

August 6, 2019

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

Chair Squyres called the meeting to order at 7:01 p.m.

APPROVAL OF AGENDA, MINUTES

Rynders, seconded by Amundson, moved to approve the agenda as presented. The motion carried 3-0.

Rynders, seconded by Amundson, moved to approve the June 4, 2019 meeting minutes as presented. The motion carried 3-0.

PUBLIC HEARING: VARIANCE FROM THE RIGHT-OF-WAY TO CONSTRUCT A SECONDARY DWELLING UNIT AT 18640 OLINDA TRAIL. MARSCHALL SMITH, APPLICANT (PC RESOLUTION NO. 08-06-19-01)

Marschall Smith is proposing to add an accessory dwelling unit (ADU) on property he owns at 18640 Olinda Trail, a 20-acre farmstead with existing agricultural outbuildings. The proposal for the ADU meets the requirements for a secondary dwelling unit, but its location requires a variance from the development code that accessory structures must be at least 200-feet from the road right-of-way on lots 5 acres or more when the structure cannot be located to the rear or sideyard of the primary residence. The proposed location measures 138' from the right-of-way of Olinda Trail.

Planner Clapp-Smith provided an evaluation of the request. Four existing agricultural structures on the property do not meet right-of-way setbacks and are legally nonconforming. The proposed location of the secondary dwelling is further back than some of these and is compatible with the farmstead look of this agricultural property. The location of large trees and slopes of the property limit location options. Clapp-Smith reported that neither Washington County nor the Carnelian-Marine Watershed had concerns regarding the variance request. Regarding the requirements of the secondary dwelling, Clapp-Smith reported that it meets the ordinance requirements to be administratively approved with conditions that well and septic service are in accordance with state, county and city requirements.

Planner Clapp-Smith recommended approval of the variance request with findings and four conditions written into a resolution. The practical difficulties of the property were not created by the property owner, and the proposed location would not alter the character of the area. Conditions stated that all other permits must be obtained for adding an accessory dwelling unit.

Chair Squyres opened the public hearing at 7:11 p.m.

Barb Lawson, property owner of 18640 Norrell Avenue had questions about accessory dwelling units. Squyres explained that only one secondary unit is allowed per property, and the applicant is requesting the variance to construct it closer to the road than allowed; the location will avoid removal of historic trees.

There were no other comments, and Chair Squyres closed the hearing at 7:19 p.m.

Commissioner Amundson said the location fits in well with the grouping of existing buildings; three existing structures are closer to the road than this one will be.

Commissioner Rynders stated that at the site visit it appeared that there is a location behind the lilacs that meets the 200' setback, making a variance unnecessary. Mr. Smith explained that this location would require removal of a treasured box elder tree that he is protecting. Chair Squyres reasoned that approval of the variance will not affect views from the roadway or adjacent properties, accommodates the future septic connection, offers tree preservation, and fits into a traditional farm grouping of structures; the effect of the variance is minor on the public. Squyres said he supports saving the tree with minimal impact, and encourages accessory dwelling units on properties. Commissioner Amundson voiced his agreement.

Squyres, seconded by Amundson, moved to adopt PC Resolution 08-06-19-01, Approving a Variance for 18640 Olinda Trail North as presented. The motion carried 3-0.

The recommendation of approval will be presented to the City Council at their August 20th meeting.

PUBLIC HEARING: VARIANCE FROM THE 75-FOOT WETLAND SETBACK FOR A SEPTIC SYSTEM AT 11565 239TH STREET. GARY GESKE, APPLICANT (PC RESOLUTION NO. 08-06-19-02)

Gary Geske, on behalf of the property owners, has applied for a variance from the 75-foot wetland setback to install a replacement septic system serving an existing residence at 11565 239th Street. The proposed location measures approximately 65-feet from the estimated edge of the wetland.

Planner Clapp-Smith provided an evaluation of the request. The lot is 3.58 acres in size. The slopes, poor soils and large trees limit other locations on the property to locate a septic system that meets the required wetland setback. Washington County staff measured the approximate edge of the wetland. The proposed location is the only area on the parcel where the system can be placed near the home on soils that are suitable for an operating septic system and to meet the setback from the existing well. The City Engineer deferred review to the Comfort Lake Forest Lake Watershed for controls on grading and drainage adjacent to a wetland, but the Watershed had not yet provided comments on the application.

Planner Clapp-Smith recommended approval with findings and five conditions written into a resolution. The practical difficulties of the property, and the necessity of a septic system to support the residential use of the property were found to be grounds for approval. Conditions

included the setback to be no less than 65' (Condition #2) and required Watershed, wetland and septic permits (Conditions #3-4) be obtained.

Chair Squyres opened the public hearing at 7:33 p.m. There were no comments and the hearing was closed.

The Commissioners discussed their site visit and estimated the edge of the wetland to be closer than 65' to the marked septic area of the edge of the future berm. Since there is no other reasonable location on the property for the septic system, Planner Clapp-Smith recommended to remove Condition #2 and reword condition #1 that development of the property for the septic system replacement is consistent with the plans submitted on July 16, 2019.

Mr. Geske answered a question that the existing septic tanks will be collapsed and filled with sand upon abandoning the old septic site.

Amundson, seconded by Squyres, moved to adopt PC Resolution 08-06-19-02, Approving a Variance for 11565 239th Street North as amended. The motion carried 3-0.

The recommendation of approval will be presented to the City Council at their August 20th meeting.

PUBLIC HEARING: AMENDMENTS TO THE DEVELOPMENT CODE REGARDING ACCESSORY STRUCTURES

Over the past several months, the Planning Commission has studied the accessory structure ordinance to re-evaluate the standards in relation to the number and size of structures allowed, particularly for smaller structures such as animal shelters, garden and tool sheds, and children's playhouses. Planner Clapp-Smith presented a draft ordinance for the formal public hearing and noted the significant changes:

- Structures 150 square feet or smaller are exempt from a building permit, increased from the current 120 square feet.
- Increased the square footage of accessory structures on parcels up to 20 acres; increased the number and square footage on parcels greater than 20 acres.
- Removed the lot size requirement for the historic accessory structure exemption.

Chair Squyres opened the public hearing at 7:44 p.m.

Cindy Johnson, 18599 Langly Avenue said she is in support of larger structures. Asked for clarification that 150 ft² structures do not need building permits, but do count as an allowed accessory structure. Those sheds less than 120 ft² are not counted towards allowed structures.

Hannah Weber, 21087 Olinda Trail recommended that a limit be placed on the number of structures less than 120 ft² for one property, as the ordinance presented appears to allow an unlimited amount. Weber said she has concerns that the small sheds could be habitable and used as a residential unit. Planner Clapp-Smith said that they are covered under the definition of an accessory dwelling unit and would need to meet the standards of the building code. It was

clarified that the ordinance applies to residential accessory structures and that the Architectural Guidelines for commercial structures would not apply.

Chad Feldman, 13383 205th Street said he is very much in favor of the increased allowances.

Hannah Weber asked if the ordinance applies to structures physically attached to a building. Planner Clapp-Smith clarified that the ordinance regulates detached accessory structures.

There were no other comments and Chair Squyres closed the hearing at 8:05 p.m.

The Commissioners discussed putting limits on the number of allowed small sheds less than 120 ft². The Commissioners agreed to a maximum of 6 sheds on properties less than an acre, up to 12 on parcels between one and five acres, and unlimited on parcels greater than five acres.

Squyres, seconded by Rynders, moved to recommend to the City Council the ordinance amendments pertaining to accessory structures with the addition of the recommended limits for number of small sheds less than 120 square feet. The motion carried 3-0.

The recommendation of approval will be presented to the City Council at their August 20th meeting.

FUTURE AGENDAS

Commissioner Amundson noted the closing of area businesses and his concerns regarding these losses. Planner Clapp-Smith explained that once the final Comprehensive Plan is adopted, the City will be looking at zoning and the development code in the future. There is potential for rezoning to more commercial, smaller lot sizes, and business friendly ordinance changes.

Planner Clapp-Smith announced that she will be absent for the September 3rd Planning Commission meeting. Unless an application needing a public hearing is received by next week's deadline, the Commissioners agreed to hold off their next meeting until October.

A public hearing on the Capital Improvement Plan will be held this fall.

ADJOURNMENT

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

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk