

June 4, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:03 p.m. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Peter Schwarz and Commission Chair Christine Maefsky. Commissioner Steve Philippi arrived at 7:12 p.m. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

Schwarz, seconded by Hogle, moved to approve the agenda as presented. The motion carried 4-0.

Hogle, seconded by Schwarz, moved to approve the May 7, 2013 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE FOR CONSTRUCTION OF A GARAGE AT 22920 MEADOWBROOK AVENUE. DANIEL ROBINSON, APPLICANT (PC RESOLUTION NO. 06-04-13-01)

Daniel Robinson has applied for a Variance to replace and enlarge an existing nonconforming garage with a larger garage at 22920 Meadowbrook Avenue. The existing garage is a nonconforming structure that is closer to the road right-of-way than the primary structure. Mr. Robinson is proposing to place the new garage in the same location, and enlarge the structure to the north, while maintaining the current distance to the road right-of-way. Mr. Robinson has requested to keep an existing shed which would exceed the number and area of accessory structures permitted on his property of 2.53 acres. The property is located in the General Rural District within the Shoreland Zone of Bone Lake.

City Planner Sherri Buss presented an overview of the request for the variances. The existing garage is approximately 18 feet from a bluff and does not comply with the current bluff setback of 30 feet. Moving the garage further from the right-of-way to meet the ordinance requirement would impact the bluff setback. The new garage would be 988 square feet, which when combined with the current shed of 320 square feet, would total 1,308 square feet. This exceeds the number and size of permitted accessory structures for parcels less than 3 acres (no more than one structure up to 1,000 square feet is allowed). One older shed will be removed, but Mr. Robinson has requested the second one remain as it has a cement floor and electricity, and needed for additional storage.

Planner Buss recommended approval of the request based on meeting the criteria of the Development Code. The property has features such as slopes and location of the existing home that were not caused by the landowner. The proposal is the minimum action necessary to address the practical difficulties related to the garage location and to provide adequate storage for the property owners. Conditions for approval were included in the resolution.

Chair Maefsky opened the public hearing at 7:20 p.m.

Daniel and Shannon Robinson, 22920 Meadowbrook Avenue, Applicants: The Robinsons explained that they were proposing to make improvements to their property by replacing the garage which is 60 years old. They need storage space for vehicles and equipment which is currently being stored outside.

Dennis Lothenbach, 22880 Meadowbrook Avenue: Mr. Lothenbach stated that the smaller shed which is being requested to remain is not in view from the roadway and is in nice shape. He stated that he is in favor of the request as a new garage would be an improvement in the neighborhood.

There were no other comments and Chair Maefsky closed the hearing at 7:24 p.m.

Commissioner Schwarz stated that the proposed location is the only possible spot on the property which would not infringe on the bluff, but he did have a concern about exceeding the square footage. He asked if the ordinance should be changed to allow for larger structures on small properties. Planner Buss replied that there is good rationale for looking at possible changes, and said that other communities have recently updated their ordinances.

Chair Maefsky noted that lot coverage is not an issue here, and this is an appropriate request for a lot of this size. She recommended that a discussion of the accessory structure ordinance be addressed at a future meeting.

Hogle, seconded by Philippi, moved to approve Planning Commission Resolution No. 06-04-13-01, Approving a Variance for 22920 Meadowbrook Avenue, with the conditions as presented. The motion carried 5-0.

The City Council will consider this recommendation at their June 18, 2013 meeting.

PUBLIC HEARING: VARIANCE AND CUP FOR AN ATTACHED GARAGE AT 18941 LAYTON AVENUE. KEVIN AND RENEE JOHNSON, APPLICANTS (PLANNING COMMISSION RESOLUTION NO. 06-04-13-02)

Kevin and Renee Johnson have applied for a Variance to build an attached garage to their home at 18941 Layton Avenue. The location requires a variance from the street right-of-way setback and a Conditional Use Permit for a proposed second story.

City Planner Buss presented an overview of the request. The property includes two lots of 0.28 acres in size located in the General Rural District and within the Shoreland Zone of Big Marine Lake. The proposed two-car garage will be located 18 feet from the right-of-way (a 40-foot setback is required). The applicants will remove an existing shed and deck in order to comply with lot coverage of less than 25%. Locating a detached garage on the adjoining lot was considered. However if it were setback from the road right-of-way to meet Code requirements, it would require a variance from the lake setback and it would cross the existing sewer line. This would also create a larger area of impervious surface for the driveway. A second story loft is proposed to increase storage space. The addition would be four feet higher than the present home but fits into the neighborhood and would not impair views.

Planner Buss recommended approval and explained that the request is the minimum action necessary to alleviate the practical difficulties not caused by the land owner, such as the location of the existing home and sewer line, and the location of the OHWL of Big Marine Lake. Conditions for approval were included in the resolution, such as combining the two adjacent parcels into one lot, obtaining a Watershed permit, and removing the existing shed and deck before approval of the building permit.

Chair Maefsky opened the public hearing at 7:41 p.m.

Carol Varhalla, 18819 Layton Avenue: Ms. Varhalla stated her support for the plan. She said that attaching the garage to the house leaves the adjacent yard open and preserves the view to the lake.

Kevin Johnson, 18941 Layton, Applicant: Mr. Johnson explained that they are requesting additional storage due to the small size of the home. The roofline of the addition will be minimal and no higher than the house next door.

There were no other comments and Chair Maefsky closed the hearing at 7:45 p.m.

Chair Maefsky asked about Condition #2, that the second story be for storage only and not habitable space. How does the City ensure that it does not become habitable space? Buss replied that a neighbor's complaint would require an inspection of the property to determine if the owners are not complying with the conditions.

Commissioner Schwarz questioned if this condition is necessary for structures that are attached to a house. Buss explained that this is not written into the code, but she obtained the definition of habitable space from the state building code, which the city has adopted. She will clarify the language with Building Official Keith Wille for consistency. She said that it's possible that a CUP for a second story may not apply to attached garages.

Commissioner Philippi stated his approval of adding loft spaces over garages as a good use of the structure's footprint; it does not infringe on impervious coverage and is sensible.

Schwarz, seconded by Hogle, moved to approve Planning Commission Resolution No. 06-04-13-02, Approving a Variance and Conditional Use Permit for 18941 Layton Avenue North, with the conditions as presented. The motion carried 5-0.

The City Council will consider this recommendation at their June 18, 2013 meeting.

PUBLIC HEARING: VARIANCE FOR A SEPTIC SYSTEM AND WELL AT 16963 197TH STREET. THOMAS AND ANGELINE CONLEY, APPLICANTS (PLANNING COMMISSION RESOLUTION NO. 06-04-13-03)

Thomas and Angeline Conley have applied for a Variance to locate a new septic system and well on their property at 16963 197th Street. The location proposed for the septic system requires a variance from the St. Croix River District's septic system setback requirements, and the well

location requires a variance from the St. Croix River District's structure requirements. Variances from wetland setbacks are also needed.

City Planner Buss explained the request. The Conley's are proposing to continue the use of the seasonal cabin located on 0.71 acres along the St. Croix River. They plan to add a bathroom on the west side of the cabin. Ten years ago, County Health Department staff completed an analysis of a proposed septic for the previous owner of the property. Mr. Ganzel confirmed his findings from 2003 that the soils are suitable for a mound septic system, and recommended that use of the spring box for potable water be discontinued and a well be constructed on the property instead. Comments from the National Parks Service, Car-Mar Watershed, DNR and Washington County Conservation District were all noted in the staff report. The agencies concurred that the variance request is justified, with conditions as recommended in the resolution.

Chair Maefsky opened the public hearing at 8:08 p.m.

T.J. and Angeline Conley, Applicants: Mr. Conley stated that they had purchased the property for seasonal use, and they are following the County's recommendation to install a new septic and well. They have talked with all involved agencies and many neighbors who are in support of their plan to protect the environment and river. Mr. Conley noted that to their knowledge, there is no drain tile line along the south side of the property. They plan to discontinue and seal the spring box.

Will Eginton, 16930 197th Street: Mr. Eginton stated his concerns about the adequacy of the soils to support a septic system. He said that he was involved with the installation of drain tile in 1987 on this property when construction of a septic system was denied by the County. If the drain tile is disconnected as recommended by the Health Department, Mr. Eginton said the area will revert to a swamp. He stated that over 250 yards of fill were added to the site at that time. Mr. Eginton went on to express his concerns about effluent seepage into the river, and that data from ten years ago should not be relied upon.

Mr. Conley offered a response to Mr. Eginton's comments. He said he appreciated his concerns about protecting the river, and they have been relying on the expertise of professional staff to recommend that the site is adequate to support a mound septic system. Mr. Conley stated that they have no plans to expand the cabin other than the addition of a small bathroom, and their proposal is in compliance with the Wild and Scenic River Act.

There were no other comments and Chair Maefsky closed the hearing at 8:24 p.m.

Commissioner Schwarz stated that the agencies have given approval and so he finds no reason to oppose the request.

Commissioner Hogle noted that the DNR, NPS and Watershed seem to have no serious concerns going forward, although one should be cautious about using ten year old data.

Chair Maefsky referenced Jim Shaver's letter (Carnelian-Marine-St. Croix Watershed) which recommended that new percolation tests be reviewed by the County to insure that any proposed system will work properly and not be a threat to the St. Croix River. Buss stated that this condition could be added to the variance resolution, since his letter was received after the staff report was prepared. Buss proposed that Pete Ganzel provide the final septic design and to communicate that information to the NPS.

Commissioner Philippi stated that based on Mr. Eginton's knowledge of the soils at the site, any decisions should be postponed to allow his information to be shared with the NPS, DNR and Watershed agencies to confirm that the installation of a septic system will not harm the river. Chair Maefsky agreed that it would be reasonable to recommend new perc tests after ten years.

The Commissioners noted that there appears to be conflicting information about the drainage tile. They recommended that all agencies need to communicate their findings and be in agreement as to their recommendations. Buss noted that Mr. Ganzel's letter recommended that the tile from the spring box be extended to daylight along the bluff. Philippi suggested that a more thorough subsurface investigation of the soils be performed by a hydrologist engineer due to the complexity of the site and its location adjacent to a highly valued natural resource.

Buss recommended a condition be added stating that the applicants complete a new set of perc tests for the proposed septic system. The perc tests results shall be provided to Washington County, the Carnelian-Marine-St. Croix Watershed District, and the National Park Service for review. The Watershed District shall provide its recommendations to Washington County regarding the design and type of septic system to be constructed on the site so that it adequately protects the St. Croix River. The agencies shall consider the hydrogeology of the site in developing the requirements for the septic system. The Commissioners were in agreement with this added condition.

Schwarz, seconded by Hogle, moved to approve Planning Commission Resolution No. 06-04-13-03, Approving Variance for 16963 197th Street, with the added condition that new percolation tests be provided to all involved agencies for review, and that they be in agreement regarding the design and type of septic system for the protection of the St. Croix River. The motion carried 5-0.

The City Council will consider this recommendation at their June 18, 2013 meeting.

DRAFT EVENT USE FACILITIES ORDINANCE

Maefsky, seconded by Schwarz, moved to postpone review of the draft Event Use Facilities Ordinance to the July 2, 2013 Planning Commission meeting. The motion carried 5-0.

ADJOURNMENT

Prior to adjourning, Commissioner Philippi recommended that the permit for modifications to the cell tower on Old Marine Trail be reviewed, as it appears to have more antennas than were allowed. Planner Buss explained that there would be a transition period until the new antennas

were operable, but she will contact the applicant to find out what stage of the project they are in, and will report back.

Hogle, seconded by Philippi, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk