



ST. FRANCIS PLANNING COMMISSION

**ISD #15 DISTRICT OFFICE BUILDING
4115 AMBASSADOR BLVD.
MARCH 19, 2014**

7:00 PM

AGENDA

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda March 19, 2014
4. Approve Minutes February 19, 2014
5. Public Comment
6. Discussion Item – Ordinance Amendment – Septic Ordinance
7. Discussion Item – PUD Ordinance Review
8. Adjournment

There may be a quorum of St. Francis Council Members present at this meeting.

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
PLANNING COMMISSION MINUTES
February 19, 2014**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chair Rich Skordahl.
2. **Roll Call:** Present were Joel Olson, Ray Steinke, William Murray, Greg Zutz, Rich Skordahl and Todd Gardner. Also present were Council Liaison Tim Brown and City Planner Nate Sparks.
3. **Adopt Agenda:** MOTION BY ZUTZ, SECOND BY STEINKE TO ADOPT THE FEBRUARY 19, 2014 PLANNING COMMISSION AGENDA. MOTION CARRIED 6-0.
4. **Approve Minutes:** MOTION BY STEINKE, SECOND BY MURRAY TO APPROVE THE NOVEMBER 20, 2013 PLANNING COMMISSION MINUTES. MOTION CARRIED 6-0.
5. **Election of Officers:** MOTION BY OLSON, SECOND BY STEINKE TO APPOINT SKORDAHL AS CHAIR. MOTION CARRIED 6-0. MOTION BY MURRAY, SECOND BY OLSON TO APPOINT STEINKE AS VICE-CHAIR. MOTION CARRIED 6-0.
6. **Public Comment:** None
7. **Public Hearing – Conditional Use Permit- Auto Sales at St. Francis Collision**

Sparks indicated CNJ Properties LLC, the operator of St. Francis Collision, has made an application for a CUP to allow for auto sales at 23615 St. Francis Blvd. The site currently has a CUP for the auto body shop. Based on parking calculations, the site has 10 extra parking stalls that could be used for the display of vehicles for sale. The applicant intends to sell primarily former loaner and classic cars.

Skordahl opened the Public Hearing at 7:06 pm. Hearing no comment, Skordahl closed the Public Hearing at 7:07 pm.

MOTION BY OLSON, SECOND BY ZUTZ TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS:

1. Cars on display for sale shall be limited to 10 unless the applicant demonstrates a parking plan showing more parking availability and has the lot striped in conformance with Section 10-19 of the Zoning Ordinance.
2. Junk or severely damaged vehicles that are not in compliance with Chapter 8 of the City Code are prohibited from outdoor display.
3. The Auto Sales business may only be conducted with a license from the State.
4. All fees related to the review of this application shall be paid by the applicant.

MOTION CARRIED 6-0.

8. **Discussion Item – Ordinance Amendment – Vacant Property Registration**
Sparks presented a draft ordinance amendment regarding the registration of vacant buildings. The draft ordinance requires the registration of all vacant buildings within 60 days of vacancy. With the registration comes an inspection and a plan for maintenance for the property. The maintenance plan is required to correct any violations on the property and to ensure the building isn't maintained as blight or a nuisance.

Skordahl stated that empty tenant bays in multi-tenant commercial structures should not require registration. Olson said while he could see the case for exemptions in certain circumstances, it may be too difficult to enforce. Murray suggested that the ordinance clearly state responsibilities for snow removal and yard maintenance. Gardner suggested making the ordinance more clearly reference buildings as opposed to vacant property. Zutz said the 60 days of vacancy before requiring registration seemed reasonable.

MOTION BY ZUTZ, SECOND BY GARDNER TO RECOMMEND APPROVAL OF THE ORDINANCE WITH CHANGES TO REFLECT THE COMMENTS FROM THE COMMISSION. MOTION CARRIED 6-0.

9. **Other Items** – Skordahl stated that Commissioners should notify Sparks if they cannot attend a meeting to ensure there is a quorum.
10. **Adjournment:** MOTION BY STEINKE, SECOND BY OLSON TO ADJOURN MEETING AT 7:45 PM. MOTION CARRIED 6-0.

Nate Sparks, City Planner

Date

PLANNING MEMO

TO: St. Francis Planning Commission
Matt Hylan, City Administrator

FROM: Nate Sparks, City Planner

DATE: March 14, 2014

MEETING DATE: March 19, 2014

RE: Septic Ordinance Amendments

BACKGROUND

Anoka County has adopted a new ordinance regarding septic system installation and maintenance. Minnesota Statutes and Rules require all cities with septic programs to adopt an ordinance consistent with the County Ordinance. The City's existing ordinance needs to be updated to be consistent with the new ordinance adopted by Anoka County.

DRAFT ORDINANCE

The draft ordinance is being presented to the Planning Commission for review and input. Generally, the ordinance is a reflection of the minimum standards required by cities by the State of Minnesota. It outlines general permit requirements and procedures. The State requires individuals to maintain their septic system every three years, which is included in this ordinance. It is the responsibility of the City to monitor the inspection requirement.

Additionally, City Staff would like feedback on two optional provisions:

- Point of sale inspections
- Minimum time to correct violations

Point of Sale Inspections

Many area cities and counties require a compliance inspection prior to the sale of the property. This is not mandatory but it may allow for the City to have problem septic systems repaired. This inspection is greater in scope than the general maintenance provisions mandated by the State. Currently, the City of St. Francis does not require a point of sale inspection. This is required in Isanti County. This requirement is seen as beneficial for groundwater protection. According to a PCA survey, slightly over half of the jurisdictions in Minnesota require point of sale inspections with some only requiring the inspection in Shoreland Districts.

Minimum Time for Violation Corrections

When a septic system is deemed an “imminent threat” to public health, the County requires the property owner to abate the issue immediately and then correct the problem with the septic system within 10 months. Septic systems that are failing are required to be fixed within 24 months. These timeframes can be made shorter, if the City desires. For example, Sherburne County requires failing systems be brought into compliance within 18 months.

RECOMMENDED ACTION

The Planning Commission should review the draft ordinance and provide a recommendation to the City Council.

SEPTIC ORDINANCE AMENDMENT
March 19, 2014 Planning Commission Review

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT
SYSTEMS AND PRIVATE WELL WATER SUPPLIES

~~3-4-1: PURPOSE. It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.~~

~~3-4-2: COMPLIANCE. It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.~~

~~3-4-3: INSPECTION. No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.~~

~~3-4-4: STATE CODE SETTING INDIVIDUAL ON SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk and open to public inspection during regular office hours.~~

~~3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.~~

~~3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.~~

~~3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments.~~

~~3-4-8: CONTRACTOR REQUIREMENTS.~~

- ~~A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.~~
- ~~B. Insurance. The contractor shall place on file with the City Clerk, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of \$100,000 per person and \$600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than \$100,000.00 per incident.~~

3-4-1: PURPOSE, APPLICABILITY, AND AUTHORITY:

- A. Purpose. It is the purpose and intent of this ordinance to establish standards for the design, location, construction, operation, and maintenance of Subsurface Sewage Treatment Systems (SSTS).
- B. Applicability. The sewer provisions of this ordinance shall apply to any premises in the City that are not served by the municipal wastewater treatment system.
- C. Authority. This ordinance is adopted pursuant to the authorization and requirements contained in Minnesota Statutes §145A.05, 115.55 and Minnesota Administrative Rules Chapter 7082.

3-4-2: GENERAL PROVISIONS:

- A. Treatment Required. All sewage generated in unsewered areas shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- B. Administration. This Ordinance shall be administered by the St. Francis City Building Official or any such designee of the Building Official or City Administrator.
- C. Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this ordinance.
- D. Conditions. Violation of any condition imposed by the City on a license, permit, or variance, shall be deemed a violation of this ordinance and subject to the penalty provisions set forth in this ordinance.
- E. Site Evaluation, System Design, Construction, Inspection, and Servicing. Site evaluation, and system design, construction, inspection and system servicing shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in Minn. R. 7083.0700. For lots platted after April 1, 1996, a design shall evaluate and locate space for a second soil treatment area.

F. Inspection. No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this ordinance. It shall be the responsibility of the permittee to notify the Building Official that the system is ready for inspection. If the integrity of the system is threatened by adverse weather if left open and the Building Official is unable to conduct an inspection, the permittee may, after receiving permission from the Building Official document compliance with the ordinance by photographic means that show said compliance and submit that evidence to the Building Official prior to final approval being sought.

G. Compliance Inspection Required. A SSTS compliance inspection is required:

1. For a new or replacement SSTS.
2. When altering an existing structure to add a bedroom.
3. When a parcel having an existing system undergoes development, subdivision, or split.
4. When a parcel having an existing system is sold or transferred to another party.

H. Imminent Public Health and Safety Threat; Failing System; and Surface Discharge.

1. A subsurface sewage treatment system which poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the Building Official and be brought into compliance with this ordinance in accordance with a schedule established by the Building Official, which schedule will not exceed ten (10) months.
2. A failing system, an SSTS that is not protective of groundwater, shall be brought into compliance within twenty-four months after receiving notice from the Building Official.
3. An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

I. Conflict Resolution. For SSTS systems regulated under this Ordinance, conflicts and other technical disputes over new construction, replacement and existing systems will be managed in accordance with Minnesota Rules 7082.0700 Subpart 5.

J. Septic Tank Maintenance. The owner of a sewage tank, or tanks, shall regularly, but not less frequently than every three years, inspect the tank(s) and measure the accumulations of sludge and scum. If the system is pumped, measurement is not needed. The owner shall remove and sanitarily dispose of septage whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or the bottom of the scum layer is less than 3 inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge. Maintenance activities are required to be recorded on forms

supplied by the City of St. Francis and submitted to the City. Fees shall be paid in accordance with the City's Fee Schedule.

- K. Non-Complying Systems. Existing systems which are non-complying, but not an imminent health or safety threat, failing, or discharging to surface, may continue in use so long as the use is not changed or expanded. If the use changes or is expanded, the non-complying elements of the existing system must be brought into compliance.
- L. Non-Complying Work. New individual sewage treatment system construction that is non-compliant, or other work on a system that is non-complying, must be brought into compliance with this ordinance in accordance with a schedule established by the Building Official, which schedule will not exceed seven days unless the Building Official finds extenuating circumstances.
- M. Change In Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the system has changed or been altered.
- N. Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property, the Building Official may reduce property line and building setbacks and system sizing requirements provided said reduction does not endanger or unreasonably infringe on adjacent properties and with the concurrence of the affected properties. DNR issues?
- O. Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this ordinance and all of the rules and statutes incorporated by reference.
- P. Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency.

3-4-3 STANDARDS ADOPTED

- A. Minnesota Rules Adopted. Minnesota Rules, Chapters 7080 and 7081, that are in effect on the date of passage of this ordinance, relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein.
- B. Rules Amended. The rules, adopted in Section 3.01 are amended as follows:
 - 1. Compliance Inspection - 15 Percent Vertical Separation Reduction. MR 7080.1500 Subp. 4D is amended to allow 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.

- C. Holding Tanks. Holding tanks may be allowed for the following applications: as replacement to a failing existing system, an SSTS that poses an imminent threat to public health and safety, or for an existing lot in which a SSTS cannot feasibly be installed and the Building Official finds extenuating circumstances. Holding tanks require an operating permit as directed by the administrative authority
- D. System Abandonment. An SSTS, or component thereof, that is no longer intended to be used must be abandoned in accordance with the adopted standards of this Ordinance. Replacement systems which result in discontinued use of any or all existing components shall initiate requirement of maintenance recoding and abandonment procedures as specified in MN Rules 7080.2500.

3-4-4: PERMITS

- A. Permit Required. No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any subsurface sewage treatment system without first obtaining a permit for such work from the Building Official. No person shall construct, alter, extend, convert, or modify any structure which is or will utilize subsurface sewage treatment system without first obtaining a permit.
 - 1. All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing pursuant to MN Rules 7083.0700. Permit applications shall be submitted by the person doing the individual subsurface sewage treatment system construction on forms provided by the Building Official and accompanied by required site and design data, and permit fees.
 - 2. Permits shall only be issued to the person doing the individual sewage treatment system construction.
 - 3. Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance.
 - 4. A permit is not required for minor repairs or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components or otherwise change the original system's design, layout, or function.
- B. Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems; MSTs and other SSTS that the Building Official has determined requires operational oversight.
 - 1. Application. Application for an operating permit shall be made on a form provided by the Building Official.
 - 2. Holding Tanks. The owner of holding tanks installed after the effective date of this Ordinance shall provide the Building Official with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

3-4-5: VIOLATIONS AND PENALTIES

- A. Misdemeanor. Any person who fails to comply with the provisions of this ordinance may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. Injunctive Relief. In the event of a violation or a threat of violation of this ordinance, the Building Official may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the City Attorney may institute a civil action.
- C. Civil Action. In the event of a violation of this ordinance, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the City Attorney may institute such action.

PLANNING MEMO

TO: St. Francis Planning Commission
Matt Hylen, City Administrator

FROM: Nate Sparks, City Planner

DATE: March 14, 2014

MEETING DATE: March 19, 2014

RE: Planned Unit Development Ordinance Review

BACKGROUND

Recently, the City had a development where the applicant wished to apply for a PUD. The applicant thought the PUD process in the Ordinance was confusing and time consuming and instead opted to apply for a variance. City Staff is requesting the Planning Commission discuss some possible amendments to the PUD ordinance that may make the application process easier.

PUD ORDINANCE

Planned Unit Developments are generally a zoning tool to allow for a development to be designed in a manner that results in a development that is “better” than one following the strict standards of the Zoning Ordinance. Currently, the City has an ordinance that allows for PUDs provided they follow a three step procedure: concept, development stage, and final stage. In some cases steps of the process could be combined.

The question raised was whether or not the City would entertain having a more streamlined procedure for projects with very minor defined deviations from the zoning standards. A recent project contemplated having reduced setbacks for a commercial project with coordinated building locations due to the narrow width of the property. The application could have been processed as a PUD had there been a clear procedure in place.

PROPOSED CHANGES

If the Planning Commission is interested, City Staff could prepare an amendment for review that would allow for a single step approval of a PUD that has minor deviations from City standards that could be processed more like a Conditional Use Permit than a rezoning. This may be limited to commercial or industrial projects.

RECOMMENDED ACTION

If the Planning Commission believes such an ordinance amendment would warrant further discussion, City Staff will prepare an amendment for review and discussion.