

May 1, 2012

The Scandia Planning Commission held their regular monthly meeting on the above date. Commission Chair Maefsky called the meeting to order at 7:00 p.m. The following were in attendance: Commission Chair Christine Maefsky, Commissioners Jan Hogle, Tom Krinke, Steve Philippi and Peter Schwarz. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund.

### **APPROVAL OF AGENDA, MINUTES**

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

Commissioner Philippi suggested that the word “could” be changed to “may” on page 3, paragraph 8, of the April 3, 2012 minutes, as this was the intent of the speaker. **Hogle, seconded by Krinke, moved to approve the April 3, 2012 minutes as corrected. The motion carried 5-0.**

Commissioner Philippi added his commentary concerning the April 3 meeting, which was the public meeting on the Draft Environmental Impact Statement for the Zavoral Mining and Reclamation Project. Consultants from AECOM allowed a limit of five minutes for each speaker, which Commissioner Philippi felt had the speakers rushing through their presentations and possibly curtailing their input. Commissioner Hogle agreed that it gave the appearance of stifling the public input.

City Administrator Hurlburt explained that the consultants felt very strongly on the time limit, and allowed the time to be extended when necessary. Based on the consultants’ experience, they felt this would avoid repetition and speakers could get their points across more efficiently. Commissioner Schwarz stated that everyone was given the opportunity to speak and none were cut off. Commissioner Philippi said that it was a productive meeting, but the tone appeared harsh.

### **PUBLIC HEARING: DRAFT ORDINANCE NO. 130, AMENDING ORDINANCE NO. 122, THE CITY OF SCANDIA DEVELOPMENT CODE, CHAPTER 2, SECTION 3.2 (ACCESSORY STRUCTURES)**

At their March 13 Work Session, the City Council discussed revising the regulations for agricultural buildings. Roger Thomasen raised this issue during the Public Forum of the February 21 Council meeting. Mr. Thomasen stated that the current standards do not allow him to build the size building he needs for the storage of his farm equipment on his 40-acre parcel. Mr. Thomasen farms approximately 350 acres, and provided copies of ordinances from surrounding communities which do not have limits on ag buildings on 20 acres or greater.

The Council directed staff to draft an ordinance amendment that would allow unlimited size and number of accessory structures for agricultural purposes on lots of 30 acres or greater. City Administrator Hurlburt explained the table within the draft ordinance as related to total allowed buildings and total square feet, with columns separating ag and non-ag buildings. Hurlburt stated that the reasons for the limits are to prevent future uses that are not compatible to the residential

nature of the property, such as a commercial use. There could be a question of what may happen to the buildings over time once a farming operation no longer exists.

Hurlburt recommended the commission hold the public hearing and discuss the proposed ordinance.

Commissioner Maefsky opened the public hearing at 7:17 p.m.

*Roger Thomasen, 14757 Oren Road, Scandia:* Mr. Thomasen stated that he understood the reasons to limit size due to concerns of illegal uses that could occur in the future, but foresees renting out the buildings for agricultural storage once the farming operation ceases.

Commissioner Philippi asked Mr. Thomasen to explain the nature of his type of farm. Mr. Thomasen stated that he rents land from three or four different owners for a total of 350 acres, some of the land which is a mile away. Mr. Thomasen said that renting land at increasing distances is quite common, and he knows farmers that travel up to 50 miles between their farm and the rented property. Smaller parcels can no longer support one farm, and renting additional land is a necessity. Larger parcels are being divided and contiguous ag parcels are becoming rare.

Mr. Thomasen explained that he will be losing the storage buildings that he uses off-site from his property and that it is a hardship to have his equipment stored up to a mile away.

There were no additional public comments and Chair Maefsky closed the public hearing at 7:26 p.m.

Chair Maefsky asked for clarification about the table within the draft ordinance which lists the total square footage and number of accessory structures. Administrator Hurlburt explained that the new table added a column for non-ag accessory structures and should be clearer than the current table in the development code.

