

February 2, 2016

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Walt Anderson, Travis Loeffler and Dan Squyres. Commissioner Tom Noyes arrived at 7:04 p.m. Commissioner Noyes was recently appointed by the City Council to serve a term that runs from February 1, 2016 to February 1, 2021. Staff present: City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Due to inclement weather, City Planner Sherri Buss telephoned in to the meeting and was put on speaker phone.

Chair Maefsky called the meeting to order at 7:00 p.m.

ANNUAL APPOINTMENT OF CHAIR AND VICE-CHAIR

Squyres, seconded by Anderson, moved to nominate Christine Maefsky as Chair of the Planning Commission. The motion carried unanimously by those present.

Loeffler, seconded by Anderson, moved to nominate Dan Squyres as Vice-Chair of the Planning Commission. The motion carried unanimously by those present.

These recommendations will be presented to the Council at their February 16, 2016 meeting.

APPROVAL OF AGENDA, MINUTES

Chair Maefsky added a discussion on the Capital Improvement Plan process to the end of the meeting agenda.

Loeffler, seconded by Squyres, moved to approve the January 5, 2016 meeting minutes as presented. The motion carried unanimously by those present.

PUBLIC HEARING: INTERIM USE PERMIT AND VARIANCE FOR A COMMERCIAL KENNEL AT 16080 SCANDIA TRAIL NORTH. LEE AND BARBARA BOOTH, APPLICANTS (PC RESOLUTION 02-02-16-01)

Lee and Barbara Booth have applied for an Interim Use Permit for a Commercial Kennel at their residence, 16080 Scandia Trail. The use also requires a variance from the required 50-foot separation of the kennel from the existing well. The applicants propose to have up to 20 adult Yorkshire Terriers and up to 5 litters of puppies each year. Planner Buss presented the staff report with details of the request.

Buss explained that the application was in response to a complaint the City received in December 2015 that there were too many dogs at this address. The Development Code defines that the number of dogs being housed and offered for sale requires approval of an IUP for a Commercial Kennel, and has performance standards for this use. The minimum area required is 10 acres. The parcel is 9.52 acres, which was granted an Administrative Exception for lot size on January 8 by Administrator Soltis.

Planner Buss recommended approval of the IUP and variance, and summarized the rationale for the 18 proposed conditions. The existing well is approximately 10 feet from the garage. Since

the dogs will be confined within the house and a fenced area on the deck, the situation is similar to veterinary clinics which are offered an exception from the required 50-foot setback for wells if the kennel is totally enclosed and waste would not seep into the soil and contaminate a water source. Buss explained findings which support granting the variance.

Buss reported on the County's evaluation of the adequacy of the septic system to handle the kennel waste. The Booths explained that all solid waste is currently bagged and placed in the trash with approval of the hauler. Washable potty pads are laundered in the home washing machine. County staff commented that the existing septic system should be adequate to handle the extra water and waste strength, but a compliance inspection would be the best determination. Buss included conditions to address waste treatment.

Buss reported that the City received a complaint about exterior and vehicle storage on this property, and added Condition #9 that the applicants comply with the Development Code for storage. Buss also explained that termination of the permit would occur with a change in property ownership, or if the Booths ceased kennel operations for one year.

Chair Maefsky opened the public hearing at 7:29 p.m.

Patricia Brannan, 21455 Pomroy Avenue, expressed concerns about the number of dogs and waste management.

Bob Gilbertson, 16140 Scandia Trail, had no objections and supported approval of allowing their operation to continue.

Paul and Mindy Bratager, 16015 Scandia Trail, stated that they were not opposed but would not want to see it become a puppy mill; it should be regulated and inspected for the welfare of the animals.

Jen Gilbertson, 16140 Scandia Trail, said her neighbors are caring and loving pet owners. In six years of living next door, they have never been negatively impacted by the dog operation.

Barbara Booth, applicant, provided a history of their dog business and answered questions on their process for state licensing and inspections from the Humane Society.

Chair Maefsky closed the hearing at 7:50 p.m.

The Commissioners discussed at length the nature of the request and the set of conditions proposed by Planner Buss. Commissioner Anderson recommended language be added to Condition #1 that the dogs are allowed brief outdoor time at a distance at least 50 feet from the well. Commissioners were in consensus to add this language.

Anderson, seconded by Squyres, moved that the trash hauler provide a written statement that it is permissible to dispose of solid waste in the garbage to be hauled away. Yes – Anderson. No – Noyes, Loeffler, Squyres, Maefsky. The motion failed 1-4.

Chair Maefsky recommended that Condition #9 regarding exterior storage be removed, since it is unrelated to the request and the City has a procedure in place for handling complaints of this nature. **Loeffler, seconded by Noyes, moved to remove Condition #9. The motion carried 5-0.**

Chair Maefsky suggested that Conditions #10-15 be removed as they address performance standards related to the maintenance of the facilities and care of the animals that the City may not have the expertise to enforce. Planner Buss explained that other communities have these in place as a way to deal with kennels. Condition #16 addressed annual inspections which the City could delegate to an animal welfare agency and an assessment of findings would be reported to the City. Maefsky noted that the condition read “may inspect” and that an annual inspection is not mandatory. Language was added to the condition that the Booths would reimburse the City for any inspection related expenses. The Commissioners were in consensus to amend the conditions as such.

Loeffler, seconded by Anderson, moved to approve Planning Commission Resolution No. 02-02-16-01 as amended. The motion carried 5-0.

The recommendation to approve the IUP and variance for a Commercial Kennel at 16080 Scandia Trail will go to the Council at their February 16 meeting.

PUBLIC HEARING: DRAFT ORDINANCE NO. 167 AMENDING THE DEVELOPMENT CODE, NON-CONFORMING USES IN SHORELAND

A public hearing was held to amend and add language to the City’s Development Code, Chapter 1, Section 13.3, which would provide quantifiable criteria for determining the difference between expansion and replacement of an existing nonconforming structure in the Shoreland.

Chair Maefsky opened the public hearing at 8:40 p.m. No members of the public were present and the hearing was closed.

Planner Buss explained the changes made to clarify the differences between replacement, restoration, and alteration of structures.

Sqyres, seconded by Loeffler, moved to recommend to the City Council approval of Ordinance No. 167 as presented. The motion carried 5-0.

PUBLIC HEARING: DRAFT ORDINANCE NO. 168 AMENDING THE DEVELOPMENT CODE, SUBSURFACE SEPTIC SYSTEMS

A public hearing was held to amend the City’s Development Code, Chapter 2, Section 3.1, Subsurface Septic Systems. Planner Buss explained that the amendment adopts the County’s septic system ordinance and clarifies that the City will handle variances related to setbacks and zoning issues, whereas the County will handle variance requests that relate to the technical requirements of septic systems.

Loeffler, seconded by Squyres, moved to recommend to the City Council approval of Ordinance No. 168 as presented. The motion carried 5-0.

PUBLIC HEARING: DRAFT ORDINANCE NO. 169 AMENDING THE DEVELOPMENT CODE, REGARDING USES IN THE VILLAGE MIXED USE A AND B DISTRICTS

A public hearing was held to amend the Development Code, Chapter 2, Section 2.8 and 2.9 regarding the Village Mixed Use A and B zoning districts. Over past meetings, the Planning Commission had discussed increasing the number of permitted uses in the Village Districts, and reducing the number of businesses that require a Conditional Use Permit.

Planner Buss asked for additional discussion on whether or not to allow hotels in the VMU A District; hotels are currently allowed in the VMU B District. The Commissioners concluded that hotels be added for uses which require a CUP, but that parking requirements would limit where hotels could be operated.

Administrator Soltis noted that cemeteries are not typically permitted in downtown districts because of the large commercial area they occupy. Planner Buss explained that if cemeteries are removed, the current cemetery would become a nonconforming use and its expansion would be prohibited. Commissioners discussed that Elim Church has the south cemetery outside of the Village Districts for future expansion, and agreed that cemeteries be removed as an allowed use in the Village Districts.

Administrator Soltis relayed comments from the EDA which asked for consideration of allowing car washes and craft breweries in the VMU Districts. The Commissioners were in consensus to allow operation of a car wash in the VMU B District and craft breweries in both A and B Districts with a CUP.

Loeffler, seconded by Squyres, moved to recommend to the City Council approval of Ordinance No. 169 as amended. The motion carried 5-0.

CONTINUATION ON DISCUSSION OF AGRITOURISM ENTERPRISES

Chair Maefsky announced that discussion on Agritourism Enterprises will be tabled until the next meeting.

AMENDING SIGNAGE PERFORMANCE STANDARDS REGARDING DARK SKIES

Administrator Soltis presented amended language in the sign ordinance which would further minimize impacts of backlit signs and reflect the intention of standards in the Comp Plan to protect dark skies.

Soltis suggested that Chapter 2, Section 3.13(4)(D) have language added to state “Backlit or illuminated signs are permitted in all districts, and shall be diffused or indirect so as not to direct rays of light onto any public right-of-way or adjacent residential property and shielded to minimize impacts on the night sky....”

Loeffler, seconded by Squyres, moved to schedule a public hearing on an amendment to the sign ordinance with language as proposed. The motion carried 5-0.

FUTURE AGENDA ITEMS – USES IN THE RURAL COMMERCIAL DISTRICT

Administrator Soltis presented the listing of allowed uses in the Rural Commercial District section of the Development Code and suggested that the Commission review these in the manner that has been followed in review of other zoning districts over the past months. Planner Buss will prepare a report for discussion at the next meeting using the rationale for uses that are permitted and those that require Conditional Use Permits.

DISCUSSION ON CAPITAL IMPROVEMENT PLAN PROCESS

Chair Maefsky inquired about the February 3rd Council Work Session agenda item regarding the CIP process. Administrator Soltis explained that the CIP Committee was appointed last year for a one-year term, and the Council will discuss a strategy for future CIP processes. Maefsky noted that the Commission has a history of oversight with the CIP, but the timing of the Commission's review has not been adequate. Soltis agreed that he would like to bring the Plan to the Commission at their July meeting, at a time when the Council is in budget planning.

ADJOURNMENT

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

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk