

August 7, 2018

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Jan Hogle, Perry Rynders, Travis Loeffler and Chair Dan Squyres. Absent: Commissioner Greg Amundson. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Treasurer Colleen Firkus. Council member Chris Ness was present also.

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

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Rynders, moved to approve the July 3, 2018 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE FOR SEPTIC SYSTEM AT 23209 ST CROIX Trail, NATIONAL PARK SERVICE, APPLICANT. (PC RESOLUTION NO. 08-07-18-01)

The National Park Service (NPS) submitted a Sewage Treatment System Permit application to Washington County to replace an existing subsurface septic treatment system (SSTS). The County is willing to approve the design of the system, but noted that the proposed location does not meet the City's 40-foot setback from the bluff line. Planner Buss reported that the existing system includes one tank and a cistern on the edge of the bluff. The new system will include 2 tanks further from the bluff and then a forced line to a drain field. There is no location on the property that would allow installation of the proposed system on suitable soils where it would meet the bluff setback requirement. Planner Buss reviewed the criteria for approving a variance noting that these would be met. Buss recommended approval of a variance to permit the replacement of the existing subsurface septic treatment system with conditions. The City Engineer commented that the applicant needs to obtain a Grading/Land Alteration Permit for drainage issues and best management practices for erosion and sediment control. Comments submitted by MnDNR and the Carnelian Marine Watershed District supported the approval of the variance.

Squyres call for public comments. There were no public comments.

A site visit indicates the existing cistern is right on the edge of the bluff, and the new tank is approximately 5 feet from the bluff. Commission members asked for clarification on the amount of the setback. Since Buss did not have a survey, and estimated the variance as 20 feet. It was suggested the tank could be placed in the driveway circle to achieve the 20 feet setback. Since there is a real need to replace the system and the site is very limited due to the driveway, the Commission recommended the language be modified to maximize the distance from the bluff.

Loeffler, seconded by Rynders, moved to recommend approval of a PC Resolution 08-07-18-01 as amended to clarify the setback to a minimum of 5 feet from the bluff and to maximize the distance from the bluff as feasible for a variance at 23209 St. Croix Trail N. The motion carried 4 – 0.

PUBLIC HEARING: ORDINANCE AMENDING DEVELOPMENT CODE CHAPTER 3, SECTION 4.15 REGULATING LIVESTOCK AND SECTION 3.2 ACCESSORY STRUCTURES

Planner Buss presented a draft of an amended ordinance that would allow for domestic fowl on smaller lots as the current ordinance requires a 5-acre minimum lot size for fowl. Highlights of the ordinance include:

- No permits required for 5 domestic fowl or less.
- An Administrative Permit required for more than 5 domestic fowl in order to verify setbacks.
- The maximum number of fowls permitted would be 5 chickens per acre on smaller parcels figured as a ratio.
- Roosters, guinea and peacocks are prohibited.
- Structure setbacks for coops and pens would be 20-feet from residential buildings on adjacent parcels.
- Coop structures larger than 200 sq. ft. require a building permit.
- A permit may be removed if the animals become a nuisance, or the nuisance ordinance enforced to abate the nuisance where no permit is required.
- In the Shoreland District, only area above the OHWL will be considered for size.

Squyres call for public comments. There were no public comments.

Loeffler, seconded by Rynders, moved to recommend approval of amending Ordinance 122, Chapter 2, Section 4.15 regarding Livestock and Livestock Operations, and Section 3.2 regarding Accessory Structures. The motion carried 4 – 0.

PUBLIC HEARING: ORDINANCE AMENDING DEVELOPMENT CODE, CHAPTER 3, SECTION 3.6 REGULATING LAND ALTERATION AND GRADING

Planner Buss presented a draft of an amendment to the Grading and Land Alteration Ordinance for review as requested by the City Council. The issues that the Council identified include:

- The Code exempts projects that need a building permit from a requirement to submit a separate grading and land alteration permit. The Building Inspector reviews these permit applications, rather than the City Engineer.
- There have been other projects that did not require a permit that have affected stormwater run-off and sediment onto other parcels or onto city rights-of-way.
- The current standard says that allows for filling 50 cubic yards or disturbance of 1,000 square feet of area without a permit.
- The City recently adopted a lower threshold for requiring grading permits in the Shoreland Ordinance.

The proposed amendment includes these changes:

- Reduces the threshold for when a permit is needed from 50 to 10 cubic yards of land alteration and grading (adding or removing material or excavation within the site), or 600 square feet or more of land area (down from 1,000 sq. ft.) which is consistent with the updated Shoreland Ordinance.

- Adds a requirement that the City can require a permit for any land alteration or development activity, regardless of size if it is likely to cause an adverse impact to an environmentally sensitive area or to a public property or a City right-of-way.
- Removes the permit exemption for projects that need a building permit.
- Changes the threshold for driveway permits to the same threshold proposed for other grading and land alteration permits.

Soltis pointed out that the City's driveway permit is really an access permit to a public right-of-way and this change will allow review of long driveways under a grading permit.

Squyres call for public comments. There were no public comments.

Commissioner Loeffler questioned the necessity for and the scope of the changes along with the added cost particularly on larger lots where land alteration would not affect anyone or watershed. Squyres and Buss suggested it was best to have a standard applied to everyone and provide the opportunity for the Engineer to review the potential impacts. Soltis pointed out that the cost for the review would be placed on the applicant rather the city and would not be significant if there were no or minimal impacts.

Squyres, seconded by Rynders, moved to recommend approval as written to amend the Scandia Development Code Ordinance 122, Chapter 2, Section 3.6 regarding Land Alteration and Grading with the condition that staff gather data on the impact of this ordinance change on permits through December 2019. The motion carried 3 – 1 with Squyres, Rynders and Hogle voting yes and Loeffler voting no.

DISCUSSION ON REQUEST TO TRANSFER OUTLOT A OF BIG MARINE LAKE ESTATES TO WASHINGTON COUNTY FOR BIG MARINE PARK RESERVE

Soltis reported that Outlot A of Big Marine Lake Estates is a 2.42 acres parcel with roughly 1.4 acres above the OHW Level, and is bordered on three sides by the County owned land within the Big Marine Park Reserve. The Planning Commission's role is to review the disposition of the property for consistency with the Comprehensive Plan.

Loeffler, seconded by Hogle, moved to recommend the transfer of Outlot A of Big Marine Lake Estates to Washington County for Big Marine Park Reserve as the transfer of the property is consistent with the City's Comprehensive Plan. The motion carried 4 – 0.

DISCUSSION ON REQUEST FROM U.S. SOLAR TO RECONSIDER SOLAR ORDINANCE

Jane Qualey, a project development analyst of U.S. Solar, requested the Commission either consider the reinstatement of a solar ordinance with a text amendment application that addresses previous issue related to community solar, or a use permit application for a specific site. Buss pointed out since the ordinance has been repealed, a solar farm or garden is not an allowed use and a use permit could not be issued. The City would have to adopt a new ordinance with all the performance standards. Soltis pointed out the Planning Commission would need to decide if it would like to recommend to the Council they relook at solar gardens with different performance standards. Qualey reviewed the citations from the ordinance supporting the repeal and noted that

study in Chisago County that showed property values were not affected by the North Star solar garden which has no landscape screening. To address previous concerns U.S. Solar recommended that the ordinance limit the maximum height to 10 feet and the number of interconnect pole to one. The Commission biggest concern expressed about the ability to regulate the facilities that are owned by Xcel Energy and not subject to a CUP or development agreement. The Commission indicated they would be willing to consider a solar ordinance based on the study of no impact to property values, strong landscape screening language, equipment height restrictions and a requirement of oscillating panels, specify fencing, and if the number of poles could be limited. Qualey will bring back information on the ability to permanently limit the number of poles for further discussion at the next meeting.

ADJOURNMENT

Loffler, seconded by Rynders, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Colleen Firkus
Treasurer