

March 5, 2019

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Jan Hogle, Perry Rynders and Chair Dan Squyres. Absent: Commissioners Greg Amundson and Travis Loeffler. Staff present: City Planner Merritt Clapp-Smith, City Administrator Neil Soltis, 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

Chair Squyres announced the removal of Agenda Item #7) Review of Concept Development Plan. **Rynders, seconded by Hogle, moved to approve the agenda as amended. The motion carried 3-0.**

Hogle, seconded by Rynders, moved to approve the February 5, 2019 meeting minutes as presented. The motion carried 3-0.

PUBLIC HEARING: VARIANCES FROM SHORELAND AND WETLAND SETBACKS AT 11245 218TH STREET NORTH – BRENT JENSEN, APPLICANT (PC RESOLUTION NO. 03-05-19-01)

Brent Jensen owns property at 11245 218th Street North, a 19.1-acre lot that includes part of German Lake, with 11.6 acres of the lot in the Wetland Program. Jensen is proposing to construct a driveway to a future building site on the property, in an alternate location than an existing informal access which runs closer to German Lake. The proposed driveway requires variances from the required 75-foot wetland and 200-foot shoreland setbacks.

Planner Clapp-Smith presented the staff report with details of the request. A survey was shown that places the new driveway at approximately 145 feet from the lake and 10 feet from a Manage 1 wetland. Clapp-Smith said that the grade is less steep in this location, and less grading needed to construct the driveway. The City Engineer's comments stated that a more detailed grading plan needs to be reviewed if the variance is approved. The Carnelian-Marine-St. Croix Watershed District issued conditional approval for a Land Disturbance Plan to construct the driveway, but suggested shifting the driveway to the east away from the wetland buffer. Clapp-Smith reported that the DNR had no comments on the driveway location, but questioned if the future home would require a variance from the OHWL of German Lake.

Planner Clapp-Smith recommended approval of the variance request with findings that the alignment is designed to minimize vegetative removal, is consistent with the Comprehensive Plan for uses in the General Rural and Shoreland Districts, and the practical difficulties of the significant topography and narrowness of the strip of land that runs between the lake and the wetland are unique to the property and not created by the landowner. A resolution for approval was presented with findings and three conditions.

Chair Squyres opened the public hearing at 7:10 p.m.

John Lindell, 11240 218th Street, said that he is opposed to the placement of the driveway as presented because it will impair the water quality of German Lake due to pollution runoff from the driveway. Mr. Lindell questioned whether notice had been provided to the MN DNR and the Watershed District, the lack of the rest of the comments from MN DNR, the lack of reference to the potential for pollution in the report, and the lack of evaluating an alternative driveway location that he felt was reasonable and feasible. Mr. Lindell noted that a more reasonable access would be at the west edge of the property along the ridge within the power line easement. This would avoid placement of the driveway within the lake's buffer, where water drains to the lake. He stated the shoreland ordinance no. 198, section 5, performance standard 7.11 that roads, driveways and parking lots not be placed within shoreland impact zones should be their guidance. Mr. Lindell believes this ordinance supports his recommendation to locate the driveway on the western edge of the property.

There were no other comments and Chair Squyres closed the hearing at 7:25 p.m.

Commissioner Hogle asked about quality ranking of a Manage 1 wetland. Administrator Soltis explained that a Preserve Wetland is the highest quality, followed by a Manage 1.

The Commissioners discussed the impacts of moving the driveway to the west edge of the lot which would require filling in a portion of the wetland here, where two wetlands exist. Mr. Jensen was asked if this alignment was considered. He explained that he had, but preferred the proposed location for aesthetics and to avoid entering the property under the power line easement.

The Commissioners asked if it would be logical to fill a wetland to avoid having the driveway within the lake setback. Staff explained that impacts to filling a wetland are greater. The Commissioners noted the Watershed's recommendation to move the driveway outside the wetland buffer and agreed to support this alignment.

Chair Squyres addressed Mr. Lindell's pollution concerns. The Comp Plan supports single family residences on shoreland properties which require driveways. They recommend minimizing impacts as best they can.

Planner Clapp-Smith provided an amendment to Condition #1 to state "The location of the driveway shall be adjusted with recommendation from the Watershed with final alignment to be approved by the Watershed and City Engineer".

Rynders, seconded by Hogle, moved to approve PC Resolution No. 03-05-19-01, Approving a Variance for 11245 218th Street, with an amendment to Condition #1. The motion carried 3-0.

The recommendation to approve the variance will be presented to the Council at their March 19, 2019 meeting.

DISCUSSION ON AMENDMENT TO DEVELOPMENT CODE FOR COMMUNITY SOLAR

Planner Clapp-Smith prepared a draft ordinance based on input and direction as discussed at the February 5th meeting. Key standards for potential changes to the solar ordinance that was in place up to its repeal included:

- Districts – allow only in Agriculture Core and Agriculture Preserves; eliminate from General Rural. Allow in Shoreland Districts, as there appear to be no environmental issues with this.
- Poles – limit to one interconnection pole per solar installation.
- Distance from adjacent uses – 350 feet from neighboring residential structures not on the same parcel. Setback 500 feet from centerline on minor arterials, 200 feet from public road right-of-ways.
- Height – 15 feet at maximum tilt, allows for potential grazing underneath the panels.
- Vegetative buffer – at a height sufficient to screen the panels at maximum height, established within 4 growing seasons, with a minimum of 30% to a maximum of 50% evergreens. Landscape plan must be approved by city.
- Screening – Views from adjacent parcels must be screened 100% except at access points. May be achieved via plantings, setbacks, berming or a combination. Developer must provide a financial guarantee to ensure vegetation screening is established for the life of the project. Commissioners refined the view from adjacent properties to be from the ground-floor of the nearest primary residential structure.
- Fencing – must be mounted on wood poles, razor/barbed wire not allowed, maximum 8' in height, gap at bottom for wildlife passage.

The Commissioners removed from the draft ordinance the maximum limit of 1 megawatt, and the placement of solar within a corridor of Xcel's distribution line. Commissioner Hogle recommended the removal of "community" solar gardens because this is the statute definition for the rebate and distribution program, and is confusing. It was agreed to change the terminology to non-residential solar energy systems.

Based on this discussion, Planner Clapp-Smith will prepare a draft ordinance for a public hearing scheduled for the April 2, 2019 meeting.

DISCUSSION ON THE DEFINITION AND REGULATION OF ACCESSORY STRUCTURES

Chair Squyres recommended tabling this discussion to a future meeting. Commissioners were in agreement to this.

ITEMS FOR FUTURE AGENDAS

A minor subdivision, variance request, the solar ordinance, and regulations for accessory structures will be on the April 2nd agenda.

ADJOURNMENT

Rynders, seconded by Hogle, moved to adjourn the meeting. The motion carried 3-0.

The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk