

March 3, 2015

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Walt Anderson, Jan Hogle, Travis Loeffler and Dan Squyres. Chair Christine Maefsky was absent. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Vice Chair Hogle called the meeting to order at 7:03 p.m.

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Squyres, moved to approve the agenda as presented. The motion carried 4-0.

Loeffler, seconded by Squyres, moved to approve the February 3, 2015 minutes as presented. The motion carried 4-0.

DRAFT ORDINANCE NO. 159 ACCESSORY DWELLING UNITS

Discussion on zoning requirements for accessory apartments continued from the last meeting. Planner Buss led a review of two draft ordinance options she had prepared based on standards found in other communities. Option 1 presented some easy language changes to bring the ordinance definitions up to date, allow for less restrictive permitting, and permit accessory units with an administrative permit; whereas Option 2 would permit accessory units that could be detached from single-family homes, and includes a larger number of performance standards.

Vice Chair Hogle asked if a detached accessory apartment would count towards the allowable square footage for accessory buildings on a property. Buss explained that the footprint of the building would, but not if a second story were added to an existing garage or outbuilding. Buss stated that density would not be affected and this can be made explicit in the ordinance such as Forest Lake does, since the intent is to allow for one or two people at the most.

Buss addressed some issues brought up at the last meeting. Regarding septic capacity, Buss agreed that language from the rural event facility ordinance would allow for the County to enforce adequate standards. Concerning setback issues in the shoreland zone, Buss stated that accessory apartments are allowed within shoreland overlays as long as setbacks are met. An accessory dwelling could be added over an existing garage for example. Buss also agreed with Commissioner comments from the previous meeting that existing buildings that would be used as accessory apartments could be exempted from the design standards as listed in Option 2, 4.2(7). The performance standards provided in the draft are all options for the Planning Commission to discuss and consider.

Commissioner Anderson stated that the requirement for a seller to disclose that a permit for an accessory dwelling unit is recorded as a covenant on a property should not be a duty of the seller, but that the buyer should research all records prior to a purchase. As an example, how would the City know that prospective purchasers were notified of all the requirements that go with an accessory dwelling unit? Buss agreed that the City can still enforce the covenant and the language "notify all prospective purchasers of those requirements" could be deleted from Option 2, 4.2(5)b.

Commissioner Loeffler asked if at some point after the ordinance was adopted, a negative effect on density were to occur, what steps could the City take? Buss noted that the city can amend the

ordinance in the future if there are problems. She described ways that corrections to the ordinance could be made. The ordinance could be repealed or amended to allow them only in certain districts. Those existing accessory dwellings would be allowed to exist as non-conforming until there was a new property owner or the building were removed or abandoned. If units over existing garages became a problem, the ordinance could be amended to allow them only within a residential structure.

In preparation to bring the draft ordinance to a public hearing, the Commissioners reviewed each option and noted recommended changes. Administrator Handt stated that the hearing would provide community feedback on whether there is support for this flexibility in housing, but the Commission is not obligated to recommend adoption.

Commissioner Squyres stated that it may be appropriate to require an accessory unit be on the same one-acre buildable site as the primary structure in order to cluster the buildings and protect open space. Commissioners discussed this and noted that a developer could ultimately double density when developing a 40-acre parcel into rental properties, but concluded that accessory structures are not limited by placement on a parcel and it may be too restrictive to require less separation for accessory dwellings.

In reviewing language in the draft ordinances, the Commissioners agreed on definition (1) of an accessory dwelling unit. This contained language that the unit does not contribute to the calculation of density.

In Option 1, 4.2(2), language will be amended to state “common ownership” of both the residential and accessory dwelling, in place of “owner-occupied”.

Commissioner Anderson noted that 4.2(3), in which no curb cuts shall be permitted, should be amended to allow curb cuts in some circumstances where it makes sense. It was agreed to change the language that curb cuts could be allowed if they meet engineering design standards of city, county and state, depending on the roadway.

Option 1 allowed for either an (4) administrative permit or (5) accessory dwelling unit occupancy permit to be issued from the zoning administrator. The Commissioners agreed to remove (4) and leave in (5) which requires notification to property owners within 100 feet and allows for a process of revocation and appeals. Buss stated that she will have the language reflect that the occupancy permit is a type of administrative permit.

Changes to Option 2 were addressed. Buss noted that 4.2(2) language addressing common ownership will match the language proposed for Option 1. Curb cut language (3) will also match that proposed for Option 1.

It was agreed to strike (4) that stated that a maximum of one-bedroom be allowed. The number of bedrooms doesn't seem to matter as size would be controlled by limiting a detached structure to 1,000 square feet.

The process for an administrative permit (5) remains with deletion of “notify all prospective purchasers” in (5)b.

4.2(6) listed standards for internal accessory dwelling units. Language will be added to (a) to allow for existing barns, silos and historic structures. It was decided to delete (d) requiring the internal unit be located on one level, and (g) requiring stairways to be enclosed. Language will be added to (h) to exempt existing structures from matching the primary structure.

4.2(7) outlined standards for detached accessory dwelling units. It was agreed to strike the one-acre parcel minimum in (a) since the VN, AG C, AG P, and GR have larger lot sizes. Language to exempt existing structures from the height limit in (b) will be added. (7)c allows the floor area not to exceed 1,000 square feet, including the area for parking. It was agreed to remove the language that deducts parking area from the total square feet. The second sentence that states the floor area of the detached accessory dwelling unit combined with all other accessory structures on the parcel must be consistent with the number and size of accessory structures permitted by the Development Code remains.

Allowing the detached dwelling in a side yard will be added to (7)d. It was agreed to strike (7)e, that no significant tree loss or major site alteration would occur since this is not a requirement when building a garage. The Development Code has standards for tree removal and grading.

(7)f which requires a 20-foot separation between the principal structure and accessory unit will be deleted since the state building code will dictate the separation requirement.

Commissioners agreed to remove the strict design standards in (7g) and (h) since it’s already been included that the structure must resemble the principal residence. Rooftop decks not allowed by (8) will also be removed.

Home occupations allowed in (9) will remain as written.

The Commissioners were in consensus to provide both options for a public hearing. Buss explained that Option 1 would be less restrictive and she would repeat these standards in Option 2 which included more restrictions and performance standards. This would give feedback and direction on what the community would be comfortable with.

Squyres, seconded by Loeffler, moved to schedule a public hearing on Accessory Dwelling Units with the changes to the two draft ordinances as noted. The motion carried 4-0.

A public hearing will be scheduled for April 7, 2015.

ADJOURNMENT

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

The meeting adjourned at 8:50 p.m.

Respectfully submitted,
Brenda Eklund
Deputy Clerk