

April 2, 2019

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Greg Amundson, Travis Loeffler, Perry Rynders and Chair Dan Squyres. Absent: Commissioner Jan Hogle. 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

Loeffler, seconded by Rynders, moved to approve the agenda as presented. The motion carried 4-0.

Loeffler, seconded by Rynders, moved to approve the March 5, 2019 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: MINOR SUBDIVISION AT PARCEL ID NO. 12.032.20.43.0001 BETWEEN 220TH STREET AND PILAR ROAD – TONY RANDALL, APPLICANT, JOHN AND KRISTIN MAURER, OWNERS (PC RESOLUTION NO. 04-02-19-01)

Tony Randall, on behalf of property owners John and Kristin Maurer, has applied for a minor subdivision to create two single family lots from an existing 17.47-acre undeveloped parcel that lies between 220th Street and Pilar Road. The property is zoned General Rural with moderate slopes and a few small wetlands on the parcel.

Planner Clapp-Smith presented the staff report with details of the request. A survey was shown of the two lots – Lot 1 as an 8.25-acre lot off of Pilar Road and Lot 2 as a 7.76-acre lot off of 220th Street. Building sites were shown on the survey in the vicinity of the soil perc tests. The preliminary plat showed the slopes and general location of the wetlands. A wetland delineation is required and will be completed as soon as spring growth begins, for compliance with wetland setbacks. No construction is proposed on the steep slopes or within the wetland setbacks, which will be confirmed with the delineation report. A Watershed District permit will be required. The City Engineer's comments addressed easements and road dedication requirements to be shown on the final plat. As the 2040 Comp Plan does not identify a park search area near the proposed lots, staff recommended park dedication fees be collected in lieu of park land.

Planner Clapp-Smith recommended approval of the minor subdivision by summarizing that the two new parcels will comply with development code standards and that it meets the goals of the Comp Plan. A resolution for approval was presented with findings and eleven conditions, including the completion of a formal wetland delineation to be reflected on the final plat, and the drainage, utility and right-of-way requirements of the engineer.

Chair Squyres opened the public hearing at 7:08 p.m.

Kristen and Frank Novak, 15670 Pilar Road, said they have issues with the building site location as shown on Lot 1, such as extensive tree removal and impacts to the quality of the pond that is

mostly on their adjacent property. Ms. Novak said a house built in the northwest corner of the lot will decrease the value of their property. Mr. Novak questioned why the building site was not on the high point of the property to the east. Administrator Soltis explained that a minor subdivision only needs to show that there is a buildable site on the lot.

Chair Squyres said that a wetland delineation may change the location of a building site once completed. Commissioner Amundson agreed that the final wetland report could restrict the proposed house site at this corner.

There were no other comments and Chair Squyres closed the hearing at 7:18 p.m.

Chair Squyres questioned if they would be premature in approving the minor sub without accurate and complete information on the wetlands. He said they could possibly be subdividing a non-buildable lot. Planner Clapp-Smith explained that it is a reasonable and safe assumption that this property is large enough to find a home site that meets setback dimensions. Squyres said that he is confident in this case that the lot is buildable, but in future applications it would be smart and wise to have all the information completed for their review. Administrator Soltis noted that could exclude review of any subdivisions from the months of November through May.

Administrator Soltis provided a GIS map showing a one-acre buildable area around the proposed building site, and said that with the setbacks there is still a large window to build. Commissioner Amundson said he agreed that the property has enough land and a compliant building area can be found. Clapp-Smith said she would consult with the City Attorney on sequences and risks for future applications that have potential to be approved with contingencies, for a report at the next meeting.

Applicant Randall said the building site is not set in stone; it only demonstrates a potential site with a one-acre septic area.

Chair Squyres asked for clarification of the engineer's road dedication requirements, and that it should be clear to dedicate 220th Street right-of-way as well as the area north of Pilar Road. Administrator Soltis recommended Condition #7 be amended to include both Outlot A and 220th Street right-of-way be dedicated to the City and recorded on the final plat.

Loeffler, seconded by Amundson, moved to approve PC Resolution No. 04-02-19-01, Approving a Minor Subdivision of the Parcel located at PID 12.032.20.43.0001, with an amendment to Condition #7. The motion carried 4-0.

The recommendation to approve the minor subdivision will be presented to the Council at their April 16, 2019 meeting.

PUBLIC HEARING: VARIANCES AT 21467 OLINDA TRAIL NORTH. APPLICANT, MIKE HINZ (PC RESOLUTION NO. 04-02-19-02)

Planner Clapp-Smith provided the staff report on a variance application from Mike Hinz for adding an attached garage to his existing single-family home and to move an existing detached

garage to another location on his property at 21467 Olinda Trail. The property is an existing non-conforming lot size of 0.53 acres, with the home placed within 32 feet of the front lot line (40 feet required) and the existing detached garage within 4.8 feet from the north side lot line (20 feet required). The location of the garage addition will meet these same setbacks, requiring the variances. The existing detached garage will be moved to a location southeast of the house, away from the septic system and within the side and rear setback requirements.

Planner Clapp-Smith noted the practical difficulties of the property which limit the location of the addition on the south side of the house, due to the location of the septic system and the interior layout of the house; the new addition would enter into the kitchen and living areas where attached garages are typically located.

Comments from the City Engineer addressed the need for a grading plan to show how drainage along the northern lot line will be maintained, and that rain gutters may be needed to divert drainage. The Carnelian-Marine Watershed had no objections and added a requirement for a stormwater management and erosion control permit.

Planner Clapp-Smith prepared a resolution for approval of the request with findings and six conditions, including the requirements from the Engineer and Watershed for drainage and erosion control.

Chair Squyres opened the public hearing at 7:48 p.m. There were no comments and the hearing was closed.

Commissioner Amundson stated that this is a good solution that fits the property lines well, and gutters are a good recommendation.

Bonnie Synicyn, adjacent neighbor, asked how big the addition will be. Applicant Hinz explained the survey showing it 28 feet wide and 48 feet in length minus an 8'x16' area at the corner.

Amundson, seconded by Loeffler, moved to approve PC Resolution No. 04-02-19-02, Approving Variances for 21467 Olinda Trail as presented. The motion carried 4-0.

The recommendation to approve the variances will be presented to the Council at their April 16, 2019 meeting.

PUBLIC HEARING: VARIANCE AT 18590 LANGLEY AVENUE NORTH. APPLICANT, MICHAEL WIEBE (PC RESOLUTION NO. 04-02-19-03)

Planner Clapp-Smith provided the staff report on an application from Michael Wiebe for a variance to construct a new residential structure on two adjacent vacant lots at 18590 Langly Avenue. The combined lots total 0.31 acres in size and are located in the Shoreland Overlay District of Big Marine Lake. The lots are lightly wooded with steeper slopes to the rear of the lot, requiring the buildable area of the home to be 20 feet from the front lot line (40 feet required). All other setbacks of the property are met, including lot coverage of 24% (25%

required). There are existing septic tanks on the lot that are connected to the Bliss Community septic system.

The City Engineer provided requirements for a grading plan with corrected elevations shown on a survey. Clapp-Smith explained that a survey with erroneous elevations from the previous owner was used. The Watershed District replied that they have no issues with the front yard variance, but also require a corrected survey and a permit for stormwater management. The DNR replied that they had no comments on the variance request.

Planner Clapp-Smith concluded with a recommendation to approve the variance request with findings and five conditions written into a resolution, including that the two separate tax parcels be combined, and that plan elevations be corrected for grading and other permits as required. The practical difficulties of the change in elevation across the property to avoid the steep slopes and the small size typical of the lots in the Bliss Addition pushes the buildable area of the home into the front setback.

Chair Squyres opened the public hearing at 8:01 p.m.

Chair Squyres stated that a letter was received from Harold and Cindy Johnson, 18599 Langly Avenue. They had concerns about development on the property due to steep slopes and water issues, as well as parking difficulties on the west side of Langly Avenue. They asked that the City perform its due diligence to avoid potential negative impacts to neighboring properties.

There were no further comments and Chair Squyres closed the hearing at 8:04 p.m.

Commissioner Amundson stated that if the driveway connection and existing drainage way is ditched properly, runoff shouldn't drain to the neighbors.

Commissioner Rynders questioned if there is adequate drainage for the addition of 4200 square feet of impervious area which could result in significant water issues in the future. He noted that the Engineer believes it can be properly drained and is comfortable with his requirements. Commissioner Amundson asked if the ditch is functional. Administrator Soltis showed on a GIS map the natural flow of water to the lake.

Chair Squyres stated that the plan shows compliance with all other setbacks and the home needs to be away from the hillside at the rear of the lot.

Squyres, seconded by Amundson, moved to approve PC Resolution No. 04-02-19-03. Approving a Variance for 18590 Langly Avenue as presented. The motion carried 4-0.

The recommendation to approve the variance will be presented to the Council at their April 16, 2019 meeting.

PUBLIC HEARING: ORDINANCE TO ALLOW AND REGULATE DISTRIBUTION SCALE SOLAR ENERGY SYSTEMS

At their March 5th meeting, the Commissioners directed staff to prepare an ordinance for the regulation of community solar gardens based on their discussions and public input meeting over the past months. Planner Clapp-Smith explained the key items addressed in the ordinance, which were reflected in changes to the City's last solar ordinance which was repealed in September 2017.

As recommended, the naming convention was changed from "community solar" and "solar garden" because they have unique meanings in other contexts. The term "Distribution Scale Solar Energy Systems (Distribution SES)" was selected to define solar operations that distribute energy to predominately off-site users. A "Local Service Solar Energy System (Local SES)" operates to distribute energy predominately to on-site uses. These definitions would be added to Chapter 1 of the Development Code, with the existing Section 4.34 of Chapter 2 amended to add "Local SES" as the term used for permitted accessory solar energy uses on a property.

Chapter 2, Section 4.34 part 2, would add the requirements and performance standards for Distribution SES. Planner Clapp-Smith reviewed the key standards of the ordinance:

- Allow in Ag Core and Ag Preserves only. Further discussion eliminated Ag Preserves because of state restrictions on uses for this property classification.
- No provision on size limit, as robust screening standards will be adopted.
- (3)(D) Interconnection Agreement: Amend to one interconnection pole per solar installation, and have operator get confirmation from the utility that it will limit itself to one additional pole in the public right-of-way. Reed Richerson, US Solar, addressed this criteria paragraph and said that a mid-span pole in the ROW is different from the easement where the pole is owned by the project developer. It was agreed to only retain the first sentence (limit to one interconnection pole per solar array) and last sentence (plans must show placement of all utility poles and equipment) of this paragraph.
- (4)(D) Setback 75' from property boundaries, 350' from existing residential structures on adjacent properties.
- (4)(G) All components shall be screened by setbacks, berming, existing vegetation, landscaping or combination thereof. Change "visual screen will be ~~opaque~~ fully obscure during the summer months. Add "at least 30% and up to 50%" of the area of the vegetative buffer shall be composed of evergreen plantings.

Chair Squyres opened the public hearing at 9:05 p.m.

Reed Richerson, US Solar, asked that existing screening be acknowledged in the requirements. It was agreed to modify language in sentence 2 of paragraph (4)(G) "Solar arrays shall be screened from view using the same screening elements of height sufficient..."

There were no further comments and Chair Squyres closed the hearing at 9:09 p.m.

Rynders, seconded by Amundson, moved to recommend approval of the solar ordinance as amended.

Commissioner Loeffler added friendly amendments:

- add “chainlink” to the list of fence materials not allowed in (4)(N)
- amend (4)(F) that systems shall not exceed 15’-12’ in height when at maximum tilt

Rynders and Amundson agreed to the amendments to their motion.

Chair Squyres called for the vote to approve the solar ordinance as amended. The motion carried 4-0.

The recommendation to approve the solar ordinance will be presented to the Council at their April 16, 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

Uses in the Agriculture Preserves zoning district will be a topic at a future meeting.

ADJOURNMENT

Squyres, seconded by Loeffler. moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk