormwater management.
13. There are no public streets proposed within the development.

**Planning Commission Member Brown seconded the motion. All members voted "aye". Motion carried.**

**OLD BUSINESS:** None.

**APPROVAL OF MINUTES**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WILSON, SECONDED BY PLANNING COMMISSION MEMBER MORTENSON, TO APPROVE THE SEPTEMBER 15, 2016 MINUTES. ALL MEMBERS VOTED "AYE". MOTION CARRIED.**

**P & Z ADMINISTRATOR'S REPORT:**

Zoning Specialist Bittner pointed out the 9 permits issued and the 4 letters sent. The following Potential Violations/Enforcement Actions were discussed:

1. Virgil Dahl– Planning Commission Member Wilson reported Mr. Dahl is moving items to the rear of his property.
2. Sean Harguth letter – The Planning Commission asked for clarification regarding the letter to Mr. Harguth.
3. Doug Steele Fence – Staff was directed to verify the height of the fence.
4. Peterson Subdivisions – Staff was directed to verify all of the conditions have been met for these subdivisions.

Planning Commission Hallan asked if the City has had many applications for Digital Signs. Staff did not have the information but advised there had only been a few. Mr. Hallan reported Nisswa is struggling and had let them know our ordinance is working.

Planning Commission Member Hallan reported a tree has fallen on the fence at the Fire Tower and smashed the fence. In addition, the hand rail is loose and a tread is missing.

**ADJOURNMENT:**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER HALLAN, SECONDED BY PLANNING COMMISSION MEMBER HABEIN, TO ADJOURN THE MEETING. ALL MEMBERS VOTED "AYE". MOTION CARRIED.** The meeting was adjourned at 6:46 p.m.

Respectfully submitted,

Dawn Bittner  
Zoning Specialist