

September 3, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:02 p.m. The following were in attendance: Commissioners Sue Bies, Jan Hogle, Peter Schwarz and Commission Chair Christine Maefsky. Commissioner Steve Philippi arrived at 7:05 p.m. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Schwarz, seconded by Bies, moved to approve the August 6, 2013 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A GARAGE TWO STORIES IN HEIGHT AT 19351 PARKVIEW AVENUE. JOSH LEE OF GONYEA HOMES, APPLICANT (RESOLUTION NO. 09-03-13-01)

Josh Lee of Gonyea Homes, has applied for a Conditional Use Permit for the construction of a garage two stories in height at 19351 Parkview Avenue, a property of 6.24 acres. Gonyea Homes is the current owner of the lot and they are building a home and garage for Mark Roberts and Cecilia Placencia.

City Planner Sherri Buss summarized the staff report with details about the request. The garage will have a footprint of 1500 square feet with a second story used for storage. The structure will be closer to the road than the house, but meets the setback requirement that it be at least 200 feet from the road right-of-way on properties greater than 5 acres. The proposed structure meets all other setback and height requirements. Buss recommended approval of the Conditional Use Permit with findings and conditions written into a draft resolution. The second story must be used for personal storage only, and may not be used for habitation or commercial use. Another condition requires that the location of the garage be staked so that the Building Inspector can verify that the garage is at least 200 feet from the right-of-way. Buss noted that Condition #3, obtaining a Watershed Permit for storm water management and erosion control, could be eliminated. Jim Shaver has indicated that Carnelian-Marine-St. Croix Watershed has no issues with the construction of the garage.

Chair Maefsky opened the public hearing at 7:11 p.m.

Stan Ross, 19303 Parkview Avenue, asked for the distance the garage will be built from the side property line. Planner Buss estimated 40 to 50 feet, which more than exceeds the 20 foot sideyard setback. Mr. Ross stated that he has no objections to the request.

Mark Roberts, stated that he has been working with Gonyea Homes on the construction of his future home and garage. The garage will be 30 by 50 feet in size with a 12/12 pitch, and will be similar in style to the house. The bonus room will be used for additional storage space.

There were no further comments and the hearing was closed at 7:15 p.m.

Commissioner Hogle commented that it is a straightforward request.

City Administrator Handt noted that Condition #3 could be removed from the draft resolution.

Schwarz, seconded by Hogle, moved to approve Planning Commission Resolution No. 09-03-13-01, Approving a Conditional Use Permit for 19351 Parkview Avenue North, as amended with the removal of Condition #3. The motion carried 5-0.

The City Council will consider this recommendation at their September 17 meeting.

PUBLIC HEARING: VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE CLOSER TO THE ROAD RIGHT-OF-WAY THAN THE PRINCIPAL BUILDING AT 15450 220TH STREET. KIMBERLY CHISHOLM, APPLICANT (RESOLUTION NO. 09-03-13-02)

Kimberly Chisholm has requested a variance to build a new 3-car garage on her property at 15450 220th Street. Due to significant slopes and location of the septic system, a variance is needed for the garage to be closer to the road right-of-way than the principal building. There are no other detached structures on the property.

Planner Buss summarized the staff report with details about the request. Based on the sketch plan, the garage is proposed to be built 110 feet from the right-of-way of 220th Street. The existing septic on the west side of the home, and slopes between 20-25%, prohibit locating the garage at a location to meet code requirements without extensive grading and erosion control measures. The proposed garage meets all other setback and size requirements. Buss explained that the garage will be 32'x36' with a loft area that is approximately 7 feet in height. Since the State Building Code defines a story as the area between a floor and ceiling that is 7 feet in height or greater, a CUP is not needed for a second story. Buss recommended approval of the request and noted that the draft resolution contains a condition that the loft area must be no more than 7 feet in height. Since the Watershed had no concerns with the construction of the proposed garage, Condition #4 to require the Applicant to obtain a Watershed permit, could be eliminated.

Chair Maefsky opened the public hearing at 7:24 p.m.

Kimberly Chisholm, 15450 220th Street, Applicant, stated that she would answer any questions the Planning Commissioners may have.

There were no further comments and the hearing was closed at 7:25 p.m.

Chair Maefsky asked Planner Buss to expand on the description of the loft area. Buss replied that the Applicant did not request a CUP for a second story. Ms. Chisholm's builder explained that the 6/12 roof pitch results in the rafters coming to a peak at 7 feet, with the eaves falling to a zero height. There are no plans to modify the rafters to exceed 7 feet in height. Buss stated that being less than 7 feet does not define this area as a second story.

Commissioner Schwarz questioned why a sketch plan of the property was accepted and not a survey showing the proposed location of the garage. Administrator Handt explained that the investment in a survey wasn't necessary since the garage is within the normal setbacks on this larger piece of property. Handt suggested that a condition could be added to require the location be staked and verified to be 110 feet from the road right-of-way. The Commissioners agreed that language be added to Condition #1 that the Building Official confirm the staked location is approximately 110 feet from the ROW. Adding "approximately" could allow the building site to be slightly adjusted for preservation of trees.

Hogle, seconded by Philippi, moved to approve Planning Commission Resolution No. 09-03-13-02, Approving a Variance for 15450 220th Street North, as amended by eliminating Condition #4 to obtain a Watershed Permit; change language in Condition #5 to state the loft area shall be ~~no more than~~ less than 7 feet in height; add language to Condition #1 that the Building Official shall verify the garage is approximately 110 feet from the public right-of-way. The motion carried 5-0.

The City Council will consider this recommendation at their September 17 meeting.

DRAFT EVENT USE FACILITIES ORDINANCE

The Planning Commission continued to discuss a draft Events ordinance with the changes as recommended at their August meeting.

Maefsky recommended that the use be retitled to more accurately describe an event facility operating for a profit in the Ag Core and General Rural districts. It was agreed to change this to a "Rural Event Facility" within the draft ordinance. Hogle noted to strike the last sentence in 4.7(2)(A) as this use will not be allowed in other districts.

In the definition 4.7(2)(B), it was agreed to strike the term "period of one hour or longer" to define the gatherings. It's sufficient to state that they do not exceed twelve hours. "Or event" will be eliminated from the last sentence.

Each application requirement in Section (4) was discussed. The Commissioners recommended that a plan of the "entire" property, drawn to scale at a minimum of 1:200, be provided to show the relationship to surrounding properties. Another detailed plan must be provided showing the area of the property which will be used for the rural event facility. This plan must be drawn to scale at a minimum of 1:100. The list of items to be included on the plans was detailed in Sections 4(A) and (B).

Application requirement 4(C), a transportation management plan, must identify potential daily traffic (number of vehicles) in and out of the facility per event. Philippi recommended the City Engineer be consulted on the appropriate language to use in this requirement.

It was agreed to retain the grading plan and landscape plan requirements as written in 4(D) and 4(E). Any proposed changes to the property that could impact neighbors, wetlands or shoreland could be identified and protected by a grading plan.

Application requirement 4(F) will be retitled Rural Events Facility Plan. The plan must provide the information as listed in the draft ordinance. The third sentence will have “vehicle” added to “emergency vehicle access routes” that must be identified. It was agreed that the applicant should provide an emergency action plan for severe weather events. It was recommended to consult with the Sheriff’s Department for what steps could be taken when severe weather warnings are issued.

Item 4(G) Proposed hours of operation will be removed as this is listed in Item 4(F).

Paragraph 5 lists the standards that Rural Event Facilities must comply with. They may only be located on properties of at least 20 acres in size.

Regarding 5(B), adequate utilities, Maefsky asked how it will be determined that supplemental septic and water facilities are needed. Buss suggested that County wastewater staff could offer guidelines to address the number of guests relative to adequate facilities.

Item 5(E) limits sound amplification of the ceremony only, including voices and music that is specifically scheduled as part of the ceremony. No other sound associated with the event may be amplified. Buss explained that the last sentence in this paragraph is the legal recommendation to describe noise. The Commissioners agreed to retain this as written.

The last sentence in 5(F) must correct the setback to 100 feet.

Item 5(I) addresses permanent and temporary signs. It was recommended to include the maximum size for a permanent sign in this paragraph (32 square feet). The Commissioners discussed the length of time a temporary sign should be allowed. Hogle recommended that temporary signs advertising an event be allowed for more than 24 hours before an event. Handt suggested that limiting temporary signs to 10 days prior to an event is consistent with the sign ordinance. Language to remove the sign within 24 hours after the event will remain.

The Commissioners came to a consensus on Item 5(L) that the City may schedule a review of the Interim Use Permit as needed.

Maefsky asked that the definition of a Rural Event Facility be clarified to state that it is a business venture operating for economic gain, so that a resident hosting a family reunion does not fall into this use. Buss will prepare language in the definition to address this.

Philippi asked how residential property operating this type of business would be affected by property taxes. This question will be referred to the City Assessor.

The Commissioners asked to review these recommended changes at their October 1 meeting, along with input from the City Engineer, County wastewater staff, Sheriff’s Department, and City Assessor.

**PROPOSED ORDINANCE NO. 143, AMENDING ACCESSORY STRUCTURE
ORDINANCE**

The Planning Commission held a public hearing on August 6 to amend Chapter 2, Section 3.2 Accessory Structures. Additional information was requested from Planner Buss showing examples of the increase in the number and square footage of accessory structures on some typical Scandia parcels.

On small lots, lot coverage of 25% would limit the size of the accessory structure allowed. It was agreed to designate that one detached 24'x36' garage is exempted from the number and square footage of accessory structures allowed on all parcel sizes, and let lot coverage be the determining factor.

Maefsky questioned the square footage allowed for lots between 10 and 20 acres. The draft ordinance made no change from 5,000 square feet. It was agreed to increase the total square footage to 6,000 square feet and allow 2 agricultural buildings. Total square footage of non-ag buildings would remain at 3,500 square feet.

The current ordinance references in Section (3)(D) that a single story shed of 120 square feet or less is permitted in addition to the number of accessory structures allowed. It was recommended that two footnotes be used on the chart that would exempt the shed and one detached garage instead of a separate paragraph, to make the exception more visible.

The current ordinance requires a Conditional Use Permit be issued for a second story on an accessory structure. Buss asked if it is useful to continue this, as these requests have routinely been approved with the condition that the room be used for personal storage only and not habitable or commercial space. Philippi expressed concern that the property owners could convert the second floor to habitable space, and a CUP should continue to be issued with a condition to prohibit living quarters. Discussion continued and it was decided to drop the CUP requirement. Chapter one of the development code contains a definition for dwelling unit (full kitchen and bathroom permanently installed). Rather than prohibit habitable space, Section 3(A) will be worded to not allow accessory structures to include a dwelling unit. To avoid overly tall garages in relation to the home, it was decided to include language that the height of the accessory structure not exceed the height of the primary structure.

Buss reported on information she gathered concerning the question of exempting agricultural buildings being built on lots without a principal structure. Scandia's development code currently prohibits this to prevent the use or conversion of such structures to commercial uses. There is no requirement for such an exemption in State Statutes, although Washington County does have an exception for ag structures on lots of 40 acres or more. It was decided to not change the ordinance at this time, but consider this when developing an update to the Comprehensive Plan.

Bies, seconded by Philippi, moved to recommend adoption of Ordinance No. 143 to the City Council with the changes as discussed. The motion carried 5-0.

The City Council will consider this recommendation at their September 17 meeting.

ADJOURNMENT

Hogle, seconded by Bies, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:57 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk