

November 1, 2011

The Scandia Planning Commission held their regular monthly meeting on the above date. Commission Chair Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Commission Chair Christine Maefsky, Commissioners Jan Hogle, Tom Krinke, Steve Philippi and Peter Schwarz. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss, Building Official Steve Thorp and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Schwarz, seconded by Krinke, moved to approve the September 6, 2011 minutes as presented. The motion carried 5-0.

PUBLIC HEARING: VARIANCE FROM THE MINIMUM LOT SIZE TO ALLOW CONSTRUCTION OF A SINGLE FAMILY DWELLING, 11085 189TH STREET. LEEANN THOMPSON, APPLICANT.

LeeAnn Thompson has applied for a variance from the minimum lot size to construct a single-family dwelling on two existing lots at 11085 189th Street (near 189th Street and Langly Avenue). The property is located in the General Rural District and is within the Shoreland Overlay District of Big Marine Lake. The combined area of the two parcels is 0.95 acres. Zoning requires existing lots to be a minimum of 2.0 acres.

City Planner Sherri Buss presented the planner's report. The request meets road frontage, setbacks, lot coverage and building height requirements. A variance for lot size is necessary.

Buss noted that there are significant trees on the property. The City's ordinance requires that a Landscape Plan be submitted which identifies existing significant trees, those that will be preserved or lost, and tree replacement to meet the Development Code requirements. Comments were received from the Carnelian-Marine-St. Croix Watershed District which stated that the project will need a District permit for stormwater management and erosion control.

City Planner Buss explained that the request meets the statutory criteria for a variance, and recommended approval with conditions. Conditions include that the parcels be combined into one lot, the submission of a Grading Plan and a Landscape Plan, obtain a Watershed District permit, and hook up to the 201 wastewater system at her expense.

Chair Maefsky opened the public hearing.

LeeAnn Thompson, 10705 Lake Avenue, Chisago City: Ms. Thompson noted a change to the submitted plans. The front of the house will face Langly Avenue rather than 189th Street. Building Official Thorp verified that this will not affect road frontage requirements or the street address.

Arlen Johnson, 11080 189th Street: Mr. Johnson stated that he has lived at his residence across the street from the vacant lot for many years and is in favor of granting the variance. The lot is being cleaned up and a new home will be an improvement to the neighborhood.

There were no further public comments and Chair Maefsky closed the hearing.

The Planning Commissioners noted that on their October 30 site visit it was obvious that trees had been removed and clearing for the house site had begun. Administrator Hurlburt explained that a landscape plan showing tree removal and replacement is a condition of granting the variance and is necessary to meet the conditions of the ordinance.

Mr. Johnson addressed the Commissioners and stated that the lot contained many dead and diseased trees. He estimated that of the 8 or 9 trees that were removed, about 5 or 6 were rotted, dead or dying. Diameters may have varied from 10" to 15".

City Planner Buss offered that she has pictures of the lot prior to any tree removal and will work with the applicant to establish a landscape plan.

Schwarz, seconded by Krinke, moved to recommend to the City Council the Planner's conditions of approval for the variance and to make the applicant aware that no further action be taken on the property until all permits are approved. The motion carried 5-0.

PUBLIC HEARING: MINOR SUBDIVISION AND VARIANCES TO CREATE A 10-ACRE LOT, AND VARIANCES FROM THE MAXIMUM NUMBER AND SQUARE FOOTAGE OF ACCESSORY STRUCTURES, 23620 OLINDA TRAIL

Roger and Joyce Heinisch own 300 acres on eight connected parcels in Scandia. They have requested a minor subdivision to create a 10-acre parcel on one of the existing 40-acre parcels along Olinda Trail that would include the existing home and accessory structures. They are working with the Minnesota Land Trust to create a permanent conservation easement on the remaining 290 acres. They have discussed potential future ownership of the easement area with the Minnesota DNR. No future residential, commercial or industrial uses or structures would be permitted under the easement. The easement would allow for a variety of agricultural, recreational and open space uses. The applicants are willing to allow public use of the property.

City Planner Buss presented the planner's report and explained the request for the variances. The property lies in the AG C District and requires a variance for the creation of a 10-acre parcel. The proposed parcel has 14 significant accessory structures, including barns, sheds, silos and a detached garage. The combined square footage totals approximately 34,000 square feet. The ordinance allows two accessory structures and a total of 2,500 square feet on a 10-acre parcel. The applicants have indicated that the property will continue to be a farming operation and that it is important that the buildings be retained. Planner Buss advised that controls should be in place that prevents potential future incompatible uses on the property, such as trucking business, auto repair businesses, or large kennels.

Planner Buss explained that the City has the option to obtain park land or collect the fee in lieu of land (\$3,000). Planner Buss recommended that the City consider waiving the park dedication requirements if the conservation easement and owners allow public use of the property. The Parks Committee is scheduled to discuss the application at their November 7 meeting, and will make a recommendation to the City Council.

Planner Buss explained in the findings that granting the variance to allow the 10-acre parcel in the AG C District furthers the goals of the Comprehensive Plan to preserve open space and protect natural resources. The minor subdivision was compared to Open Space Conservation Subdivisions (OSCS) that require at least 55% of the property be permanently dedicated for agricultural use or open space. The minimum lot size allowed for an OSCS is 1.5 acres, with no maximum size specified. The designation of a conservation easement over 96% of the property accomplishes the same goals as OSCS and it is reasonable to allow the flexibility that would be allowed for an OSCS.

Planner Buss recommended approval of the variances and recommended that the Planning Commission further discuss the number and square footage of accessory structures that should be permitted.

Chair Maefsky opened the public hearing.

Roger Heinisch, 23620 Olinda Trail: Mr. Heinisch recognized that some of the buildings should be removed and stated that one grain bin and the corn crib are scheduled for removal. The remaining buildings are used by himself and a renter for the continued operation of the farm. Mr. Heinisch stated that the two historic barns are in good condition. The pole buildings are less than twenty years old and that it would be a tragedy to tear them down. He has pursued a conservation easement through the Minnesota Land Trust so that no houses could ever be built on the open parcels and it could be preserved for the public to enjoy.

Mr. Heinisch went on to explain the importance of creating a ten-acre parcel. It would allow the existing field road to be south of the proposed lot. This would provide access to the fields so that agricultural activities can continue if the 10-acre parcel is sold in the future. Other access options are limited.

Nancy Kofka, Conservation Director of the Minnesota Land Trust, Red Wing branch: Ms. Kofka described how the conservation easement would allow existing uses to continue and that the Land Trust would monitor and hold the property even in the eventual transfer to the DNR. A covenant is placed on the land so that it can never be built upon or divided. Future plans for the land include restoration of some of the fields to native grassland, wildlife management, limited timber harvest and primitive trails open to the public.

There were no further public comments and Chair Maefsky closed the hearing.

Commissioner Krinke asked for clarification of the park fee issue. Planner Buss stated that the Park Committee will discuss this at their meeting on November 7 and make a recommendation to

the Council. Administrator Hurlburt offered the question of how would the city ensure that the easement is accessible to the public and how would this be enforced. Ms. Kofka stated that the conservation easement allows public access but does not require it. Planner Buss suggested that the City Attorney should advise on this matter.

Commissioner Krinke asked if Condition #3 should be decided tonight. Planner Buss replied that the Commission should make a recommendation on the number of accessory structures allowed on the 10-acre parcel. Maefsky asked if an Interim Use Permit could be issued. Administrator Hurlburt replied that this wouldn't be correct in this instance, but should be a condition of the variance. Buss stated that the wording of the resolution would include that the structures could stay on the property as long as they are only used for agricultural purposes or storage, although enforcement and monitoring is difficult. Hurlburt agreed and stated that the resolution would be recorded with the land and would show up in a title search, as a tool of enforcement. Ordinances are in place to prohibit commercial use of the 10-acre parcel.

Philippi asked if exceptions could be made for the historic barns and be required to remain. Consensus was that this could be allowed but not enforced. If they fall into disrepair, they should come down.

Schwarz questioned if allowing all structures to remain would be setting a precedent and is in contrast to what the ordinance states. A parcel would need to be in excess of 80 acres to allow this number. Hurlburt explained that the surrounding 290 acres would remain undeveloped and there is rationale that it is in proportion to the surrounding open space.

Krinke, seconded by Hogle, moved to recommend to the City Council the Planner's conditions of approval for the minor subdivision and variances with Condition #3 to state the existing accessory structures be allowed to remain as long as they remain in agricultural use or any other use as allowed in the ordinance.

Commissioner Philippi stated that he would like to stipulate that the historic barns remain on the property should the property be restored to native habitat or agricultural use otherwise lapse, but that the balance of the accessory structures must be removed with the exception of a garage. He was concerned about the intensity of the use of the 10-acre parcel when the surrounding property is no longer used for farming.

Hurlburt stated that there are accessory uses for the property as allowed in the ordinance and also permits for conditional uses, such as bed and breakfasts, ag related businesses, livestock type uses, outdoor private recreational uses, and ag tourism, among others. Hogle and Maefsky stated that they did not see any conflicts with these uses, they are compatible uses, the surrounding acreage will permanently remain open and the rural atmosphere will be preserved as the Comprehensive Plan intended.

The Commission voted on the above motion. The motion was approved 3-2, with Philippi and Schwarz opposed.

PUBLIC HEARING: VARIANCE FROM THE MINIMUM LOT SIZE TO ALLOW CONSTRUCTION OF A SINGLE FAMILY DWELLING, 13350 188TH STREET NORTH. JEFF BALMER, LANDS END DEVELOPMENT, APPLICANT ON BEHALF OF JIM AND SANDI CONTINENZA, OWNERS.

Jeff Balmer has applied for a variance on behalf of owners Jim and Sandi Continenza to allow construction of a new home on two existing nonconforming lots at 13350 188th Street. The property is 0.97 acres in size and lies in the General Rural District within the Shoreland Overlay District of Big Marine Lake. Zoning requires existing lots to be a minimum of 2.0 acres.

City Planner Sherri Buss presented the planner's report. The application meets road frontage, setbacks, lot coverage and building height requirements. A variance for lot size is necessary.

Mr. Balmer requested that the proposed home be permitted to hook up to the existing Anderson/Erickson wastewater system that serves the 188th Street area. Pete Ganzel, Washington County, submitted a letter stating that there is not enough capacity remaining on the system to serve another year-around residence. The planner's report included a condition that a location for an on-site septic system must be identified that meets the County's requirements. The condition stated that a wastewater permit must be obtained prior to the issuing of a building permit.

Planner Buss described additional items that must be submitted for this project. A full grading plan and landscape plan which meet the City's ordinance will be required. A Carnelian-Marine-St. Croix Watershed District permit for storm water management and erosion control is also required.

Planner Buss recommended approval of the variance request based on the findings and conditions as described in the planner's report.

Chair Maefsky opened the public hearing.

Jim Continenza, 17715 Kingsbury Circle, Lakeville, MN: Mr. Continenza addressed the Planning Commission with a description of his request. The two existing parcels will be combined into one parcel. He will attempt to preserve as many trees as possible and plans to move those that he can to new locations on the property. The proposed home is log-sided and he believes it will fit very well into the surroundings.

Mike White, 13310 188th Street: Mr. White stated that he lives a few houses away. He offered information that challenged the County's letter regarding the septic hook-up. Mr. White believed that the Continenza's had paid for a reservation to the septic system in 2002 and now have a right to be connected to the 201 system.

Sandi Continenza, 17715 Kingsbury Circle, Lakeville, MN: Ms. Continenza stated that she had a copy of a check written to New Scandia Township in 2002. Administrator Hurlburt said that staff will research the purpose of the payment, but the report did indicate that the system is at capacity, and an expansion would be necessary to add any additional residences.

Jeff Balmer, Lands End Development, Crosslake, MN: Mr. Balmer said that he met on-site with Mr. Ganzel and was told that an on-site septic may require a variance to the County's groundwater requirements. Mr. Ganzel told him that if it is not feasible to have an on-site system, it may be allowable to connect to the 201 system. Administrator Hurlburt stated that this is not consistent with Mr. Ganzel's written report, and more discussion with the County will be needed to resolve this. Planner Buss offered that a condition #6 of the variance should be revised to state that a viable sewer system must be identified that meets the County's requirements.

There were no further public comments and Chair Maefsky closed the hearing.

Commissioner Schwarz stated that he had a problem with the adjustable property line. What is being done is creating a non-conforming situation for the adjacent property. The survey for the proposed lot line adjustment shows that in adjusting the lot line to meet the 10-foot sideyard setback to accommodate the applicant's house, the garage on Lot 8 remains at 6.8 feet from the property line. Schwarz recommended that the lot line be changed to allow for a conforming setback for Lot 8. A correction should be made for the errors that were done when the garage was built too close to the property line.

Steve Thorp explained that the surveyor described the adjustment as acceptable because a line adjustment may not increase a non-conformity. The garage will remain at 6.8 feet from the property line. Commissioner Philippi asked for more guidance regarding this. Hurlburt explained that the house on Lot 8 was previously over the lot line, and will now meet the 10-foot setback, so the situation is improved in this instance.

Commissioner Philippi stated that it appears that the proposed house barely fits into the site.

Maefsky, seconded by Krinke, moved to recommend to the City Council the Planner's conditions of approval for the variance request, with a revision to Condition #6 that states that the applicant must identify a viable septic system that meets the County's standards. The motion carried 4-1, with Schwarz opposed.

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT. CAPITAL IMPROVEMENT PLAN (CIP) UPDATE, 2012-2016. CITY OF SCANDIA, APPLICANT

City Administrator Hurlburt presented an overview of the 2012 to 2016 Capital Improvement Program as recommended by the Capital Improvement Committee, and from direction received by the City Council during their budget meetings.

Changes to the previous plan include the City Meeting and Office Space Study (Project A-001) being delayed to 2013 and the Community Center Floor Replacement (Project CC-001) being designated as a future pending project.

New projects being added include construction of sidewalks at 209th Street to the South Ball Field (PR-015) and from the Wayne Erickson Field to Olinda Lane (PR-016). These projects will implement the trail plan which was adopted this summer.

The Street Maintenance Program funds will remain at a project cost of \$300,000 for 2012, as it was in 2011. The purchase of a skid loader and trailer (PW-015) is included in the plan. The next street paving project (PW-001) was deferred to 2013/2014 at the earliest.

The Uptown Sewer System is a new department in the CIP. The 2012 project estimate of \$99,601 for improvements has funding designated as a loan from the Capital Improvement Fund. A rate structure will be developed that has the users paying back the loan.

Chair Maefsky opened the public hearing. There were no comments and the hearing was closed.

Commissioner Philippi, a member of the CIP Committee, stated that it is clear that past councils were conscientious on how they spent the taxpayer's dollars. In the CIP review, he sees that the city has not had the resources to maintain the roads. This is a looming issue for the city that will only get more urgent as shortfalls continue. The Pavement Management Plan recommends an annual funding level of \$600,000, and half this amount is being spent to extend the lifespan of the roads. He has no complaints about the identified priorities, but it is apparent that future resources should be identified to properly maintain the city's roads. Administrator Hurlburt added that a recommendation came from the Committee to spend more time discussing the Street Maintenance Program before the 2013 plan is proposed.

Philippi, seconded by Schwarz, moved to recommend to the City Council adoption of the draft Capital Improvement Program as proposed. The motion carried 5-0.

BUILDING OFFICIAL STEVE THORP

City Administrator Hurlburt recognized Building Official Steve Thorp for the assistance and guidance he provided to applicants who came before the Planning Commission and Council in the past few years. The Planning Commission and staff wished him well in his new position with the City of Rosemount. Thorp's last day with the City of Scandia is November 8, 2011.

ADJOURNMENT

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

The meeting adjourned at 9:13 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk