

April 4, 2017

The Scandia Planning Commission held their regular monthly meeting on the above date.

The following were in attendance: Commissioners Walt Anderson, Jan Hogle, Tom Noyes and Dan Squyres. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Council member Chris Ness was also in attendance. Commissioner Hogle announced she would be leaving the meeting at 8:00 p.m. Commissioner Travis Loeffler arrived at 7:07 p.m.

Chair Squyres called the meeting to order at 7:02 p.m.

APPROVAL OF AGENDA, MINUTES

Staff recommended moving Agenda Item 5.b) to the first discussion item to accommodate Commissioner Hogle's 8:00 p.m. departure. **Noyes, seconded by Anderson, moved to approve the agenda as amended. The motion carried unanimously by those present.**

Commissioner Anderson recommended page 6 of the March 7, 2017 minutes be amended to "a solid driveway be constructed ~~before~~ while the house is built". **Anderson, seconded by Hogle, moved to approve the March 7, 2017 meeting minutes as amended. The motion carried unanimously by those present.**

DISCUSSION OF HEIGHT LIMITATIONS FOR ACCESSORY DWELLINGS

Administrator Soltis explained a resident's inquiry about constructing a garage with an accessory dwelling unit on the second floor. Language in the accessory dwelling unit ordinance limits the height of the unit to not exceed the height of the primary structure or 20' with some exceptions for barns, silos or historic structures. Since the one-story house with a flat roof measures 18', they could not have a second floor on the accessory structure, nor does the case meet the standards for a variance. Soltis questioned if this is appropriate in all situations, since the residents could construct a storage building up to 35' in height; but if the accessory structure is intended to have a dwelling unit, the height limit is reduced to 20' or less.

Planner Buss provided the background on the purpose of this language so that accessory dwelling units would be subordinate to the primary dwelling and not be visually dominating. Buss noted that language also limits the maximum square feet of the accessory dwelling and questioned if this would be enough to be considered as the subordinate dwelling. Clarifications and revisions to the ordinance were suggested, and the Commissioners agreed to further discussion. Limiting the size of the accessory dwelling unit by a certain percentage of the footprint of the primary dwelling and not allowing placement in the front yard were considered.

Allowing the height of an accessory dwelling unit to be the standard height of that for any accessory structure was suggested. Commissioner Noyes stated that could be a good starting point, but there are many possibilities to consider. Planner Buss asked the Commissioners to think of various lot sizes and situations, such as lakeshore, and how this would fit and if they see conflicts. Staff will prepare amended language for discussion of the ordinance at a future meeting.

Commissioner Hogle said that there should be a clear definition of garage and barn when defining accessory structures. She thinks of garages for vehicle storage and barns for ag uses.

REVIEW OF MN DNR 2016 MODEL SHORELAND ORDINANCE AND DISCUSSION ON UPDATE OF SCANDIA'S SHORELAND MANAGEMENT ORDINANCE NO. 107

Planner Buss explained that the DNR released a new model shoreland ordinance to help cities update existing ordinances or create new ones. The rules have not changed substantially, but the DNR has prepared the ordinance with better design, clearer language and consistency. Buss said it is optional for cities to update their ordinances. Scandia's current ordinance was adopted in 2007 based on the DNR's first model ordinance and the Washington County shoreland regulations. Cities may have the same or tougher regulations, but if deviating to looser standards, they must request flexibility from the DNR to do that. Buss noted that the DNR allows smaller lots and setbacks as compared to the City's standards.

Commissioners began a review of the model ordinance with points of discussion where Buss noted substantive differences to Scandia's ordinance. The DNR relies on graphics and tables to illustrate and clarify some requirements. Commissioner Hogle was very much in favor of incorporating these as a supplement to the text, and agreed to by the Commissioners.

- Revised definition for bluff determined that the graphic is good to include, although a possible error was noted in the diagram. Buss will consult with the DNR on this, and question their change to a less strict bluff definition and setback standard. Buss noted again that Scandia can maintain more strict regulations as appropriate.
- Building height definition concluded that the DNR's language is easier to read and interpret.
- Section 3.2 Permits, that states anything in the shoreland needing a permit or variance to also require a certificate of compliance, was considered to be unnecessary and redundant. Buss said that Scandia did away with certificates of compliance and that the variance process for uses on the property takes care of identical conditions.
- Mitigation is a new concept in the DNR ordinance. Buss explained that language states the City "may" require mitigation for variances or other permits, such as establishing a buffer area along a lake or tree planting. It was concluded that this section is not necessary since the Watersheds have mitigation oversight as conditions of approval, and follow-up would be time-consuming for staff.
- Nonconformities section would reference state statute and the City's development code, doing away with Section 17 of the Shoreland Ordinance. In the development code, the lot needs to be 66% of the dimensional standard to be developed without a variance, versus 60% in Section 17. Commissioners agreed that this is a minor difference and agreed to the change.
- Notifications to the DNR – some items are new and it was agreed to add the complete section to the City's ordinance.
- Shoreland Overlay classification system using tables to convey information was agreed to. Buss asked the Commissioners to think about the allowed land uses for future discussion.
- Special Land Use Provisions allow 32 square foot signs as compared to the City's 16 square foot signs. Buss said this can go along with the other land use discussion. Buffer standards

can be discussed with the Watershed, but may be possibly overturned by the current legislature.

- Dimensional standards for areas without community sewer are significantly different from the City's regulations. The DNR allows lots of less than an acre versus Scandia's minimum lot size of 2.5 acres. Buss questioned if the City should stay with the current rules based on the underlying zoning district or move towards the DNR's standards. With a minimum width of 150 feet, deep lots are created. Commissioners examined the City's zoning map, and determined that there are some large properties around Big Marine, Goose, and German Lake that could potentially be developed. Buss explained that the County regulation for larger lots was based on consideration of less impact of impervious surface from roads and driveways and to protect lakes from dense development on septic systems. Buss said that economic trade-off compared to water quality is something to think about. Administrator Soltis noted the Met Council's 4 per 40 density standard which Scandia falls under.
- Guest cottages are allowed in the model ordinance, but not allowed in the current shoreland regulations. Since this is similar to the development code's accessory dwelling unit, Buss asked the Commissioners to consider adding this here with certain conditions.
- Placement, height and design of structures have lower standards than the City's. Chair Squyres said he would like to hear how the additional setback affects water quality; Buss advised that the Watershed can respond on how an extra 50' can impact stormwater management and shoreline habitat. Setbacks for primary structures using setback averaging in the DNR's ordinance could probably eliminate some variances, but Squyres said there is a need to protect lakes and the City should continue to require variances – Council member Ness agreed with this. It was also noted that Section 6.42 of the model ordinance has a 25' height limit for all structures.
- Vegetation and land alterations have new standards, although similar to Scandia's. Buss recommended standards #8.23 a-d be adopted.
- Grading and filling are identical to the development code that covers these activities, and this section in shoreland regulations could be updated to reference the development code.
- Planned Unit Developments—Buss explained that the City currently allows Open Space Conservation Subdivisions in Shoreland and not PUDs. Since PUDs can allow for more creative development Buss suggested that the Commissioners may want to think about updating this to be more similar to the model ordinance.

Administrator Soltis suggested that a revised shoreland regulations ordinance start with the DNR model ordinance and mock it up to reflect Scandia's rules. Planner Buss agreed that this is a good starting point and will work on that approach for more discussion at a future meeting.

ITEMS FOR FUTURE AGENDAS

Administrator Soltis provided an example of a potential minor subdivision that was just short of meeting the road frontage requirement and could not proceed. He advised that the Administrative Exceptions standard could be revised to account for small deviations from lot dimensions. Planner Buss agreed that some communities allow this to account for surveyor errors, and would look into an amendment to language in the Administrative Exceptions ordinance.

ADJOURNMENT

Noyes, seconded by Loeffler, moved to adjourn the meeting. The motion carried unanimously by those present.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk