

June 6, 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. Absent: Commissioner Travis Loeffler. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Mayor Christine Maefsky was also in attendance.

Chair Squyres called the meeting to order at 7:10 p.m.

APPROVAL OF AGENDA, MINUTES

Noyes, seconded by Anderson, moved to approve the agenda as presented. The motion carried 4-0.

Hogle, seconded by Noyes, moved to approve the May 2, 2017 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: WOODLAND VALLEYS MINOR SUBDIVISION AT 20211 MAXWILL AVENUE. REIRMANN, APPLICANT (PC RESOLUTION NO. 06-06-17-01)

Applicants Michelle Carlson and Rick Reirmann have proposed to subdivide an existing 55.62 acre parcel at 20211 Maxwill Avenue, owned by Janice Reirmann, to create Lot 1 of 9.66 acres and Outlot A of 0.05 acres. The two parcels are divided by Maxwill Avenue. The property is located in the General Rural District and within the Shoreland Overlay of Big Marine Lake.

Planner Buss presented her staff report and explained that Washington County will not record a single parcel divided by a roadway. The home and related structures will be on Lot 1, east of Maxwill Avenue, and a sliver of land will be created as Outlot A on the west side of the road as part of the subdivision. The outlot's use would be limited to recreational access to Big Marine Lake for the owners of Lot 1. Buss stated that the required wetland delineation is in process and will be added to the final plat as needed based on the delineation report. Comments from Pete Ganzel of Washington County stated that as the existing septic system is from 1977, a location for a replacement system should be identified on Lot 1 before final recording. The Carnelian-Marine Watershed will require buffers around all wetlands and shorelands on the property. City Engineer Goodman added conditions that a 66-foot road right-of-way be recorded to the southern boundary of the property, along with 10-foot drainage and utility easements as shown on the Engineer's sketch. Buss recommended that a park dedication fee of \$3,000 be collected in lieu of parkland.

Buss summarized that the minor subdivision meets the goals of the Comprehensive Plan and the requirements of the development code and recommended approval with 15 conditions written into a resolution.

Chair Squyres opened the public hearing at 7:18 p.m. There were no comments and the hearing was closed.

Commissioner Noyes asked if the property owners would have anything left on Outlot A after the road right-of-way is dedicated to the City. Administrator Soltis stated that a dock could be installed here for the owners of Lot 1. Planner Buss explained that condition #11 addresses the need for a development agreement with the City that would permit access and certain activities on Outlot A to the owners of the property.

Commissioner Anderson asked if the remaining 45 acres should have a septic area identified on the plat. Planner Buss stated this would not be necessary and is assumed buildable based on its size.

Anderson, seconded by Hogle, moved to approve PC Resolution No. 06-06-17-01, Approving a Minor Subdivision for Woodland Valleys on the parcel located at 20211 Maxwell Avenue. The motion carried 4-0.

The recommendation to approve the minor subdivision will be presented to the City Council at their meeting on June 20, 2017.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A COMMUNITY SOLAR GARDEN AT 23485 MANNING TRAIL NORTH. ANDY MELKA, APPLICANT (PC RESOLUTION NO. 06-06-17-02)

Andy Melka, MN Solar Connection, has applied for a Conditional Use Permit to develop a Community Solar Garden at 23485 Manning Trail North, owned by Jennifer Woolford. The 24.5-acre property is located in the Agriculture Core district. The solar garden site would be 1.0 megawatt in size and occupy 8.2 acres of the parcel, setback approximately 600' east of Manning Trail.

Planner Buss presented her staff report and explained the details of the project. The existing driveway from Manning Trail would be used for access to the site. City Engineer Goodman recommended a condition that the drive be constructed to a width of 20 feet and the first 30 feet from Manning Trail be paved to reduce tracking onto Manning Trail. Fire Chief Hinz recommended the turn-around be expanded to work for a 35' truck, and a 10'-12' grassed area just inside the fence be provided for a rescue vehicle to turn around on the site. The application stated that the maximum height of the panels will be 15 feet and the panels will track the sun during the daytime. Buss stated the proposed fence, a 6'-8' chain link or woven-wire security fence, is consistent with the ordinance. A landscaping plan was provided with the application, and Buss asked the Commissioners to discuss if the landscaping is adequate based on their site visit.

Planner Buss recommended approval of the CUP with 16 conditions prepared in a resolution, based on findings that the project meets the criteria with no negative impacts.

Chair Squyres opened the public hearing at 7:35 p.m.

Andy Melka, MN Solar Connection, Applicant, said he has been working in this industry for over 20 years. This solar agreement with Xcel Energy is very solid for the next 25 years that the lease agreement will run.

Jennifer Woolford, property owner at 23485 Manning Trail, said she hopes this solar installation is a benefit to Scandia.

Tim Brown, 23110 Manning Trail, said he had no objections and would have no view of the site from his property. He asked how the community solar gardens work to the benefit of area residents, and was directed to speak with Andy Melka about the solar program regarding customer subscriptions to the solar garden.

Lori Jarvinen, 4097 Wild Goose Lane, White Bear Township, said she owns the property directly to the south and read a letter that outlined the reasons she opposed the solar project. She does not want to live by an industrial solar complex that would ruin her view and lower her property's value. She asked the Commissioners to deny the permit and uphold rural community values and character of Scandia. She stated that if the project is approved, she requested that conditions be added to require solid screening on the south and west sides of the site and the project area extend only as far south as the point at which the land starts sloping downward.

Troy Duden, 879 Otterview Trail, White Bear Township, said he owns the property just south of Jarvinen. He installed a driveway last year and is planning to build soon. He said he is opposed to the solar project due to the visual obstruction and asked the Commissioners to consider the impacts to neighbor's views of the site, which are more open 8 months of the year when there is no leaf coverage.

Commissioner Squyres said the site appeared to be screened from the south, but the site on Woolford's property does slope downward towards the pond. Duden said that he can see Woolford's house from his property. An aerial map with elevations was viewed and determined that the panels will be at roughly the same elevation as the building site on Duden's property.

Tim Brown said that the neighborhood has changed since he moved there in the 1970's with deterioration in the quality of life, mostly due to the gravel trucks. He clarified that he is neither for nor against the solar project if done properly.

There were no further comments and Chair Squyres closed the hearing at 7:55 p.m.

Commissioner Noyes asked if there will be any berms installed for screening. Buss replied no, just shrubs. There is not enough space to meet the wetland setbacks and have a berm.

Commissioner Anderson said the applicant described the panels to be 9-1/2 feet in height at the site visit. Mr. Melka clarified that the application noted the panels would not exceed the height limit of 15 feet, and it would be safe to say that 12 feet will be the maximum height once installed in the field. Melka asked if they move the panels to the north, to get them off the slope along the south boundary, can they seek a variance from the north property line setback. Planner Buss said this could be a possibility based on the physical characteristics of the parcel and the limitations due to the wetlands.

Commissioner Noyes said that additional screening along the south boundary is needed, and they are not here to redesign the project. Commissioner Anderson agreed that tall conifers need to be added to the landscaping plan to provide continuous screening with no gaps. Chair Squyres said that requiring 95% screening on the south is necessary to balance the property owner rights with the neighbor's rights.

Commissioner Hogle said that the ordinance language for screening is ambiguous and should be clarified. Screening 95% of the view is not a precise measurement and needs rewording within the solar garden ordinance.

Planner Buss suggested a condition be added that requires 95% screening on the south and west boundaries of the solar garden site to be provided year around with the planting of coniferous trees. Mr. Melka said he would prefer this condition over a redesign of the site to move the panels to the north. If this cannot be achieved with landscaping and site work, then they could possibly seek a variance from the north lot line setback. Mr. Melka asked if they make a side agreement with Jarvinen and Duden to provide screening on their properties with trees or berms, can the 95% screening condition be waived. Buss explained that if he can negotiate adequate screening with the 2 landowners, then this will become part of the Development Agreement with the City. The condition does not specify that the screening needs to be within the site plan for the solar installation, but a numerical standard needs to be included in the condition.

Chair Squyres said he is opposed to a chain link fence, especially with barbed wire strung on top. Mr. Melka said they are proposing a 6' galvanized chain link fence with smooth strand wire; but if the site is screened at 95%, does it matter the type of fence? Commissioners agreed that the fence should meet the ordinance requirement to be wildlife friendly. Mr. Melka explained that there will be a single transformer on the site which will be screened from view.

Noyes, seconded by Hogle, moved to approve PC Resolution No. 06-06-17-02, Approving a Conditional Use Permit for a Community Solar Garden located at 23485 Manning Trail North, with an amendment to Condition #9 to also provide 95% screening on views from the south and west effective during all seasons, and to meet this screening within 2 growing seasons. The motion carried 4-0.

The recommendation to approve the community solar garden will be presented to the City Council at their meeting on June 20, 2017.

PUBLIC HEARING: ORDINANCE AMENDING DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS

At the May meeting, several options for amending the height of accessory dwelling units were discussed for a potential change to Section 4.2 of the zoning ordinance. Currently the height of an accessory dwelling unit cannot exceed the height of the primary residence, which is limiting for single-level homes.

Chair Squyres opened the public hearing at 8:30 p.m. There were no comments and the hearing was closed.

Planner Buss explained that the development code permits accessory building heights to a maximum of 35' or 45' depending on the district, and asked if the Commissioners see problems with permitting accessory dwelling units to be the same as the maximum allowed.

Commissioner Noyes had questions about why these accessory dwelling units are allowed at all, and sees potential for abuse by landowners. Planner Buss explained that affordable life-cycle housing is a need and supported by the community. The Met Council is not concerned that it will affect density.

Further discussion concluded that the size limitations by square footage for both internal and external units is adequate to maintain the accessory nature of the unit, and the height limitations may be removed and allowed to be the same height as other allowed accessory structures.

Anderson, seconded by Hogle, moved to recommend to the City Council that the Accessory Dwelling Unit standards be amended to remove the height limitations for internal and external units and be allowed to be the maximum structure height allowed in the zoning district. The motion carried 4-0.

The recommendation to amend the accessory dwelling unit ordinance will be presented to the City Council at their meeting on June 20, 2017.

VARIANCE AT 18569 LANGLEY AVENUE, CONTINUED FROM MAY 2, 2017. TIM AND SUE BIERMAIER, APPLICANTS (PC RESOLUTION NO. 06-06-17-03)

The application for a Variance from the Ordinary High Water Level for development of a new residence at 18569 Langley Avenue was continued from the May 2, 2017 meeting to allow the applicants to provide a more accurate survey.

Planner Buss explained that the revised survey showed the proposed residence to be 60-feet from the OHWL of Big Marine Lake, 22-feet from the road right-of-way, with the septic tank 0 feet from the western boundary of the parcel. The County approved of the septic tank being installed at the parcel boundary as this allows for the required 50-foot separation from the well location.

Planner Buss stated that the applicants plan to keep the existing shed that is located approximately 20-feet from the water. Commissioner Noyes said he has a problem with allowing the non-compliant structure to remain so close to the lake. He said the City is already making concessions for the house to be built and the shed clutters the lake view. Commissioner Hogle said that past decisions have allowed non-compliant structures to remain and a shed will allow for storage of items that would otherwise clutter the property. Commissioner Anderson agreed that a shed is needed for storage and recommended that it be painted to be harmonious with the residence.

A resolution for approval with 7 conditions was presented.

Anderson, seconded by Hogle, moved to approve PC Resolution No. 06-06-17-03, Approving Variances for 18569 Langley Avenue, as amended with a condition that the house and shed match in color. The motion carried 3-1, with Noyes opposed.

**REVIEW OF FOREST LAKE HOLDCO COMMUNITY SOLAR GARDEN
CONDITIONAL USE PERMIT CONDITIONS**

At last month's meeting, the Commissioners asked for follow-up information on the terms of the permit issued for the community solar garden located at Highway 97 and Manning Trail. Administrator Soltis explained that landscaping will be installed this June according to the final landscape plan included in the packet, administratively approved last year. This will screen Xcel Energy's transformers located along Highway 97 that the Commissioners were concerned about. Soltis explained that the equipment was moved from the location shown in the original plan due to Xcel Energy's connection requirements.

Chair Squyres questioned the installation of a chain link fence, which was different from what was presented with the application. The developers stated "In order for us to have the ability to finance and insure the solar facility, we would be required to provide a chain link fence around the entire perimeter of the property." Administrator Soltis reported that the permit condition for the fence only required that it meet the ordinance. However, the applicants failed to get an Administrative Permit for the height of the fence to be 8 feet, which is in process. Planner Buss said that the City cannot make them replace it as it meets the code requirement.

REVIEW SHORELAND ORDINANCE AMENDMENTS

Hogle, seconded by Anderson, moved to table discussion of the Shoreland Ordinance Review to a future meeting. The motion carried 4-0.

DISCUSSION ON SIGN ORDINANCE

Hogle, seconded by Anderson, moved to table discussion on the Sign Ordinance to a future meeting. The motion carried 4-0.

ADJOURNMENT

Anderson, seconded by Hogle, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk