

March 1, 2011

The Scandia Planning Commission held their regular monthly meeting on the above date. Commission Chair Maefsky called the meeting to order at 7:02 p.m. Following the Pledge of Allegiance, City Administrator Hurlburt administered the Oath of Office to newly appointed Planning Commissioner Jan Hogle. Roll call was taken. The following were in attendance: Chair Christine Maefsky, Commissioners Jan Hogle, Steve Philippi and Peter Schwarz. Absent: Planning Commissioner Tom Krinke. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss, Deputy Clerk Brenda Eklund.

### **APPROVAL OF AGENDA, MINUTES**

Commission Chair Maefsky added to the agenda a review and discussion of the Open Meeting Law. **Schwarz, second by Philippi, moved to approve the agenda as amended. The motion carried 4-0.**

Commissioner Philippi made a correction to the February 1, 2011 minutes under the discussion of the AT&T cell tower. **Schwarz, second by Hogle, moved to approve the February 1, 2011 minutes as corrected.**

### **REVIEW OF DEVELOPMENT CODE REQUIREMENTS FOR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS (CHAPTER 2, SECTION 4.30)**

At the February 1 meeting, the Commission recommended that the cell tower ordinance be reviewed. Planner Buss presented information on the issues which were identified for review and the approaches used in ordinances in other communities.

The issues in the current ordinance which Planner Buss discussed included setbacks from roadways and other features, the one-mile setback from existing towers, lot size, the definition of “visually inconspicuous”, zoning district limits on new tower location, and the issuing of Conditional Use Permits for new towers.

Staff reviewed ordinances from other metro area and neighboring communities to identify approaches that are used to address these issues. The following general conclusions were summarized:

- Location of towers and antennas within or near road rights-of-way is often encouraged, rather than prohibited
- Location of towers on public property or buildings (such as parks) is often a priority, rather than prohibited
- Most communities have fewer restrictions on tower locations than is allowed in the current Scandia code. This means that towers can be shorter.

The Commissioners discussed their preference to do away with the restrictive road setbacks. Locations near roads have a less negative effect than placement in an open field. An exception to this would be necessary in the Scenic Byway of Highway 95. It was suggested to include an alternative means of compliance in the river district, such as shorter towers and stealth design. It was recommended that staff define “stealth” within the context of the ordinance.

Commissioner Philippi recommended that a cellular phone representative be consulted to see if it is conceivable to construct a tower centrally in Scandia that is large enough to provide service to customers within a 3-mile radius.

It was agreed to evaluate an amendment that new towers could be constructed in the AG Core District if requirements are met that make the towers less obvious, such as in areas with existing trees or buildings, closer to roadways or shorter in height.

Planner Buss explained that Woodbury's new ordinance regulates towers by Interim Use Permit, so that the use does not "run with the land" and may be discontinued when the tower or ownership changes. The Commission discussed that the current ordinance includes a non-use condition.

Planner Buss will work on a draft ordinance which incorporates the recommended amendments and will present it for review at the April Planning Commission meeting.

#### **REVIEW OF OPEN MEETING LAW**

A video on the Open Meeting Law from the League of Minnesota Cities was viewed. Administrator Hurlburt discussed the importance that the Commissioners not take discussions out of a public meeting, and that any gathering of a quorum of members must be a posted meeting. Electronic communications should first go through city staff before being distributed to all members, to prevent a "daisy chain" style of communication.

#### **PLANNING COMMISSION CHAIR AND VICE CHAIR FOR 2011**

**Schwarz, second by Philippi, moved to appoint Commissioner Christine Maefsky as Chair of the Planning Commission for 2011. The motion carried 4-0.**

**Maefsky, second by Philippi, moved to appoint Commissioner Tom Krinke as Vice Chair of the Planning Commission for 2011. The motion carried 4-0.**

#### **REPRESENTATIVE TO CAPITAL IMPROVEMENTS COMMITTEE**

The Capital Improvements Committee has two representatives from the Planning Commission. Commissioner Maefsky's term runs through February 1, 2013. A replacement is needed for Chris Ness, with the term ending February 1, 2013. **Maefsky, second by Hogle, moved to appoint Commissioner Philippi as a representative to the Capital Improvements Committee to fill the unexpired term ending February 1, 2013. The motion carried 3-0, with Philippi abstaining.**

#### **ADJOURNMENT**

**Schwarz, second by Maefsky, moved to adjourn the meeting. The motion carried 4-0.**  
The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Brenda Eklund, *Deputy Clerk*