

July 5, 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, Tom Noyes and Dan Squyres. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Chair Maefsky added a discussion of site visit guidelines as Agenda Item 5.a). **Loeffler, seconded by Squyres, moved to approve the agenda as amended. The motion carried 5-0.**

Loeffler, seconded by Squyres, moved to approve the June 7, 2016 meeting minutes as presented. The motion carried 5-0.

PUBLIC HEARING: INTERIM USE PERMIT FOR A TEMPORARY DWELLING UNIT DURING CONSTRUCTION OF A NEW HOME AT 21020 MEADOWBROOK AVENUE. JULIE RUDDY, APPLICANT.

Julie Ruddy has applied for an Interim Use Permit to maintain and live in the existing home at 21020 Meadowbrook Avenue while a new home is being constructed on the property. The development code requires an IUP for a Temporary Dwelling Unit during Construction.

Planner Buss summarized her staff report which noted the findings that meet the general criteria for granting the interim use, and recommended approval of the IUP with conditions written into a resolution. Conditions require a financial guarantee to the City to ensure that the structure will be removed upon termination of the permit, and set expiration of the permit and removal of the existing home according to the code language. The permit expires within one year of issuance or upon completion of the new home, whichever is less. The existing home must be removed within 30 days of expiration of the IUP.

Chair Maefsky opened the public hearing at 7:05 p.m. There were no comments and the hearing was closed.

Administrator Soltis noted that the Planning Commission could consider changing the Development Code on Temporary Dwelling Units during Construction to clarify whether the intent is to require permits only for temporary trailer or manufactured home units being brought onto the property, rather than existing homes that are being occupied until the new home is completed. The Commission agreed that this should be reviewed.

Loeffler, seconded by Noyes, moved to approve PC Resolution No. 07-05-16-01, Approving an Interim Use Permit for a Temporary Dwelling Unit during Construction for 21020 Meadowbrook Avenue North. The motion carried 5-0.

The recommendation to approve the IUP will be presented to the Council at their July 19th meeting.

PUBLIC HEARING: SETBACK VARIANCE FOR AN ACCESSORY STRUCTURE AT 10455 192ND STREET. GARY AND REGINA ERKENBRACK, APPLICANTS.

Gary and Regina Erkenbrack have applied for a variance to build a 40'x60' accessory structure closer to the roadway than the existing home at 10455 192nd Street, approximately 90 feet from the right-of-way. The development code requires that no detached structures be closer to the road right-of-way than the principal building on lots less than 5 acres. The applicants' property is 4.4 acres in size and within the Shoreland Overlay District of White Rock Lake.

Planner Buss explained the practical difficulties of the property due to location of the septic system, poor soils, and the setback from the lake that prohibit locating the structure in a location that meets the setback requirements. The proposed location is screened from the street and nearby properties by existing vegetation. Buss summarized the findings that support granting the variance with conditions written into a resolution. Conditions require an existing shed to be removed and the existing vegetation to the north and west must be maintained to provide screening.

Chair Maefsky opened the public hearing at 7:11 p.m. There were no comments and the hearing was closed.

Commissioner Squyres asked how the screening condition will be enforced. Buss explained that a formal complaint made to the City would be investigated and replacement of the vegetation would be required.

Squyres, seconded by Loeffler, moved to approve PC Resolution No. 07-05-16-02, Approving Variance for 10455 192nd Street. The motion carried 5-0.

The recommendation to approve the variance will be presented to the Council at their July 19th meeting.

PUBLIC HEARING: ORDINANCE NO. 172 – AMENDING CHAPTER 2, SECTION 3.2(5), EXCEPTION FOR HISTORIC ACCESSORY BUILDINGS AND STRUCTURES

Last month the Planning Commission recommended that the Village Neighborhood Zoning District be added to the list of districts where exceptions to requirements for accessory buildings is permitted to preserve historic buildings and structures. Planner Buss explained that upon review of the Salminen application for a minor subdivision at the last meeting, this oversight was noted. The Salminen application was tabled to allow for the consideration of an ordinance amendment that would add the Village Neighborhood Zoning District to the list of Districts where the number and square footage of accessory buildings on a lot can exceed the code requirements based on the historic character of the accessory structures.

Chair Maefsky opened the public hearing at 7:14 p.m. There were no comments and the hearing was closed.

The Commissioners questioned if the exception to accessory structure requirements for historic buildings could be permitted in all zoning districts. Planner Buss asked if they thought this could be a problem on the small VMU lots. Administrator Soltis noted the criteria in the ordinance that exceptions are granted only for parcels 4 acres or larger, so this discounts the smaller lots.

Maefsky, seconded by Squyres, moved to amend Ordinance No. 172 with language that the exception for historic structures is granted in all zoning districts. The motion carried 5-0.

Maefsky, seconded by Loeffler, moved to recommend approval of Ordinance No. 172 as amended. The motion carried 5-0.

The recommendation to approve Ordinance No. 172 to allow exceptions for historic accessory buildings and structures in all zoning districts will be presented to the Council at their July 19th meeting.

PUBLIC HEARING: ORDINANCE NO. 173 – ADDING AGRITOURISM USES TO THE DEVELOPMENT CODE

Last month the Planning Commission called for a public hearing to consider adoption of an ordinance to define Agritourism Uses and allow this use without a zoning permit in 4 districts, provided the use meets the definition. Planner Buss explained that the Agritourism Use emphasizes educational and recreational ties to agriculture whereas Rural Event Facility Uses are defined by those that are focused on events such as weddings or other ceremonies, festivals, picnics or other gatherings. Under the proposed definition Agritourism Uses that utilize outdoor amplified sound or are defined as a special event would need to a Special Event Permit. If an Agritourism Use holds 5 or more special events in one calendar year, it will be classified as a Rural Event Facility and must meet the ordinance requirements for that use. The minimum parcel size for an Agritourism Use is 5 acres.

Chair Maefsky opened the public hearing at 7:22 p.m. There were no comments and the hearing was closed.

Chair Maefsky stated that the type of amplified sound for agritourism uses is different from that of a rural event facility and had no concerns about that.

The Commissioners agreed that 5 or less special events per year is an acceptable limit before defining the use as a rural event facility. Commissioner Squyres recalled that the number of events was tied to the special event permit cost being comparable to obtaining an interim use permit for a rural event facility.

Squyres, seconded by Anderson, moved to recommend approval of Ordinance No. 173 as presented. The motion carried 5-0.

The recommendation to approve Ordinance No. 173 to define and add Section 4.35, Agritourism Uses, to the development code will be presented to the Council at their July 19th meeting.

MINOR SUBDIVISION AT 14340 205TH STREET – DAVID AND JANICE SALMINEN, APPLICANTS

The application for a minor subdivision to create two lots at 14340 205th Street was tabled last month to provide for an ordinance amendment to allow exceptions to the accessory structure requirements for historic buildings in the Village Neighborhood zoning district. The Commissioners were in consensus to approve the minor subdivision contingent on the Council's adoption of Ordinance No. 172, allowing this exception.

Noyes, seconded by Squyres, moved to recommend approval of the minor subdivision at 14340 205th Street contingent on adoption of Ordinance No. 172 by the City Council. The motion carried 5-0.

The Salminen Minor Subdivision will move forward to the Council meeting on July 19th, and may be approved at that meeting if the Council adopts Ordinance 172.

SITE VISIT POLICY

Chair Maefsky asked that the wording in #5 of the procedures in the Planning Commission's site visit guidelines be amended as follows:

- 5. Planning Commissioners will "may" meet in the Community Center parking lot at the time noted in the posting and then drive to the site(s).

Maefsky explained that in some instances it is more reasonable to have the Commissioners drive directly to the site instead of gathering at the Community Center.

Administrator Soltis stated that there are other changes to the site visit guidelines that were recommended by the City Attorney, and these could all be incorporated together into one update and reviewed at a future meeting.

Maefsky, seconded by Noyes, moved to review the recommended changes to the Site Visit Guidelines at the August 2, 2016 Planning Commission meeting. The motion carried 5-0.

DISCUSSION ON SOLAR GARDEN MORATORIUM AND CHANGES TO THE ORDINANCE RELATING TO SOLAR FARMS AND COMMUNITY SOLAR GARDENS

The moratorium on applications for solar farms and community solar gardens will expire on July 28, 2016. The Planning Commission continued to review the solar garden ordinance for potential amendments as provided for in the Moratorium Ordinance No. 170. Planner Buss reviewed the options that were discussed at the June 7th meeting and incorporated these into a draft ordinance update.

Following a lengthy discussion on issues related to parcel size, screening, setbacks and fencing, Planner Buss summarized the changes which the Commissioners decided on:

- Remove (4)(B) minimum lot size using rationale that setbacks will determine where the solar installations will fit.
- Addition of 4(D) to mitigate solar installations in protected areas as determined on a site by site basis – this eliminates the 600’ setback in protected areas.
- Paragraph (E), establish 75’ setback from parcel boundaries, and may require wider setbacks if there are potential impacts to adjacent properties.
- Eliminate (H) regarding elevation.
- Revise (I) to address screening, such that solar farms shall be screened from view by setbacks, berming, existing vegetation, landscaping, or a combination thereof. The City may require a vegetative buffer up to 25’ in depth and/or screening up to 95%.
- Add language that full screening must be accomplished within 2 years.
- Remove first sentence of (P) that solar installations shall be enclosed by a fence or barrier, as that would be determined by the developer. Add “any” fences shall incorporate wildlife friendly designs.

Squyres, seconded by Loeffler, moved to schedule a public hearing on the amended Solar Farms and Community Solar Garden Ordinance with the amendments as summarized above on August 2, 2016. The motion carried 5-0.

DISCUSSION ON USES IN THE RURAL COMMERCIAL DISTRICT

The Planning Commission reviewed a draft ordinance that would update the list of uses in the Rural Commercial District from those that require a Conditional Use Permit to the list of uses are allowed without a permit. Included in the update are adding definitions for brew pubs and distilleries based on the language used by the State.

Planner Buss noted that Agritourism Enterprises was moved from uses with an IUP to an allowed use if 5 or less events annually. Craft brewery was added as an allowed use.

Noyes, seconded by Anderson, moved to schedule a public hearing on the ordinance as presented to amend Section 2.11 regarding the Rural Commercial zoning district. The motion carried 5-0.

ITEMS FOR FUTURE AGENDAS

Planner Buss explained the state legislation recently passed establishing regulations for temporary dwelling units for caretakers. The City has until September 1st to opt out the state regulations and can do so by adopting an ordinance. At next month’s meeting, the Commissioners will review the state regulations and the existing ordinance for a temporary dwelling unit – care facility, and consider any useful changes to the City’s ordinance.

ADJOURNMENT

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

The meeting adjourned at 9:12 p.m.

Respectfully submitted,
Brenda Eklund, Deputy Clerk