

October 4, 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, City Attorney Andy Pratt, Deputy Brandon Yetter, 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

Chair Maefsky noted that a comparison between the ordinances for Rural Event Facilities and Special Event Permits would be discussed under 5.a). **Squyres, seconded by Loeffler, moved to approve the agenda as presented. The motion carried 5-0.**

Loeffler, seconded by Squyres, moved to approve the September 6, 2016 meeting minutes as presented. The motion carried 4-0, with Anderson abstaining due to his absence last month.

PUBLIC HEARING: VARIANCE FROM A WETLAND SETBACK FOR A SEPTIC SYSTEM AT PID 30.032.19.23.0002 ON 199TH STREET. JON ECKMAN AND LISA TOWRY, APPLICANTS (PC RESOLUTION NO. 10-04-16-01)

Planner Buss described the application made by Jon Eckman and Lisa Towry for a variance from the 75' wetland setback to construct a septic system drainfield to serve a new home they plan to build on parcel ID 30.032.19.23.0002, a vacant parcel approximately 17.2 acres in size located on the south side of 199th Street. The property has large wetland areas and the proposed septic site is in an area where soils would support the system, approximately 50 feet from the nearest wetland. Pete Ganzel at Washington County noted that a secondary drainfield area will be needed as required by the County ordinance, and would need to be near the location of the primary drainfield based on soil conditions. Buss stated that the secondary drainfield should be located on the survey and would likely also need a variance from the wetland setback.

The parcel has limited frontage on 199th Street, and Buss explained that the applicants will need to obtain an easement to secure access to the street in order to obtain a driveway permit. Due to potential wetland and drainage impacts of driveway construction across a ravine, the City Engineer had specific design requirements for a culvert. Buss recommended the applicant work with the Engineer and the Watershed District on the sizing and design of the culvert, and obtain the necessary stormwater and erosion control permits.

Planner Buss concluded by recommending approval of the variance from wetland setback requirements to construct a new septic system a minimum of 50' from the nearest wetland with findings and conditions included in a resolution. Findings stated that soils and wetlands on the property limit locations for a septic system, and other structure setbacks can be met.

Chair Maefsky opened the public hearing at 7:05 p.m.

Jon Eckman, 15877 Orwell Road, Applicant: Mr. Eckman provided a new survey showing the location of the secondary drainfield adjacent to the primary septic. Planner Buss confirmed that this location is also within the setback requirements.

There were no further comments and Chair Maefsky closed the hearing at 7:06 p.m.

Commissioner Squyres asked if there may be any potential damage to the wetlands at the proposed location. Planner Buss stated that as long as the soils are good, the wetlands are not threatened, and that Washington County ordinance allows for a 10' setback from wetlands.

Commissioner Noyes asked if the 40' setback from the roadway is normal for septic systems. Planner Buss explained that 40' is the City's setback for all structures, including septic systems.

Commissioner Anderson asked about separation of the septic system from the house. Planner Buss stated that the County will confirm a separation of at least 10'. Administrator Soltis noted that staff will get a second look at the location once the septic permit is being processed at the County.

Noyes, seconded by Loeffler, moved to recommend to the City Council approval of a Variance for Parcel 30.032.19.23.0002 with findings and conditions in PC Resolution No. 10-04-16-01. The motion carried 5-0.

The recommendation to approve the variance will go before the City Council at their October 18, 2016 meeting.

INTERIM USE PERMIT AND ANNUAL OPERATING PERMIT FOR A RURAL EVENT FACILITY AT 12680 SCANDIA TRAIL, CONTINUED. JEFF GACEK, APPLICANT (PC RESOLUTION NO. 10-04-16-02)

The public hearing for Jeff Gacek's Interim Use Permit application to operate a Rural Event Facility at 12680 Scandia Trail was held by the Planning Commission on August 2nd. The applicant was asked to provide additional information on traffic analysis, screening, landscaping and sound. Planner Buss stated that Mr. Gacek provided a traffic study, a revised landscape plan, a lot line adjustment proposal and additional details regarding the operation of events on his property.

