

March 6, 2007

The City of Scandia Planning Commission meeting was called to order at 7:30 p.m. on this date. In attendance were Acting Chairman James Malmquist, Peter Schwarz and Christine Maefsky, with Kevin Nickelson joining the meeting later. Mr. Malmquist welcomed Ms. Maefsky as a newly appointed Commissioner. The minutes from the January 23 meeting were approved with a correction with a motion by Schwarz and a second by Maefsky. The minutes from the February 6 meeting were approved with a motion by Schwarz and a second by Maefsky.

Amendment to Shoreland Regulations to Allow Places of Worship

Pastor Brad Reis stated the request of Willowbrook Church to amend the development code to allow places of worship in the Shoreland Overlay District. City Planner Berry Farrington presented her findings and recommendations, which indicated any adverse impacts could be addressed through conditions established in a Conditional Use Permit. However, the Planner questioned as to whether no adverse impact is reason enough to amend the ordinance and perhaps a public benefit should be identified to support a change in the Shoreland regulations. Acting Chairman Malmquist opened the meeting for public comment.

*John Lindell*, north side of German Lake, stated his main concern was protecting the lake. He sees the church as a business and is also concerned about adding a church to a residential area. Mr. Lindell asked whether the County or any other government agency has reviewed this request.

*Wayne Moe* asked if the property was in the Carnelian-Marine Watershed District (CMWD), which it is, and how close to the lake the church would be. Planner Farrington responded the setback required is 200 feet.

*Mike White*, 13310 188<sup>th</sup> St., asked how many accesses would be allowed on the lake. The Planner said only one access. Mr. White pointed out that if the parcel were divided into five or six lots, there would then be five or six accesses.

*Dave Berg*, asked the impervious surface requirement. Planner Farrington responded 25%.

*Bruce Anderson*, 95005 N. Shore Trail, stated that a place of worship in a Shoreland Overlay District is not a new thing as it exists in many other districts and counties in this state. The track record shows no negative impact or such a use would have been restricted by now.

*John Lindell* stated Washington County denied the request to amend the Shoreland Overlay code when Scandia was a township and the City of Scandia should take that into consideration. Planner Farrington stated she did not have a formal response from the DNR, but in informal discussions, their concerns were building height and distance to the lake, but expressed no opposition.

*Maria Hinz* expressed concern for relaxing the City's requirements to allow a church, then the church moves and what goes in that empty building. Also, there would be no contribution to the tax base, as no taxes would be paid.

Commissioner Schwarz expressed three concerns: 1) Traffic on Hwy. 97, as the only improvement in long range plans are an overlay, with no plans to widen. 2) Issue of a large structure if church leaves and what may go in there. 3) Tax issue.

Commissioner Maefsky asked about the County denying the request. City Administrator Hurlburt clarified that the request came before the County in September just prior to Scandia becoming a City, and the County was not interested in amending the Shoreland regulations for the entire County when the application applied to just Scandia.

Attorney Hebert reminded the Commission that the amendment applies to all Shoreland Overlay Districts, that a CUP would address traffic, parking, and permitted uses for the building.

Commissioner Malmquist stated there is currently a nice, rural vista there now, and this amendment could lead to further Shoreland amendments. Commissioner Maefsky said she would like more time to evaluate the impact on other Shoreland districts.

**Peter Schwarz made a motion to ask for an extension of 60 days from March 26 so the Planning Commission could have more time to evaluate the potential impact on other Shoreland district areas, and postpone a decision until the full Planning Commission and City Council could meet on the request at the April 3 meeting. Christine Maefsky seconded the motion. The Applicant agreed to the extension. The motion passed unanimously.**

#### White Rock Ranch Preliminary Plat

Mr. Mark Youngdahl presented the request to divide 105 acres, with 25.6 acres in Scandia, into 14 residential lots, with the original homestead remaining on Lot 3, Block 2. There would be three new homes and the existing farmhouse in Scandia, but no new roads in Scandia. There would be some wetland impacts on Lots 5 and 6 with mitigation on Lot 4. Preliminary Plat approval has been received from the Forest Lake Planning Commission and City Council. Planner Farrington presented her findings and recommendation for approval with conditions.

*Dave Berg* said this was a more environmentally sensitive plan than the original proposed plan.

*Mike White* said the wetland at the south end of the plat is trenched to drain in the lake. Mr. White asked if this could be filled in or a berm built to prevent runoff to the lake.

*Scott Appleton*, 190<sup>th</sup> Street, asked how Mr. Youngdahl met with people in the community, what was the invitation process, and when were the meetings as he did not hear of any meetings prior to getting a notice for this public hearing. Mr. Youngdahl responded that he followed the required public hearing criteria and they met in late November or early December. Mr. Youngdahl indicated he a list of contact people in his car and would share that with Mr. Appleton.

*Al Solva* asked if there would be public access to the lake and where the houses would be located. Mr. Youngdahl said only lakeshore lots would have lake access and he pointed out potential house sites on the map.

Attorney Hebert asked how separate tax identification numbers would be obtained for the lots that cross the municipal boundary. Mr. Dave Anastasi, Attorney, responded that they are planning to apply for a split tax parcel. Mr. Hebert asked how they would obtain the descriptions. Mr. Anastasi stated there would be two plats using outlots, one for Scandia and one for Forest Lake, with two sets of identification numbers, but covenants would tie the outlots and parcels together. Mr. Hebert indicated the plat did not show the outlots. Administrator Hurlburt stated the final plat will have the outlots.

**Peter Schwarz made a motion to recommend to the City Council that they adopt the draft resolution submitted with the staff report to approve the preliminary plat of White Rock Ranch dated February 12, 2007, with the conditions and findings as drafted, with the following changes. Add Condition 12 “That the Covenants state that owners of Shoreland lots apply best management practices as recommended by the watershed district, and Condition 13 “That two existing barns would be removed from Lot 3 to meet accessory structure standards.” Kevin Nickelson seconded the motion and the motion passed unanimously.**

Amendment to Development Code Regarding Safety Requirement for Swimming Pools  
Administrator Hurlburt presented the background information on the City’s development code for swimming pool regulations, and a request by a resident to consider amending the code to allow a safety cover to substitute for a fence. Some local communities accept such covers as an alternative to a fence and a draft ordinance was presented incorporating the following statement into the code: ‘In lieu of a fence, a swimming pool safety cover or other enclosure of sufficient density and strength as to prevent children from gaining uncontrolled access may substitute for a fence. Such cover or enclosure shall meet or exceed standard performance specification and labeling requirements for safety covers for swimming pools, spas and tubs (ASTM Designation: F-1346-91).’ The draft ordinance would also amend the code to change the minimum fence height from six feet to four feet.

*Ken Huberty*, 22899 Mallard Ave. N., stated that safety was his number one issue in a decision to get a pool cover as he can control access.

*Terry Pohlkamp*, 22955 Mallard Ave. N., said safety was his number one concern and allowing a pool cover option would make it an option for everyone, where homeowners are not as diligent. The strength of the cover is not an issue, but whether the cover is open or closed. A fence would block a young child. Changing the code would be going in the wrong direction for safety, but he sees no problem with a four-foot fence. *Wayne Moe*, 22877 Mallard Ave. N., said locking a pool cover is fine if it remains locked, but it's not safe if it is not locked. Mr. Moe then quoted from an U.S. Consumer Product Safety report.

*Maria Hinz* said a fence is there all the time and could have an automatic lock and closure. Without a fence, you need someone to close the cover.

In Planning Commission discussion, there was agreement that a fence provided more safety. **Kevin Nickelson made a motion to recommend to the City Council to amend Chapter 2, Section 10.31 (2) (I) of the Development Code regarding safety requirements for swimming pools to state, “A structure or safety fence of a non-climbable type at least four (4) feet in height, with a self-closing and latching gate shall completely enclose the pool, but shall not be located within any required yard areas.” Christine Maefsky seconded the motion and the motion passed unanimously.**

#### Selection of Chair and Vice Chair for 2007 and Committee Appointments

It was decided to postpone these decisions until the full Planning Commission could meet. **Kevin Nickelson made a motion to call a special meeting on March 13, 2006 at 6:30 p.m. to vote on Chair and Vice Chair, and make Committee appointments. Peter Schwarz seconded the motion and the motion passed.**

#### Jon Rodgers, Variance for Septic System Design

Planner Farrington reviewed the request that had been postponed from the January 23 meeting so that additional information could be obtained from the Applicant. The additional information has been received and reviewed. Pete Ganzel confirmed in a phone conversation with the Planner that the proposed well would be a deep well, for which the 50-foot setback rather than 100 foot setback applies. Therefore the Applicant does not need to request a variance for well setback. The Applicant provided a letter showing his attempted contact with his neighbor to ask permission to purchase or lease property to locate his septic system. The OHW was staked with an approximate measurement of 33.5 feet separation between the OHW and the proposed septic system. The Building Office provided a letter dated January 29, 2007, describing erosion

problems and lists the issues that must be corrected for the structure to remain. The Planners recommend approval as outlined in the staff report dated January 16, 2007.

Planning Commission discussion indicated the sewage treatment is a bio-system, not a conventional system, and would need monitoring by the County. The system was approved by the County for a 2-bedroom home with a 150 gallon per day use. Discussion also clarified that under state law the home can be rebuilt, but not expanded and that the state law supersedes the City's ordinance for new construction on substandard lots. Schwarz indicated the carport/garage looks illegally constructed and is right up to the road and needs to be removed. Since it is a County Road, it was suggested that the City contact the County Engineer to bring the problem to their attention.

**Kevin Nickelson made a motion to recommend to the City Council that they adopt the draft resolution to approve application of Jon Rodgers for variance from sewage treatment system setbacks with the findings as drafted and the following changes to conditions: Condition 1 ends at "November 10, 2006," as the 33.5 foot setback from OHW has been verified. Condition 4 ends at "future variance requests." Add Condition 8 to state "That the sewage disposal system is protected from outside storage or vehicle traffic, with either a fence or posts surrounding the system." Christine Maefsky seconded the motion. The motion passed with Kevin Nickelson, James Malmquist and Christine Maefsky voting yes, and Peter Schwarz voting no.**

Tii Gavo Final Plat Submittal

The submission requirements for the plat of Tii Gavo were discussed. A letter from the Planner outlined the items needed to meet conditions and for the final plat to be considered complete. There were also substantive changes that could require a new preliminary plat. It was decided to wait for the developer's response to the Planner's letter before proceeding.

Maefsky made a motion to adjourn and the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Colleen Firkus  
Planning Commission Secretary