

August 5, 2014

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:06 p.m. The following were in attendance: Commissioners Jan Hogle, Travis Loeffler, Steve Philippi, Dan Squyres and Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. City Council member Chris Ness was also in attendance.

APPROVAL OF AGENDA, MINUTES

Hogle, seconded by Squyres, moved to approve the agenda as presented. The motion carried 5-0.

Hogle, seconded by Philippi, moved to approve the July 1, 2014 minutes as presented. The motion carried 5-0.

VARIANCES TO CONSTRUCT A CABIN AT 16987 197TH STREET. MARK HOLLOWAY, APPLICANT.

Mark Holloway is proposing to expand and remodel an existing cabin 16987 197th Street, a 1.85 acre parcel located in the Ag Core and St. Croix River Overlay zoning districts. The expansion requires variances from the Ordinary High Water Level (OHWL) of the St. Croix River, from the bluff setback, and from the city's wetland setback requirement. Variances will also be needed from the wetland setback for replacement of the existing septic, for a secondary mound system, and for a new well.

City Planner Sherri Buss presented the staff report which detailed an evaluation of the request. Buss explained that Mr. Holloway has been working with the National Park Service and Minnesota DNR to address the requirements for expansion of structures within the St. Croix River Scenic Easement Area and St. Croix River District. The DNR requires that the family's ownership of two adjacent lots be changed so that each lot has a different owner before a building permit is issued by the city. Buss included this as a condition in the report.

The required building setbacks in the St. Croix River District are 200 feet from the OHWL, 100 feet from the bluff line, and 75 feet from a wetland. Buss described the applicant's plan to move the existing structure 12 feet to the west, to increase the setback from the OHWL from the current 115 feet to 127 feet. The bluff line setback would increase from the existing 20 feet to 32 feet. The proposed cabin would be approximately 28 feet from the wetland area on the western portion of the property. Buss explained that keeping the location within the vicinity of the existing site preserves the tree canopy, minimizes the potential disturbance of existing ground cover, and screens the cabin's view from the river. For these reasons, Buss stated that the proposed plan meets the spirit and goals of the Comp Plan to protect natural areas in the River corridor.

Pete Ganzel, Washington County Dept. of Public Health, included recommendations on replacement of the septic and well. Buss stated that wetland setback variances will be necessary for the septic system, but additional analysis for the type and location is needed.

Buss summarized the findings and rationale for approval of variances to expand the cabin and locate a new septic and well on the property. Thirteen conditions were recommended in the staff report.

Chair Maefsky opened the public hearing at 7:32 p.m.

Applicant Mark Holloway, 4724 30th Avenue South, Minneapolis, MN: Mr. Holloway described the family history of the property and their goals to enhance the property for generations to come, while protecting the natural river setting. He explained that the cabin, moved from Square Lake in 1934, is in disrepair. Mr. Holloway stated that he did not have specific information on the proposed septic system at this point, and specific footage for a variance from the wetland are yet unknown. He is considering an engineered system in an effort to minimize mound size. He asked the Commissioners to consider approval of the cabin location at this time, with the septic information considered at a later point.

Commissioner Hogle asked when he anticipated construction to begin. Mr. Holloway stated that perhaps this fall, but it will be determined as the process moves forward with the various agencies involved.

Administrator Handt noted that a letter was received from Mary Strom, 16975 197th Street, in support of the variance request.

A letter from Patrick and Faye Larson, 16989 197th Street, and Mary Strom, was received which supported the staff recommendations, but outlined concerns pertaining to construction noise, parking, rescue vehicle access, and upkeep of the private road into the neighborhood. Buss explained that management of the private road would need to be worked out among the neighbors, and would not be governed by the city.

Mr. Holloway stated that he is anticipating use of equipment that would typically be allowed on a roadway, and construction hours would be managed to minimize drastic impacts to surrounding properties.

There were no further comments, and the hearing was closed at 7:50 p.m.

Maefsky questioned if the application could be approved with the septic issue outstanding. Buss explained that the exact location of the septic should be known before proceeding, as it could have impacts on the proposed cabin location.

Commissioner Hogle agreed that the septic question is important and more specifics on the septic system are needed.

Commissioner Loeffler stated that he is comfortable with the proposal for the cabin portion of the application. Maefsky agreed that the cabin setbacks are acceptable.

Commissioner Squyres noted that there really is no alternative site on the property to place the cabin. Squyres asked about erosion controls. Buss explained that erosion control conditions will be part of the building permit, along with conditions included in the Watershed permit.

Loeffler stated that the concerns expressed in the Larson letter should be worked out privately among the neighbors. Handt said that there should be a condition added to state “No construction vehicles may be parked on the roadway”. Handt also indicated that the state noise standards would govern the construction activity, since the city does not have an ordinance pertaining to hours of construction operations. Philippi agreed that there should be an agreement among the neighbors on this issue.

In addressing Mr. Holloway’s question about proceeding with approval of the cabin and then acting on the septic variance, Handt advised that that it would be in the best interest to consider the variances in one application instead of Mr. Holloway going through a second variance process for the septic. Philippi agreed that it should be reviewed as one application, and further study is needed on the septic. The Commissioners indicated that they had few reservations regarding the proposal for the cabin location as presented.

Squyres, seconded by Loeffler, moved to table action on the variance until a report on the septic type and location are received. The motion carried 5-0.

VARIANCES FOR LOT SIZE AND LOT SETBACKS TO CONSTRUCT A DWELLING AND SHED AT 18773 LAYTON AVENUE. DAVID JESSUP, APPLICANT
(RESOLUTION NO. 08-05-14-02)

David Jessup is proposing to build a new single-family home with attached garage, new septic system, and shed at 18773 Layton Avenue. The new home and storage shed will replace an existing cabin and shed on the 0.3-acre parcel located in the shoreland overlay of Big Marine Lake.

Planner Buss summarized the application request in which variances for lot size, setback from the Ordinary High Water Level (OHWL) and setback from the right-of-way from Layton Avenue are needed. The plans propose to construct the house and deck 38 feet and the shed 90 feet from the OHWL (required setback is 100 feet); the house setback 25 feet and the shed setback 10 feet from the road ROW (40 feet required); and the septic tank setback 5 feet from the road ROW. Buss explained that state law requires septic tanks be setback a minimum of 10 feet from the roadway, so a condition to require that the tank meets this requirement was included in the report.

Buss noted that the proposed plans do not exceed lot coverage of 25% of the lot area, and meets this ordinance requirement. Staff recommended that parking within the road right-of-way be prohibited from November 1 to April 30 to prevent damage from snow clearing, due to the short driveway access on Layton Avenue. The applicants will need to work with the Carnelian-Marine Watershed to install rain gardens for stormwater management. Buss provided criteria and findings for approval of the request with eight conditions written into a resolution.

Chair Maefsky opened the public hearing at 8:17 p.m.

Applicant David Jessup, 18773 Layton Avenue: Mr. Jessup stated that he was present to answer any questions the Commissioners had.

Commissioner Hogle questioned the extent of tree removal needed for the installation of the rain gardens. Mr. Jessup explained that vegetation loss was related to the effect on root systems within the proximity of the septic system and structures on the property. Buss noted that rain gardens typically have plants that need full sun and that some grading around the gardens is necessary.

There were no further comments and the hearing was closed at 8:20 p.m.

Commissioner Squyres asked about raingarden maintenance once a parcel changes ownership. Handt replied that the Watershed would monitor them and require maintenance of the gardens even when there is a change in property ownership, as they go with the land.

Hogle, seconded by Squyres, moved to adopt Resolution No. 08-05-14-02, Approving a Variance for 18773 Layton Avenue North. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council on August 19th.

ORDINANCE ITEMS

At the July 1, 2014 Planning Commission, staff was directed to provide information and ideas on several topics.

Administrative Exceptions

Planner Buss provided language from Stillwater Township's ordinance that allow for administrative exceptions on lots that are close, but do not meet, the requirements for some approvals. Administrative deviations are allowed through an administrative permit if a lot deviates up to 5% from the minimum lot size, and meets certain criteria. Buss stated that this has been used in instances of keeping animals on lots just under 5 acres.

The Commissioners discussed the purposes and implications of this type of exception, and directed staff to research what New Scandia Township had allowed for marginal properties in previous ordinances. This topic will be discussed at a future meeting after gathering research on the prior language.

Exception for Preservation of Historic Structures

Commissioner Philippi clarified his suggestion that property owners have an incentive to preserve and restore historical buildings rather than tearing them down to build a modern structure which fits the allowed square footage for their acreage. He asked if a bonus could be allowed for number and size of accessory structures in these instances. Chair Maefsky agreed that allowing for an exception would enhance the goals of the Comp Plan to preserve rural character.

Planner Buss indicated that there should be a definition and criteria for rural historical structures, and will bring examples of this to a future meeting.

Accessory Structure Calculation

Planner Buss reported that calculations of accessory structures have consistently been taken using the structure's footprint, and not based on the total area of all floors. Commissioners agreed to continue this practice to encourage building up to minimize lot coverage.

Lot Size Chart for Accessory Structures

Planner Buss provided a revised table for the accessory structure section of the ordinance which has each lot size category starting with exact acreage. Commissioners agreed that this makes it clearer to read. Since it's not a pressing issue, they recommended an update to the table could be in conjunction with a future ordinance revision.

Definition of "outlots" in the Subdivision Ordinance

Planner Buss reviewed the current definitions of buildable lots and outlots, and explained the reasons for designating outlots on plats. Buss stated that creating outlots is important in cases of phased developments.

Buss provided a modified definition of an outlot to address concerns about creating lots that are not buildable, but consensus was to leave the definition as it is now written. Chair Maefsky stated that with the new language of creating "4 buildable lots per 40 acres (quarter-quarter section)", the concern is lessened and there could be other implications of changing the outlot definition.

ADJOURNMENT

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

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk