

May 2, 2017

The Scandia Planning Commission held their regular monthly meeting on the above date.

The following were in attendance: Commissioners Walt Anderson, Jan Hogle, Travis Loeffler, Tom Noyes and Dan Squyres. Staff present: City Administrator Neil Soltis, City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Mayor Christine Maefsky and Council member Chris Ness were also in attendance.

Chair Squyres called the meeting to order at 7:02 p.m.

APPROVAL OF AGENDA, MINUTES

Commissioner Loeffler added Agenda Item 6.c) Discussion of the Forest Lake Holdco solar project installation. **Loeffler, seconded by Noyes, moved to approve the agenda as amended. The motion carried 5-0.**

Commissioner Hogle noted a correction to the April 4, 2017 meeting minutes to reflect that she departed the meeting at 8:00 p.m. **Loeffler, seconded by Hogle, moved to approve the April 4, 2017 meeting minutes as amended. The motion carried 5-0.**

PUBLIC HEARING: VARIANCES TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING AT 18569 LANGLEY AVENUE. TIM AND SUE BIERMAIER, APPLICANTS

Tim and Sue Biermaier are proposing to build a new home at 18569 Langley Avenue, a 0.13 acre lot located within the Shoreland Overlay of Big Marine Lake. Planner Buss explained that the submitted survey shows the house 59.5' from the Ordinary High Water Level, 21' from the road right-of-way, and 7' from the south parcel boundary. Variances are needed from the 100' required setback from the OHWL, the required 40' setback from the road ROW, and from the required 10' sideyard setback. Lot coverage is calculated at 24%, just under the 25% allowed. The home will connect to the City's 201 septic system, and will use the existing well. The septic tanks will be approximately 10 feet from the parcel boundaries, which meets the County's ordinance. The tanks must be separated a minimum of 50' from the well.

Buss explained that the existing driveway and 320 square-foot garage will remain, with the home being built 5' from the garage. The garage is a nonconforming structure located on the north property line. The survey shows an existing shed near the lake which is partly located on the adjacent city-owned lot to the north. Buss noted that zoning allows one accessory structure on a parcel this size and recommended removal of the 220 square-foot shed as a condition.

Buss presented the recommendation to approve the variances with six conditions written into a resolution, including that the applicants obtain the required Watershed District permit for the project. Findings stated that it is a reasonable use on the parcel, it fits the character of the area as surrounding homes are approximately 60' from the lake, and it is the minimum variance needed to develop the property.

Chair Squyres opened the public hearing at 7:13 p.m.

Bob Ryan, Valley View Builders stated that Tim Biermaier was unable to attend the meeting. He relayed that Mr. Biermaier would like to keep the shed by the lake, and propose to build the home closer to the existing garage in order to meet the 10' setback from the south property line, as this would provide adequate room to move his dock and access the lake. A "slip joint" would connect the home and garage, and construction would meet the state building code for fire protection. Planner Buss stated that buildings within 5' can be considered attached, leaving the shed to be counted as the one accessory structure allowed. Buss said language should be added that the shed be moved from straddling the property line in order to meet the 10' side setback, and a variance would be needed for lake setback.

The Commissioners noted that the survey appeared to have discrepancies as discovered on the site visit, as the stakes did not show the shed to be over the side lot line, and that distances shown on the survey were not accurate.

Christine Maefsky, 12125 Mayberry Trail said that there also appeared to be discrepancies as measured from the road right-of-way.

Cindy Johnson, 18599 Langley Avenue said she is not opposed, but questioned the capacity of the 201 system for additional connections that may happen in the future as more small lots on the lake are developed. Planner Buss explained that non-conforming properties can be built on as long as adequate septic exists; but once capacity for the city's system is full and no room exists on the small lots for a private septic system and backup, then they cannot be built on. Chair Squyres stated that "the race is on".

Harold Johnson, 18599 Langley Avenue said it's fantastic to connect the house and existing garage since it's necessary to have at least 10' along the side lot line for clearance when moving a dock. He also said the shed along the City's property should have been moved years ago. Johnson said users hear that the Bliss septic system is failing, and who will pay for the improvements? Administrator Soltis countered that the Bliss is operating quite well other than one monitoring well showing elevated nitrate readings. He said records show this elevated level going back to the 1990's and may be attributed to the flow from nearby agriculture fields and not from the Bliss drainfields.

There were no further comments and Chair Squyres closed the hearing at 7:52 p.m.

Chair Squyres noted the separation distances of the well and septic tank area at the site did not correlate to the survey. The Commissioners said that the scale did not appear correct. Planner Buss agreed that an accurate survey is needed to determine what the actual variances for the new house will be. Commissioner Anderson said that topography of the site should be identified by contours on the survey, although staff noted that this detail isn't necessary for the Commissioner's review unless there are bluff setbacks, but rather for the Watershed and Building Official. Anderson said they should review the contours for water runoff.

Loeffler, seconded by Noyes, moved to table the variance application for Tim and Sue Biermaier until an accurate survey with contours is provided. The motion carried 5-0.

Planner Buss will contact the Biermaiers to extend the City's review of the application up to the statutory deadline of 120 days.

PUBLIC HEARING: AMEND THE CONDITIONAL USE PERMIT FOR THE BIG MARINE LAKE LIQUOR STORE AT 19261 MANNING TRAIL TO ALLOW FOR AN EXPANSION TO OPERATE AS A 90-SEAT BAR AND RESTAURANT. PATRICK AND PATRICIA REICHERTS, APPLICANT (PC RESOLUTION NO. 05-02-17-02)

Patrick and Patricia Reicherts have applied for an amendment to the Big Marine Lake Liquor Store's Conditional Use Permit to expand the uses on the site to include a bar and restaurant. The original CUP was issued in 2003 and amended in 2007 to operate a convenience store with gasoline pumps, an off-sale liquor store, and an upstairs office/apartment. Although the proposed uses are permitted in the Rural Commercial zoning district for this property, the permit specified that any change in use requires a new CUP.

Planner Buss explained that analysis of the concept found that it can meet the criteria for approval only based on getting a final accurate plan. At this point, Reicherts provided a sketch of the proposed expansion with few details on a site plan to address the parking lot requirements, erosion control and drainage, along with building plans for review of design guidelines and requirements. The County has strict conditions on wastewater treatment for expansion to a restaurant, and the applicants would have to comply with these requirements in order to obtain a septic permit. The County Engineers indicated that they would do a traffic analysis once plans are firmed up to research if a turn lane would be needed on the County road. The City Engineer requires that the final site plan must include a drainage plan, erosion control plan, and maintenance plan that meet the City and Watershed District's requirements.

Planner Buss explained that the Watershed District responded against approval due to the runoff from the expanded parking lot impacting a nearby wetland and watershed to Big Marine Lake. However, Chair Squyres reported that Jim Shaver attended the site visit and will retract his letter and require best management practices to control runoff through issuance of a Watershed permit.

Planner Buss said that Reicherts had contacted her that morning and is also considering overnight lodging as part of the expansion. Buss said that this may need more analysis beyond the 22 conditions written into a resolution, which merged the conditions of the earlier permits together.

Chair Squyres opened the public hearing at 7:51 p.m.

Betty Sterbenz, 10860 191st Street said that she is an adjacent neighbor to the south and is against the expansion. She said cars at the gas station are a loud disturbance already and there is not a big enough area for a parking lot. She did ask that if the permit is approved, a full fence should be required along their shared boundary line.

George Koras, 19301 Manning Trail said their property is just to the north and the store has been a good neighbor. He is supportive if the addition meets setbacks from the property lines, which Planner Buss confirmed are met.

Cindy Johnson, 18599 Langley Avenue said she supports it because dining opportunities in the area is a good idea.

Kevin Johnson, 18941 Layton Avenue expressed his support saying that it would be nice to have a nearby restaurant and more options for dining out. Chair Squyres asked if he would have concerns about increased traffic. Johnson said that traffic is already bad on County Road 15 as the area is getting developed, but more development is a good thing.

Harold Johnson, 18599 Langley Avenue said he supports it but traffic management must be done before the opening – don't wait for accidents to happen before requiring turn lanes and have the County do their work at the same time. Planner Buss explained that state statutes have standardized traffic control and this would be up to the County to analyze and require.

David Jessup, 18773 Layton Avenue said that he is not either for or against it at this point, but encouraged that the application be tabled to gather answers to many unanswered questions since basic information appears to be lacking.

There were no further comments and Chair Squyres closed the hearing at 8:02 p.m.

Commissioner Noyes questioned if a new liquor license isn't approved, then the whole application is a moot point. Staff explained that the City Council has the discretion to allow the business owner to change his current off-sale liquor license to a combination on/off-sale license for the operation of a bar/restaurant and liquor store.

The Commissioners discussed the application and questioned if more detail is needed. Commissioner Anderson stated a few times that this is a concept meeting at best with sketchy details that they cannot possibly make a decision on; there are too many pitfalls related to impacts of the expansion that should be addressed. Planner Buss explained the Commissioners need to determine if the use meets the criteria in the zoning code, with added conditions that must be fulfilled with the Engineer, Watershed and County before a building permit can be issued. Buss said the Commissioners must trust that staff gives an appropriate review of the required plans as stated in the conditions. Chair Squyres agreed that asking for detailed engineered plans for drainage and septic would not be something he would understand, but would be left to staff that does. Buss explained that Scandia's process does not include a concept review with the Planning Commission for this type of application; from the owner's perspective they would not make a huge investment in engineered plans if it's then decided that the use is not appropriate.

Chair Squyres asked how the review of the building plans are managed to see that they meet the design guidelines. Planner Buss explained that a condition could be added that the Planning Commission reviews the building plans to make comments or recommendations.

Commissioner Noyes asked Reicherts to address the fencing issue. Mr. Reicherts explained that a 400' fence had been constructed years ago, but due to an infringement on the Sterbenz's property, it was removed. The City decided he did not need to replace it and he would have

concerns about installing a new fence. He said that the property line to the south is screened with evergreens. The Commissioners discussed the necessity of a fence to screen headlights and provide a physical barrier to patrons wandering onto private property, and concluded that a solid fence condition be added and that the Engineer would determine placement to avoid interference with site lines along Manning Trail.

Noyes, seconded by Loeffler, moved to approve PC Resolution No. 05-02-17-02 with the addition of lodging to the use and with added conditions 1) Planning Commission review of the building plans; 2) requirement of a fence permit.

Commissioner Hogle asked if the business plans to have outdoor music, would this be regulated by the noise ordinance. Planner Buss confirmed that music could occur outdoors if it's within the decibel levels of the ordinance.

Chair Squyres asked to add a friendly amendment that no outdoor amplified music is allowed unless the owners are approved for a Special Event Permit from the City. Noyes, seconded by Loeffler, agreed to this addition to the motion.

A vote was taken on the above amended motion. The motion carried 4-1, with Anderson opposed.

The recommendation for approval will be presented to the City Council at their meeting on May 16, 2017.

DISCUSSION ON HEIGHT LIMITATIONS FOR ACCESSORY DWELLING UNITS

Last month, the Commissioners discussed a resident's proposed addition to an existing garage to accommodate an Accessory Dwelling Unit. The addition would not be allowed by the current ordinance because the addition would exceed the height of the primary one-level dwelling on the lot. Planner Buss provided several options to reconsider the height limits for detached accessory structures for a possible amendment to the ordinance.

Planner Buss stated that some communities have a maximum height of 20' for detached structures to keep the structures subordinate to the primary structure, particularly on small lots. This was the consideration used for the development of the current ordinance. Buss explained that communities with larger lots allow Accessory Dwelling Units to meet the same height standard as other accessory buildings, which is 35' in Scandia.

The Commissioners discussed the 3 options Buss provided in the staff report, and concluded that the height of ADU's be permitted as the maximum height for all structures. A public hearing for the ordinance amendment will be scheduled for the June 6, 2017 meeting.

REVIEW OF THE MODEL SHORELAND ORDINANCE UPDATE

The discussion on updates to the Shoreland Ordinance was tabled, for continuation at the June 6, 2017 meeting.

DISCUSSION ON COMMUNITY SOLAR GARDEN AT MANNING AND HIGHWAY 97

Commissioner Loeffler had concerns that the solar installation at Manning Trail and Highway 97 has deviated from the approved site plan. He noted the transformer equipment at the southwest corner of the property near the highway that had originally been located at the northern part, away from the highway. He asked about the logs and brush being stored here, questioned the screening that should be planted, and described the chain link fence with barbed wire was not what was presented during the proposal.

Administrator Soltis explained that the brush at the site was cleared from the edges of the property for the solar garden, and the property owner has plans for its removal. Plantings for the screening plan will occur soon now that the growing season has begun.

Staff will research if an administrative permit was issued for the fence, and report back on these issues at the next meeting.

TOPICS FOR FUTURE AGENDAS

Commissioner Anderson asked that the ordinance be changed so that the Planning Commission is allowed concept level review of projects that come in. There was consensus to proceed with this discussion at a future meeting.

Chair Squyres asked that the sign ordinance be revisited for possible amendments. Planner Buss recommended the Shoreland Ordinance update be completed before opening up the sign ordinance review, which was agreed on.

ADJOURNMENT

Loeffler, seconded by Anderson, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk