

November 1, 2016

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Travis Loeffler, Tom Noyes and Dan Squyres. Commissioner Walt Anderson arrived at 8:30 p.m. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Council member Chris Ness was also in attendance. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

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

Noyes, seconded by Squyres, moved to approve the October 4, 2016 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE FROM RIVERWAY AND BLUFF SETBACKS FOR A GARAGE AT 20919 QUINT AVENUE. MICHAEL AND PAM SMITH, APPLICANTS (PC RESOLUTION NO. 11-01-16-01)

Planner Buss described the request from Michael and Pam Smith to replace two existing structures with a new garage on their property at 20919 Quint Avenue, which is located in the St. Croix Riverway District. The existing structures are 95' from the river's OHWL and built into the bluff. The ordinance requires a 200' riverway setback and 100' from the bluffline. The plan for the garage is designed so that it will be no closer to the river than the existing structures and built into the hillside to accommodate a depth of 24'. Additional variances are needed from the regulations prohibiting construction, land alteration and grading, and removal of trees on slopes that are greater than 25%.

Planner Buss stated the rationale of the request. Nearly all of the property is located on a bluff above the river. There is no location that could accommodate a garage where the building would meet the required setbacks of the riverway and bluff. The applicants have been working with the National Park Service and the DNR for their approval to minimize impacts on views from the river. The structure would be painted dark green in color with existing and new vegetation planted to screen the building from view.

Planner Buss recommended approval of the variance with findings and conditions written into a resolution. Buss explained that the request is reasonable and the practical difficulties are unique to the property. Conditions reflected the Engineer's comments to require a grading permit, retaining walls and erosion control. Comments from the NPS, DNR and Carnelian-Marine-St. Croix Watershed were addressed in the conditions of approval. Buss noted that Condition #4 would add "erosion and sediment control permit"; Condition #9 language would add "use of native species for the vegetation management and replacement plan"; Condition #13 was added to require use of colors matching the existing home (dark green) to blend in with surrounding vegetation. Correction to Condition #5 to "slopes over ~~12%~~ 25%" was also noted.

Chair Maefsky opened the public hearing at 7:12 p.m.

Pam Smith, 20919 Quint Avenue, Applicant: Ms. Smith explained a conversation which she had that day with Carl Almer, Car-Mar Watershed Engineer. The area of disturbance was overestimated in his review of the plan, and he indicated that the applicants could obtain a watershed permit at the time they apply for a building permit.

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

Commissioner Loeffler asked about the requirement of providing engineered plans for the retaining wall. Planner Buss explained that retaining walls over 4 feet in height, in this case the walls of the garage built into the bluff, must be signed by a professional engineer as part of the code requirement for the building permit.

Commissioner Noyes questioned Condition #3 to require removal of the shed and retaining walls before issuing a building permit. He reasoned that this is part of the building process, and doing the removal too far in advance could impact erosion. The Commissioners were in agreement to remove this requirement.

The Commissioners also noted at the site visit that the ice house structure is of a historic nature and recommended that it be retained. The Commissioners were in agreement to change the language of Condition #3 to allow the historic ice house foundation to remain subject to approval by the NPS.

Loeffler, seconded by Squyres, moved to approve Resolution No. 11-01-16-01, Approving a Variance for 20919 Quint Avenue, as amended. The motion carried 4-0.

The recommendation for approval will be presented to the City Council at their November 15th meeting.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A COMMUNITY SOLAR GARDEN AT 21509 LOFTON AVENUE, HOGLE TWIN PINE FARM. DUANE HEBERT, NOVEL ENERGY SOLUTIONS, APPLICANT (RESOLUTION NO. 11-01-16-02)

Planner Buss presented the request from Duane Hebert, Novel Energy Solutions, for a Conditional Use Permit to develop a 40 kW Community Solar Garden at 21509 Lofton Avenue. The property is owned by Donald and Marilyn Hogle Trust and is 74.4 acres in size located in the AG Core District. The area of the solar installation is less than one acre, set back 650 feet from Lofton Avenue, and accessed by the existing driveway. The proposed system is laid out in two rows of 48 solar panels each with a 6' chain link fence surrounding it. Interconnection to Xcel Energy will be via a utility pole with a transformer/meter, with the pole approximately 32' above ground level. Buss explained that the Washington Conservation District is not requiring wetland delineation and that staking the wetland boundaries is adequate to maintain setbacks.

Planner Buss recommended approval of the CUP with findings and conditions written into a resolution. The use complies with the performance standards for solar gardens and meets the criteria for a CUP with 16 conditions for approval. A Development Agreement must be entered

into with the city, a native seed mix as recommended by the DNR must be used for vegetation in the project area, and an interconnection agreement with Xcel completed before issuance of a building permit. Buss asked the Commissioners to discuss landscaping and screening and the proposed fencing.

Chair Maefsky opened the public hearing at 7:35 p.m.

Duane Hebert, Novel Energy Solutions, Applicant: Mr. Hebert explained that subscribers to the community solar garden will be local residents benefitting from the project. He clarified that the height of the panels will be 9'8" from the ground and a topography analysis determined they will not be visible to existing residences.

Gary Hogle, 21509 Lofton Avenue, said that his farm is licensed by the Dept of Ag/USDA as a food processing facility and he must maintain stringent environmental conditions that this solar project will not impact.

There were no further comments and Chair Maefsky closed the hearing at 7:42 p.m.

The Commissioners discussed the proposed fencing and agreed that the small solar area is an extension of the farm buildings so that wildlife friendly standards such as leaving a 12" gap at the bottom is not required in this case. Jan Hogle stated that she would prefer it be totally enclosed so that her free range guinea fowl do not have to be chased out of the enclosure.

Views of the proposed project from Lofton Avenue were assessed, and the Commissioners concluded that screening 50% of the view within 2 years using plants from the City's recommended list of vegetation would be adequate for the small solar array. A landscape plan must be approved before any permits are issued.

Chair Maefsky asked how screening the project from views of any future development of lots adjacent to the southeast of Hogle's land would be provided for. Mr. Hebert stated that if there are concerns about this, he would work with the neighboring landowners to provide additional vegetative screening as necessary.

Loeffler, seconded by Squyres, moved to approve Resolution No. 11-01-16-02, Approving a CUP for a Community Solar Garden at 21509 Lofton Avenue, with Condition #10 amended that 50% screening be obtained within 2 years using trees and shrubs from the City's allowed list of vegetation species. The motion carried 4-0.

The recommendation for approval will be presented to the City Council at their November 15th meeting.

DISCUSSION OF AMENDMENTS TO CHAPTER 2, SECTION 4.32 RURAL EVENT FACILITY

At the last meeting, Chair Maefsky asked for a review of the Rural Event Facility ordinance for potential amendments to address concerns that were identified in granting a CUP for the Gacek

event facility at 12680 Scandia Trail. Planner Buss provided a draft ordinance which addressed some changes for consideration.

Section (5)(A), AOP application requirements, was amended to replace the November 30 calendar date with a time frame of 60 days prior to the expiration of the current AOP as the deadline for application.

To clarify Section (6)(F) regulating amplified sound, “outdoor” was added throughout the paragraph and a statement that the event facility must comply with the City’s noise ordinance.

“Parking areas” was added to Section (6)(G) to make clear that this area is part of the rural event site and must be at least 100 feet from the property boundaries. Language was also added here requiring security staff be present if alcoholic beverages are served.

Regulating the number of events allowed annually was discussed at length. Chair Maefsky stated that limits should be set so that the event center remains subordinate to the primary use of the property being residential. She said it is bothersome that a full-time business can become the primary use in a residential and agricultural area, and that by limiting the number of events the event center can be secondary. Commissioner Squyres noted that a bed and breakfast can be considered as a full-time business for the amount of work it takes to operate and maintain.

Maefsky said that she surveyed the regulations of other communities and found limits on number of events and guests allowed, and that Scandia is more generous in that regard. She said that neighborhoods should be protected from impacts from noise and traffic. Maefsky stated that small gatherings may not be bothersome, but large events should have limits on the number held each year.

Planner Buss will craft language for applying limits based on research of surrounding communities and in the manner that the City requires for special event permits for further discussion next month.

DISCUSSION ON AGRICULTURAL USES IN THE VILLAGE NEIGHBORHOOD DISTRICT – LAND SPREADING

Administrator Soltis explained that changes to the County’s septic ordinance allow for the City to approve land spreading of septage, an agricultural use. Agriculture is an allowed use in the Agricultural, General Rural and Village Neighborhood zoning districts, and Soltis questioned if land spreading of septage should be designated as an allowable or conditional use. Smaller properties in the VN and GR districts may be impacted by the odors of septage land spreading. The County program is primarily looking for large agricultural fields to spread the septage as fertilizer.

Commissioners were in agreement that land spreading of septage should be limited to large agricultural properties in the AG Core and AG Preserve zoning districts only since there are plenty of sites with active farming in these districts. Staff will research the setbacks from lakes and wetlands for this use, and bring back a draft ordinance to review at a future meeting.

PROPOSED ORDINANCE NO. 178 – AMENDMENTS RELATED TO EXTERIOR STORAGE AND PARKING

The Commission continued the discussion on amendments to the City's ordinances that regulate parking of vehicles and exterior storage. Planner Buss prepared a draft ordinance that addressed the key issues of defining recreational vehicles, number allowed and location of parking.

Buss provided a diagram of yard areas as defined by the current code and a comparison to Hugo's code. Buss said that Scandia's definitions are still based on the old County ordinance. It was agreed to redefine front yard so that side yards are not closer to the street than the house and the front yard encompasses the whole width of the lot from the principal building to the street.

Definition changes to impervious surface, abandoned and unlicensed vehicles and large recreational vehicles were described by Planner Buss. Defining LRVs removes canoes and kayaks from the definition. Chapter 2, Section 3.3, under Nuisances, had language added to clarify unlicensed vehicles for enforcement.

The Commissioners had asked for a table based on parcel size that would describe the number and allowed locations for parking large recreational vehicles (LRV), but thought this to be confusing and directed Buss to simplify the table for next month's review. It was agreed that limits on number of LRVs should be set, but the locations are not so critical as long as setbacks from the street and side lot lines are defined. Setbacks of 10 feet from the public right-of-way and 5 feet from side lot lines were noted, as long as the vehicles are parked on an impervious surface. Not exceeding 25% lot coverage was stated as a factor in limiting storage on small lake lots. It was agreed to exempt storage of docks and boat lifts from the regulations for storage of recreational equipment.

Steve Toensing, 19553 Parkview Avenue, provided a sketch of his preference for defining yards and was told that is the change to the ordinance that will be recommended. He stated that zoning codes are in place for the mitigation of blight and the City shouldn't allow junkyard syndrome to take over. He said that he has prior years of experience with zoning codes and the Commissioners asked that he provide written suggestions for further consideration.

The draft ordinance will be further reviewed next month with the Deputy's input on enforcement using the amended language.

ADJOURNMENT

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

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk