

June 2, 2015

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Travis Loeffler and Dan Squyres. Commissioner Walt Anderson arrived at 7:23 p.m. Absent: Commissioner Jan Hogle. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Squyres, moved to approve the agenda as presented. The motion passed unanimously by those present.

Loeffler, seconded by Maefsky, moved to approve the May 5, 2015 minutes as presented. The motion passed unanimously by those present.

PUBLIC HEARING: VARIANCE TO CONSTRUCT A DECK AT 18997 LAYTON AVENUE. WALLACE ANDERSON, APPLICANT (RESOLUTION NO. 06-02-15-01)

Wallace and Jeanette Anderson are proposing to construct a 10'x24' deck on their cabin at 18997 Layton Avenue North. The parcel is 0.12 acres in size and located within the Shoreland Overlay of Big Marine Lake. The existing cabin, built in 1964 (before the current zoning requirements), is setback 36 feet from the Ordinary High Water Level. A variance from the required OHWL setback of 100 feet is needed.

Planner Sherri Buss summarized the request and explained that existing impervious coverage of the parcel is 31% with the cabin, shed, concrete and paver areas. Since additional lot coverage would further exceed the ordinance standard of 25%, the applicants will need to remove some of the existing impervious cover. The Carnelian-Marine Watershed District and the DNR agreed that they would support granting the variance for the deck if existing impervious cover is reduced and the areas restored to vegetation. Buss stated that the City rarely grants a variance from lot coverage and that Mr. Anderson is willing to remove impervious surfaces on the property as a condition for adding the deck.

Planner Buss noted the applicant's rationale for improving their accessibility to outdoor spaces as navigating steps and uneven ground is becoming difficult for them. The City Attorney advised that accessibility is a reasonable finding to grant the variance in conjunction with reducing the nonconformity of the property related to lot coverage.

Planner Buss presented findings and conditions written into a resolution for approving the variance for locating a deck a minimum of 26 feet from the OHWL. Buss offered several options for the Commissioners to consider when designating the reduction in lot coverage. A Watershed District Permit will be required before a building permit is issued.

Chair Maefsky opened the public hearing at 7:15 p.m.

Wallace Anderson, Applicant: Mr. Anderson asked for clarification on the condition to obtain a Watershed Permit. Planner Buss explained that the Watershed is a separate permitting agency

that oversees water quality issues and would require an erosion control plan for sediment runoff, and perhaps installation of a buffer. Mr. Anderson said that he objects to having a permanent buffer added to his property title. Buss said that he would need to work with Jim Shaver on the extent of the Watershed permit.

There were no further comments and Chair Maefsky closed the hearing at 7:17 p.m.

Commissioner Loeffler stated that he supports the addition of the deck as it will be an improvement for their accessibility and it's fantastic to hear that Mr. Anderson is willing to remove pavers to reduce impervious surfaces. Loeffler calculated figures that would lower lot coverage and suggested 228 square feet be removed as identified at the site visit.

Commissioners discussed where the final lot coverage figure should be and it was suggested that removing 260 square feet of impervious cover would get the lot coverage close to 25%. Loeffler asked if pea rock could be substituted for the vegetative ground cover that the Watershed recommended, since a boat would be parked where pavers will be removed. Buss stated that as long as it is not compacted, pea gravel could be considered impervious but the Watershed would have the final determination.

Loeffler, seconded by Squyres, moved to approve Resolution No. 06-02-15-01, Approving a Variance for 18997 Layton Avenue, with a condition that a minimum of 260 square feet of impervious surface, in addition to the area under the proposed deck, be removed and replaced with pervious cover before a building permit is issued.

The Commissioners clarified that Condition #3 reflect language in the above motion so that "amend the soils in the area to be suitable for planting, and vegetate the area" be stricken and that "replace with pervious cover consistent with the recommendations of the Car-Mar Watershed" is included to reflect that pea rock may be used as pervious cover if the Watershed agrees.

Mr. Anderson questioned the Shoreland ordinance requirement that the deck be constructed of wood, since he will be using a Trex product. Planner Buss stated that this composite material used for decks is considered a wood product. Chair Maefsky recommended that the ordinance language be modified to reflect this, and asked for a review at the next meeting.

Chair Maefsky called for a vote on the above motion. The motion carried 3-0, with Commissioner Anderson abstaining (he said that he did not attend the site visit).

PUBLIC HEARING: CONDITIONAL USE PERMIT TO ADD ON TO EXISTING BUILDINGS AT AM-TEC DESIGNS, 21080 OZARK COURT. CONNIE SUTTON, APPLICANT (RESOLUTION NO. 06-02-15-02)

Connie Sutton is requesting an amendment to an existing Conditional Use Permit to allow expansion of buildings at the Am-Tec business site located in the Industrial Park at 21080 Ozark Avenue. Planner Buss explained that the 140'x40' principal building will be lengthened by 32' and a 20'x21' addition will be added to the 1250 square foot accessory building.

An amended CUP was granted in 2008 to construct the accessory building. Buss stated that a landscaping condition to plant ground cover in the area between the building edge and the parking lot should continue to be maintained.

Buss recommended approval of the amended CUP with conditions written into a resolution. If lighting is added at a future date, a condition that lighting must meet code standards was included.

Chair Maefsky opened the public hearing at 7:44 p.m. There were no comments and the hearing was closed.

Loeffler, seconded by Squyres, moved to approve Resolution No. 06-02-15-02, Approving a Conditional Use Permit for Am-Tec Designs, as presented. The motion carried 3-0, with Commissioner Anderson abstaining (he said that he did not attend the site visit).

Planner Buss stated that the Commission may want to consider amending the development code to allow minor expansion to a business, where there is no change in use, through an administrative permit. Administrator Handt agreed and said that the EDA has been questioning the City's rules for CUPs that make it difficult and more costly for business expansion as compared to surrounding communities. There could be a way to beef up the permitting standards and remove the CUP requirement.

PUBLIC HEARING: ORDINANCE NO. 162, ADDING SOLAR USES TO THE DEVELOPMENT CODE

Planner Buss presented the ordinance that would add a new section to the development code regarding installation of ground-mounted solar farms and solar gardens. Buss explained the definitions – solar gardens are small energy systems that supply electricity to immediate community users; a solar farm operates as a commercial facility to sell energy to the grid. Buss stated that the City Attorney reviewed the ordinance and added language that allows for payment in lieu of taxes if prospective tax revenue is lost due to solar use on a property.

Buss explained that Chisago County recently adopted a solar ordinance that requires a CUP for systems installed on 20 acres or greater, but because of glare and other implications, regrets that a CUP isn't required for all acreages.

Chair Maefsky asked for clarification of passive solar energy, for which the ordinance does not apply. Buss explained that this solar energy is not produced by an active mechanical system, but rather utilizes the design of the house or building to trap solar heat, such as through windows.

The draft ordinance was sent to four solar companies for comments, and one company responded. Duane Hebert, Novel Energy, provided a list of comments which Buss reviewed. He asked that installations on smaller lots be exempted from the CUP process, but it was agreed that no change be made. It was also agreed not to change the minimum acreage of 5 acres.

It was agreed to amend Section 4.34(2)(D) so that an interconnection agreement with a local utility would be submitted prior to issuing a building permit rather than having it at the time of the CUP application, since this could delay the process.

There was much discussion on requiring a natural resource assessment and impact mitigation plan. It could be costly to prepare and may be superfluous with submission of wetland and surface water details that are included in a site plan. The Commissioners concluded that that Section 4.34(2)(E) and (F) could be deleted from the draft ordinance. Chair Maefsky commented that the Commission should further study natural resource assessments to see if there could be an appropriate use for them in the development code, and they should think about adding incentives such as planting bee and monarch habitats as a positive benefit of development.

Mr. Hebert suggested that Section 4.34(J) have the language amended as “or the distance to a substation or other point of interconnection” since interconnection can occur at other than a substation. This amendment was agreed to.

The Commissioners discussed the classification of the solar installations as an accessory structure to the principal use and if current limits on size and number should be followed. It was decided that these systems could be treated as a separate accessory that would be exempt from the rules regarding size and number, but not from the calculation of lot coverage or from setbacks.

Squyres, seconded by Maefsky, moved to amend Ordinance No. 162 language to allow solar structures as an addition to the existing ordinance on accessory structures but they do need to comply with setbacks, lot coverage and height. The motion carried 4-0.

Commissioner Loeffler suggested that “without reducing their efficiency” be removed from the performance standard that addresses screening. He thought this could be subjective and the applicant could argue that any screening would reduce efficiency. Chair Maefsky noted that “walls” could be removed from the type of screening allowed.

Maefsky, seconded by Squyres, moved that “without reducing their efficiency” and “walls” be removed from Section 4.34(3)(G). The motion carried 4-0.

Commissioner Anderson asked if less desirable locations such as under power lines could be designated as the first choice to locate large solar arrays. Administrator Handt noted that this could be part of the Comp Plan update. Buss agreed that if it’s a practical and useful location, it could be identified as a priority location for solar arrays.

Commissioner Hogle submitted written comments due to her absence from the meeting. Planner Buss said that the definitions in the ordinance are consistent with state statute. Liability insurance amounts are standard amounts typically used for development. When designating a primary or accessory use, Buss explained that in an Ag Preserves District, state law requires agriculture to be the principal purpose of the property.

Buss summarized the amendments that were agreed upon and stated that the revised version will be circulated to the Commission before the Council acts on the recommendation at the June 16th meeting. If the Commissioners still had concerns they could be addressed at the Council meeting.

Loeffler, seconded by Squyres, moved to recommend Ordinance No. 162 as amended to the Council for adoption.

Commissioner Squyres asked about the payment in lieu of taxes section. Buss explained this is not a requirement but an option the City has.

The above motion carried 4-0.

The City Council will receive this recommendation at their June 16th meeting.

**PUBLIC HEARING: ORDINANCE NO. 163, AMENDING WIRELESS TOWERS
ORDINANCE**

Planner Buss presented the ordinance that would amend existing Section 4.31 for wireless communication towers and antennas to address recent changes in FCC regulations. As discussed at previous Commission meetings, the City could not deny updates to permitted cell towers as long as they are not a substantial change, meaning the addition of up to 20 feet to the tower. The amendments would reduce the maximum height of cell towers by 20 feet to account for any potential increase that would not need a permit under the new FCC rules.

Buss explained that since the maximum height for towers is 35 feet for those within the St. Croix River District, DNR waterways, state and county road viewsheds or park boundaries, it would not be practical to reduce the maximum height by 20 feet. Rather the towers will be required to be a camouflage design, which is also consistent with the County ordinance. Commissioners agreed this is a reasonable approach for towers within sensitive districts.

Loeffler, seconded by Squyres, moved to recommend Ordinance No. 163 as presented to the City Council for adoption. The motion carried 4-0.

The City Council will receive this recommendation at their June 16th meeting.

ADJOURNMENT

Loeffler, seconded by Anderson, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk