

January 7, 2014

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:05 p.m. The following were in attendance: Commissioners Steve Philippi, Peter Schwarz and Commission Chair Christine Maefsky. Absent: Commissioners Sue Bies and Jan Hogle. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, Assistant City Attorney Andy Pratt and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

Philippi, seconded by Maefsky, moved to approve the agenda as presented. The motion carried 3-0.

Schwarz, seconded by Philippi, moved to approve the December 3, 2013 minutes as presented. The motion carried 3-0.

DISCUSS GRADING PLAN REQUIREMENTS FOR ZONING APPLICATIONS

Chair Maefsky explained that she requested a discussion of grading plan requirements based on several variance applications that have come before the City in the past year. Some members of the Commission have expressed an interest in requiring a grading plan to accompany an application, but there are questions as to how the Commissioners will evaluate it and what criteria would trigger the need for a grading plan.

Administrator Handt noted that Chapter 1, Section 6.5(1)(B) of the Development Code gives discretion to the Zoning Administrator to determine what is required in order to get a complete and clear definition and understanding of the request. Zoning applications are reviewed by Planner Sherri Buss. Buss stated that grading plans are requested when development is proposed within steep slopes or bluffs, and within shoreland parcels where grading would have a potential effect on water quality. Handt added that plat developments require grading plans when there are changes to grades across the site due to land alteration. Handt questioned what the grading plan provides beyond review of a topo map for variance applications.

Commissioner Philippi offered as examples two requests recently evaluated in which a grading plan would have been beneficial. A variance was granted for construction of a pool on 205th Street that required significant regrading of a slope between the house and Big Marine Lake. Philippi noted that slope stability, far reaching impacts to the water and trees from runoff and loss of screening are issues which could have been evaluated through a grading plan. Another example given was the variance for construction of a pole barn at the Schwinghammer residence on Pomroy Avenue. Philippi stated that due to the 3:1 slope over the site area, significant grading is necessary on the heavily wooded site beyond the footprint of the building. A grading plan could evaluate the effects on the surrounding trees and to the easterly wetland, and thereby helping to find a compromise to the neighbors' opposition to the site area and loss of screening. Philippi proposed requiring a grading plan for any variance application where there is a loss of trees, wetlands within the vicinity, or potential of neighbor impacts. A grading plan could give some ability to negotiate a compromise between the applicant and neighbors.

Commissioner Schwarz noted that this is an additional expense to the applicant and that there should be a clear cut definition on when to require a grading plan in order to justify this expense. Maefsky questioned how they would evaluate a grading plan as they are not experts and there is a cost to the applicant to have the City Engineer involved. Philippi stated that in relation to the value of the projects, a \$500 additional cost is not unreasonable. Buss added that the costs could run much higher depending on the extent of the plan.

Buss explained that she tried to get a grading plan from the pool applicant but he wouldn't have a final construction plan until he knew that a variance would be approved. He stated that since a grading plan was needed for the building permit, he would expend that cost once a contractor was finalized. The Watershed District did not require a grading plan at the time of the variance review, but rather at the point of submission of a building permit. Buss stated that there is pushback from applicants to prepare a grading plan for the variance review due to the added costs. Schwarz questioned if it could be made a requirement and Buss stated yes, just as certificate of surveys are needed for development on small lots. Buss added that the Matt variance required a grading plan and survey for his construction of a shed within the shoreland.

Philippi stated that when reviewing applications on sensitive sites, a grading plan analysis could be requested upon initial review if merited, and a decision delayed until the following meeting. Maefsky questioned what would happen if the Engineer did not approve of the grading plan once the variance was approved. Buss stated that it could be revised for submission with the building permit. Philippi added that a sketch plan may be all that is necessary initially to show the extent of impacts, and contour maps could be sufficient and are available for free. A grading plan would then be submitted with the building permit. Buss countered that maps with 10-foot contours are free, but there is a cost for maps which show more accurate contours and slopes. If a grading analysis to show a visual outcome is expected, this could become costly for the applicant.

Maefsky recommended that Philippi prepare informal guidelines and write up contingencies on when to require a grading plan for a more thorough discussion at the next meeting. Buss was asked to research costs for County contour maps.

Attorney Pratt advised that development of an informal policy such as this should have specific criteria for evaluation that can be applied on a case by case basis. Buss added that a policy with specifics is more easily explained to applicants. Handt added that how the grading plan will be evaluated should be made clear.

DISCUSS 4 PER 40-ACRE DENSITY REQUIREMENTS

During the recent review of the Lund Minor Subdivision, the Planning Commission asked for further discussion of the Development Code requirement for a maximum density of 4 dwelling units per 40 acres. Planner Buss led a discussion of densities in the Agricultural Core and General Rural Districts as determined by the Comprehensive Plan.

Buss explained that the density goals in Scandia's 2030 Comp Plan directly meet the Met Council's requirement of no more than one housing unit per 10-acre lot on average. Scandia's 4 units per 40 acre density requirement is unique and allows for a variety of lot sizes; lots of 2 to 5 acres or 20 acres or greater are allowed. Maefsky questioned if the intent is for buildable lots or dwelling units. Handt explained that it specifically states dwelling units, although more lots could be created as long as no more than four houses within 40 acres exist. Maefsky stated that this is not how she recalled the intent. Buss stated that houses could be removed or destroyed through time, therefore allowing for new development to occur on a created lot. Property decisions to create lots that may exceed the maximum density cannot be controlled. There are examples of this throughout the city, done through estate planning or other circumstances. Handt stated that implications are explained, but different rules may apply years in the future when building may occur. Philippi stated that it's problematic to create more buildable lots than allowable dwellings. Maefsky agreed with this position, and the idea of first in the ground to build doesn't make sense.

Attorney Pratt advised that to avoid liability issues to not create lots above the dwelling density limits, the ordinance needs to be changed to buildable lots versus dwelling units. Language would be needed to explain that created lots meeting the definition of a buildable lot may not be built on due to exceeding the density standards.

Council member Chris Ness addressed the Commission and said that somewhere along the completion of the Comp Plan, he missed the change in language from buildable lot to dwelling unit. Ness reasoned that the ordinance needs to be changed back to buildable lot to eliminate the issue. Maefsky agreed that there appears to be a contradiction and there is justification to change the ordinance to make the 4 lots per 40 acre density clear.

Buss said the first step would be to amend the Comp Plan through the Met Council with the proposed change in text language with the rationale behind the change. Once the amended Comp Plan is approved, changes to the zoning ordinance would follow. Maefsky stated that she would support this approach. She said that she would put something together for discussion at the next meeting – by finding references to the prior language and proposals for the language change.

DISCUSS TEMPORARY DWELLING UNIT INTERIM USE PERMIT REQUIREMENTS

An application for an IUP to allow a temporary dwelling unit during the construction of a new house at the December meeting led to a review of the time limit requirements for expiration of the permit and for removal of the temporary unit.

Planning Commissioners recommended that 180 days to construct the new house should be extended to one year, and it would be realistic to allow 60 days to remove the temporary unit, rather than the current 30 days. Philippi stated that he would like to keep the 30 day removal language for a conventional teardown in order to have it removed as soon as possible, but allow for an extension for reuse and recycling materials of the old house because they are doing

something of merit for the environment. Maefsky agreed that some criteria could allow for an extension.

Handt recommended language could state that “the temporary dwelling unit shall be removed from the premises within 30 days unless a different time period is approved by the City”. Pratt agreed that 30 days could be the default while an extended time could be determined on a case by case basis. Commissioners agreed with this language to allow up to a maximum of 90 days for removal of the temporary unit. Staff will work on the appropriate language for review at the next meeting.

Council member Ness addressed condition 5 of the requirements that the temporary unit shall be connected to an approved on-site waste disposal system. He thought this was vague and questioned if someone lived in a trailer on the weekends, could he use a satellite? Maefsky recommended that the language be changed to “County approved” on-site waste disposal system as it was written into the Rural Event Center ordinance.

Handt questioned if a trailer would be considered a dwelling unit. By definition, it was determined it would not be, and therefore no need for an IUP.

The Planning Commission will review the revisions at the next meeting.

RECOGNITION OF PETER SCHWARZ’S SERVICE ON THE PLANNING COMMISSION

Commissioner Peter Schwarz’s term will end on February 1, 2014. Mr. Schwarz was recognized for his fifteen years that he served on the Planning Commission and for his many contributions to development of the Comprehensive Plans and ordinances. A cake reception was held following the meeting.

ADJOURNMENT

Philippi, seconded by Schwarz, moved to adjourn the meeting. The motion carried 3-0.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk