

August 4, 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 and City Clerk Eklund 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 7:04 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. Staff present: City Planner Evan Monson, City Administrator Ken Cammilleri, City Clerk Brenda Eklund. Council member Jerry Cusick was also a participant to the virtual meeting.

APPROVAL OF AGENDA, MINUTES

Squyres, second by Hogle, moved to approve the agenda as presented. Motion carried 5-0 by roll call vote.

Rynders, second by Loeffler, moved to approve the July 7, 2020 minutes as presented. Motion carried 5-0 by roll call vote.

PUBLIC HEARING: VARIANCES AT 12050 196TH STREET TO RECONSTRUCT A RESIDENTIAL STRUCTURE. DEBRA AND ROBERT DAVIES, APPLICANTS

Debra and Robert Davies have applied for a variance from the required setbacks to replace an existing non-conforming cabin on their property located at 12050 196th Street North. The lot is 0.23 acres in size located within the Shoreland Overlay District of Big Marine Lake. The applicants are proposing to construct a year-round residence approximately 10' closer to the lake than the existing cabin, and a new detached garage near the front of the lot, with a septic system between the two structures.

Planner Monson described the variance request. Overhead electrical lines on the southern end of the lot, along with the challenges of the narrow lakeshore property and its topography, limit the area for the septic system and other improvements. The Davies worked with their contractor to prepare plans that require the fewest variances from code requirements, minimize excavation and preserve existing trees. The footprint area of the existing cabin size will be maintained and measures 48' from the Ordinary High Water Level (100-feet required) at its closest point. The proposed house will be setback 10' from the north property line (20' required) and the garage will be 12' from the front property line along 196th Street (40' required). Two existing sheds will be removed. The applicants enrolled in a shoreland restoration program in 2003 with the Carnelian-Marine Watershed and will continue to improve this area.

Planner Monson explained the comments from the City Engineer and Watershed that a grading plan, erosion control and stormwater management declaration will be needed for the proposed improvements. The Engineer questioned the shared well located on a neighboring property.

Planner Monson concluded with a recommendation to approve the variance request based on criteria that the plans are in harmony with the Comp Plan, it's not out of scale of the surrounding neighborhood homes, there are unique difficulties of the lot not caused by the property owner, and the request is the minimum action required to eliminate the practical difficulty. Six conditions of approval were presented.

Chair Squyres opened the public hearing at 7:27 p.m.

Written comments were received from Gene and Dianne Anderson, 12080 196th Street North, expressing their approval of the variance request.

Debra Davies, applicant, explained that the water connection line for the shared well is located at the NE corner of the lot and will not interfere with the construction area. A legal agreement between three adjoining properties is recorded for use of the shared well.

Robert Davies, applicant, explained that for practical purposes such as tree locations and sight lines of the neighboring property, the house is proposed to be located 10' from the north property line and approximately 20' from the south property line.

There were no other comments and Chair Squyres closed the public hearing at 7:34 p.m.

Commissioner Rynders noted the comment from the Watershed District that it appears the proposed structure could be built at least as far away from the lakeshore as the existing cabin. Rynders questioned if the residence, septic and garage could be spaced more tightly on the lot so as not to encroach closer into the lake setback. Rynders said that this makes an already non-conforming situation worse.

Commissioner Amundson commented that more excavation would be needed to build the house further back from the lake.

Mr. Davies said the proposed layout is a configuration to balance the structures and power lines, and allow an area around the septic tank for grading and drainage. A minimum distance of 10' between the septic tank and the house must be maintained. They are also working around existing mature trees and trying to minimize soil disturbance that is more beneficial to everyone. Chair Squyres agreed that less disturbance is better.

Commissioner Rynders said that they should be looking for better conformance when approving variances. Since variances are needed on all four sides, this property may not be suitable for structures this size and a smaller house and garage should be considered instead. Commissioner Loeffler noted that the applicants have taken exemplary action to preserve the shoreline and there is give and take when reviewing variance proposals. Commissioner Hogle added that the Commissioners should consider the improvements being made to the lot – replacing the septic system and removing old sheds. Commissioner Amundson responded that the Davies are doing better than most lakeshore owners by their shoreline preservation actions.

Commissioner Rynders said that it is not a good trade-off to be closer to the lake. Chair Squyres noted the past variance applications reviewed by the Commission that were sent back for redesign to increase lake setback, and agreed that this variance proposal should be as well, to remain consistent with past actions. Commissioner Hogle stated that they have been prioritizing lake setback and approval of this proposal would be inconsistent with the Commission's previous actions.

Commissioners discussed potential redesign configurations with the applicants, and agreed that they could accept a site plan that places the proposed new residence no closer to the OHWL of the lake than the setback of the existing cabin, and to be no closer than 10' from the side property lines. Planner Monson explained that the Commission could table the request up to the statutory review deadline of October 8, 2020. Beyond that, the Davies can request to have the review period extended.

Rynders, second by Amundson, moved to table the variance request for 12050 196th Street to allow the applicants time to redesign the site plan. The motion carried 5-0 by roll call vote.

DISCUSSION ON ZONING CODE AMENDMENTS TO THE RURAL EVENT FACILITY ORDINANCE

Upon approval to amend an Interim Use Permit for a Rural Event Facility in June, the Council directed the Commission to study amendments to the ordinance to change the use from being permitted on an interim basis to something more long lasting, such as a conditional use. Planner Monson explained that there may be other changes to consider as well. These include, but do not have to be limited to:

- removing the requirement of acquiring an AOP
- replacing the AOP with a business license
- 'grandfathering in' existing Rural Event Facilities
- revising other existing regulations for this land use found in Chapter 2, Section 4.33.

Planner Monson prepared draft edits to the code excerpt for Rural Event Facilities, incorporating these changes. The Commissioners supported the changes but asked that there be a process to inspect a facility and apply sanctions or conditions if there were negative impacts to the community. Generalized criteria to allow for event flexibility was recommended.

Loeffler, second by Rynders, moved to direct staff to prepare amendments to the Rural Event Facility ordinance for a public hearing at the September 1, 2020 meeting. The motion carried 5-0 with a roll call vote.

ITEMS FOR FUTURE AGENDAS – NEXT MEETING SEPTEMBER 1, 2020

- Variance at 18570 Norell Avenue
- Conditional Use Permit for Veterans Camp expansion
- Public hearing on ordinance amendments for rural event facilities

ADJOURNMENT

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

The meeting adjourned at 9:46 p.m.

Respectfully submitted,

Brenda Eklund
City Clerk