

April 7, 2015

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Walt Anderson, Jan Hogle, Travis Loeffler and Dan Squyres. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Chair Maefsky called the meeting to order at 7:04 p.m.

**APPROVAL OF AGENDA, MINUTES**

**Loeffler, seconded by Hogle, moved to approve the agenda as presented. The motion carried 5-0.**

**Hogle, seconded by Squyres, moved to approve the March 3, 2015 minutes as presented. The motion carried 5-0.**

**PUBLIC HEARING: DRAFT ORDINANCE NO. 161, ACCESSORY DWELLING UNITS**

Planner Buss provided a review of potential amendments to the development code that would allow property owners more flexibility to add accessory dwelling units to their properties. Buss explained that the Scandia EDA had concerns about the cost of housing in the community for local business workers and the need to provide more housing options for seniors. The Planning Commission had developed some options over the past few months that would permit the units in more places by issuance of an administrative permit and outlined basic performance standards for accessory units. The Met Council made it known that accessory dwelling units would not be counted when determining density.

Buss explained the two options that were prepared for the public hearing. Option 2 contained additional design requirements that could be applied to structures that are internal to the primary residence or that are detached accessory dwelling units.

Chair Maefsky opened the public hearing at 7:12 p.m.

*Dan Willius, 23577 Quentin Avenue:* Mr. Willius spoke in support of the ordinance. He stated that he is thinking of end of life care and this could provide an opportunity to allow caretakers to live in a stand-alone unit on his property while he and his wife remain in their home. He questioned if a variance could be allowed to build a structure closer to the road than the primary structure, since his lot configuration would not allow placement to the rear of the property. He also asked if this is a long-term planning idea, or could the new ordinance be implemented sooner.

Chair Maefsky answered that an accessory dwelling unit ordinance could be put into place sooner rather than waiting for the next version of the Comprehensive Plan.

*Peter Weber, 20045 Orwell Avenue:* Mr. Weber stated his appreciation that this is being considered. He sees it as a way to keep families together by living in separate dwellings on one property.

*Kevin Nickelson, 11262 Scandia Trail:* Mr. Nickelson asked if this ordinance was considered along with the farm laborer accessory dwelling ordinance, and if the income requirement could be removed from the latter. He also asked if a manufactured home could be brought in as the accessory dwelling rather than converting an existing shed. Commissioner Anderson replied that it may be difficult to have the roof pitch resemble the primary structure. Chair Maefsky said that the farm laborer ordinance will be looked into.

*Sally Swanson, 14937 197<sup>th</sup> Street and EDA President:* Ms. Swanson stated that affordable housing has been high on the EDA agenda and thanked the Commission for the work they've done on proposed changes to the zoning code. She said that she was very pleased to hear the positive comments.

*Bruce Swenson, 22161 Oldfield Avenue and EDA member:* Mr. Swenson commended the Commissioners on their work and stated that it's important to have options for elderly care assistance. He also noted that this allows for a transition system for young people to rent then own a residence in Scandia. It will help and be supportive to the retail and service businesses.

*Ivan Loesch, 14680 Oakhill Lane:* Mr. Loesch complimented the Commission for taking on this amendment and stated that finding affordable housing for service workers is a nationwide problem.

*Kevin Nickelson* asked if a residence has an existing mother-in-law apartment, can an accessory dwelling unit be added? Chair Maefsky replied no, the proposed ordinance allows for only one accessory dwelling unit to be on a parcel.

City Administrator Handt read submitted comments from Pam Arnold, 16560 220<sup>th</sup> Street. Ms. Arnold questioned the need to define placement of the accessory units as these restrictions may have detrimental effects to future land division or design of a property. Ms. Arnold suggested that notification be sent to adjoining neighbors rather than those properties within a radius of 100 feet as stated in 4.2(7)d. She recommended the application process be clear and easy to follow.

There were no further comments and Chair Maefsky closed the hearing at 7:32 p.m.

Commissioner Hogle asked what the purpose of prohibiting placement of accessory dwelling units in front of a primary dwelling would serve. Chair Maefsky explained that this could assure that the dwelling is subordinate to the main structure. Planner Buss recommended the exception that is in the accessory structure ordinance: if the lot is 5 acres or greater, the structure may be closer to the road ROW if it is at least 200 feet from the ROW.

Commissioner Squyres stated that the language to locate the dwelling unit in the rear or side yard came from the accessory structure ordinance to maintain aesthetics. Hogle commented that viewing barns and structures as imposing is subjective and arbitrary – she likes the look of rural buildings and they don't necessarily need to be hidden from view. Commissioner Anderson said that screening could be required; Buss agreed that this could be a condition of approval.

Regarding the request for a variance to locate a dwelling structure closer to the road ROW, Buss stated that if wetlands or lot configuration difficulties exist, there could be rationale to approve a variance.

The Commissioners discussed limiting internal dwellings to 800 square feet in Option 2, 4.2(8)c. Hogle noted that may be too small when needing assistive devices for aging in place. Commissioners were in consensus to change the area of internal dwellings to 1,000 square feet for consistency with detached dwelling units.

Chair Maefsky asked if the attorney could review the language in 4.2(2) addressing common ownership to make sure it is appropriate for its intent – that one person owns both the primary and secondary dwelling.

The Commissioners discussed the expiration parameters once an Occupancy Permit has been issued. The draft ordinance has it expire upon transfer of the property to a new owner. The new owner would need to apply for a new Occupancy Permit to continue to rent the unit. Administrator Handt explained that it's a way to keep track of the units and there could be conditions placed on the occupancy that the new owners may not be aware of. Also, if there are problems with the ordinance and the City revokes it, the non-conforming dwelling units could be phased out upon the sale of properties. Planner Buss compared it to an interim use permit – once a new owner comes in for a permit, they will learn the parameters of renting an accessory unit. Commissioner Squyres stated that he didn't see the point in having it expire – once an accessory dwelling unit is established, it should continue with new ownership under the original permit.

Further discussion led to a recommendation to have the City Attorney look at the language between recording the required covenant for a dwelling unit which runs with the land and the expiration of an Occupancy Permit when property changes ownership. It was noted that there appeared to be a conflict in the procedures.

Chair Maefsky noted that it would be helpful to list the performance standards for a home occupation in 4.2(10) to make it clear that home occupations are permitted in accessory dwelling units provided they conform to the standards. Administrator Handt stated that this paragraph could make reference to that part of the zoning code.

The Commissioners recommended the ordinance continue to be discussed at the May 5<sup>th</sup> meeting with the agreed upon changes and research to draft Ordinance No. 161, Option 2:

- add an exception to placement in the side or rear yard on properties that are 5 acres or greater for the dwelling unit to be at least 200 feet from the road right-of-way
- increase the size of an internal dwelling unit to 1,000 square feet
- change notification to “adjacent property owners” instead of a 100 foot radius
- add reference to home occupation standards in section 4.2(10)
- consult with attorney on the legality and implications of the covenant and expiration language
- compare the ordinance to the “farm laborer dwelling” language for consistency

**PUBLIC HEARING: VARIANCE FROM ROAD FRONTAGE TO ALLOW A LOT LINE ADJUSTMENT AT 22740 ST. CROIX TRAIL. DANIEL FROILAND, APPLICANT (RESOLUTION NO. 04-07-15-01)**

Planner Buss described the application from Daniel Froiland who is proposing to adjust a lot line between two parcels that he owns and create an access route and new driveway to the northern lot, a landlocked parcel with no road frontage. The code requires that parcels resulting from lot line adjustments be consistent with all code requirements, and the new lot does not meet the requirement for 300 feet of road frontage. A variance is needed from road frontage.

Buss explained that in order to provide access to the north parcel, a driveway will be created across the future 230<sup>th</sup> Street. A drawing of the engineer's recommendation for the connection of the Perkins Avenue and 230<sup>th</sup> Street roadway was viewed. Easement areas for sufficient right-of-way would be obtained by the City. Buss explained the conditions to be met for construction of the driveway for emergency vehicle access and the required turnaround at Perkins Avenue to accommodate snow plowing.

Buss summarized the findings and conditions in the prepared resolution that recommended approval of the request for a variance from road frontage.

Chair Maefsky noted a spelling correction to Condition #9.

