

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
MONDAY, JULY 9th, 2012 – 7:35 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 7:35 p.m.

2. ROLL CALL

PRESENT: Chair Phillips and Commissioners Gardner, Palmquist, and Olson (not present until 7:45PM)  
STAFF: City Planner Kaltsas, City Administrator Hirsch, Building Inspector Satek  
ABSENT: Thompson  
VISITORS: Jan Gardner, Roger Dolliff, and Lynda Franklin

3. APPROVAL OF PLANNING COMMISSION MEETING MINUTES OF JUNE 11, 2012

**Motion by Gardner, seconded by Palmquist, to approve the June 11, 2012 Planning Commission minutes. Ayes: Phillips, Gardner, Olson, Palmquist. Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.**

4. PUBLIC HEARING. Roger and Vivian Dolliff, owners of the properties located at 4855 Eagle Ridge Road (PID No. 01-118-24 41-0001 and 01-118-24 14-0007) is requesting the following actions from the City:

- A minor subdivision to allow a lot line rearrangement of Dolliff's two lots. Combine approximately two ±(2) acres rural from their north parcel and combine with their Southern parcel to make a six ±(6) acre parcel.

Kaltsas reported the applicant was present and wishes to reallocate 1.8 acres of the Northern parcel to the Southern parcel; which would make the Southern parcel more marketable at 6.4 acres. Both properties are currently zoned Rural Residential and they can hold both a primary and secondary septic system. Both of these properties currently meet the zoning requirements.

Kaltsas stated the property at 4855 currently has an accessory 1000 square foot building on the lot; which is within the allowable requirements of 2,600 square feet. There is no change in the status of the lot. The wetlands do have a 25' set-back; however the new lot lines would still meet the buildable requirements.

Kaltsas reported that they simply would like to change the geometry of the site and are not approving a building pad site. Palmquist inquired about the 33' section of road in the southern lot that isn't shown as part of the City's right of way, after much discussion, it was the Planning Commission's desire to add that in their recommendation to the Council, to take that as an easement for the City.

The Planning Commission recommended the following:

1. The proposed minor subdivision, to allow a lot line rearrangement, meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. Prior to the City Council's final approval of the minor subdivision, the applicant shall complete the following items:
  - A. The Applicant shall provide a revised survey indicating all easements for drainage and utilities as required by and in accordance with the City's subdivision ordinance for both the existing and newly created parcels (Section 500.15, Subd.'s 1 and 2).
3. Prior to the City executing the minor subdivision to be recorded at the County, the applicant shall provide the City with the following items:
  - A. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
6. The City is not approving a new building location on the property identified by PID No. 01-118-24-41-0001. Any proposal for a new home will be required to meet all applicable criteria and requirements.
7. And, to add the 33' of right to the City as an easement now, rather than waiting until a later date when it would be much harder to retain that particular piece of road (right of away).

Kaltsas reported the Planning Commission would not be approving any new building sites on the property identified by PID No. 01-118-24-41-0001. Any proposal for a new home will be required to meet all applicable criteria and requirements.

**Motion by Gardner, second by Palmquist to recommend approval to the Council of the minor subdivision/lot line rearrangement as noted in their 7 conditions as listed above in the minutes. Ayes: Phillips, Gardner, Palmquist and Olson; Nays; None; Absent: Thompson. MOTION DECLARED APPROVED.**

5. PUBLIC HEARING. Ron Lyrek, owner of the property located at 5286 County Road 11 (PID No. 01-118-24 34-0008) is requesting a conditional use permit utilizing a detached structure to be used as an accessory dwelling structure.

Kaltsas reported the applicant was not present. Kaltsas went on to explain the history of the property as a 5.34 acres parcel with a finished home and an existing accessory structure that does not exceed the maximum 2,600 square foot allowable space but is @1,200 square feet in size; however the structure does not look similar to the home. Existing accessory structure does have 2 floors, a first and a loft.

The City recently adopted an ordinance permitting accessory dwelling units as conditional uses. The applicant is seeking a conditional use permit to allow an accessory dwelling unit. The applicant is looking to utilize an existing detached accessory structure as an accessory dwelling unit for his parents.

Kaltsas continued to explain all the criteria this dwelling unit would have to comply with, if it were to house Lyreks parents. Olson inquired how they would be able to separate one level from the other.

Satek explained that the upper level was open and empty; however the first level was locked and he wasn't able to inspect it.

Palmquist inquired if there were any heating, cooling or plumbing accessories upstairs. Satek stated there were none. However, a plumbing permit was pulled for the first floor.

Kaltsas stated that a permit will need to be pulled to bring it up to current code.

With discussion leading to this being the first application that has come before them since they updated the Dwelling Unit situation, it was hard to decipher if it should be treated as a new structure or to work with it as an existing structure as it stands now. Phillips dislikes that it does not mirror the architecture of the main residents with Gardner suggesting that it could be re-painted or resided. As it is an existing older building.

Gardner stated that the owner's parents will be living in it seasonally.

By consensus of the Planning Commission, they decided to hold over the public hearing until the next meeting, allowing Satek time to do a full inspection of the barn, upstairs and down. And, to have Lyreks present.

#### 6. Building Inspector Bruce Satek – Answers questions regarding septic systems and sewers.

Building Inspector Bruce Satek was present to answer questions the Planning Commission had about and concerning septic's and sewers.

The following are some of those questions:

- Why and how are we inspecting current sewage systems, flags or concerns?
- What is the difference between non-performing and non-compliant?
- How many systems are currently non-compliant?

Satek explained that sewage requirements are always changing; however, just because you have an older system does not mean that replacement is required. Today most systems are mound systems, but they do need to be pumped. Some people don't pump their tanks and that's when problems develop. When inspecting a tank he looks for sludge and flow. Signs he looks for are also odor and soggy soil up above the system.

Palmquist inquired about documentation on the status of all sewage systems. Satek stated in the past, the records were not good, but as time has passed and rules and laws have changed, we are now receiving better reports from our local pumpers. In response to Palmquist questions, Satek suggested there were approximately 300 non-compliant failed systems.

Phillips inquired about the mandate to inspect; which is every three (3) years and how that's monitored and Gardner inquired how a compliance inspection is triggered.

Satek and Hirsch informed that once a property is listed for sale, that triggers a notice to us, the City; that the seller then becomes responsible to have the system certified for compliance or “not”, if it’s deemed non-compliant, then either the current property owner should be looking at replacing it or putting up escrow for the future property owner to do so. Some of the ways we discover when a property is put up for sale is through the City receiving calls from utility companies for new residents or calls from perspective buyers. In the past, letters have also been sent to local Realtors notifying them of the requirements.

Palmquist inquired about the cost to replace a sewer system.

Satek stated that the cost of a new sewer system would typically be as such:

- 3 bedroom \$14,000+,
- 4 bedroom \$15,000+,
- 5 bedroom \$17,000+

He also stated that depending on the use of a system it can last 15 to 20 years. Satek explained notifications are sent out to residents notifying them they have ten (10) months to correct the issue. However, it can be shorter if there is an imminent health threat.

Satek invited the Planning Commissioners to contact him any time – they have any other questions.

7. Motion to change the meeting from Monday, August 13<sup>th</sup>, to Monday August 20<sup>th</sup>, 2012 to accommodate for the Primary Elections set-up process that evening.

**Motion by Olson, seconded by Gardner, to close the public hearing. Ayes: Phillips, Gardner, Olson, and Palmquist. Nays: None. Absent: Thompson. MOTION DECLARED APPROVED.**

8. ADJOURN

**Motion by Palmquist, seconded by Gardner, to adjourn the meeting at 8:40 p.m. Ayes: Phillips, Gardner, Olson and Palmquist; Nays: None. Absent: Thompson. MOTION DECLARED CARRIED.**

Respectfully submitted

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Jolene M Nelson, Recording Secretary