Commissioner Schwarz asked how an ag building is defined. Administrator Hurlburt read the definition from Chapter One and stated that it is related to the state law definition. The building must be on agricultural land, designed to hold farm implements, livestock, or ag produce or products.

Maefsky suggested the table be revised to have four columns to more clearly define between ag and non-ag buildings, and the size and number allowed. Commissioners were in agreement with this revision.

The Commissioners then discussed the acreage that would allow unlimited size and number of ag buildings, and questioned why parcels greater than 30 acres was determined, and not 20 acres as is common for surrounding communities. Commissioner Hogle stated that a 30-acre parcel seems arbitrary if not for a valid reason. Schwarz stated that the designation should be lowered to 20 acres.

Hurlburt recommended the Commissioners resolve the question of how many acres should you have to allow for unlimited non-ag buildings; should it be 20 or 30 acres. Hurlburt explained that under state tax law, a 10-acre parcel can qualify as an agricultural classification. Under the state building code, a building permit is not required for ag buildings on 20-acres or greater.

Commissioner Hogle stated that her concern is requiring 30 acres when 20 is common in other communities and sees no particular reason for it to be 30 acres.

Chair Maefsky said that limiting the ordinance to a 30-acre parcel is restrictive and it gives the appearance that Scandia is not friendly to agriculture. Maefsky stated that the intent of the Comprehensive Plan is to be friendlier to agriculture.

Commissioner Schwarz agreed that it seems counterproductive to allow more animals on smaller lots, and then not increasing the size of buildings allowed for more storage. Schwarz stated that it appears there is a fear of having larger accessory structures and what they may be used for. The Commissioners also discussed increasing the number of ag buildings allowed on smaller parcels.

Chair Maefsky recommended increasing the total square footage for ag buildings on parcels between 5 and 10 acres to 3,500 square feet, and 10 and 20 acres to 5,000 square feet. The Commissioners reviewed the requirements allowed for surrounding communities as a comparison. City Planner Buss suggested that a graduated table incorporating these changes be prepared for the next meeting. Commissioners agreed this would be helpful before action is taken on the ordinance revision, and decided to postpone further action to the June 5 meeting.

There was some discussion on proportionally basing the size of accessory structure on the acreage, but City Administrator Hurlburt advised that this could be confusing and may require a survey of the property to determine acreage most accurately. It's more common to have definite breaks between categories.

City Administrator Hurlburt summarized the changes that will be made to the draft ordinance for discussion at the June meeting. The table will be revised to more clearly define the size and number of allowed ag and non-ag buildings. Ag structures will be allowed on properties greater than 10 acres, and there will be no limit on size of ag structures on parcels greater than 20 acres. The square footage of ag buildings will be increased to 5,000 for parcels between 10 and 20 acres. The current limits for non-ag structures will remain as they are in the current ordinance. The number of ag buildings will be increased to 3 on 10 to 20-acres parcels and no limit for number of ag buildings on properties greater than 20 acres. Commissioners agreed that seeing the table would make their recommendation more clear.

Commissioner Philippi stated that recommending the proposed changes is consistent with the goals of the Comprehensive Plan by privileging agricultural use and by bringing Scandia's requirements in line with neighboring communities.

**PUBLIC HEARING: ORDINANCE NO. 131, AMENDING ORDINANCE NO. 122, THE CITY OF SCANDIA DEVELOPMENT CODE, CHAPTER 2, SECTION 6.7 (DENSITY STANDARDS IN OPEN SPACE CONSERVATION SUBDIVISIONS)**

City Administrator Hurlburt gave an overview of the proposed ordinance amendment to a density standard for Open Space Conservation Subdivisions. Over the last year, Commission Chair Maefsky chaired a committee to identify and map scenic views throughout the city, as an implementation task of the Comprehensive Plan to protect scenic views. The “Guidelines for the Protection of Scandia’s Priority Scenic Viewsheds” document was reviewed at the March Planning Commission meeting and it was determined that a public hearing be held to consider an amendment to the Development Code to allow up to a 25% density bonus in Open Space Conservation Subdivisions (OSCS) for preservation of priority scenic views. This is an increase from the current 10% density bonus allowed in OSCS. The document includes a map identifying the scenic viewshed corridors and 39 sites identified by GPS coordinates.

Chair Maefsky opened the public hearing at 8:25 p.m. There were no comments and the hearing was closed.

Commissioner Krinke noted a correction to a typographical error on page 5.

Commissioner Philippi asked about incentives for individual property owners who take steps to preserve scenic values. City Administrator Hurlburt explained the paragraph on page 6 which allows for incentives to property owners not in an OSCS. Flexibility of some standards such as setbacks and outbuilding design may be granted for the preservation of scenic views.

Chair Maefsky will forward the final two GPS coordinates to TKDA to be added to the map for the final adoption of the scenic viewsheds document at the May 15 Council meeting.

**Krinke, seconded by Philippi, moved to recommend to the Council to adopt the “Guidelines for Protection of Scandia’s Priority Scenic Viewsheds” and to adopt the ordinance amendment for density standards in Open Space Conservation Subdivisions (Scandia Development Code Chapter 2, Section 6.7). The motion carried 5-0.**

**UPDATE OF LOCAL WATER MANAGEMENT PLAN CHAPTER OF SCANDIA COMPREHENSIVE PLAN**

City Planner Buss presented the draft update of the Local Water Management Plan, which would replace the current chapter, Appendix E, of the Comprehensive Plan. Buss explained that cities are required to update their plans to be consistent with the watershed districts covering Scandia. Scandia is part of three Watershed Districts – Carnelian-Marine-St. Croix Watershed, Comfort Lake-Forest Lake Watershed, and Rice Creek Watershed. Since the Comprehensive Plan was adopted in 2009, all three of the watershed districts have adopted new watershed management plans. The statutory deadline for Scandia to adopt a new LWMP is September 2012.

City Planner Buss summarized the important changes made to the LWMP. The maps have been updated to reflect the latest land use and wetland quality surveys. Summaries and information about the new Watershed District Plans for each district have been updated. Minor updates were

made to water and natural resource information. The goals and policies section was reorganized to accurately reflect updates to Scandia's Development Code and to more clearly relate to the Assessment of Issues section. Buss suggested the Commissioners most closely review the implementation section as it relates to water resources within the city.

Chair Maefsky questioned the relevance of the sand and gravel deposit summary on page 19. Planner Buss explained that mining has potential ground and surface water impacts. The language in this section was not changed from the current LWMP.

Chair Maefsky stated that the goals were laid out clearly, but it would be helpful to reference back to them in the implementation section. Planner Buss agreed that this reference could be added.

Commissioner Philippi asked if any updates would affect the Zavoral EIS. Planner Buss stated that no changes were made in the natural resource section that would apply to the EIS.

The Planning Commission was in consensus that the plan is ready to go out for public comment.

**Maefsky, seconded by Hogle, moved to schedule a public hearing for the Local Water Management Plan at the June 5, 2012 Planning Commission meeting. The motion carried 5-0.**

Planner Buss asked the Commissioners for any final comments before the plan is released.

Commissioner Philippi noticed that the table on page 16 was not correct in totaling the size of watersheds within the city. Planner Buss will re-calculate the areas using GIS data. The data was taken from the existing plan.

Commissioner Philippi noted that the text states that there are 41 public bodies of water, but the table on page 8 lists fewer. Planner Buss will re-check the count.

Planner Buss and Administrator Hurlburt will prepare the notices which will keep the review process moving forward on schedule.

#### **ADJOURNMENT**

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

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Brenda Eklund  
*Deputy Clerk*