

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, SEPTEMBER 9, 2024

The Ham Lake Planning Commission met for its regular meeting on Monday, September 9, 2024 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Kyle Lejonvarn, Dave Ringler, Jeff Entsminger, David Ross, and Erin Dixson

**MEMBERS ABSENT:** Commissioner Jonathan Fisher

**OTHERS PRESENT:** City Attorney Mark Berglund, City Engineer Dave Krugler, Building Official Mark Jones and Building and Zoning Clerk Jennifer Bohr

**CALL TO ORDER:** Chair Pogalz called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was recited by all in attendance.

**APPROVAL OF MINUTES:**

Commissioner Dixson asked that the spelling of her last name be corrected in the motion for adjournment. **Motion by Lejonvarn, seconded by Ross, to approve the minutes of the June 24, 2024 Planning Commission meeting with the correction. All present in favor, motion carried.**

**PUBLIC HEARING:**

Roger and Sue Haugen, S & R Developers LLC, requesting Preliminary Plat approval for Enchanted Estates 4<sup>th</sup> Addition (9 Single Family Residential lots) in Section 14

Roger and Sue Haugen were present. Jason Rud from E.G. Rud & Sons Inc. spoke on behalf of the applicant. Mr. Rud stated this plat is the final phase of the Enchanted Estates subdivision. Mr. Rud stated the preliminary plat of the overall development was approved in 2005 but due to the amount of time that has passed, a refresh of this final phase was done. Mr. Rud stated this phase of the plat will have a total of nine lots, one less than originally approved. Mr. Rud stated two of the lots, east of Austin Street NE, have existing homes on them. Chair Pogalz asked Mr. Rud and Mr. and Mrs. Hagen if they had seen the memos written by the City Engineer and Building Official. All acknowledged that they had. Mr. Haugen stated what the accessory buildings are used for and stated the block building will be taken down. Mr. Haugen expressed his appreciation for the efforts of city staff and appointed and elected officials over the years. Chair Pogalz asked the

commissioners if they had any questions. Commissioner Dixson verified that the parkland dedication fees for Lots 1-7 is \$1850 per lot. Commissioner Lejonvarn asked if all accessory buildings shown on the plans were still on the property. Engineer Krugler stated that they are. Engineer Krugler stated the road infrastructure is in place and septic certifications from 2005 are being used. Engineer Krugler stated a lot line adjustment will be done between Lots 8 and 9 and encroachment agreements are needed for Lots 2, 3 and 6, Block 1 due to septic lines crossing drainage and utilities easements. Engineer Krugler stated the accessory building noted as the *existing shop* on Lot 8 is oversized but was approved with the original plat; the accessory building (block building) south of the oversized building was to be removed as shown on the attached Enchanted Estates exhibit from 2005. Building Official Jones stated the block building will need to be demolished and the pole structure that will be on proposed Lot 9 needs to have an exterior finish that matches the color, texture and style, as closely as practical, to the surface of the dwelling unit to be compliant with City Code. Building Official Jones stated the steel roof could remain on the pole structure. Commissioner Dixson completed the inspection; a copy which is on file. Commissioner Dixson stated she drove to the site and spoke with Mr. Haugen. Commissioner Dixson stated the accessory buildings that have been mentioned are still on the property. Commissioner Dixson stated she talked with Mr. Haugen about removing one accessory building and bringing the other building into compliance to ensure he was aware of the City's requirements for the plat. Commissioner Dixson stated the street infrastructure is in place and there is a park at the end of the street so this final phase will finish off the development.