The revised site plan was viewed. A determination from MnDOT ruled that access to the event center may be from Meadowbrook Avenue only, which the City Engineer noted could accommodate the traffic level. The grassy parking lot will include 99 parking spaces and meets the setback requirement of 100 feet from the western boundary of the property. Screening was added by plantings around the parking lot on the west and north edges.

Buss explained that the septic holding tank will need a County permit. Amplified events will be held indoors within the barn on the east side of the property. Buss noted that only sounds associated with the ceremony may be amplified outdoors. Mr. Gacek provided a lot line

adjustment proposal that will locate the property line 70 feet further to the east of the large barn to meet the 100-foot setback requirement.

Buss presented details of the traffic study which was based on a maximum of 150 people at an event (75 cars) at peak hours. Based on this, Buss stated that a condition to limit a maximum of 150 people at an event will be part of the permit. Further, MnDOT recommended that the city monitor traffic conditions at the TH 97/ Meadowbrook intersection, and implement improvements such as temporary signage, avoid peak traffic periods, or provide traffic control by police if necessary.

Buss summarized the planner's report which recommended approval of the operation of a Rural Event Facility with 28 conditions. Conditions included a maximum of 75 events per year, the City Engineer must approve the final plan for the driveway, a final landscape plan to show number, species, spacing and size at planting, and that doors and windows be closed while sound amplification is occurring.

Buss clarified the comments regarding a left turn lane on TH 97. Although the Engineer noted that traffic levels warrant a left turn lane based on MnDOT's volume thresholds, MnDOT's reply that at service level "A" of this intersection no turn lane is needed. A condition to monitor the intersection was included in the permit and improvements would be implemented as needed. Buss explained that MnDOT is the road authority here and a final determination on traffic control must be done through their agency.

Chair Maefsky detailed her concerns regarding the operations of the rural event center. She stated that the intent of the ordinance is to provide the rural event facility to be an accessory use to a property that is primarily agricultural, and this operation seems to have an event center as the primary use and the residence as secondary. Planner Buss read from the ordinance that REF are permitted in AG Core and GR districts, and shall be accessory uses to the primary use of the property for agriculture or a single-family residence. There is a house on the property which must be occupied. It was noted that the acreage outside of the homestead is being farmed. Maefsky said this is another example of an ordinance not well designed that needs further review, similar to the solar ordinance that was recently amended.

Chair Maefsky stated her concerns about traffic and the limited visibility due to a crest on TH 97, the view of the parking lot, that the number of events should be limited to no more than 40 in the first year, and that the applicant is initiating events in an agriculture/residential area. Maefsky said that the Commissioners have an obligation to put conditions on the permit that help the community at large.

Chair Maefsky led a discussion on a comparison she made of the Special Event Permit ordinance and the Rural Event Facility ordinance to address requirements for security, insurance, limits on events and notifications. Planner Buss explained that the ordinances are for different purposes. Special Event Permits are not part of planning and zoning, but for occasional events generally run by non-profits, and insurance requirements are needed to protect the city when held on city

property. It did open a discussion about adding a requirement for security to be present when alcohol is served at the Rural Event Facility.

Further discussion concluded that the approvals for the Interim Use Permit and the Annual Operating Permit should be separate documents. Conditions related to the ordinance language would be written into the IUP, and the conditions that apply to operations which can be revised each year during the annual review, such as number of yearly events allowed, would be detailed in the AOP.

Commissioner Anderson stated that he did a site visit and measured the decibel level outside while 100 decibel music was playing in the barn. He measured approximately 50 decibels near TH 97, and picked up over 60 decibels from the highway traffic. The Commissioners were in consensus to remove language that doors and openings must be closed while sound amplification is occurring. All sounds associated with the events must meet State rules and the City's Noise Ordinance No. 65. Removal of Condition #19 was agreed upon (controlled sound between 10 p.m. and 7 a.m.) as events must end by 10 p.m. and may not start before 9 a.m.

The Commissioners discussed MnDOT's recommendation to monitor traffic impacts at the intersection of TH 97 and Meadowbrook, written as Condition #13 in the staff report. It was determined that data collection in the first year will have Gacek notifying the City when events with over 100 attendants are scheduled so that the Deputy can observe traffic flow. At least 3 events at various times of the day/week must be monitored. If conditions warrant, MnDOT would determine the improvements that are needed. Buss explained that only MnDOT can permit signage or turn lanes on this state highway. If improvements to Meadowbrook are needed, the City Engineer would be the authority.

Steve Philippi, a member of the Planning Commission at the time the Rural Event Facility ordinance was adopted, addressed the Commissioners and agreed with Chair Maefsky's recollection that the spirit of the ordinance was to allow a REF to operate as an accessory use to agriculture as a way to allow a supplemental stream of income to farmers who wish to hold events in their barns. He said this proposal turns an accessory use on its head. Philippi asked the Commissioners to empathize with the neighbors and consider how they would like this operation to be next door to their house. Commissioner Squyres said that Scandia is agricultural in nature, but a vast majority of barns are falling down unless owners find a creative way to use them. Philippi replied that it is admirable to save a barn, but he has difficulty with turning agricultural properties into a business use in a residential area. Philippi said that he voted against the ordinance because he thought it was too much too soon.

Tim Husnik, 21460 Meadowbrook Avenue, thought that the additional information provided by the applicant resulted in a change to the application, which would require a new public hearing process. City Attorney Pratt explained that the permit review can be continued under the initial application, and that the applicant is providing the additional material as requested. Planner Buss added that accepting additional information isn't defined as a new application, and the review

period can be as long as 120 days. A discussion of sound measurement concluded that state statute levels are assumed in the City's noise ordinance.

Bruce Swenson, 22161 Oldfield Avenue, stated that the applicant immensely improved a property that was run down. The property is an example of rural character and an asset to the community. He said that the impact on the neighbors would be much greater if there was a livestock operation, with odors and smells, or a corn drier, with noise, in that location. He recommended the Commissioners approve the permit with limitations as applicable and let the Gaceks be part of the community.

Joanne Benick, 12400 213th Street, stated that the Rural Event Facility will negatively impact their property values, and asked if the property would be zoned as commercial if approved. She said the parking lot adjacent to their land would have detrimental effects, especially when they decide to develop the land as building lots. Benick distributed photos of views from adjacent properties.

Curtis Peterson, 21617 Meadowbrook Avenue, stated his concern about traffic on Meadowbrook and noted that it is a narrow road not capable of handling two-way traffic at its 18-foot width. He said this is a safety concern and a huge risk because the road cannot handle the additional traffic.

Julie Ruddy, 21020 Meadowbrook Avenue, said the traffic risk is a public safety issue that will affect everyone who travels on TH 97 and Meadowbrook Avenue. She noted the crest on TH 97 was mentioned in MnDOT's letter as a concern and asked how many accidents, injuries and fatalities need to be collected as evidence that the facility will have impacts at a dangerous level. Ruddy stated that allowing this to operate will force the neighborhood to become their own police enforcement.

Tiffany Borsheim, 21033 Meadowbrook Circle, said that adding traffic to TH 97 on Friday afternoons when students are exiting school busses at 4 p.m. is very dangerous and stated that the use is setting the stage for a tragic accident.

Jeff Gacek, applicant at 12680 Scandia Trail, stated that he would like to address the claims being made about his application that are blatantly false made to scare people and that the Commissioners should make a decision based on facts alone. Gacek said he shared his plans to hold events at the farm early on and waited for the City to make a determination on defining the use as Agritourism or a Rural Event Facility. Once the Agritourism use was determined to not be applicable, he submitted his application in June for a Rural Event Facility to hold small weddings, marriage retreats and worship events in the restored barn. His application has always been for a maximum of 150 attendees, at approximately 35-75 events per year. He said if Meadowbrook needs to be widened, that is a City decision, and at this time the Engineer has not recommended any modification to the street. Concerning the intersection, the traffic study provided an "A" rating and it's MnDOT's requirement that all traffic enter on Meadowbrook Avenue. The parking lot will be screened to look like a farm-like shelterbelt, with a slanted

approach to Meadowbrook with left-turn only signage to minimize traffic turning north on Meadowbrook. The barn has been soundproofed with 3 layers of shingles and thick flooring in the hay loft to minimize sound traveling beyond the parking lot even with all doors and windows open, a distance of approximately 500 feet. He provided a diagram to show the nearest homes are over 1,000 feet away. He explained that all events will be required to use the sound system which makes use of a decibel limiter to maintain sounds below the allowed limit. Gacek provided a nighttime photo of the lighting, and explained that the lights produce no more glare at his northern property line than homes that are another 1,000 feet beyond his building.

Gacek went on to state that the farmhouse is being renovated to be his family's primary residence as part of the restoration of the century farm. He is not planning any events that will have overnight stays by guests. If alcohol is served, it will be by a licensed and insured vendor and he will employ an off-duty deputy to provide security. Gacek explained his action to restore the century farm is preserving rural character. Hayloft barns are becoming obsolete and if not saved, the landscape in rural areas is changed forever. He plans to operate the facility in a responsible manner that will benefit the community. In addressing Chair Maefsky's recommendation to limit the number of events in the first year to no more than 40, Gacek stated that would be too limiting. He needs to recover his investment, and as there will be no charge for the 25 worship services planned, which allows him with no more than 15 wedding events.

The Commissioners began a lengthy discussion on the conditions for approval, and as previously discussed were in consensus to approve two separate documents – the Interim Use Permit and the Annual Operating Permit. Planner Buss separated out the conditions from the staff report that would apply to the AOP as part of Condition #1, #2, #6-9, #11-13, #15, #21 (a maximum of 75 events allowed the first year), #24 and #26. A condition was added to require notification to the City of events with at least 100 attendees, with at least one Friday event, so that traffic monitoring may be completed. A condition to require security staff to be present when alcohol is served was added to the IUP.

Squyres, seconded by Anderson, moved to recommend to the City Council approval to Gacek's application for an Interim Use Permit and an Annual Operating Permit for a Rural Event Facility at 12680 Scandia Trail North, with conditions as recommended above.

Chair Maefsky said that she has serious concerns with traffic at the intersection based on her reality versus an objective traffic study. Commissioner Loeffler said that traffic concerns can be addressed with results of the required monitoring. Planner Buss explained that if there are traffic problems, discussions with MnDOT would start right away and not delayed until the AOP review. Loeffler stated that it is a beautiful farm that he would be happy to look at every day.

Chair Maefsky called for a vote on the above motion. The motion carried 5-0.

The recommendation to approve the permits will go before the City Council at their October 18, 2016 meeting.

DISCUSSION ON PROPOSED ORDINANCE NO. 178: AMENDING THE DEVELOPMENT CODE REGARDING EXTERIOR STORAGE AND PARKING

The Planning Commission continued the discussion from last month on amending the development code related to exterior storage and parking of vehicles. Photos of many properties in Scandia were provided by staff and Deputy Yetter showing violations of the current code to show the complexity of defining appropriate storage areas on varying properties, especially those on lakeshore. Deputy Yetter asked for more clear language to address parking recreational vehicles between the house and the road, and to better define licensed vehicles.

Richard Keeney, 19727 Parkview Avenue, was present to explain his situation with storing a boat in his front driveway and the number of vehicles his family of five need to park on the property.

Planner Buss provided a draft ordinance that included amended definitions of front yard and clarified abandoned and unlicensed vehicles, a table for number and location for storage of recreational vehicles based on parcel size, and performance standards for storing large recreational vehicles. The Commissioners were asked to think about setbacks and screening for further discussion next month.

Chair Maefsky recommended a review of the Rural Event Facility ordinance at a future meeting.

ADJOURNMENT

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

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk