

January 2, 2013

The Scandia Planning Commission held their regular monthly meeting on the above date. Chair Christine Maefsky called the meeting to order at 7:02 p.m. The following were in attendance: Commissioners Jan Hogle, Tom Krinke, Steve Philippi, Peter Schwarz and Commission Chair Christine Maefsky. Staff present: City Administrator Kristina Handt, City Planner Sherri Buss, Attorney Vince Stevens and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

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

Schwarz, seconded by Hogle, moved to approve the December 4, 2012, December 12, 2012 and December 27, 2012 minutes as presented. The motion carried 5-0.

PUBLIC HEARING: VARIANCE FROM LOT REQUIREMENTS, LOT COVERAGE, AND SETBACKS TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING AT 19107 LAYTON AVENUE. BRYAN AND KAREN CRANE, APPLICANTS

Bryan and Karen Crane are proposing to construct a single-family dwelling on a vacant lot located at 19107 Layton Avenue. The nonconforming lot is 0.29 acres in size and lies within the Shoreland District of Big Marine Lake. The proposed house has a footprint of 1,824 square feet and a proposed deck with 729 additional square feet. The applicants are requesting variances from lot size, Ordinary High Water Level (OHWL) setbacks from the lake, right-of-way setback to the road, side lot line setbacks for the proposed septic system and well, and lot coverage standards.

The City previously granted a variance for construction of a home on this property in 2008 to a different applicant, but the home was not constructed.

Chair Maefsky announced that discussion on the issue will be limited to 30 minutes due to the continuation of Tiller's Conditional Use Permit also on the evening's agenda.

City Planner Sherri Buss summarized the planner's report which recommended approval, with findings and conditions presented in a draft resolution. Ms. Buss asked the Commissioners to consider the issue of lot coverage. The maximum allowed lot coverage in the General Rural and Shoreland District is 25%. The applicants are proposing 29%. The applicants had changed from a pervious paver driveway on the original plans, to bituminous pavement, due to the cost and maintenance of the pavers. Ms. Buss recommended the Commissioners consider a reduction of impervious areas such as the deck or driveway, or require pervious pavement in the driveway/sidewalk area.

Chair Maefsky opened the public hearing at 7:15 p.m.

Karen Crane, 9425 Norwood Lane, Maple Grove, MN, Applicant: Ms. Crane introduced herself and her husband, Bryan, as the applicants.

Chris Ness, 18440 Norell Avenue, Marine on St. Croix: Mr. Ness asked that the lot coverage be reduced to meet the 25% standard, to protect the water quality of Big Marine Lake.

There were no other comments and Chair Maefsky closed the hearing at 7:18 p.m.

Commissioner Schwarz stated that the maximum 25% lot coverage standard should be adhered to. Schwarz also noted that the septic tank and well should not be within the 10-foot sideyard setback. Schwarz stated that the house is too big for the lot and recommended the applicants be given an extension of the review period in order to come back with a revised plan.

Commissioner Krinke asked if there are issues in connecting to the 201 system. Administrator Handt explained that there is capacity for this property to connect into the Bliss System. A holding tank is needed on the property.

Chair Maefsky noted that this application has the same issues as when it was reviewed in 2008, and she cannot recommend approval.

Commissioner Philippi stated that the small lots by the lake were platted many years ago when a smaller house would fit more comfortably on the lot, but modern houses are oversized for these lake lots.

Schwarz, seconded by Krinke, moved to table the application to the February 5, 2013 Planning Commission meeting, in order for the applicants to submit a revised plan which could meet the maximum lot coverage of 25%, and to relocate the septic tank or provide justification from the engineer that the 3-foot setback from the road is the only alternative. The motion carried 5-0.

CONDITIONAL USE PERMIT FOR ZAVORAL MINE AND RECLAMATION PROJECT. TILLER CORPORATION, APPLICANT

The Planning Commission continued their discussion on Tiller Corporation's Conditional Use Permit to mine and reclaim a dormant gravel mine located east of the intersection of Highways 97 and 95. A draft resolution for approval of the CUP was prepared, with an update to the conditions as discussed at the December 27, 2012 meeting.

City Planner Sherri Buss explained that the evening's speakers would be addressing surface water issues.

Kristen Pauly, Sunde Engineering representing Tiller Corporation, provided an overview of the proposed stormwater management practices for the site. Infiltration basins located throughout the floor of the active mine area will collect stormwater runoff and allow it to infiltrate and/or evaporate. Upon reclamation, there will be approximately five depressions that will be ½ to 2 feet in depth. A 2" rainfall would most likely not cause water to collect in the basins, as the granular soil type, permeable layers, and vegetation would promote infiltration over the entire site. Pauly stated that the EIS identified that 11.8" of rainfall within 48 hours would have to occur before there would be stormwater overflow.

Jed Chestnut, Washington Conservation District, discussed the surface water monitoring protocols as set forth in the EIS. Zavoral Creek will be monitored in two locations to compare upstream effects (Crystal Springs and another site off the property), and to isolate any potential effects due to mining or any unrelated activities within the watershed. The WCD, along with other agencies, will complete an annual field review of the wetland boundaries to determine if mining activities have any impact on the wetlands. These surface water monitoring conditions were covered in numbers 29-31 of the draft CUP.

Dave Hume, geologist with Leggette, Brashears & Graham, prepared a presentation to address Mr. Scott Alexander's concerns and recommendations on groundwater issues. The presentation is included with the minutes for the record. Mr. Alexander is an Environmental Health Specialist with the University of MN, and raised this issue during the public comment period of the CUP. Mr. Hume stated that the applicant will install three monitoring wells in the paleo channel to observe water levels and to determine flow direction and gradients. A map was displayed showing the location of the three wells. Data from an existing well west of the site, the Trails End well, will be included as a fourth well.

Mr. Hume explained that groundwater levels can be monitored daily with electronic equipment, and site visits conducted monthly, or weekly, to download the data and evaluate the depth of water and separation from the proposed mining elevation.

Mr. Alexander had recommended an improved distribution of storm water to reduce concentrated recharge areas and therefore the potential for "blowouts" of pollutants to the streams and river. Mr. Hume referred to Tiller's stormwater prevention plan which has no highly focused areas. Water level increases in concentrated areas will not occur.

The Commissioners discussed the monitoring protocols and what would occur if a 25-foot separation from the groundwater was not maintained. The DNR has a concern on the effect of water temperature to the trout streams. Planner Buss stated that condition #3 could be amended to require that mining cease and a technical panel be convened to address the issue. Ms. Pauly referenced the language in condition #3 which states that an average 25-foot separation across the entire site be maintained. Buss stated that she will consult with the DNR for specifics on reasonable time/temperature gradients, and what absolute figure would be necessary to stop the mining operation.

Commissioner Hogle addressed traffic concerns she has about trucks traveling on Lofton Avenue to the Scandia Mine site. Hogle asked for a requirement that trucks exit the mine using Manning Avenue, to utilize the 4-way stop. Mike Caron, Tiller Corporation, stated that this would add 2-1/2 additional miles to each trip. Hogle disagreed that the projected truck numbers will not vary significantly from the number of trucks traveling the Lofton route the past few years.

Commissioner Philippi stated that he did not trust that the EIS traffic analysis studied the effect of loaded gravel trucks crossing TH 95 from a complete stop. Planner Buss noted that she will request that MnDOT provide written comments on the safety of the intersection by the next meeting.

Commissioner Philippi stated his disagreement regarding viewshed analysis as contained in the EIS, in which no negative effect would occur once screening requirements are in place. He stated examples such as loss of tree cover on the site, and that poorly selected views were analyzed for the study. Philippi suggested that the Commissioners not proceed as bound by findings of fact contained in the EIS.

Commissioner Philippi initiated a discussion on property values and sales of parcels within the vicinity of the mine. He stated his disagreement with the EIS determination that values would not be negatively impacted during the mining project, and that there are many factors to home sales studies that were not considered in the EIS. Buss noted that the study projected a 2-5% decline in property values for homes in the vicinity, and being impacted by current economic conditions. Philippi provided a handout on home sales and listings for properties near the active Tiller mine and Zavoral site, which is included with the minutes for the record. Philippi stated that he would like to see the data re-examined by an expert.

Greg Korstad, attorney for Tiller Corporation, responded that the Final EIS is the record for review and contains responses for all comments, including property values. He stated that this approach to the study of property values was found to be adequate.

Commissioner Philippi asked if reclamation costs were received from Tiller. Buss stated that this was part of the CUP submittal and she will provide them to the Commissioners.

Discussion continued and Planner Buss recognized that the consensus of the Commissioners was to deny the CUP. She recommended that findings for denial, based on factual evidence which cannot be met with conditions, be prepared so that a recommendation may be voted on at the January 7, 2013 meeting. The Commissioners noted that permit criteria were not met, such as being consistent with the Comprehensive Plan. Commissioner Krinke stated that there appeared to be a lot of guesswork and conflicting information about the groundwater issues.

The Commissioners were advised to e-mail their submissions for the preparation of findings for denial to staff before next Monday's meeting.

ADJOURNMENT

Schwarz, seconded by Hogle, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk