

December 3, 2019

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Greg Amundson, Jan Hogle, Travis Loeffler, Perry Rynders and Chair Dan Squyres. Staff present: City Planner Merritt Clapp-Smith, City Administrator Ken Cammilleri and Deputy Clerk Brenda Eklund. City Council liaison Jerry Cusick was also present.

Chair Squyres called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

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

Commissioner Loeffler asked that the minutes include his comments in the solar landscaping discussion last month that an evaluation of the percentage of landscape screening coverage in this current growing season should be compared to what the percent coverage should actually be as written into the conditions at the time of the projects' approvals. Commissioners agreed to this addition. **Hogle, seconded by Loeffler, moved to approve the November 5, 2019 meeting minutes as amended. Motion carried 5-0.**

PUBLIC HEARING: VARIANCE FROM A WETLAND SETBACK TO CONSTRUCT A NEW SEPTIC SYSTEM AT 22577 KIRK AVENUE NORTH. APPLICANT JOE PRIBYL

Joe Pribyl has applied for a variance to replace the septic system at 22577 Kirk Avenue, a 4.3-acre lot which has wetlands at the northeast corner of the parcel and along the western property line. The location of the replacement septic system meets the setbacks for structures in the General Rural District, but encroaches into the required 75-foot wetland setback.

Planner Clapp-Smith presented the staff report and concluded with findings that support approval of the variance to locate the new septic system at a distance of 67 feet from the edge of the wetland, and explained that the slopes, wetlands and large trees on the property inhibit other location options. A resolution with findings and five conditions was prepared, including a condition that a grading permit be required if thresholds of site impacts are met.

Chair Squyres opened the public hearing at 7:07 p.m. There were no comments and the hearing was closed.

The Planning Commissioners were in consensus that the proposed location is the most logical site on the property and the best option as recommended by the septic designer.

Loeffler, seconded by Amundson, moved to approve PC Resolution No. 12-03-19-01, recommending approval of a Variance at 22577 Kirk Avenue North. Motion carried 5-0.

The recommendation to approve the variance will be presented to the City Council at their December 17, 2019 meeting.

Planner Clapp-Smith noted the frequency of this type of variance request for septic system replacements and suggested that an alternative review process be considered as another approach, as it's a necessity to replace failing systems.

PUBLIC HEARING: VARIANCES AT 12632 182ND STREET NORTH. APPLICANT MIKE MANN ON BEHALF OF PROPERTY OWNERS JANA AND DENNIS PALKERT

Mike Mann of Lecy Brothers Construction, on behalf of property owners Jana and Dennis Palkert, has applied for variances from the Ordinary High Water Level and side setback to replace an existing cabin at 12632 182nd Street. The property is 0.614 acres and located within the Shoreland Overlay District of Big Marine Lake. The proposed location of the single-level residence would be 68.3 feet from the OHWL (100 feet required) and 10.5 feet from the side property line (20 feet required). The existing structure is 32.2 feet from the lake setback.

Planner Clapp-Smith summarized the staff report which recommended denial of the variance request with findings that the criteria for approval could not be fully met. The constrictive size of the lot makes for a challenging site that limits placement of the septic system and the home. The home could be reduced in size to better meet the criteria that minimum action is being done to eliminate the practical difficulties. Clapp-Smith said that the proposed size is larger than existing homes in the area, and comment letters from the Watershed and Engineer noted concerns of erosion control and water runoff from the site.

Chair Squyres opened the public hearing at 7:18 p.m.

Chair Squyres read into the record a letter he received at the December 1st site visit from Paul and Kim Quayle, 12636 182nd Street. They have concerns about direction of water flow to their adjacent property, and wrote that their septic tanks are within the 50' setback of the proposed well site.

Dennis Palkert, property owner stated that they have owned the cabin for 8 years and are planning to build a single-story home for their retirement, measuring 2,850 ft² (garage an additional 900 ft² and a 250 ft² patio). The garage is 10.5' from the neighboring lot line, which also has a garage 10' from the shared property line, and he feels is not encroaching on the neighbor's privacy. Palkert explained that the survey inaccurately shows a retaining wall around the home, but is only planned for the front area. Palkert described several homes along 182nd Street that are larger, including other larger homes on the lake, and that his proposed home would not be out of character. He asked the Commissioners for clear guidelines on what size home would be acceptable.

Jeff Peterson, 12628 182nd Street, stated his concerns about the retaining wall shown on the submitted survey, but said this wall appears to be a mistake. Peterson had additional questions on direction of water flow and asked that no water be directed towards his yard to the north.

There were no other comments and Chair Squyres closed the hearing at 7:31 p.m.

Mark Lecy, the builder, answered questions about a proposed rain garden, gutters which will direct water runoff to a low area in the front of the lot, and that the proposed well will need to be relocated or continue with use of the existing well.

Commissioner Amundson said he had no issue with the size of the proposed home. Commissioner Rynders agreed that it is not overly large for this size site.

Chair Squyres countered that the minimum is not being done here; the size of the house should be shrunk to minimize the size and proximity to the lake, but that the 10' side setback is reasonable as long as the runoff is addressed. He said it appears the size of the house is being maximized to just meet the 25% lot coverage requirement. Commissioner Loeffler agreed more needs to be done to increase the setback from the lake.

Moving the septic system closer to the road was discussed, and the Commissioners agreed that they could accept a setback from the road to better maximize the distance of the home from the lake. Planner Clapp-Smith explained that the application can be tabled to allow the applicants to return next month with a redesign of the survey.

Rynders, seconded by Loeffler, moved to table the application to the next meeting to allow the applicants to revise the survey. Motion carried 5-0.

PRE-APPLICATION CONCEPT FOR BETTER PLACE FORESTS

Liam McNally and Gia DeBartolo, representing Better Place Forests, presented a concept plan for a conservation memorial forest on 111 acres of property with frontage on Lakamaga Trail. They described the privately-owned business as an alternative to traditional cemeteries where cremated remains of individuals are rested around a living memorial tree purchased by individuals for approximately \$8,000. Community trees would be an option at a lesser cost. The land is protected in perpetuity through a land trust/conservation easement. Development of a small parking area and visitor center would meet the needs for visitation, along with trails and an access road.

Staff explained that the state does not prohibit the spreading of ashes on soil, and this use would not be considered a cemetery by the state. However, Planner Clapp-Smith stated that the proposed use most closely aligns with the cemetery definition in the development code, allowed with a conditional use permit in the General Rural District on properties greater than 5 acres. Clapp-Smith proposed "similar use" as the determination that the concept could meet the standards of the ordinance. No objections were identified by the Commissioners.

AMENDMENTS TO THE DEVELOPMENT CODE REGARDING ACCESSORY STRUCTURES

Administrator Cammilleri explained that demand for increased size of accessory structures is not a driving factor for proposed revisions to the ordinance, and the visual impacts of structures up to 16,000 square feet could be negative and significantly affect surrounding properties and the landscape. Cammilleri recommended that significant changes to the ordinance be made during the process of rewriting the development code, planned for 2020 to meet the requirement to align

with the newly adopted Comprehensive Plan. Planner Clapp-Smith agreed on the approach to table the amendments, but use the research for the future code re-write.

AMENDMENTS TO THE DEVELOPMENT CODE REGARDING SIGNS

Administrator Cammilleri explained that the complaints of lights inside windows being too intense appears unfounded to be a public nuisance and thus requiring amendments to the sign ordinance. Regulating window signage should be evaluated with the business community and viewed in relation to the business district. Cammilleri recommended bundling ordinance amendments together for the future development code re-write. The public will also have a greater chance to participate in the meetings for these topics.

Commissioner Loeffler said that lit business signs should be turned off when the business closes, and the continuous illumination is not a fit in Scandia.

Commissioners agreed to delay amendments to the sign ordinance until later revisions to the development code.

FUTURE AGENDAS

Discussion on septic rules in regards to different procedure from variances will be researched for a future meeting.

ADJOURNMENT

Loeffler, seconded by Amundson, moved to adjourn the meeting. Motion carried 5-0.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk