

December 6, 2016

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Chair Christine Maefsky, Commissioners Walt Anderson, Tom Noyes and Dan Squyres. Commissioner Travis Loeffler arrived at 7:03 p.m. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

Noyes, seconded by Anderson, moved to approve the agenda as presented. The motion carried unanimously by those present.

Squyres, seconded by Anderson, moved to approve the November 1, 2016 meeting minutes as presented. The motion carried unanimously by those present.

DISCUSSION ON ACCESSORY STRUCTURE PROVISION ALLOWING ADDITIONAL DETACHED GARAGE

Josh Chouinard, 10930 185th Street, was present to request an interpretation of the allowed square footage for accessory structures. His property is less than one-acre in size and the ordinance permits one 720 square-foot accessory structure for this size property in addition to one detached garage up to 24'x36' (864 s.f.) in size for all properties. Mr. Chouinard asked if this means he can combine the area of the additional garage (864 square feet) plus the 720 square feet structure to allow him to build a structure up to 1,584 square feet in size.

Planner Buss felt that the original intent was not to combine the area of the structures, but rather to allow for a detached garage because of the need for a garage in Minnesota's climate. The Commissioners agreed to this interpretation of the language.

Mr. Chouinard explained that construction of his house was completed in April 2016 and has an attached garage. He stated that the site plan survey which was approved in September 2015 for his building permit included the location and 30'x40' size of the future building with impervious lot coverage of less than 25%. He began foundation work with the understanding that this size building was allowed. Due to the late time of the year, the Building Official approved pouring the foundation a few weeks ago before the building permit for the accessory structure was approved. Upon zoning review of his application by staff, he was told he would need to reduce the size of the building to no larger than 720 square feet.

Staff was directed to investigate whether there was a clerical error in approving the site plan last September. If so, Administrator Soltis will prepare a letter for the file noting the staff oversight and a statement that no future accessory structures are allowed on the property. If not an error, Mr. Chouinard will be ordered to reduce the size of the building.

The Commissioners called for a public hearing to amend the accessory structure ordinance language to clarify that an additional 24'x36' garage is permitted only if the principal structure does not have an attached garage and that the garage square footage cannot be combined with the accessory building. Staff will prepare this ordinance for a hearing to be held on January 3, 2017.

DISCUSSION ON AMENDMENTS TO DEVELOPMENT CODE TO IMPLEMENT STATE VEGETATED BUFFER LAW

Planner Buss explained that the statewide vegetated buffer law which went into effect in June 2015 would require the City to update its Shoreland Ordinance to meet the requirements of the new law. The law requires a 50-foot perennial “vegetative buffer” along public waters, whereas Scandia requires 50-foot buffer strips, a slightly different definition. The Shoreland Management Ordinance No. 107 lists the public waters in Scandia. Administrator Soltis noted that Gilbertson’s Creek should be added to this list. Carnelian-Marine-St. Croix Watershed District Administrator Jim Shaver was present to discuss the issue, as watershed districts would enforce this buffer requirement based on the language in the statute.

Planner Buss stated that this provides an opportunity to update the Shoreland Ordinance with language based on state law, and to clean-up the ordinance to reference the agencies that are enforcing the requirements. The Washington Conservation District recently contacted 18-20 landowners in Scandia affected by the buffer law and would provide technical assistance to help them comply. Shaver said that it is not clear if this law is for cultivated ag land only or if non-ag land is also affected. He has requested documentation from the WCD to back this up.

Chair Maefsky said that the law appears to have multiple questions around it, and its impact on Scandia’s ordinance and how it relates to it isn’t quite clear. Staff will continue to research this and revisit an ordinance update at a future meeting.

DISCUSSION ON AMENDMENTS TO DEVELOPMENT CODE CHAPTER 2, SECTION 4.32 RURAL EVENT FACILITY

The Planning Commission continued their review of the rural event facility ordinance amendments and had requested information about numbers and sizes of events permitted in other communities. Buss reported that most have no limits on number of wedding events and allow up to a maximum of 300 guests. Buss found that various other rural events are limited by number; for example Scott County limits to 80 per year. The Commissioners concluded not to change the maximum number of 300 persons in the ordinance, but would state that the number of events would be regulated through the Annual Operating Permit, which is reviewed on an annual basis.

The Commissioners discussed the language to require security staff be provided if alcoholic beverages are served, and concluded that for small gatherings the owner could be considered as security, such as a painting party where wine is served. Commissioner Noyes stated that it’s in the best interest of the owner to determine the level of liability risk associated with particular events.

In paragraph 5(B) listing the application requirements for an AOP, it was decided to combine subsections 1 and 2 into one paragraph to eliminate redundancy. Commissioner Noyes questioned the need for an annual review process if the operator is proposing no changes. Buss explained that it provides an opportunity to see what the facility was like over the past year and to review any complaints that may have been made. If too numerous, the Council can deny an AOP for one year to have the operator address the problems. Buss said it’s easier to deny an

AOP than to remove an Interim or Conditional Use Permit. If an operation is going smoothly over a few years, it could be decided then to drop the annual reviews.

The Commissioners determined that the draft ordinance with amendments to the Rural Event Facility use is ready for a public hearing at their January 3, 2017 meeting.

DISCUSSION ON AMENDMENTS TO DEVELOPMENT CODE REGARDING THE ZONING DISTRICTS WHERE SPREADING OF LAND SEPTAGE WOULD BE AN ALLOWED USE

At their November meeting, the Commissioners recommended that land spreading of septage be permitted in Scandia on agricultural properties in the Ag Core and Ag Preserves districts, but not in the General Rural or Village Neighborhood districts where agricultural use is permitted but lot sizes are smaller and spreading septage would be more likely to have negative impacts.

The Commissioners reviewed a draft ordinance which would add the County definitions of land spreading/land application, adds this use to the list of accessory uses in the Ag Core and Ag Preserves sections, and specifically excludes this use in the GR and VN districts in Chapter 2 of the development code.

Staff was directed to notice a public hearing regarding these amendments to the development code at the next Planning Commission meeting on January 3, 2017.

DISCUSSION ON AMENDMENTS TO DEVELOPMENT CODE RELATED TO EXTERIOR STORAGE, PARKING, AND DEFINITIONS RELATED TO EXTERIOR STORAGE AND PARKING

The Planning Commission continued to review a draft ordinance to address a number of issues related to exterior storage and parking. Planner Buss provided some new options to address problems of enforcement based on the current code requirements.

New language was proposed for Chapter 2, Section 3.2, Accessory Structures, in the development code to permit an accessory structure in the front yard on small lots less than 5 acres if the building is unable to be located in the side or rear yard due to physical restraints of the property. The location would be approved administratively rather than by a variance and would need to meet setback and impervious cover requirements. Commissioners agreed that this is a reasonable approach for property owners to keep materials and vehicles out of view from public streets. It was noted that the administrative permit should require the storage building to be screened from view if applicable.

Buss led the review of the proposed draft ordinance and the following were determined:

- Retain the existing definition of impervious surface rather than a change to language used by the Watershed District.
- Revise definition 154, vehicle, abandoned, unlicensed ... by adding "one or more of the following:" and striking "or" after item (4).
- Use the Hugo definition for definition 249, recreational vehicle, large (LRV).

- Provide a sketch of yard definitions based on Hugo's code, but change definition of rear yard to "the yard between the rear lot line and the rear line of the principal building".
- Remove paragraph (4) of the amended language to Chapter 2, Section 3.3, Environmental Regulations, (4) Nuisances (E) Abandoned vehicles, as it is redundant to paragraph (1).
- Add "equipment" to the sentence on storage of boats, boat docks, and boat lifts stored on lakeshore parcels between November 1 and May 30.

Much discussion on storage of large recreational vehicles on small lots occurred. Commissioner Anderson recommended lowering the acreage size to "parcels less than 0.5 acres" instead of one acre or less in the section on storage of LRV's and camping vehicles. This allows for one LRV on lots less than 0.5 acres and up to 2 LRV's on lots 0.5 acres or more. The screening requirement for vehicles parked more than 30 days was removed as it was noted that this is not practical for parking on driveways.

In Section (4), Off-Street Parking for Residential and Agricultural Uses, paragraph (B) would be amended to allow guest parking for up to 72 hours instead of the current language which states that no vehicle may be continuously parked or stored outside for more than 72 hours, as Commissioners reasoned this would not be practical to enforce.

The Commissioners determined that the draft ordinance is ready for a public hearing at their January 3, 2017 meeting.

ITEMS FOR FUTURE AGENDAS

Chair Maefsky recommended that the application for the solar farm permitted to Forest Lake Holdco be revisited, particularly for the fence that was recently installed at the site.

ADJOURNMENT

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

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk