

**CITY OF PARK RAPIDS
REGULAR MEETING
PLANNING COMMISSION
JUNE 22, 2015, 6:00 p.m.
Park Rapids Library, 210 First Street West – Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The June 22, 2015, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m.

2. ROLL CALL: Present: Commissioners Joel Vohres, Nels Peterson, Dick Rutherford, Janice Carnell and City Councilmember Paul Utke. Absent: Dick Bradow. Staff Present: City Planner Ryan Mathisrud and Planning Assistant Carmen L. Lockhart. Others Present: None.

3. APPROVAL OF AGENDA: A motion was made by Vohres, seconded by Carnell, and unanimously carried to approve the following agenda as presented.

4. APPROVAL OF REGULAR MEETING PLANNING COMMISSION MINUTES OF APRIL 27, 2015: A motion was made by Carnell, seconded by Vohres, and unanimously carried to approve the April 27, 2015 Regular Meeting Minutes as presented.

5. PUBLIC HEARING:

5A. ZONING ORDINANCE PROVISION AMENDMENT REQUEST FROM THE CITY OF PARK RAPIDS, 212 2ND ST. W, TO REMOVE THE FOLLOWING CHAPTERS: §50.27 PRIVATE SEWAGE DISPOSAL; §151.104 NON-CONFORMING SEWAGE TREATMENT SYSTEMS; §151.130 SEWAGE TREATMENT STANDARDS; §151.131 SEWAGE TREATMENT PERMIT REQUIREMENTS; §151.132 REVISION TO AN APPROVED PLAN; AND §151.133 SEWAGE TREATMENT SYSTEM INSPECTION; AND TO ADD CHAPTER §153 SUBSURFACE SEWAGE TREATMENT SYSTEMS UNDER TITLE XV LAND USAGE OF THE PARK RAPIDS CITY CODE OF ORDINANCES AS MANDATED BY THE STATE OF MINNESOTA:

Mathisrud explained as you understand from the title, we're basically proposing to remove several chapters from the City of Park Rapids Code of Ordinances and add a new chapter to the code regulating septic systems. To give you a little background on this, the City of Park Rapids has regulated septic systems ever since we were required to. The State of Minnesota, I believe under the Clean Water Act has the authority to regulate septic systems and they take that power and they basically mandate that counties regulate and give the option to cities to regulate septic systems and so periodically we are asked to update our ordinance to reflect the new standards that are there and be in compliance with state law. The applicant is the City of Park Rapids and we received a letter on September 4th of 2014 from the state saying we don't have your updated ordinance yet, please provide one and we had twelve months from the date that the county adopted their ordinance to adopt one that is as restrictive or more

restrictive than the county's ordinance otherwise we will revert to the county to administer your septic system ordinance. As discussed, the MPCA oversees regulation of the Subsurface Sewage Treatment Systems also known as SSTS. The counties and municipalities like Park Rapids are the ones who are actually issuing the permits and we're responsible for enforcing the local regulations and that is why the MPCA requires this. We have to meet a certain minimum standard and that is the county's standard and the MPCA basically gave requirements to the county as a certain minimum standard that they have to follow so we can go above and beyond but we have to meet that minimum standard.

Mathisrud further explained in 2012 MPCA gave that order to the county and it's now gone to us. In order to put together an SSTS program for the City of Park Rapids we have to basically meet a number of requirements in order to administer our own program we have to:

- Adopt an ordinance that's as restrictive as the county.
- Enforce compliance when noncompliance is found.
- Formally contract with an SSTS inspector.
- Insure that management plans are included with applications.
- Insure that registered SSTS products are installed during construction.
- Issue permits.
- Inspect the systems during construction.
- Verify the soils during construction.
- Track compliance.
- Have an administrator of the program that is trained.
- Keep required records.
- Provide an annual report to the state every February 1st.

Mathisrud played a u-tube video from St. Louis County on septic systems.

Mathisrud systems are more complicated these days than they used to be for many reasons and to give you an idea I am going to go through our current code. We basically require that where city sewer is unavailable – where city services are not plumbed in, septic systems are required to comply with Minnesota Rules Chapter 7080 which spells out all the rules for regulating septic systems in the State of Minnesota so many communities, Park Rapids and the county both adopt this by reference in various parts of the code. Also in that chapter, the city must approve system design and in 151.104 any noncompliant system must be upgraded by 7-1 of 1997, no permits shall be issued until the system is upgraded. Also in that code if city sewer becomes available within 200 feet of residence structure the resident shall connect to city sewer. In 151.131 it basically states that no septic work is to be completed without a permit and it also establishes designer qualifications so the person that designs the system has to be qualified. In 151.132 modifications to improve septic plans must be approved by the city so if you want to change your design for a system that was installed if you want to alter that then you have to have that plan approved you can't just do it. In 151.133 installation of a septic system must be inspected and then it also states that the system must be inspected prior to being covered with soil and the owner must provide access to the inspector. Mathisrud stated we had some parts of this code by it wasn't really comprehensive like this is intended to do.

Mathisrud explained this proposed ordinance establishes several key requirements for septic system owners, installers and the city. This includes:

1. If a system is failing to protect ground water quality, that it be repaired or replaced within 12 months.
2. If a system is an imminent threat to public health that it be discontinued from use.
3. All SSTS work must be performed by an appropriately licensed business or person.
4. That systems no longer in use be properly abandoned.
5. Technical standards for new systems.
6. A procedure for variances.
7. A procedure for new system permitting.
8. A provision requiring space for two drain fields.
9. A provision specifying conditions for holding tanks.
10. Prohibits discharging sewage to the ground surface.
11. Regulations for SSTS in floodplains.
12. It requires a management plan for all new and replacement SSTS.
13. It requires a management plan for type 4 and 5 systems.
14. It requires maintenance for all systems that don't have a management plan.
15. That class v wells be disclosed in real estate transactions and that they be reported to the EPA.
16. A provision to resolve soil delineation disputes between contractors and the city.
17. A provision specifying who approves of repairs to an SSTS.
18. A provision that allows reduced soil separation distance.

Mathisrud stated to recap, this is a state mandated ordinance but it also allows the city to do a number of different things and when doing it my first thought was why are we doing it and can't we just have the county do our ordinance, but some of the benefits of having our own ordinance is being able to coordinate our sewer and water projects with our enforcement activities and right now we have a number of projects where we're going to have people connect to city sewer and water in the near future and if we have our own ordinance we can continue with the plans that we have otherwise we might be faced with a situation where people are forced to upgrade their systems and later have a project go through and have to connect.

Mathisrud stated he sent the proposed ordinance to Hubbard County and to our contracted septic inspector to review and also sent it to the State and they all felt that it met the requirements and would be adequate. Mathisrud clarified that this is the minimum ordinance that we need in order to be compliant but we can go above and beyond so if there are reasons that we would want to tighten up the requirements we could certainly look at doing that. I have not presented anything like that to you at this time but is something I could look into if preferable to the Planning Commission. Mathisrud stated he recommends forwarding a recommendation to the City Council for approval of the proposed SSTS Ordinance as presented to the Planning Commission in the packet.

Utke inquired if the proposed ordinance is direct mirror of the county's ordinance? Mathisrud stated yes it is a direct mirror image of the county's ordinance. There are no substantive changes from this compared to the county's. One thing that may be an option for Park Rapids that might be beneficial is having a point of sale inspection

requirement which would basically require that in real estate transactions that before someone sells a property they have to have a septic system inspection and basically what that would do is help us to get data as to what systems are out there because right now we don't know all the systems that are out there but the reality is that we don't have a good log of all the systems that are out there so it would help us create that but it would also help meet the compliance issue with that, helping get these systems connected to city sewer and water and insure that we don't have failing systems out there so that's one thing that I could recommend that we look into if that is agreeable to the Planning Commission.

Vohres stated or possibly a point of sale or unless one has been done in a certain period of time before that. Mathisrud stated as he has seen them done a point of sale inspection is good or you can have it good for three years or something like that.

There was further discussion concerning point of sale inspections in the county and the advantages and disadvantages of more government involvement in property sales and real estate disclosure issues; logs of current septic systems within the city, annexation areas, preparation of inventory of existing septic systems by utility staff; past regulations for installation; MPCA regulation changes over the years; and coordinating CIP with upgrades to systems.

The Public Hearing was opened at 6:37 p.m.

No public representation so there were no comments.

The Public Hearing was closed at 6:37 p.m.

The Findings of Fact were reviewed. The commissioners came to the following conclusions.

1. *Is the zoning amendment consistent with the Park Rapids Comprehensive Plan?* YES.
2. *Have there been changes in the character of development in this vicinity?* N/A.
3. *Is the amendment request a result of an error made in the Zoning Ordinance/Zoning Map or Comprehensive Plan?* NO.

A motion was made by Rutherford, seconded by Vohres, and unanimously carried to recommend to the City Council approval of a Zoning Ordinance Provision Amendment Request from City of Park Rapids, 212 2nd St. W, to remove the following Chapters: §50.27 Private Sewage Disposal; §151.104 Non-conforming Sewage Treatment Systems; §151.130 Sewage Treatment Standards; §151.131 Sewage Treatment Permit Requirements; §151.132 Revision to an Approved Plan; and §151.133 Sewage Treatment System Inspection; and to add Chapter §153 Subsurface Sewage Treatment Systems under Title XV Land Usage of the Park Rapids City Code of Ordinances as presented.

6. INFORMATIONAL/DISCUSSION:

6A. FUTURE LAND USE MAP AND REZONING UPDATE: Mathisrud stated he doesn't have a lot of update at this point but started going through our zoning ordinance and has a use table as you directed me to give you an idea of the types of uses that may be permitted in the R-B District so I am trying to give you a good list of proposed uses in the city ordinance that would be applicable so I will have that at the upcoming Planning Commission meeting and then we will move forward with that.

OTHER DISCUSSION:

Utke asked if Mathisrud had a chance to review the 50 foot lot issue in certain areas of the city? Mathisrud said honestly it has been pretty busy and has not had time but realizes that is important and is on my radar to get something put together for that in the next few months. Utke said he had someone ask him about building on a 50 foot lot and he told her it is something we are reviewing in certain areas.

Rutherford inquired about a past CUP applying to an owner who is once again using the property. Mathisrud stated it applies and the owner has been in contact with the city and is required to provide a new parking layout plan within 30 days. Mathisrud stated the property was on a land contract and he got the property back so the CUP does run with the property as long as he meets all conditions.

7. ADJOURNMENT: A motion was made by Utke, seconded by Vohres, and unanimously carried to adjourn the meeting at 6:37 p.m.

Vice Chair Nels Peterson

ATTEST:

Carmen L. Lockhart
Planning Assistant