

April 3, 2018

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Greg Amundson, Jan Hogle, Tom Noyes and Chair Dan Squyres. Absent: Commissioner Travis Loeffler. Staff present: City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Due to inclement weather, Planner Sherri Buss participated over the telephone line. Council member Chris Ness was also in attendance.

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Megan Graber, 21830 Olinda Lane, addressed the Commission with a request to review the setback requirements for the keeping of poultry. Graber explained that they have sufficient property to keep the 7 chickens that she uses as therapy animals in the education field, but their lot is 200' wide and cannot meet the 100' agricultural structure setback from property lines required for a poultry run. The Commissioners agreed to discuss the ordinance at a future meeting.

APPROVAL OF MINUTES

Noyes, seconded by Hogle, moved to approve the March 6, 2018 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: ORDINANCE AMENDING CHAPTER 2 OF THE DEVELOPMENT CODE FOR USES IN THE VILLAGE MIXED USE A AND B DISTRICTS

Last month the Commissioners recommended the development code be updated to include Planned Unit Developments as a use permitted with a CUP in the Village Mixed Use A and B Districts. This would allow for flexibility by permitting multiple ownerships on a single parcel. Buss explained that the amendment would correct the development code oversight that allows PUDs in the VMU Districts in Section 7, but the use is not listed as allowed with a CUP in the sections of Chapter 2 regulating uses in these zoning districts.

Chair Squyres opened the public hearing at 7:10 p.m. There were no comments and the hearing was closed.

The Commissioners discussed the amendment and stated approval to adding PUDS as allowed with a CUP in the VMU Districts, as it brings the sections into synch. They noted that another option discussed last month to make changes to allow for smaller lot sizes would be better discussed as an action step to the Comprehensive Plan update.

Hogle, seconded by Noyes, moved to recommend approval of the Ordinance to Amend Chapter 2, Sections 2.8 and 2.9 of the Development Code Regarding Village Mixed Use A and B Districts. The motion carried 4-0.

The recommendation to approve the ordinance will be presented to the City Council at their April 17, 2018 meeting.

PUBLIC HEARING: VARIANCE FROM FRONT SETBACK FOR AN ACCESSORY STRUCTURE AT 22331 PEABODY TRAIL NORTH. SEAN AND ASHLEY MALONEY, APPLICANTS (PC RESOLUTION NO. 04-03-18-01)

Ashley and Sean Maloney requested a variance to construct a new detached garage closer to the road right-of-way than the principal building at 22331 Peabody Trail North. The property is 9.7 acres in size and located in the General Rural District.

Planner Buss summarized the request to build the garage 100 feet from the road ROW that places it closer to the road than the house because of the topography of the property and locations of the existing well and septic system. The proposed location would limit the amount of tree removal and grading and would permit the owners to use the existing driveway to access the garage.

Buss recommended approval of the request with findings and conditions written into a resolution. One of the conditions required the existing trees and screening along Peabody Trail to be maintained.

Chair Squyres opened the public hearing at 7:16 p.m. There were no comments and the hearing was closed.

Commissioner Amundson said that this is the best spot for the garage and would be well screened from the road. Chair Squyres asked if a site to the east could accommodate a building site, but the mound septic system is there and the site would require significant tree removal for the garage and driveway and the addition of fill.

Noyes, seconded by Amundson, moved to approve Resolution No. 04-03-18-01, recommending approval of a Variance for 22331 Peabody Trail as presented. The motion carried 4-0.

The recommendation to approve the variance will be presented to the City Council at their April 17, 2018 meeting.

PUBLIC HEARING: VARIANCE FROM WETLAND SETBACK FOR A DRIVEWAY AT PID 07.032.20.31.0003 ALONG MANNING TRAIL. JON OLSON, APPLICANT (PC RESOLUTION NO. 04-03-18-02)

Jon Olson, on behalf of property owners Gerald and Judith Olson, requested an after-the-fact variance for a driveway that was constructed last fall within the required 75' setback from a wetland on property 22.7 acres in size along Manning Trail with property identification number 07.032.20.31.0003. The applicant was approved for a County access permit but did not obtain

the required grading and erosion control permit from the City for the driveway which was constructed 29' from a wetland to the north using material from a berm located adjacent to Manning Trail.

Planner Buss explained that the Olson's are seeking a variance to allow the driveway to remain in its current location with rationale that the driveway access was approved by Washington County to meet sight-distance requirements, the location preserves trees along Manning Trail, and the location is on higher ground than adjacent areas and minimizes the amount of fill that would be needed if the driveway were placed to meet the 75' setback.

Buss stated that the request does not meet the goals of the Comprehensive Plan to protect the wetland on the parcel, and there are locations where the driveway can be constructed and the fill relocated to meet the required wetland setback. There are no practical difficulties that require placement of the driveway within the wetland setback. These findings were written into a resolution denying the variance request, with conditions that the applicant obtain a grading permit with the City to relocate the driveway to a location that complies, and to remove the fill that was placed within the setback area and restore the area.

Chair Squyres opened the public hearing at 7:29 p.m.

Jon Olson, Olson's Excavating Service in Forest Lake, Applicant: Mr. Olson stated his concern of moving the driveway to the south that could potentially redirect water flow to the adjacent property. He explained that the original 2000 survey he used to locate the driveway did not have the wetland shown on it but acknowledged that it was outdated.

Gerald Olson, 11360 232nd Street, property owner: Mr. Olson said that it would be a major undertaking to move the point of entry at Manning Trail. Chair Squyres explained that the driveway entrance at Manning will not need to be moved, but to curve the driveway to the south away from the wetland.

There were no further comments from the public and the hearing was closed at 7:36 p.m.

Chair Squyres asked if the proposed changes to the Shoreland Ordinance for wetland setbacks based on quality would affect this request, as it appears this is a low-quality wetland. Planner Buss stated that she asked Jay Riggs for a wetland functions and values assessment but did not get a reply. The Comfort Lake Forest Lake Watershed District does not require a permit for the work since their rules do not consider a driveway a structure. Administrator Soltis added that this would have been avoidable had they applied for a grading permit before constructing the driveway.

Commissioner Noyes questioned if removing the fill within the setback could cause more harm than leaving it in place now that it has stabilized and asked who would determine appropriate restoration.

Commissioner Amundson explained that Mr. Olson staked the new driveway location for the site visit and noted that the low area holds seasonal water; he questioned if runoff would then be forced onto the adjacent property to the south and create another problem. Buss said that a grading plan needs to be reviewed by the City Engineer to determine if the water can be kept on the Olson property, perhaps with a swale to carry water in a new direction.

The Commissioners discussed the need for more information on the wetland quality, effects of removing the existing fill, and the Engineer's response about a new driveway location.

Noyes, seconded by Amundson, moved to table the request until additional information can be examined.

Commissioner Hogle asked if this is the proper action based on staff's rationale for recommending denial of the variance. Further discussion determined there are no practical difficulties and, consequently, the request does not meet the criteria to approve a variance. They will need to regrade the property so that the driveway is outside the setback, based on an evaluation of a grading permit.

Noyes and Amundson agreed to withdraw the motion.

Noyes, seconded by Hogle, moved to adopt PC Resolution No. 04-03-18-02, recommending denial of a Variance for PID 07.032.20.31.0003 on Manning Trail North. The motion carried 4-0.

The recommendation to deny the variance will be presented to the City Council at their April 17, 2018 meeting.

PUBLIC HEARING: ORDINANCE AMENDING CHAPTER 5 OF THE DEVELOPMENT CODE – SHORELAND MANAGEMENT REGULATIONS

The Planning Commission has been working on an update to the City's Shoreland Ordinance during the past year based on the DNR's model ordinance. Planner Buss summarized the changes and explained that the Commissioners are seeking comments on the options in the draft on whether the City should continue to use its existing standards for lot area and width or adopt the DNR's standards that would allow smaller lots and higher densities on parcels that develop in the future around lakes in Scandia. The draft ordinance would add the DNR standards for Planned Unit Developments in shoreland, which require dedication of a significant portion of shoreland area in exchange for higher densities in some parts of the PUD, defined as tiers.

Additional changes include an updated definition of bluff and building height, updated list of lakes, changes to the wetland setback with buffer requirements based on quality, and lowered minimums for requiring grading and land alteration permits in shoreland.

Chair Squyres opened the public hearing at 8:05 p.m.

Tony Vavoulis, 12100 196th Street, provided written comments to the Commission and expressed his concerns about PUDs based on the DNR guidelines. He said that density bonuses could have the potential for hundreds of units on 2 large undeveloped properties along Big Marine Lake. He supported low lakeside densities. He also noted that existing small lots may need to be dealt with separately, as criteria established for new lots may not work for these.

Mike Blehert, cabin owner at 12970 182nd Street and president of Big Marine Lake Association, said that it's a good document. He noted that protection of surface water is critical for wetlands that recharge groundwater and must be protected from contamination. The natural shoreline of Big Marine Lake should play into this standard as well, with development that should be environmentally sensitive and have adequate lake setbacks.

There were no further comments and the hearing was closed at 8:16 p.m.

Planner Buss asked the Commissioners to consider the Jurisdiction section language since the DMR model ordinance was written to regulate only shoreland areas around public water lakes that are 10 acres or larger and would regulate shoreland areas within 1,000 feet of the ordinary high water level of those lakes. Staff provided a map of water bodies to compare those covered by the model ordinance, those currently in the shoreland ordinance, and public waters which fall outside of the model ordinance and current ordinance.

Commissioner Hogle said the point of the ordinance is to protect water bodies and favored the addition of all public water noting that surveys show that Scandia residents value clean water. Chair Squyres agreed and said he would like Scandia to set the standard for high water quality and its protection – it's important to maximize water protection. Commissioner Amundson said that we have more of an understanding of aquifers today and the necessary protection of wetlands.

Commissioner Noyes asked how far reaching should the ordinance be – would there be ramifications of regulating the smaller wetlands. He suggested a separate ordinance specifically for wetland regulation.

Planner Buss noted the difference between public waters and isolated wetlands and commented that the area around the public waters could be identified as shoreland and the wetland setback requirements could be applied to all others. Noyes said it's easier to identify water bodies 10 acres and greater.

The Commissioners concluded to define Jurisdiction to include all public waters and to have all other wetlands regulated only by the setbacks listed in Section 6.4B. Squyres recommended that an action item for the Comp Plan be established to scientifically identify water bodies critical for recharging groundwater that should be further protected. Buss agreed that agencies are gathering this information to require wider buffers around wetlands and streams that are important for recharge. Soltis noted that this is a goal in the current Comp Plan update.

On lot size, the general consensus was against going smaller and to maintain the current standard, a 2.5 acre minimum, as opposed to the state model that allows for lots less than one acre.

Addressing PUD's, the Commissioners agreed this is a good idea to allow a low impact combination of maintaining open space and encouraging development farther from the lake by offering bonuses. Soltis noted that the area used for the density calculation does not include wetlands or undevelopable areas on the site. Squyres described this as leading with a carrot rather than a stick.

The Commissioners also noted their agreement with lowering the minimum thresholds for requiring a grading permit due to the potential impacts to neighboring properties, and to maintain the current setbacks for structures as described in Section 6.4.

Hogle, seconded by Amundson, moved to recommend approval of the Shoreland Ordinance as modified for changes to Section 2.1, Jurisdiction and to maintain the current lot area and width standards in Section 6.25. The motion carried 4-0.

The recommendation to approve the ordinance will be presented to the City Council at their April 17, 2018 meeting.

DISCUSSION ON IMPLEMENTATION SECTION OF THE 2040 COMPREHENSIVE PLAN

The Commissioners continued their review of the Implementation chapter of the updated Comprehensive Plan from last month's meeting. Action items were reviewed for the goals from each chapter, covering land use, natural resources, resilience, housing, economic competitiveness, parks and trails, transportation, and water resources.

Staff noted changes and additions to the text in preparation for the public hearing scheduled for the Comprehensive Plan at the next meeting being held on May 1, 2018.

ITEMS FOR FUTURE AGENDAS

A review of the livestock ordinance regarding setbacks will be on next month's agenda, along with the public hearing for the 2040 Comprehensive Plan.

ADJOURNMENT

Noyes, seconded by Hogle, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:52 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk