

October 5, 2010

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chairman Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo and Peter Schwarz. Staff present: City Planner Sherri Buss. Chairman Ness called the meeting to order at 7:32 p.m.

**APPROVAL OF AGENDA, MINUTES**

**Schwarz, second by Krinke, moved to approve the agenda as presented. The motion carried 5-0.**

Commissioner Rodsjo asked for clarification of an item in the September 7, 2010 minutes.

**Rodsjo, second by Maefsky, moved to approve the September 7, 2010 minutes as presented. The motion carried 5-0.**

**DANIEL AND JUDY BOOREN, MINOR SUBDIVISION AT 11522 MAYBERRY TRAIL**

Daniel and Judy Booren have applied for a minor subdivision to split one 78.9 acre parcel into three parcels at 11522 Mayberry Trail. The lot averaging method of subdivision is proposed to create Parcel A of 3.956 acres, Parcel B of 2.561 acres, and Parcel C of 72.404 acres. There is one existing dwelling on the property, located on proposed Parcel C.

City Planner Sherri Buss presented the planner's report which recommended approval of the minor subdivision. The proposed subdivision was found to be consistent with the Comprehensive Plan and meets the standards and requirements of the Development Code.

Planner Buss recommended that a utility easement be provided, 20 feet in width centered on the side lot lines and 10 feet in width along the front lot lines. In regards to park dedication, Planner Buss recommended that the city collect park fees of \$3,000 (\$1,500 for each lot) in lieu of land. The property is not within a Park Search Area per the Comprehensive Plan.

Findings and conditions were incorporated into draft Resolution 10-05-10-01.

Chairman Ness opened the public hearing to gather comments.

*Bill Selb, Landmark Surveying:* Mr. Selb stated that the Certificate of Survey currently doesn't show an easement for Mayberry Trail. Landmark Surveying will prepare and convey this easement to the city. Mr. Selb questioned the necessity of dedicating utility easements along the sideyard lot lines. Planner Buss replied that it is a common engineering standard to dedicate utility easements in this way.

As there were no other comments, Chairman Ness closed the public hearing.

Commissioner Schwarz asked for the reasoning behind the utility easement request.

Administrator Hurlburt explained that it is important to plan for future needs to allow for cable, internet, gas and phone lines to be run across public right of ways. The easements are within the

sideyard setbacks where no building can occur. Commissioner Rodsjo commented that it makes sense to include the recommended utility easements.

Commissioner Krinke asked to verify that the driveway locations on Parcels A and B are adequate. Planner Buss replied that given the location of the Mayberry Trail curve, the driveways are in appropriate locations to maximize the distance between the curve of Mayberry Trail and the driveway on Parcel A.

Commissioner Maefsky inquired about further subdividing Parcel C, being 72.4 acres. Planner Buss explained that as the entire acreage had the potential for eight lots, and three are being created with this minor subdivision, Parcel C could be further divided into five lots. Administrator Hurlburt suggested that a condition be added to the resolution which would record the subdivision potential of the remaining acreage.

Commissioner Maefsky asked for further discussion of the utility easement concern. Mr. Selb asked if it was necessary to convey a 20-foot easement on each side lot line when an easement could be run on the common boundary line as opposed to all three sides of each lot. City Attorney Hebert stated the necessity to plan for logical expansion of utilities twenty to thirty years out. The easements put in place now will avoid the need to acquire property in the future.

**Rodsjo, second by Krinke, moved to recommend to the City Council approval of draft Resolution 10-05-10-01, Approving Minor Subdivision of 78.9 acres into three lots, located at 11522 Mayberry Trail North, with the added conditions concerning the future subdivision of Parcel C and that an easement for Mayberry Trail be conveyed to the city. The motion carried 5-0.**

Staff will prepare a revised resolution for the council to review at their October 19 meeting.

**Peterson, second by Amos, moved to postpone action on the Booren minor subdivision to the October 19, 2010 council meeting. The motion carried 3-0.**

**PUBLIC HEARING – DRAFT ORDINANCE NO. 122, AN AMENDMENT TO THE SCANDIA DEVELOPMENT CODE CHAPTER 1, ADMINISTRATION AND CHAPTER 2, ZONING**

Since the adoption of the Comprehensive Plan in March 2009, state law requires that the city codes and ordinances relating to the use and development of land be made consistent to the plan. The Planning Commission, City Council, staff and consultants have been working on the update of the Development Code for the past year. Draft Ordinance No. 122 will replace Chapters 1 and 2 of the current code in its entirety. A new Zoning Map will also be adopted.

An open house was held on September 14 to present the update to the public. About 20 residents attended. Several comments were received which staff reviewed and prepared responses for discussion.

City Planner Sherri Buss began with an overview of the Development Code update. The Comprehensive Plan set the goals of rural preservation, protection of natural resources, retaining the Village Center as a commercial core, and to allow a variety of rural residential development. Revisions to the zoning map were made to meet these goals.

Chapter One explains how the Code is administered, and defines the types of permits and the process for reviewing them. A new Administrative Permit process will simplify a number of land use requests. Language has been updated and clarified to be consistent with state statutes. Chapter Two includes the standards that apply to the uses and options for how land is developed. Buss summarized the requirements of proposed residential and commercial zoning districts. New design guidelines are referenced to preserve and enhance the historic character of the commercial districts.

Chairman Ness opened the hearing for public comments.

*Christine Erickson, 13090 182<sup>nd</sup> Street:* Grant and Christine Erickson had submitted a letter requesting that sideyard setbacks for small lots be reduced to 10 feet. Ms. Erickson explained the problem they have in relocating a garage on their narrow 1.28-acre lakeshore lot.

*Loren Nickelson, 11300 Mayberry Trail,* requested a paper copy of the zoning map and development code.

*Don Pennings, 10400 185<sup>th</sup> Street:* Mr. Pennings expressed his dissatisfaction with the adoption of what he saw as more rules and regulations as burdensome to landowners. He felt it is a “taking” of property rights and contributes to a loss of property value.

*Kevin Nickelson, 11262 Scandia Trail:* Mr. Nickelson questioned what the mechanism would be if a mining deposit were discovered on property which lies outside of the proposed mining overlay districts. Administrator Hurlburt answered that if it was a small deposit that could be removed in one season, a grading permit could be applied for. If it was a more significant deposit, it would be necessary to request comprehensive plan and zoning amendments.

As there were no further comments, Chairman Ness announced that the public hearing will continue to Wednesday, November 3. Additional comments will be taken up to this date, but were encouraged to be submitted by Tuesday, October 26 so that the Commission can consider any changes prior to recommending a final version of the ordinance to the City Council.

Administrator Hurlburt presented a chart of comments from residents and staff which were identified for discussion. Comments and discussion are referenced as follows:

- Comment #1 regarding the expiration of variances issued prior to adoption of the new code. Consensus to revise Chapter 1, Section 6.6 as follows “*Unless the variance was approved prior to the effective date of this Chapter, or the Board specifically approves a different time when action is officially taken on the request...*”.
- Comment #2 regarding Feed and Seed Sales Accessory to an Agricultural Business. Consensus to clarify the intent that all types of farms be allowed to sell feed and seed as an accessory use. Text will be changed to read “*Feed and Seed Sales Accessory to an Agricultural Use*”.
- Comment #3 regarding uses in the Agricultural Preserves District. Staff recommended removing three uses (Recreation, Outdoor Private; Wireless Communication Antennas and Towers; and Horse Training Facility, Commercial having 10 or fewer horses) from the AP district to be consistent with the Agricultural Preserves Law. Commissioner Maefsky questioned the removal of Commercial Horse Training Facility, as a farm may be raising draft horses. City Attorney Hebert interpreted the law to limit the business that a farm operator might conduct. By definition, a commercial facility would include horses not owned by the property owner. Although Commissioner Maefsky dissented, consensus was to remove the three uses from the AP zoning district.
- Comment #4 regarding sideyard setbacks in General Rural district. Discussion of the Erickson’s request concluded that it is reasonable to reduce the setbacks for smaller lots. It was the consensus to allow for 10-foot sideyard setbacks on lots of 1.5 acres or less.
- Comment #5 regarding an exception in the current code under Section 3.3(2), Minimum Frontage on a Public Road, where one new lot of 20 acres or more may be created with no or minimum public road frontage. It was the consensus that this is not consistent with road frontage standards of the new Development Code and should not be included.
- Comment #6 regarding Rural Commercial zoning districts. Consensus was to accept the staff recommendation to make no changes that would affect land uses in the R-COMM districts.
- Comment #7 regarding the height of accessory structures. Discussion to allow agricultural buildings including silos to the exemption from the height limit concluded that the addition of this language would be appropriate. This would apply to agricultural buildings to allow for the storage of large farm equipment. Two-story pole barns would still require a Conditional Use Permit.
- Comment #8 regarding the size and number of accessory structures on parcels of 80 acres or larger. It was agreed to clarify the language in the table of permitted square footage. For parcels more than 80 acres, the limit is a total of 8,000 square-feet for non-agricultural buildings, but unlimited for agricultural buildings.
- Comment #9 regarding the size, number and location of accessory structures on farms of multiple lots and tax parcels. As it is common for large farms to consist of several tax parcels, it was recommended that they be treated as a single parcel for the purpose of allowing accessory buildings on a farm operation, which may have the accessory structure on a different tax parcel than the principal structure. It was agreed to add the following language to section 3.2(3): “*(G) For the purpose of determining the size, number and location of agricultural buildings on farms 40.00 acres or greater, the lot shall include all contiguous tax parcels farmed as a unit as evidenced by common ownership within a family or other entity comprised of some or all of the family members, or a combination thereof.*”
- Comments #10 – #13 regarding procedural grading and stormwater management requirements. Consensus was to approve staff recommendations.

- Comment #14 regarding the list of native trees for landscaping and screening. It was recommended to make no changes, as the use of native species in landscape plans for public and private development is encouraged in the Comprehensive Plan. If a tree not on the list would be proposed in a landscape plan, the City could review the species at that time to determine whether it is consistent with the plan, the code and the design guidelines. Consensus was to make no changes.
- Comment #15 regarding general standards for signs. It was agreed to remove Section 3.13(4)(P) in Chapter 2 as the language is unclear and not necessary.
- Comment #16 regarding government uses, buildings and storage. Consensus was to eliminate Section 4.9, as it is not practical to screen the entire facility from view.

Staff also identified a number of non-substantive, typographical edits that will be corrected in the final draft for adoption. A red-lined version will be reviewed at the continued hearing on November 3. Comments will continue to be accepted and discussed prior to adoption of the ordinance.

**Schwarz, second by Rodsjo, moved to adjourn. The motion carried 5-0.**

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*