**Chair Pogalz opened the public hearing at 6:13 p.m. and asked for public comment; with there being none, Chair Pogalz closed the public hearing at 6:14 p.m.**

**Motion by Dixson, seconded by Entsminger, to recommend approval of the Preliminary Plat of Enchanted Estates 4<sup>th</sup> Addition in Section 14 as presented by Roger and Sue Haugen of S & R Developers LLC, subject to updating the survey to show all existing accessory building sizes before submission of the Final Plat for approval and updating the survey to show that the southerly building on proposed Lot 8 will be demolished, updating the exterior finish of the accessory building on 16207 Austin Street NE to match the color, texture and style of the like surfaces on the existing dwelling unit, meeting all requirements of the City Engineer and Building Official and meeting all City, County, and State requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, September 16, 2024 agenda.***

**NEW BUSINESS:**

Joseph Radach of Contour Development LLC, requesting Sketch Plan approval for Elwell Farms (107 Single Family Residential lots and 4 outlots) in Section 36

Mr. Joseph Radach was present. Mr. Radach stated Jesse Neumann from Design Earth Contracting and Steve Jones with Keller Williams were attending on behalf of the project as well. Mr. Radach stated Elwell Farms residential development will have 107 single family lots that range in size from one to 19 acres. Mr. Radach stated access to the development is going to be from the west via 137th Lane NE or the north via Opal Street NE through the Hidden Forest East subdivision. Mr. Radach stated four outlots are

proposed. Mr. Radach stated one outlot is land for a park that he envisions will include some walking trails with benches, scenic overlooks, a playground and some parking along the street. Mr. Radach stated two of the other outlots are for wetland restoration and preservation. Mr. Radach stated they intend to restore the sod fields into native wetland habitat and create a wetland bank with which wetland credits can be offered for other projects in the area that may have wetland impacts that need those credits. Mr. Radach stated many septic borings have been taken and they have confirmed each lot has adequate space for a primary and secondary septic system; livability has been proven on every lot as well. Mr. Radach stated a wetland delineation and threatened and endangered species survey have been completed. Mr. Radach stated the hope is to break ground in the spring. Chair Pogalz asked Engineer Krugler to comment on the development. Engineer Krugler stated the proposed 107 lot development is located on just over 500 acres in section 36. Engineer Krugler stated the sketch plan does not include names for all streets; the unnamed streets will need to follow the naming model of the Anoka County grid system and proposed cul-de-sacs within the development may need to be modified as they cannot exceed 1,100-feet in length. Engineer Krugler stated access to the development will be via a connection to 137<sup>th</sup> Lane NE in the Red Fox Hollow 2<sup>nd</sup> Addition development and via a connection to Opal Street NE in the Hidden Forest East development. The plan includes extending 138<sup>th</sup> Avenue NE from Ghia Street NE to connect lots 75 and 76. Engineer Krugler commented on the outlots stating Outlot B will be conveyed to the adjacent 4611 139<sup>th</sup> Lane NE parcel which will then require the parcel to be addressed from Opal Street NE, Outlot C is a proposed park and Outlots A and D are proposed wetland banks which Attorney Berglund will comment on. Engineer Krugler stated access to Lexington Avenue NE for Lots 75 & 76 is via gravel roads in the Elwell Heights subdivision; it is required that the portions of 138<sup>th</sup> Avenue NE, Fraizer Street NE and 139<sup>th</sup> Lane NE between these lots and Lexington Avenue NE be upgraded. Engineer Krugler stated there is a 66-foot wide ingress/egress easement traversing from 138<sup>th</sup> Avenue NE thru parcels 67, 68, 69, 75 and 76 to the 4611 139<sup>th</sup> Lane NE that will need to be rescinded and the driveway for 4611 139<sup>th</sup> Avenue NE will need to be relocated to Opal Street NE. Engineer Krugler stated 138<sup>th</sup> Avenue NE is currently a private easement, not a city street, so it will have to be dedicated as part of the plat. Engineer Krugler stated the Park Committee met to discuss parkland dedication for the proposed Elwell Farms development; the Park Committee determined parkland dedication fees will be collected rather than requiring dedication of land or trail easements as residents of the Elwell Farms development will have street access to the nearby parks within the Hidden Forest East Park Addition and Red Fox Hollow 2<sup>nd</sup> Addition subdivisions. Engineer Krugler stated a 20-foot wide Flint Hills Resources easement (Minnesota Pipeline) traverses through the northerly portion of the sketch plan; written approval from Flint Hills Resources must be provided for streets, driveways and grading within the easement. Engineer Krugler stated there are existing buildings, accessory buildings, farm buildings, wells and septic systems located within the proposed sketch plan and future submittals will need to show that the buildings will be removed. Engineer Krugler stated demolition permits will be required to remove the buildings and documentation will need to be provided to prove the wells have been sealed and the septic systems abandoned. Engineer Krugler stated an FAA recognized flying field for radio-controlled aircraft is located on parcel 36-32-23-14-0001. Engineer Krugler stated research will need to be done to determine if the FAA has any rules related to discontinuing use of the area.

Engineer Krugler stated Trail #84A of the Rice Creek Snowmobile Trail Association traverses thru the easterly portion of the proposed plat. Engineer Krugler stated Coon Creek Watershed approval is required. Engineer Krugler stated the northerly portion of the proposed development is identified as a FEMA Zone A designation; a FEMA Letter of Map Amendment will be required for lots located within Zone A. Engineer Krugler stated a Natural Heritage Information System data review has been completed and a habitat assessment/survey is required. Chair Pogalz stated he likes what he sees in the development in relation to providing additional access points to a few other subdivisions in the area. Chair Pogalz asked if an extension of Bunker Lake Boulevard NE could be considered with the plat. Mr. Radach stated the northwestern corner of the proposed development does not extend far enough west to create an extension of Bunker Lake Boulevard NE and the composition of the land is peat and wetland. There was discussion about improving and extending 138<sup>th</sup> Avenue NE east to connect with what is currently labeled as Street A on the plans and improving 137<sup>th</sup> Lane NE from Ghia Street NE east and other potential access points to Lexington Avenue NE. Chair Pogalz stated that another access point out to Lexington Avenue NE should be considered so that residents occupying 107 new homes in the development don't have only two ingress/egress points. Chair Pogalz stated he disagrees with the Park Committee's recommendation to accept monies in lieu of parkland. Chair Pogalz stated this is a large development. Chair Pogalz stated there are ball fields in the central part of the city and several parks with playground equipment throughout the city, but no ball or soccer fields in the eastern side of Ham Lake. Mr. Radach stated they are planning for a park and obtaining credit toward parkland dedication. Engineer Krugler explained parkland dedication options in respect to paying \$2,500 per lot dependent on the ratio of upland vs wetland, dedicating land or a combination of both. Commissioner Lejonvarn asked Mr. Radach if he was working with the Rice Creek Snowmobile Trail Association. Mr. Radach stated he received a call from Mr. Ken Anderson (Mr. Anderson was present.) today but had not had a chance to speak with him. Mr. Radach stated he wasn't familiar with where the trail was within the proposed development but was willing to talk with Mr. Anderson. Chair Pogalz stated if the trail system through the development isn't possible, snowmobilers will have no trail access from the north to the south side of the city and vice versa. There was discussion about a permanent trail being dedicated within the development to be a recreational trail in the summer and a snowmobile trail in the winter. Chair Pogalz asked Mr. Radach to comment on the St. Paul Modelers Radio Controllers Club (SPMRC) use of the airfield. Mr. Radach stated their lease will be terminated. Chair Pogalz asked if the SPMRC was aware that the lease will be terminated. Mr. Radach stated the Elwell's have notified the club that the lease will be terminated. Attorney Berglund stated the City Council supports having wetland banks in Ham Lake and work is being done to codify an ordinance related to wetland banks. Attorney Berglund stated he has been exploring conditions the city will have for developers interested in wetland banking such as requiring a Conditional Use Permit, requiring the dedication of a trail through the wetland bank area, have a fee paid to the city that is a percentage of each wetland bank credit sold as the city anticipates that developers will abandon the land once all credits have been sold and the city will then be responsible for maintaining the land. Mr. Radach questioned if a trail would be possible in a wetland area as creating an upland trail could impact the wetlands and would create additional expense. There was discussion about the process of gaining approval from the Board of Soil and Water Resources and the Army Corp of Engineers for a

wetland bank, initial restrictions on the sale of credits, oversight of the location, vegetation requirements, etc. Mr. Radach stated he has created wetland bank prospectus to submit to various regulatory agencies for review. Mr. Radach stated he should know in three months whether or not the plan is acceptable. Chair Pogalz reviewed the list of items noted in the September 5, 2024 memo from the City Engineer that need to be addressed. Mr. Radach stated he has noted the items he needs to address. There was additional discussion about these items. Building Official Jones stated that, currently, the City Code does not allow wetland banks under a Conditional Use Permit and that the city should update City Code to allow for wetland banks before approving the sketch plan for this development as it could potentially include a wetland bank area. Commissioner Lejonvarn asked if the sketch plan could be approved to allow the developer to continue to address the comments from the City Engineer while the City created the code related to wetland banks. Attorney Berglund stated the City Council supports the creation of wetland banks within the city. Attorney Berglund stated this concept has been studied for the past several months and the plan is to create an ordinance to allow wetland banks. Attorney Berglund stated the ordinance has not been created yet so wetland banks are currently not a permitted use. Attorney Berglund stated once an ordinance is created, it will take some time to hold a public hearing, obtain approval of the ordinance and adhere to statutory timelines for acceptance of the ordinance. Chair Pogalz suggested the application be tabled until the wetland bank ordinance has been approved. Mr. Radach asked if the sketch plan could be approved so they could begin work on a preliminary plat. Attorney Berglund stated his recommendation is to table the application for now. Mr. Radach stated the development team would like to know if the commission is in favor of the project. Attorney Berglund asked Mr. Radach if going forward with the development is contingent on getting approval to have a wetland bank. Mr. Radach stated it was. Attorney Berglund stated his recommendation is to table the application. Commissioner Lejonvarn asked how many acres would be dedicated to the wetland bank in the development. Mr. Radach stated approximately 70 acres. Mr. Radach asked the commissioners if they were generally in favor of the project. All commissioners were of the opinion that they were in favor of the development. **Motion by Lejonvarn, seconded by Pogalz, to table Sketch Plan Approval for the plat of Elwell Farms as submitted by Joseph Radach of Contour Development LLC. All present in favor, motion carried.**

#### **OLD BUSINESS:**

Gary Magnuson requesting Sketch Plan approval for the minor Plat of Magnuson Estates (2 lots) in Section 9

Mr. Magnuson was not present. Chair Pogalz asked Building Official Jones to comment on the plat. Building Official Jones stated he has talked with Mr. Magnuson several times about the corn crib that was converted to a garage. Building Official Jones stated he went to Mr. Magnuson's property to measure the distance between the building and the property line and found that the structure is within the front yard setback. Building Official Jones stated the garage must be removed to come into compliance with City Code. Building Official Jones stated a permit was issued to Mr. Magnuson for an accessory building several years ago under the agreement that the garage would be removed and that did not happen. Building Official Jones stated anytime a resident requests a lot split, their property must be brought into compliance with City Code if something is found to be

non-compliant. Commissioner Lejonvarn asked Building Official Jones what Mr. Magnuson has said about removal of the building. Building Official Jones stated each time he has spoken with Mr. Magnuson he has said the building has been there for years and he is not removing it. **Motion by Pogalz, seconded by Dixon, to recommend denial of Gary Magnuson's Sketch Plan approval request for the minor Plat of Magnuson Estates (2 lots) in Section 9, due to the owner not willing to remove the building located in the front yard set-back. All present in favor, motion carried.** *This application will be placed on the City Council's Monday, September 16, 2024 agenda.*

**COMMISSION BUSINESS:**

City Council Update

Chair Pogalz stated the City Council concurred with the Planning Commission's recommendations to approve the Conditional Use Permit for A Class Sounds and the minor plat Sketch Plan submitted by Entsminger Enterprises, LLC. Chair Pogalz will attend the September 16, 2024 City Council meeting.

**ADJOURNMENT:**

**Motion by Dixon, seconded by Lejonvarn, to adjourn the Planning Commission meeting at 7:20 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk