

June 5, 2018

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

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

APPROVAL OF AGENDA, MINUTES

Commissioner Hogle added a discussion of the landscaping at the Scandia Trail solar installation to the agenda as Agenda Item 6.b).

Loffler, seconded by Noyes, moved to approve the agenda as amended. The motion carried 3-0.

Loffler, seconded by Noyes, moved to approve the May 1, 2018 meeting minutes as presented. The motion carried 3-0.

PUBLIC HEARING: VARIANCES FOR CONSTRUCTION OF A NEW HOME AT 13424 182ND STREET NORTH. JIM AND BARB RIEHLE, APPLICANTS. (PC RESOLUTION NO. 06-05-18-01)

Jim and Barb Reihle are proposing to build a new home on a vacant parcel at 13424 182nd Street, a 0.3-acre lot within the Shoreland Overlay District of Big Marine Lake. The entire parcel is located within a bluff area on slopes greater than 18'. Planner Buss described the variances needed from the required setbacks from the road right-of-way and the bluff line for the home and well. Washington County also requires variances for the size and location of the proposed septic system. Buss provided the following chart identifying the proposed setbacks:

Structure	OHWL Setback Required	Bluff Setback Required	ROW Setback Required	Side Setback	Setback Proposed
Building	100'				100'
Building		30'			0'
Building			40'		17'
Building				10'	10.3 and 12.3'
Septic System	75'				75'
Septic System		30'			0'
Septic System			40'		55'
Septic System				10'	10'
Well			40'		5'

Planner Buss explained that the applicants have located the house and driveway as close to the road as possible to meet the required 100' setback from the Ordinary High Water Level of the lake. Proposed impervious cover is calculated to be 16.3%, which meets the requirement of the ordinance not to exceed 25%.

Buss concluded her review with a recommendation to approve the request with findings and eleven conditions written into a resolution. Findings detailed that the request is the minimum action required to develop a residential use of the property, with practical difficulties that are unique to the property. The proposal meets the goals of the Comp Plan to protect the lake and preserve steep slopes with conditions that a detailed grading plan be approved by the City Engineer for stormwater management and protection of the slopes. The Engineer provided conditions specific to drainage and erosion control measures. A permit for the septic and well must also be obtained prior to issuing a building permit, with a Watershed District permit being necessary as well.

Vice Chair Hogle opened the public hearing at 7:16 p.m.

Joe Matt, 13440 182nd Street, explained that his septic tank is located 5' from their shared property line, which provides for a 15' separation between the septic systems, and asked if there could be any leeway to move their drainfield to provide a greater separation distance. Planner Buss advised that he contact County staff with that question as they will be reviewing the septic permit to locate the system in soils that will work.

Maria Hinz, 13000 182nd Street, said that the applicants' hardship is that they bought a property that is unbuildable. They are squeezing this house on a small lot which is unrealistic. She said the list of exceptions to the rules being made for this is outrageous.

Bob Ten Eyck, 13500 182nd Street, said his concern is with parking in driveways so close to the street. The street is narrow and adding more cars will continue to clutter the roadway. He asked if a condition on parking can be added. Administrator Soltis explained that storage is allowed between the house and roadway on lakeshore properties. Commissioner Loffler stated that exterior storage is a city ordinance and to contact the city or police with concerns.

Jim Dickens, 13350 182nd Street, said most property owners have had to jump through hoops with many restraints to seek a variance and were told they could not build septic systems near the lakeside, or structures near the road, and now the city is allowing this house to be built with many exceptions. He said the drainfield should be moved further away from the lake. He said there is a lot of frustration in the neighborhood and they are trying to understand why this is being allowed.

Sue Dickens, 13350 182nd Street, said she is not opposed to variances, but these are not little and she is concerned about the inconsistencies in granting variances because there are so many property owners on the street who would have placed their garages closer to the road if allowed. Planner Buss described the criteria in reviewing each application for a variance on a case by case basis. The state changed the language in the process for considering a variance request from "hardship" to "practical difficulty" ten years ago. In this instance the house and septic are as far from the lake as possible for protection of the lake which is the first priority to consider.

Kim Dupre, 17835 Norell Avenue, said that the well will be located awfully close to the road, and asked if there is concern about groundwater contamination such as salt and oil entering this well and then contaminating all the other wells because they all share the groundwater. Planner Buss

said the applicants need to obtain the well permit from the state health department, and if not approved, then they cannot build on the property. Buss said it is unknown if there is a confining layer that would protect the groundwater, or if the wells are in the same layer. Administrator Soltis explained that the well is 5' from the property line but at least 30' from the edge of the pavement.

There were no further comments, and Vice Chair Hogle closed the public hearing at 7:50 p.m.

Hogle said there is frustration among the neighbors and asked Planner Buss to explain definitions of non-conforming and non-buildable lots. Buss said that when the lot was created years ago it met the minimum requirements to be a buildable lot but does not meet current ordinance standards for development. This defines it as a legal non-conforming lot. State law says that property owners have a right to develop a single-family home on a legal non-conforming lot if they can meet the ordinance standards or obtain a variance by meeting the practical difficulties criteria in the variance process. Buss said it's up to the city to determine each request on a case by case basis because the variance criteria require that there be unique, physical conditions on the property that are the practical difficulties for meeting the ordinance requirements. The City has traditionally given priority to protection of water resources and meeting the side-yard setback to minimize impacts to neighboring properties and has placed a lower priority on the setback from the roadway right-of-way. To deny a variance, strong findings must be proven to hold in court.

Buss reviewed the staff report with an analysis of each of the practical difficulty criteria. In this application, the engineer provided conditions to protect the habitat and vegetation of the bluff which must be reviewed in a detailed grading plan for stormwater and erosion control.

Commissioner Noyes stated that the septic tanks are enclosed and the issue of separation distance from the Matt property should not be a concern. Noyes said that he is bothered that so many variances are being granted for these small lots. Commissioner Hogle remarked that once required setbacks are accounted for on this lot, there is no room for a house to be built and a variance is needed to develop a home on the property. Planner Buss explained that a lot is not "unbuildable" if it meets the criteria for granting a variance. The City has granted variances for other parcels that required a variance from setback requirements in order to build a home.

Noyes, seconded by Loffler, moved to approve PC Resolution No. 06-05-18-01, Approving a Variance for 13424 182nd Street as presented. The motion carried 3-0.

The recommendation to approve the variance will be presented to the City Council at their June 19, 2018 meeting.

PUBLIC HEARING: AMENDED CONDITIONAL USE PERMIT AT BIG MARINE LAKE STORE, 19261 MANNING TRAIL NORTH. PATIRCK REICHERTS, APPLICANT.

Patrick Reicherts, owner of the Big Marine Lake Store at 19261 Manning Trail North, requested an amendment to an existing Conditional Use Permit to expand the current operation of the

convenience/gasoline store, liquor store and office space. In May 2017, Reicherts was approved to add a 90-seat restaurant and hotel use with up to 5 hotel units. Before plans for this expansion proceed, Reicherts has requested an amended CUP to allow up to 16 hotel units with a proposed new patio area and 4' wall on the west side of the building where the existing driveway is located.

Planner Buss described the application and stated the use is allowed in this Rural Commercial District and is consistent with the goals of the Comp Plan as long as the architectural design guidelines are followed and the parking area and septic design are adequate for the size of the hotel and restaurant use. Buss said the key issue is the proposed expansion of the structure toward the County right-of-way on Manning Trail. Staff recommend that a more accurate survey showing the County's existing easement, the roadway location, and location of the proposed structures must be submitted and reviewed to determine if the patio and wall are encroaching into the easement. The historic building is non-conforming to the road and side-yard setbacks, and the County has stated that they would not approve increasing the non-conformity or locating structures within their easement. Buss recommended that the application be tabled to allow time for the applicant to submit a revised survey showing the relationship of the proposed structures to the County easement.

The City Engineer provided comments on the required parking lot design. The use requires 65 parking spaces which was shown on the site plan but the plan did not show the elevations of the parking lot and did not indicate curb and gutter. He cannot review the drainage from the lot without elevations. The Engineer also noted that some of the spaces may not be usable with the placement of the islands in the lot. The recommended conditions require the applicant to address the Engineer's request for more information on landscaping, screening, lighting and grading plans that meet ordinance requirements. A septic permit must be approved by the County for a high-strength wastewater treatment system and include a secondary area for long-term treatment. Buss stated that the application meets criteria for approval with conditions so that the use and proposed parking areas will not have impacts to adjacent properties. The County requested it be tabled to permit time for the applicant to submit the survey information.

Vice Chair Hogle opened the public hearing at 8:33 p.m.

Applicant Pat Reicherts, 11133 189th Street, addressed the letter from the County and said that moving the business sign out of the County right-of-way could have potential traffic impacts as drivers suddenly brake along Manning Trail to read it from such a distance. Reicherts described the pervious pavers he plans to use for the patio surrounded by a 4' wall with a sound reducing glass component above that. He said that he is working with the architect and surveyor to have updated plans ready by next week and is concerned that tabling the review will delay his plans to start construction and add to his costs. He said he is open to reducing the number of hotel units to conform to fitting the septic system and parking on the site, but would like to know if he can at least proceed with the proposal that he presented as a starting point.

There were no further comments and Vice Chair Hogle closed the hearing at 8:39 p.m.

Commissioner Loffler stated that one year has passed since the restaurant/hotel use was approved and they haven't seen any progress to construct the expansion during the 12 months. They must be deliberate about this review and take the time to do it right. Screening is a contentious issue with the adjacent property owner, and this plan shows no screening on the north side, a missing expectation. The variable of the road setback with the patio addition is critical, and the number of units in this space is a big change. Loffler said many things ripple down from this decision point and is in favor of tabling because there are too many hypotheticals in the plan.

Commissioner Hogle said that they did not have a final recommendation from the Engineer because the applicant did not submit the required information in the plans. Planner Buss added that elevations are required to determine if curbs are needed in the parking lot to manage stormwater runoff.

Hogle added that there are many reasons to table the review at this point – a full Commission is not present this evening, the need for additional information for the Engineer's review of the plans, and the County and City need an accurate survey to determine the location of the highway easement and proposed structures. They cannot put proper conditions on the permit without more information.

Loffler made a motion to table the review.

Reichert explained that there are costs to draw up plans, and he would like to know if 16 units could be allowed. Planner Buss replied that if the ordinance requirements for the septic, parking, grading, landscaping, screening and other criteria can be met, the city cannot deny the application, but they cannot tell at this point based on the submission. In answer to a question if the patio is considered landscaping that could be closer to the road, Buss stated that the wall is a structure, not landscaping, because it is permanently anchored into the ground. Structures must meet setback requirements.

Hogle seconded the above motion and discussion continued.

Commissioner Noyes said that Reicherts should be given direction. Commissioner Loffler said he is uncertain that a 3-story building would look acceptable. Commissioner Hogle said that it would not be out of character if the Comp Plan develops as intended to expand this area to more commercial uses. Planner Buss listed the items needed from Reicherts to continue the review: a survey showing the County easement area and an improved stormwater management plan to the City Engineer.

Hogle called for a vote on the Loffler/Hogle motion. The motion to table the review carried 3-0.

**DISCUSSION ON ORDINANCE AMENDMENTS TO LIVESTOCK OPERATIONS
AND ACCESSORY STRUCTURES**

Planner Buss prepared a report for consideration to allow chickens on small lots and to amend the minimum setbacks for keeping livestock. Commissioner Hogle noted that guinea fowl should be prohibited on small lots because of their disruptive noises. The Commissioners recommended that the ordinance be updated to state that Guinea Fowl would not be permitted. Due to the lateness of the meeting, the following motion was made:

Loffler, seconded by Noyes, moved to table the ordinance discussion to a future meeting. The motion carried 3-0.

SCANDIA TRAIL SOLAR FARM LANDSCAPING

Commissioner Hogle described the dead and dying spruce trees and landscaping that was installed late last year for the solar garden at 11480 Scandia Trail. Administrator Soltis explained that the City holds a landscaping escrow and that the trees must be healthy for at least 2 years. The solar site owner will need to replace the trees that have died.

ADJOURNMENT

Noyes, seconded by Loffler, moved to adjourn the meeting. The motion carried 3-0.

The meeting adjourned at 9:02 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk