

May 1, 2007

The City of Scandia Planning Commission held their regular monthly meeting on this date. In attendance were Chairman Chris Ness, James Malmquist, Peter Schwarz, Kevin Nickelson and Christine Maefsky. Malmquist made a motion to approve the agenda with the addition of an item on churches in the Shoreland District. Ness seconded the motion and the motion passed. Schwarz made a motion to approve the minutes from April 3 with corrections. Malmquist seconded the motion and the motion passed.

German Lake Ventures – Variance from 1-acre Minimum

Mr. Jeff Hilger, applicant, introduced Steve Hirsch who presented a variance request of 2,822.3 sq. ft. for buildable area on Lot 4. Mr. Hirsch asked why the road setback area can't be included in the buildable area calculation when the septic system can be within 10 feet of the road. Mr. Hirsch contended that the buildable area calculation includes Lake Setback area where a septic system can be placed, but not a structure, and feels the road setback area should be have the same consideration.

City Planner Berry Farrington presented her findings to deny the variance request. Ms. Farrington said road setback area has never been included in the buildable area calculation as a structure cannot be placed in that area and there is no precedent to allow it.

Chairman Ness opened the floor to public comment. *John Lindell*, who lives across the street from Lot 4, asked how the buildable area is determined as he did not see any staking on the eastern boundary to take a physical calculation. *Mr. Hirsch* and *Ms. Farrington* assured Mr. Lindell that Lot 4 was surveyed and survey points marked on the property. *Council Member Harnetty* said all boundaries are defined in the legal description of the lots and that perhaps Mr. Lindell could check the survey points. Mr. Lindell said some survey points are in the water. *City Attorney Hebert* stated that even with survey points in the water, the Shoreland Ordinance requires 5-acres above the OHW mark. *Dan Dorrain*, 11321- 218th St. N., said these new houses will be close to his and feels they should follow the rules like everyone else. *Mr. Hirsch*, who grew up on German Lake, said he thinks the developer is doing a quality development and a good job of house placement and lots are limited by the shape of the lake.

In Planning Commission discussion, Mr. Hirsch said if he moved the lot lines to achieve the required buildable area for Lot 4, then he would lose the required road frontage for Lot 3, or the minimum 5-acres above OHW required, or would need a lot width variance. Moving lot lines may create more variances.

Commissioner Malmquist made a motion to recommend to the City Council that they approve the draft resolution to deny the variance to the minimum buildable land area for the proposed plat of German Lake Vistas. Commissioner Schwarz seconded the motion. The motion passed with Schwarz, Maefsky, Malmquist and Ness voting yes, and Kevin Nickelson abstaining.

Tii Gavo Preliminary Plat Amendment

City Administrator Hurlburt provided a summary of the proposed preliminary plat amendment and the issue of community versus individual wells. Advantages and disadvantages were discussed with more disadvantages being evident for a single well than for 37 wells. Chairman Ness expressed his desire to have the impact of shared wells included in the review process. Mr. Tomten said the covenants will encourage shared wells, but will not mandate it. Also, Mr. Tomten felt the other elements of the project more than made up for the loss of a community well.

In public comments, *Bill Selb*, Landmark Surveying, is working with Tii Gavo and asked for clarification on the number of wells being considered. The total number of wells on the project will be 38; one existing and 37 new. *Doug Frogh*, said the cons were mostly financial and disturbing the grass is not the real issue. He believes less intrusion in the aquifer, the better, and water lines would run along the roads and driveways in areas that already are being disturbed. Mr. Frogh said it was sold as a community well and now this is their solution to cut costs in a down market. *Ernie Kertzsch*, 21350 Olinda Trail, said the community well that he is on uptown works well for them and is a good deal for the users. He also said the Dept. of Health keeps close tabs on their well.

During Planning Commission discussion Commissioner Maefsky asked how much bonus was assigned to the community well. The plan came in before the City had criteria to determine a bonus number. It was a subjective process prior to the ordinance change. Administrator Hurlburt said the Dept. of Health's position was that if there is no likely issue of contamination, than it makes no difference if there is one well or 37 wells as long as wells are built to their standards. The City of Scandia has always acted on the assumption it is better to have less holes in the aquifer, and awarded bonus points for Open Space Design based on that assumption. Council Member Harnetty suggested that the bonus system should be revisited in light of this information. Commissioner Nickelson asked the developer that if the market wasn't like this would they be requesting this change. Mr. Sandercott replied that they prioritized the parts of the development when making decisions about the lowest impact on the environment, even hiring an ecologist, and now thinks that individual wells will have the lowest impact. Architect Todd Drescher said a community well would make more sense if all the houses were grouped in an open field, but they are spread out over a large area with many trees. Chairman Ness also feels that 37 wells are better than one for this development.

Commissioner Nickelson made a motion to recommend to the City Council that they approve the amendment to the preliminary plat of Tii Gavo. Commissioner Malmquist seconded the motion and the motion passed.

Draft Mining Ordinance

Administrator Hurlburt stated that after the last work session there were a lot more changes to make to the draft of the mining ordinance and more time would be needed

to make those changes. A policy issue that needs further discussion is whether or not mining should be allowed below the water table. A consensus was reached that dewatering should not be allowed, but other methods of mining in the water table may be necessary. Any mining in the water table would be highly regulated and monitored. The Planning Commission felt they needed more education on the subject. It is likely that a public hearing on the ordinance would not be held before July.

Site Visit Guidelines

Commissioner Maefsky presented a draft of Site Visit Guidelines to the Planning Commission. After some discussion, Malmquist made a motion to adopt the draft of Site Visit Guidelines as presented. Schwarz seconded the motion and the motion passed.

Churches in Shoreland District

Mayor Seefeldt expressed his concern about the view going east on Hwy. 97 from Manning Ave. with the new Willowbrook church being planned for that area. It was a consensus of the Planning Commission and City Council that architectural standards be adopted to preserve rural character, and that the church be urged to consider designs that fit with rural character. Administrator Hurlburt was directed to write a letter to Willowbrook church expressing the City's concerns over the design of their proposed building and to ask them to consider a more traditional architectural church design.

Comprehensive Plan meeting is set for Monday, May 14, at 7:00 p.m.

July's meeting was moved to July 10 due to the 4th of July holiday being midweek.

Next site visit will be June 4. Next Planning Commission meeting is June 5.

Malmquist made a motion to adjourn and the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Colleen Firkus
Planning Commission Secretary