Chair Maefsky opened the hearing for public comments at 8:20 p.m.

*Stephanie Calcagno, 23039 Perkins Avenue:* Ms. Calcagno stated she is the adjacent property owner and questioned if she would be notified about the roadway construction since her mailbox will need to be moved. Administrator Handt said that all parties will be working together, along with the post office, to appropriately relocate the mailbox.

*Milo Horak, Landmark Surveying:* Mr. Horak suggested that he work with the Public Works Department to determine the best configuration for the curve layout that would have fewer impacts than the recommended engineered design. Buss stated that would be appropriate as the condition for the roadway doesn't specifically adopt the submitted design but one that meets engineering standards.

*Ms. Calcagno* asked if the hammerhead will be constructed to allow for a school bus to turn around. Buss answered that Engineer Goodman will know the standards and will advise on its design to ensure that it work as a bus turnaround.

There were no further comments and Chair Maefsky closed the hearing at 8:26 p.m.

The Commissioners briefly discussed their approval as a reasonable request. Commissioner Loeffler asked if the city would maintain the roadway up to the driveways, including the turnaround. Handt answered that it would.

**Loeffler, seconded by Squyres, moved to approve Resolution No. 04-07-15-01, Approving a Variance for 22740 St. Croix Trail North as presented. The motion carried 5-0.**

**VARIANCE EXTENSION, 19107 LAYTON AVENUE. BRYAN AND KAREN CRANE, APPLICANTS**

Bryan and Karen Crane are requesting a two year extension on their variance to construct a single-family residence at 19107 Layton Avenue that was initially approved on March 19, 2013. A one year extension was administratively approved in March 2014, but the Cranes explained that legal troubles are delaying their plans to build on the property. Administrator Handt explained that another extension must be reviewed by the Planning Commission and approved by the City Council.

Mr. Crane was in attendance and reported that a court date with the builder is scheduled for April 20<sup>th</sup>, but could be further delayed. They are asking for additional time to recoup losses and work with another builder.

**Loeffler, seconded by Hogle, moved to recommend the City Council approve a two year extension to the Cranes' variance expiring March 19, 2017. The motion carried 5-0.**

**FCC RULES FOR WIRELESS TOWERS**

Planner Buss reported on new FCC regulations related to the collocation and replacement of antennas and equipment on existing cell towers. New regulations which go into effect on April 8, 2015 will prohibit local governments from denying the collocation of wireless equipment on existing towers as long as they are not a substantial change. Buss explained that the height could increase up to 20 feet for existing towers not in the public right-of-way and up to 10 feet for towers within the right-of-way before it is a substantial change.

Buss suggested the City may want to review the tower ordinance and consider changing the maximum tower height to account for the additional 20 feet in height that could result from the new FCC rules. The Commissioners agreed this should be discussed at next month's meeting.

**SOLAR FARMS DISCUSSION**

Planner Buss provided information on inquiries the City has received for the potential to create a solar farm on private property. This use is not currently listed in the Development Code and Buss prepared a memo with options for permitting solar farms. They could be considered an "Essential Service – Transmission Facility" use and require a CUP but there are no performance standards for this use. Another option would be to consider solar farms a unique use and adopt an ordinance that would define criteria and specific standards for their installation.

Buss provided examples of ordinances that Rosemount, and Morrison and Stearns counties have recently adopted, and offered a draft ordinance to begin a discussion of solar farms as a permitted land use. Buss reported that Washington County will also be looking at their ordinances for the regulation solar energy installations.

Commissioner Hogle stated that their farm has applied for a Made in MN grant to construct a solar array on their property and would find out soon if it will proceed. Commissioner Squyres asked if the City should put a moratorium in place until the City can adopt performance standards on solar farms.

Further discussion concluded that a moratorium could lead to loss of grant funding for Scandia property owners as other communities are allowing solar farms. Commissioners agreed to prioritize a potential solar farm ordinance that could be worked on in conjunction with any applications that may come in. The City could table an application up to 120 days to allow time to adopt an ordinance.

Buss will provide further information for discussion of solar farms at the next Planning Commission meeting.

**ADJOURNMENT**

**Anderson, seconded by Squyres, moved to adjourn the meeting. The motion carried 5-0.**

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk