

June 2, 2020

The Scandia Planning Commission held their regular monthly meeting on the above date with modifications. Due to the health advisory issued by the State regarding the COVID-19 outbreak, to avoid public gatherings and limit social contact, the meeting was conducted over an electronic platform. All Planning Commissioners, staff, and participants who joined the meeting remotely could hear each other and contribute to discussions. City Administrator Cammilleri, City Clerk Eklund and City Planner Merritt Clapp-Smith were present in the Council Chambers. Cammilleri was the presenter and displayed the meeting materials for participants to view on their remote screens.

Chair Dan Squyres called the meeting to order at 7:00 p.m. Roll call was taken. The following were participants to the meeting: Commissioners Greg Amundson, Jan Hogle, Travis Loeffler, Perry Rynders and Chair Dan Squyres.

APPROVAL OF AGENDA

Amundson, second by Hogle, moved to approve the agenda as presented. Motion carried 5-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT FOR BETTER PLACE FORESTS, TO OPERATE A CONSERVATION MEMORIAL FOREST ON 112-ACRES AT LAKAMAGA TRAIL NORTH. LIAM MCNALLY, APPLICANT. PC RESOLUTION NO. 2020-06

Liam McNally, on behalf of Better Place Forests, made an application for a Conditional Use Permit to establish a conservation memorial forest on a mostly wooded 112-acre parcel north of Lakamaga Trail, zoned General Rural. The property is comprised of 5 undeveloped parcels under single ownership, all within the Shoreland Overlay District of Fish Lake and a bay of Big Marine Lake. There are wetlands and some existing informal trails on the property.

The written application described the mission to provide a natural, sustainable, and cost-effective alternative to traditional burial options. Through the purchase of a tree dedication in the forest, customers are granted the exclusive right to place their cremated remains, or those of their family, around a private memorial tree. Once improvements are completed, the property will be open to visitors during select daytime hours. Depending on seasonality, and the number of pre-scheduled visits, the forest will receive guests from a minimum of two days a week to a maximum of seven. A Forest Steward will be present during all public operating hours. BPF proposes a partnership with a land trust for a future conservation easement on the property.

Planner Clapp-Smith provided the staff report with a detailed evaluation of the request. The type of use is not defined in the development code, so for purposes of review it was determined that it is most similar to a cemetery use as defined in the code. The proposed use will retain a large area of land in its natural state, which benefits the health and welfare of the nearby residents and the environment. Proposed activities will be low volume and not create adverse impacts to the public. Clapp-Smith concluded with findings that support approval of the Conditional Use Permit with conditions that staff approve final grading, landscaping, lighting, and driveway access, among additional permits, before issuance of the building permit for the visitation center.

Clapp-Smith recommended that the comments from the City Engineer be added to the conditions. Among these were a wetland delineation and driveway stipulations.

Chair Squyres opened the public hearing at 7:34 p.m.

Sharon and Jeff Jarmoluk, cabin at 19750 Maxwell Avenue, stated that they are very excited and looking forward to Better Place Forest's operation. It will be a wonderful addition to the area.

Robert Foster, 19877 Maxwell Avenue, said he's pleased that the natural state of the forest will be retained.

Erica Sandstrom, 12959 Mayberry Trail, asked if the property can be developed in the future, will there be access to Fish Lake, and which neighbors will be allowed to walk the trails. She added that this is a great opportunity for an amazing piece of land to be kept preserved as a forest.

Andra Mathews, 20121 Maxwell Avenue, said she supports the business model. She asked about combining the lots, and if there have been any offline discussions that could add to information for the residents. Chair Squyres explained that all discussions are done as public meetings.

Written comments were received that brought up traffic concerns, noise and security of the property.

Liam McNally, applicant explained that there will be a paved ADA-accessible path around the building, a gate at the entrance, full-time staff during operating hours, no access to Fish Lake, and permission for neighbors to enter the property but to show respect when visiting. They would strongly prefer to keep the parcels separate. A conservation easement with a local land trust will be placed on the entire property for future preservation.

Commissioner Hogle asked if they have had problems with trespassing on their other properties. McNally said no problems so far; if it was to become an issue, they would look for solutions such as hiring a private security firm.

Commissioner Rynders questioned if the lots should be combined into one to prevent them from being sold off for development in the future.

There were no further comments and Chair Squyres closed the public hearing at 7:57 p.m.

McNally explained that a land trust will put restrictions on development of the property for perpetuity. Scott Roycroft, Better Place Forests, explained that they will be purchasing the property in phases and plan to own all five separate parcels within five years. There may be flexibility to parcel off some acreage to adjoining landowners. To combine the lots at the beginning would result in operating issues. Chair Squyres reasoned that the parcels need to be kept separate for the business plan to work (tiered purchasing) and if some acreage was sold off, the effect would be minimal across the entire 112 acres. Administrator Cammilleri added that it would be challenging to develop any acreage within the site with City approval.

Commissioners recommended clear engineering stipulations related to final plans and construction activity be added to the resolution presented for approval.

Loeffler, second by Amundson, moved to approve PC Resolution No. 2020-06, Recommending Approval of a Conditional Use Permit to establish a conservation memorial forest on property along Lakamaga Trail North with the addition of the engineer's stipulations. Motion carried 5-0 by roll call vote.

The recommendation to approve the CUP will be presented to the City Council at their meeting on June 16, 2020.

PUBLIC HEARING – VARIANCE AT 12730 182ND STREET NORTH FOR SETBACK FROM THE LAKE TO RECONSTRUCT A RESIDENTIAL STRUCTURE. PETER GOERS, APPLICANT. PC RESOLUTION NO. 2020-07

Peter and Karissa Goers have applied for variances from the lake setback and for alterations greater than 50% assessed value to alter an existing nonconforming residential structure at 12730 182nd Street. The applicants are looking to remodel the first floor, add a second floor and garage off the back. The existing house on a 1.1-acre lot is 48.4' from the OHWL of Big Marine Lake (requires a 100' setback).

Planner Clapp-Smith provided the staff report with a detailed evaluation of the request. Because the existing house is being altered to the extent that the cost of alteration exceeds 50% of the appraised value of the original existing house, a variance is needed. The garage will expand the profile of the house to the side, also needing a variance for lake setback. The development code requires any expansion to the outside dimensions of an existing nonconforming structure to meet setbacks. The location of the septic system prohibited placement of the garage directly off the back of the structure.

An existing shared driveway with the neighbor crosses a city-owned lot. The City Attorney advised that this use may continue as is with the recording of an access agreement for both parcels. This will clean up the city's rights for use of the property and give permanent access to the adjoining landowners.

Planner Clapp-Smith concluded with findings to support the variance with five conditions. The addition will be similar in form to other properties nearby and not alter the character in the area. The second story addition uses the existing footprint, and a garage is considered a reasonable action for residential properties, therefore being the minimum action necessary to eliminate the practical difficulty.

Chair Squyres opened the public hearing at 8:34 p.m.

Jerry and Nancy Schilling, 12700 182nd Street, wrote several questions and concerns about the survey, tree trimming, and the upper story being within their view of the lake.

Peter Goers, applicant, noted that the setback of the existing house is in harmony with adjacent homes. The new driveway will abandon a drainage pipe currently discharging to the lake.

There were no further comments and Chair Squyres closed the public hearing at 8:39 p.m.

Goers, a licensed surveyor, addressed the questions from Schilling. The survey markers are correct to the best of his knowledge. The pine trees are on the property line and he finds no discrepancy in that. The hill will have no grading but rather be stabilized with rock. No trees will be removed but branches that interfere with the second story will be trimmed back.

Commissioner Amundson said this is a good solution given the lot constraints.

Rynders, second by Hogle, moved to approve PC Resolution No. 2020-07, Recommending Approval of a Variance for 12730 182nd Street North. Motion carried 5-0 by roll call vote.

The recommendation to approve the variance will be presented to the City Council at their meeting on June 16, 2020.

PUBLIC HEARING – CONDITIONAL USE PERMIT TO OPERATE A WINERY AT 20168 ST. CROIX TRAIL NORTH. GREG AND ANDREA SANDAGER, APPLICANTS. PC RESOLUTION NO. 2020-08

Greg and Andrea Sandager have applied for a Conditional Use Permit to establish a farm winery/cidery on 80 acres located at 20168 St. Croix Trail. The property has an existing residential structure and outbuilding which will be converted for wine production and the selling of wine, beer and limited food. A large area of the property was cleared on the south portion for grape crops. The northern portion remains wooded. The applicants propose about 20 employees and up to 150 visitors at a time.

Planner Clapp-Smith provided the staff report with a detailed evaluation of the request. The applicants have applied for termination from the Agricultural Preserves program which will convert the property to the Agricultural Core District. A proposed winery use is consistent with preservation of the land for ag production and meets the goals and policies of the Comp Plan. Traffic will enter on an existing driveway along State Highway 95. MnDOT does not require turn lanes for new uses on their roadways, but would evaluate this if problems develop. Parking, landscaping and lighting meets the standards of the development code. A proposed future Rural Event Center would need approval under a separate application. Planner Clapp-Smith concluded with a recommendation of approval with findings that performance standards and criteria for granting a CUP are met. The activities should not have negative impacts nor diminish property values. The neighbors may notice activity but not to an adverse level.

Chair Squyres opened the public hearing at 9:06 p.m.

Roger Harvieux, 20258 St. Croix Trail, stated his concerns on the level of anticipated traffic going along the edge of his woods. He said he was disappointed in the process of allowing a winery to operate next door.

Jeff Gacek, owner of Redeemed Farm Event Center, said this will be a welcome addition to the community on a beautiful property. He noted that his operation has similar traffic and has been without incidences over the past few years.

Greg and Andrea Sandager, applicants, acknowledged the neighbor concerns and will be planting grape vines and apple trees for additional screening.

Gail Dietrich, 20525 205th Street, said a winery is a great idea but she has concerns about the amount of traffic on Highway 95 and the congestion this could create. She said the Commissioners should give consideration to a turn lane to manage the dangerous road.

There were no further comments and Chair Squyres closed the public hearing at 9:24 p.m.

Commissioner Hogle stated that once the vines are established the landscape will be gorgeous and not wide open as its current state.

Commissioner Amundson agreed that it will be an excellent addition to Scandia which he supports. He lives on Highway 95 and said there will always be high seasonal traffic on this scenic roadway.

Commissioner Rynders noted that the City cannot mandate turn lanes on a state highway.

Chair Squyres addressed Harvieux's concerns on the visibility now that trees have been removed. The open space will fill in and may increase his property value as wineries are desirable. If a Rural Event Facility application is brought forward in the future, screening requirements can be considered at that time.

Amundson, second by Loeffler, moved to approve PC Resolution No. 2020-08, Recommending Approval of a Conditional Use Permit to operate a winery at 20168 St. Croix Trail North. Motion carried 5-0 by roll call vote.

The recommendation to approve the CUP will be presented to the City Council at their meeting on June 16, 2020.

PUBLIC HEARING – VARIANCE FROM A WETLAND SETBACK TO REPLACE A SEPTIC SYSTEM AT 23820 LOFTON AVENUE. GARY MARKGRAF, APPLICANT. RESOLUTION NO. 2020-09

Gary Markgraf has applied for a variance from a wetland setback to replace a septic system on his property at 23820 Lofton Avenue, a 3.26-acre property. The proposed location of the new system will be approximately 50-feet from a wetland, requiring a variance of 25 feet from the required 75-foot setback from wetlands.

Planner Clapp-Smith provided the staff report with a detailed evaluation of the request. There are no alternative locations for a new system due to wetlands, slopes, location from the existing house, and other required setbacks from property lines. Washington County reviewed soil borings to replace the failing system and found the proposed location to be the best option. Clapp-Smith concluded with a recommendation to approve the variance with findings and five conditions presented in a resolution.

Chair Squyres opened the public hearing at 9:45 p.m. There were no comments and the hearing was closed.

Commissioner Amundson said it is a simple straight-forward variance request and has no issues.

Amundson, second by Hogle, moved to approve PC Resolution No. 2020-09, Recommending Approval of a variance for 23820 Lofton Avenue North. Motion carried 5-0 by roll call vote.

The recommendation to approve the variance will be presented to the City Council at their meeting on June 16, 2020.

PUBLIC HEARING – AMENDED INTERIM USE PERMIT AND VARIANCE FOR REDEEMED FARM RURAL EVENT FACILITY AT 12680 SCANDIA TRAIL NORTH. JEFFREY GACEK, APPLICANT. RESOLUTION NO. 2020-10

Jeff Gacek, owner of Redeemed Farm rural event facility, has applied for a variance and amendment to the Interim Use Permit to allow up to four small events per day instead of the current limit of no more than one per day. The development code standards for Rural Event Facility limit events to one per day, therefore the requested change also requires a variance to the standards. In a letter to City officials, the applicant explained the challenges of keeping the center viable during the impacts of Covid-19. Large gatherings have been cancelled and he is looking to host alternative small gatherings up to four events per day.

Planner Clapp-Smith provided the staff report with a detailed evaluation of the request and noted a correction that the facility has a maximum capacity of 200 guests. Clapp-Smith reasoned that multiple small events could be allowed that do not cumulatively exceed 200 guests per day. Because the IUP allows for up to 75 events per year, four times this limit calculates to a maximum total of 300 per year. Clapp-Smith concluded with a recommendation of approval with findings that the frequency does not affect intensity of use, more small events reduce traffic impacts of large events by redistributing activities. The change would be permitted on an interim basis through May 2021 in response to event size limits posed by Covid-19, when the IUP will revert back to the limit of one event per day.

Mr. Gacek explained the huge impact Covid-19 restrictions have had on his business. He is looking to provide micro-weddings as a solution to large gatherings, offered in 2-hour windows up to 3 times per day (10am-noon, 2-4pm, and 6-8pm). Traffic would be spread out through the day, and no dances in the evenings. Gacek explained that his proposal would not have negative noise or traffic impacts. He is looking to make this a long-term solution and disagreed with the end date of May 2021. Wedding events are booked out one to two years in advance, and this option might not even begin until next wedding season. He asked the Commissioners to give him latitude in order to stay in business.

Planner Clapp-Smith advised that IUP's are issued on a 5-year basis, with this facility's IUP in effect until October 2021. The approval could be permitted through October 2021, at which time the applicant could apply for a new IUP with new terms.

Administrator Cammilleri explained that the applicant is looking for a long-term change in rural event facilities to allow operation with a conditional use permit. The Commissioners could study future changes to rural event facility regulations. By amending Redeemed Farm's IUP now, flexibility could be provided to the Gacek's operation in the future.

Chair Squyres opened the public hearing at 10:12 p.m.

A letter from Curt and Patty Peterson, 21617 Meadowbrook Avenue, was received that listed complaints about weekend events, outdoor lighting impacts and unsafe road conditions.

There were no further comments and Chair Squyres closed the hearing at 10:15 p.m.

Jeff Gacek said his wedding venue is the only one in the state operating under an interim permit instead of a conditional use permit. His facility is well established and reputable. At this point an interim use permit is not reasonable. He would like to have the city see value in his business and help keep him operating by revising the code to allow a rural event facility to operate with a CUP and to grandfather all existing IUP's over to a CUP. He stated that no other business in the city has to operate like his.

Commissioner Amundson said he empathizes and agreed that rural event facilities are overregulated.

Chair Squyres explained that the rural event facility ordinance was a new use when adopted, and would need amending to raise the total number of events per day. Administrator Cammilleri said the code would need a text amendment to convert rural event facilities to operate with a CUP.

Commissioner Loeffler said Redeemed Farm is a beautiful and positive part of the community and they should do what they can to assist businesses. Chair Squyres requested staff to prepare an amendment to the ordinance which would allow rural event facilities to operate with a CUP, with the consideration of an annual business license to replace the annual operating permit.

Squyres, second by Hogle, moved to approve PC Resolution No. 2020-10, Recommending Approval of a Variance and Amended Interim Use Permit for Redeemed Farm Rural Event Facility at 12680 Scandia Trail North, with 1) amendment to Condition #1 to state no more than 200 people per event with a maximum daily total of 300 people; 2) amend Condition #3 to allow the variance to run with the terms of the IUP until October 2021. Motion carried 5-0 by roll call vote.

The recommendation to approve the variance and amended IUP will be presented to the City Council at their meeting on June 16, 2020.

DISCUSSION ON AMENDED CONDITIONAL USE PERMIT FOR THE BIG MARINE LAKE STORE TO CONSTRUCT A CONVENIENCE STORE ADDITION AT 19261 MANNING TRAIL NORTH. PAT REICHERTS, APPLICANT (TABLED FROM APRIL 7, 2020 WITH REVISED PLANS).

Planner Clapp-Smith explained that the Mr. Reicherts' plans are not complete enough to review.

Squyres, second by Loeffler, moved to take no action on the amended CUP application for Big Marine Lake Store. Motion carried 5-0 by roll call vote.

ITEMS FOR FUTURE AGENDAS – NEXT MEETING JULY 7, 2020

- Amended CUP for Big Marine Lake Store addition, tabled from April 7, 2020
- Variance for 12140 196th Street, tabled from May 5, 2020
- Ordinance amendment for rural event facilities

ADJOURNMENT

Loeffler, second by Amundson, moved to adjourn the meeting. Motion carried 5-0 by roll call vote.

The meeting adjourned at 10:53 p.m.

Respectfully submitted,

Brenda Eklund
City Clerk