

September 2, 2008

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chairman Chris Ness, Commissioners Tom Krinke, Christine Maefsky, Susan Rodsjo, Peter Schwarz and TKDA Planner Berry Farrington. Chairman Ness called the meeting to order at 7:32 p.m.

APPROVAL OF AGENDA, MINUTES

Commissioner Krinke, seconded by Commissioner Maefsky, moved to approve the agenda as presented.

Commissioner Krinke amended the August 5, 2008 with an inclusion of comments regarding the Stanek variance. **Commissioner Krinke, seconded by Commissioner Rodsjo, moved to approve the minutes as amended. The motion passed unanimously.**

TOM AND LISA STANEK – CONTINUED HEARING ON VARIANCES TO CONSTRUCT A NEW HOME AT 19107 LAYTON AVENUE

The public hearing was continued from August 5, 2008 on the variance application for Tom and Lisa Stanek to construct a new home on a vacant lot located at 19107 Layton Avenue. The applicants submitted a plan in which the scale of the home was reduced and the impervious cover reduced to less than 25%, eliminating the need for a variance for lot coverage.

Planner Berry Farrington presented the planner's report in which approval was recommended. The applicant's plans have been revised based on comments from the August meeting. The height of the structure, previously proposed at 32 feet, now measures 28.5 feet. Two layout options were submitted; Layout A having the garage on the north and Layout B having the garage on the south. There is a very small difference in lake setback between the two (58.8 feet versus 58.5 feet) so that either option could be granted to best limit grading and avoid trees as the building permit process moves forward. The applicant is working with the DNR and Watershed to develop landscaping plans with the intent of protecting water quality. The report recommends that a landscaping plan be submitted to the City.

Commissioner Ness opened the hearing to the public.

Dave Berg, 11110 189th Street: Mr. Berg expressed his concerns about the negative impact this home could have on the water quality of Big Marine Lake and the limited connections into the 201 septic collector system. He is opposed to this proposal based on the precedent it could set to "shoehorn in uses in marginal lots".

Doug Salmela, 19123 Layton Avenue: With input from Pete Ganzel, Washington County Department of Public Health, Mr. Salmela presented a report from the year 2000 on the 201 septic collector system in which he interpreted the findings to show a capacity for 7.6 homes remaining. Approximately four homes in the vicinity have individual drainfields, which he feels connections should be reserved for. Mr. Salmela requested that the City provide a summary analysis of usage within the next 20 years, establish a life expectancy of the 201 system and establish a plan to handle additional connection requests fairly.

Brad Bergo, 19123 Layton Avenue: Mr. Bergo expressed his concerns of the long-term capability of the 201 system. He questioned the reduction in lot coverage by no longer calculating the deck as impervious and stated that the County and DNR view pervious pavers as included in lot coverage. Administrator Hurlburt explained that a raised deck is not considered impervious. Planner Farrington explained that the revised plan no longer has a patio and distance of the driveway is measured from the edge of the parcel line, not from the right-of-way easement. This calculates to lot coverage of 21.4%. Mr. Bergo also had concerns of the changes to natural drainage that this structure would have, possibly leading to flooding onto his adjacent property. Overall, he is opposed to the granting of this variance based on the overall lot size variance and precedent setting nature. Mr. Bergo referenced the denial of a variance from the OHW at 19077 Layton Avenue, which required the home to be wider and taller than normal.

Chairman Ness closed the public comment portion of the hearing and asked applicant Tom Stanek for comments. Mr. Stanek felt that he followed through in what he was asked to do by scaling down the size of the home and reducing lot coverage below 25%. Mr. Stanek spoke with Pete Ganzel at the County and was assured that there is capacity for a new home connection on the 201 system.

Jim Shaver, Carnelian-Marine-St. Croix Administrator, added a comment that the Watershed considers a raised deck as impervious cover as a homeowner may lay a barrier underneath the deck for weed or erosion control.

Councilmember Peterson relayed comments she had gotten from the city assessor in which he classifies and assesses the property as unbuildable. Pete Ganzel relayed to Councilmember Peterson that he is not in favor of allowing additional hook-ups for new construction and that the capacity of the 201 system needs to be monitored carefully. Councilmember Peterson believes the intent of the installation of the collector system was for existing homes and cabins only.

Commissioner Schwarz inquired as to how and when a determination was made that the lot is unbuildable. City Attorney Hebert stated that a lot is valued as undeveloped for tax purposes only and the lot was assessed for the full value of a buildable lot when the road improvement project was undertaken in 1999. A determination that the lot is unbuildable has never been made.

Commissioner Krinke inquired if a building permit was ever denied on this lot. Administrator Hurlburt answered that records indicate that there have been no applications for building on this property.

Commissioner Maefsky asked if hook-ups to the 201 collector system have occurred for new construction. Administrator Hurlburt stated that there have been a couple in recent years.

Commissioner Schwarz inquired about the process for granting new connections. Administrator Hurlburt answered that the ordinance limits connections to contiguous lots in previously

developed areas only. City Attorney added that the County issues the permits and have monitored it closely over the years.

Commissioner Krinke stated that these concerns have not been successfully mitigated and would be opposed to granting variances due to the small lot size.

Chairman Ness had concerns of how the calculations of lot coverage have been changed and indicated his opposition.

Commissioner Schwarz stated that the law allows reasonable use of property unless determined unbuildable. Numerous variances have been granted in this neighborhood. There remains a question of debate with the County regarding the 201 septic connection and he would like assurance that it is being monitored closely; otherwise, he sees no grounds for denial.

Councilmember Harnetty feels that even though the proposed structure may not be practical within the ordinance, denial may mean that future improvements in this neighborhood could also be denied.

Commissioner Rodsjo felt that the large deviation from the minimum 2.5 acre lot size is an important consideration for protection of water quality.

Mayor Seefeldt suggested that the review process be extended until a subcommittee meets with the County to discuss the long-term status of the 201 collector system. Staff will arrange for this meeting with the following serving on the subcommittee: Commissioners Ness and Schwarz, Mayor Seefeldt, Councilmember Harnetty and Administrator Hurlburt. A representative of the neighborhood will be invited to attend.

Commissioner Schwarz, seconded by Commissioner Maefsky, moved to table the hearing for up to 60 days for the purpose of gathering additional information. The motion passed unanimously.

CHRIST'S HOUSEHOLD OF FAITH CHURCH AND SCHOOL – CONDITIONAL USE PERMIT FOR ADDITIONAL ANIMAL UNITS AND VARIANCE FOR ANIMAL FEEDLOT SETBACK FROM WHITE ROCK LAKE AT 19060 MANNING AVENUE NORTH

Applicant David Bluhm, representing Owner Christ's Household of Faith Church and School, was present to request a Conditional Use Permit to allow the keeping of animal units in greater concentration than 1 animal unit per 2 grazable acres and also variances from the feedlot setback of 300 feet from White Rock Lake and 75 feet from a wetland. There is an existing feedlot approximately 200 feet from White Rock Lake and 20 feet from the wetland. There are currently ten horses kept in the feedlot and nearby pastures. The property owned by CHOF consists of two parcels, 21 acres on the north and 19 acres on the south. The feedlot and pastures are located on

the southern parcel. The church operates multiple accessory uses on the property, such as a day camp, a pick-your-own agricultural business, outdoor worship service area, a campground for private use, and multiple accessory structures. Some of these uses are nonconforming.

Planner Farrington presented the planner's report which recommends issuance of an Interim Use Permit that would establish termination of the permit, i.e. upon sale of the property. Permit conditions would allow continuation of existing accessory and nonconforming uses. Previous interaction with New Scandia Township allowed for the reduction in animal units over time as older horses died off, with a limit of five horses. The applicants worked with the Washington Conservation District to make improvements to the livestock operations to better protect the water quality of White Rock Lake. The improvements meet Minnesota Pollution Control Standards, as management practices are being followed. The WCD has determined that the feedlot will still meet State water quality standards if it is used by up to 10 horses.

Chairman Ness opened the hearing for public comments.

Al Sova, 10455 192nd Street: Will the feedlot parameters stay the same? *Planner Farrington:* Yes, there will be no change in the size of the feedlot. Mr. Sova later commented that the church has been a good steward of the land with low impact on the neighborhood. He has not been disturbed by any noise or activity as long as he has lived at his residence. Mr. Sova did express his concern about the present lake quality and asked what the City can do to assist with clean-up.

Moose Malmquist, 14670 Scandia Trail: Is the septic sufficient for use by large groups? *Mr. Bluhm:* Portable toilets are in place for large gatherings. There is low use of the house facilities during events. Building Official Thorp suggested that a septic compliance test be done every few years to evaluate the functionality of the septic.

Jane Ojez, 10445 192nd Street: The DNR has determined that feedlots are contributors to algae problems in water bodies. The poor conditions of White Rock Lake shouldn't get worse. What will the MPCA do to monitor the conditions? *Planner Farrington:* There will be no expansion of the present feedlot. The improvements which were undertaken according to the WCD engineered design are working to protect the lake from feedlot runoff. A buffer was created between the feedlot and the lake, along with a drainage area to divert water around the feedlot. Testing has determined that the feedlot has the capability to support up to 10 horses without increasing the pollution risk.

Unidentified woman: Where does the manure go? *Mr. Bluhm:* Composting bins have been designed by the WCD for the purpose of collecting manure.

Chairman Ness closed the hearing to public comment.

Commissioner Schwarz felt that the property has been well maintained, but the number of trailers should be limited to what the accessory structure holds. In addition, if the feedlot was designed for eight horses, that should be the limit. Commissioner Schwarz expressed that he would be in favor of granting an Interim Use Permit for one year, evaluating the permit at one year and pull if there are violations.

Chairman Ness counted 22 campers and trailers and felt that year-round storage issues should be addressed in the permit conditions.

Commissioner Maefsky stated that she was impressed with the condition of the property and sees that the owners have gone to great lengths to comply with feedlot control issues. Testing shows that the design is working and she would be in favor of granting a leeway of up to ten horses. Commissioner Maefsky felt that an IUP could be issued until the property changes ownership as long as the run-off is being monitored.

Councilmember Harnetty added that this is a good example of rural character that the City is promoting.

Councilmember Peterson stated that she is not in favor of allowing more than the five animal unit density.

Councilmember Yehle brought up past history in which CHOF was asked by the Township to reduce the number of horses in 2005 and have now increased that number, adding to her concerns about granting a permit for up to ten horses.

Commissioner Rodsjo recognized that CHOF has done much work to clean-up and prevent run-off into the lake.

Commissioner Krinke felt that present conditions could support eight to ten horses.

Mayor Seefeldt stated that it would be naive to say that there is no impact on water quality – winter conditions can bring some run-off into the lake and what seeps into the ground may be affecting the shallow water table.

Commissioner Krinke, seconded by Commissioner Maefsky, moved to recommend to the Council to adopt draft Resolution 09-02-08-03.

Commissioner Ness, seconded by Commissioner Schwarz, moved to amend the motion to revise Condition #1 to read a maximum of eight (8) horses shall be kept on the property and revise Condition #7 to read that campers/trailers must be in storage or off the property within two (2) days after their use. Voting in favor: Schwarz, Rodsjo, Ness, Krinke. Voting opposed: Maefsky.

The amended motion was recommended for approval to the City Council.

Commissioner Maefsky, seconded by Commissioner Rodsjo, moved to adjourn.

The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk