

February 5, 2014

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:01 p.m. Dan Squyres was welcomed as the newly appointed Commissioner. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Steve Philippi, Dan Squyres and Commission Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Council member Ness was also in attendance.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Squyres, moved to approve the January 7, 2014 minutes as presented. The motion carried 5-0.

**INTERIM USE PERMIT AT 18180 OLINDA TRAIL. CHUCK MANN, APPLICANT
(RESOLUTION NO. 02-05-14-01)**

Chuck Mann has applied for an Interim Use Permit to allow his existing home to remain on his property at 18180 Olinda Trail while a new home is under construction.

This application was continued from the December 3, 2013 Planning Commission meeting, at which time the public hearing was held. Due to time constraints within the ordinance that would have the IUP expiring within six months of being issued, Mr. Mann agreed to extend the review until he could begin construction in the spring. At the December meeting, the Commissioners were in consensus to extend removal of the house to 60 days due Mr. Mann's explanation that he plans to reuse materials from the old house into the new home, and to recycle as much of the old house as he can. The Commissioners reviewed changes to the ordinance at their January meeting.

Administrator Handt explained the process for continuing his application and amending the existing ordinance. A resolution was prepared with one of the conditions requiring that the existing home be removed from the property within 60 days of expiration of the IUP. Ordinance language states that the IUP expires upon issuance of a certificate of occupancy or within 180 days, whichever is less. The City Council could first approve an ordinance amendment with changes to extend the expiration to one year and to address removal of the temporary dwelling, and then act on Mr. Mann's IUP. This would satisfy the findings of the IUP being compliant with the ordinance.

Upon discussion, Commissioners recommended that the resolution should support the existing ordinance, including the 30-day time limit for removal of the temporary dwelling.

The Planning Commissioners asked staff to convey to the Council that although they are recommending approval of the IUP based on language in the current ordinance, it is unreasonable to allow only 6 months to construct a new house, and 30 days to remove the old

house is too limiting. Handt suggested adding language in a finding that would support an ordinance change.

Hogle, seconded by Philippi, moved to recommend approval of Resolution No. 02-05-14-01, Approving an Interim Use Permit for 18180 Olinda Trail, with amendments to Condition #6 that the existing home must be removed within 30 days, and the addition of a finding supportive of an ordinance change. The motion carried 5-0.

DRAFT ORDINANCE UPDATE OF TEMPORARY DWELLING UNIT DURING CONSTRUCTION

The Commissioners reviewed the recommended changes to language in Chapter 2, Section 4.26 regarding Temporary Dwelling Unit during Construction, as discussed at their January 7th meeting. Paragraph (5) has added a “County” approved on-site waste disposal system. Paragraph (7) extends the expiration of an IUP to one year, and allows for removal of the temporary dwelling within 30 days or “unless a different time is approved by the City based on unique circumstances, but shall in no instance exceed 90 days”.

The Commissioners were in consensus to schedule a public hearing on the ordinance amendment for their March 4th meeting.

CONTINUED DISCUSSION ON 4 PER 40 DENSITY REQUIREMENTS

Chair Maefsky led a discussion of the interpretation that dwelling units versus buildable lots has on the City’s density requirement of 4 per 40 and the potential problems that could arise from creating lots that cannot be developed upon.

Administrator Handt stated that the density limits are conveyed to landowners looking to create smaller lots off existing parcels, oftentimes for purposes of estate planning, and they may have no intention of building upon them. She sees the code as working as it is. Lots created years ago before the Comp Plan are grandfathered in, and this is really only impacting recently divided property. Planner Buss relayed comments from the Met Council that this is how they want the density interpreted and they have no problems with the number of lots exceeding 4 per 40, as long as the number of housing units complies.

Commissioner Philippi questioned the assessed value of properties that remain vacant and unbuildable due to density limits. He reasoned that this is could be a loss of property tax revenue to the City. Buss will contact Assessor Frank Langer for information on property values and the effect on the tax base.

Maefsky explained that there needs to be clarity in the development code regarding density limits, and asked what options the City has to resolve this issue. Philippi agreed and stated that there needs to be a clearer, more predictable process for land to be improved upon in an orderly, harmonious way that contributes to the greater good through collection of property taxes.

Buss explained that language in the ordinance could be changed from “units” to “buildable lot” density of 4 per 40. Another option is to create a policy to direct staff that they must inform

subdivision applicants of the density status. How this affects surrounding property owners would be part of the public hearing and addressing density could be part of the findings of adopted resolutions. Buss stated that this would be transparent and informative to the landowners. Squyres noted that this would affect surrounding property owners and their ability to subdivide. Buss said that this would be discussed at the public hearing and letters of notice go out to surrounding property owners within 500 feet of the parcel being subdivided. Handt reiterated that density limits are explained to landowners now, as it has been in the past. If this option is taken away, the landowners may pursue the creation of outlots, which are defined as remnants of land that are not buildable.

Buss explained that this density limit is a regional requirement and the potential to subdivide is managed by the City's ordinances. Every subdivision in a $\frac{1}{4}$ - $\frac{1}{4}$ reduces someone else's ability to subdivide; not due to the city, but regional requirements. Handt stated that it becomes a first-come, first-serve for whoever develops the lots. Philippi said that setting up this scenario is bad planning.

Maefsky noted that Scandia's unique lot sizes between 2 to 5 acres and 20 acres and greater complicates the issue as compared to creation of equal 10-acre lots.

Maefsky asked staff to write up the two options for clarifying 4 per 40-density for further discussion at the March 4th meeting. Maefsky asked that the City Attorney be invited to attend. Buss agreed that the Attorney could provide insight into development agreement language that would define lots as not buildable.

Council member Ness stated that the intent is 4 parcels per 40 acres and new lots should not be created if they cannot be built on.

APPOINT CHAIR AND VICE CHAIR FOR 2014

Hogle, seconded by Philippi, moved to recommend to the City Council that Christine Maefsky continue as the Planning Commission Chair for 2014. The motion carried 5-0.

Philippi, seconded by Maefsky, moved to recommend to the City Council that Jan Hogle continue as the Planning Commission Vice Chair for 2014. The motion carried 5-0.

ADJOURNMENT

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

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk