

October 6, 2015

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Walt Anderson, Jan Hogle, Travis Loeffler and Dan Squyres. Staff present: City Planner Sherri Buss and Deputy Clerk Brenda Eklund. Chair Maefsky called the meeting to order at 7:02 p.m.

APPROVAL OF AGENDA, MINUTES

Chair Maefsky added Agenda Item 5.) Meeting Materials to the agenda. **Loeffler, seconded by Squyres, moved to approve the agenda as amended. The motion carried 5-0.**

Chair Maefsky noted two corrections to the September 1, 2015 Planning Commission minutes. **Squyres, seconded by Loeffler, moved to approve the September 1, 2015 Planning Commission minutes as amended. The motion carried 5-0.**

Squyres, seconded by Loeffler, moved to approve the September 17, 2015 Special Meeting minutes as presented. The motion carried 5-0.

PUBLIC HEARING: VARIANCE TO CONSTRUCT A DETACHED GARAGE CLOSER TO THE ROAD RIGHT-OF-WAY AT 19225 LARKSPUR AVENUE NORTH, MARINE ON ST. CROIX, MN. HERBERT OLSON, APPLICANT (PC RESOLUTION NO. 10-06-15-01)

Herb Olson has applied for a variance to construct a detached garage measuring 24'x30' on his property at 19225 Larkspur Avenue. The parcel is 0.31 acres in size. The structure would be located 19 feet from the top of the bluffline on the east side of the property (30 feet required); 14 feet from the road right-of-way (40 feet required); and 4 feet from the side lot line setback (10 feet required). The proposed lot coverage of 22% is below the required 25% maximum.

Planner Buss stated that the Watershed had no comments on the plan. The DNR suggested that a rain garden could be created below the garage to catch runoff from the garage and driveway.

Planner Buss recommended approval of the variance and explained that practical difficulties include the small size of the parcel, and the location of the house and bluffs. A standard garage could not be constructed on the property to meet the required setbacks and the minimum distance of 6 feet that the building code requires between the house and the garage. A resolution for approval was presented that listed findings and conditions, including that the existing driveway be closed prior to creation of the new access.

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

Herb Olson, Applicant: Mr. Olson asked if he could use the space above the garage for storage. Buss explained that is allowed as long as it is for personal storage and not for a commercial purpose.

There were no other comments and the hearing was closed at 7:17 p.m.

The Commissioners discussed the DNR's recommendation to add a rain garden but concluded that one could not be accommodated behind the garage due to a retaining wall here which could be damaged from the collection of water. Commissioner Loeffler noted that runoff from the roof would not flow in that direction anyway unless directed by a gutter.

Chair Maefsky asked what it would take to fire rate the garage and move it closer to the house and away from the side lot line. Buss stated that this is an expensive proposition, as is attaching it to the house.

Loeffler, seconded by Anderson, moved to approve PC Resolution No. 10-06-15-01 with the removal of Condition #6 requiring that a rain garden be installed. Hogle asked if there was an alternative to the rain garden. Buss stated that the Watershed did not have drainage concerns and it did not appear to be a critical issue. The Commissioners approved the motion 5-0.

This recommendation will go before the City Council at their October 20, 2015 meeting.

PUBLIC HEARING: VARIANCE TO CONSTRUCT AN ACCESSORY STRUCTURE (A HORSE BARN) CLOSER TO A PARCEL BOUNDARY FOR STRUCTURES THAT HOUSE DOMESTIC FARM ANIMALS AT 20575 ST. CROIX TRAIL NORTH, GREG AMUNDSON, APPLICANT. (PC RESOLUTION NO. 10-06-15-02)

Greg Amundson has applied for a variance to construct an accessory structure located within the 100-foot setback from his south property line at 20575 St. Croix Trail, a 12.7 acres parcel in the General Rural district. The 40'x56' horse barn would be located 50 feet from the lot line. The code requires that structures used to house domestic farm animals be located at least 100 feet from all property lines.

Planner Buss explained that the property is a former gravel pit that was restored with 25% slopes, and there is a limited area that is flat enough to locate the barn. The building would be used for storage of hay and tack with an attached lean-to to shelter his 2 horses in the winter. Buss explained that the applicant would spread the animal waste onto fields on the property during most of the year, and it would be stored outside of the 100-foot setback during the winter months.

Buss stated that the building will be 190 feet from an existing wetland (200' setback required) but the Conservation District classifies the wetland as incidental and not subject to regulation of buffer requirements. The Carnelian-Marine Watershed agreed that this is not legally a wetland, but one that formed as part of the past mining operation on the site.

The City Engineer provided comments on the existing secondary driveway on 205th Street, installed in 2012. He recommended a concrete or bituminous apron be constructed to eliminate sediment entering the curb line. Engineer's recommendations also included installation of a culvert to maintain drainage, an erosion control plan to accompany a grading permit, and review of geotechnical soil information in the area of the building to ensure adequate soils.

Planner Buss presented a resolution with findings and conditions for approval of the variance. Findings included that it is a reasonable use that cannot be located elsewhere on the site due to steep slopes, and that it would be adequately separated and screened from adjacent properties. Buss stated that the nearest home is approximately 600 feet from the proposed barn. Practical difficulties are the result of extensive slope areas that resulted from restoration of the previous gravel pit on the property. Buss explained the eight conditions, including the Engineer's recommendations, manure storage outside of the setback areas, existing screening be maintained, and no commercial use of the barn.

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

Gail Deitrich, 20525 St. Croix Trail: Ms. Dietrich, Association President of the adjacent Ekdahl Estates, addressed the concerns the Association has with the proposal. Ms. Dietrich explained that the water basin on Mr. Amundson's property in an engineered drainage pond constructed for collection of runoff from the adjoining properties in the development. She provided an easement and maintenance agreement, recorded in 1999, that holds the Association responsible for maintaining the flowage, drainage and ponding facilities on the Amundson property. She stated that they have a grave concern that the Association could be responsible for repair costs if the system failed due to a puncture of the impervious liner or became polluted from manure, or overflow led to erosion towards the St. Croix River.

Greg Amundson, Applicant: Mr. Amundson stated that the pond elevation has always been constant and has no culverts that could drain towards the river. Planner Buss explained that this is a landlocked basin. Chair Maefsky asked him what is his responsibility with the easement document to the HOA? Mr. Amundson replied that he is responsible to not cause harm to the pond and stated that it will be fenced off from the horses so that they cannot get in or around it.

Planner Buss noted the Watershed's letter which recommended a vegetative buffer around the perimeter of the pond to mitigate the small risk of stormwater runoff carrying manure beyond the property. Mr. Amundson stated that he met with Jim Shaver and agreed that he would let the walking path around the pond go natural to meet this recommendation.

Chair Maefsky stated that she did not understand the legal restrictions of the recorded document and suggested the City Attorney offer advice on it. Planner Buss said that the document relates to the drainage easements and pond on the parcel, and that the proposed building would not impact the drainage easements; Amundson is asking to put the building far outside the drainage easement. Maefsky said that the HOA has responsibilities for the pond and there could be impacts from what Amundson is proposing. Planning Commissioners noted that Amundson is proposing to have two horses, and that six horses would have been permitted at the time the drainage easement document was created or under the current ordinance.

Nancy Stavish, HOA Secretary: Ms. Stavish explained that the HOA is responsible for maintaining the pond and is concerned about incurring costs if it were to be damaged by horses or waste. Commissioner Squyres stated that the tilled field across 205th Street drains into the

pond and has far more impacts from sediment runoff than 2 horses could have, and he sees a conflict with their concerns.

Mike Torkelson, 16755 205th Street, HOA Treasurer: Mr. Torkelson reiterated that it is the responsibility of the HOA to see that the drainage system remain unpolluted and said that further study should be done on the effects of any potential pollution. Commissioner Anderson stated that the contract does not have to be reconsidered because Mr. Amundson is not doing anything outside of the law due to keeping horses.

Planner Buss responded that the drainage easement document does not address water quality in the pond; it addresses drainage and maintenance of the pond's capacity to handle the quantity of runoff from Ekdahl Estates.

Dave Pary, 16775 205th Court: Mr. Pary stated that he is opposed and thinks it's too large of a building. He said he is concerned about the impact that horses could have on the pond and more study should be done.

Mr. Amundson stated that at the time the document was signed, he could have had up to six horses and nothing in the rules regarding that has changed – animals didn't appear to be a concern back then.

Ms. Deitrich stated that Mr. Amundson wanted the pond on his property which added economic and aesthetic value and there was never a mention of animals ever.

There were no further comments and the hearing was closed at 8:19 p.m.

The Commissioners went into a lengthy discussion on the issues raised. Planner Buss noted that the applicant is not doing anything with the building that would affect the drainage coming from Ekdahl Estates, but it would be a concern if he were building in the drainage easement, which he isn't. Commissioner Squyres stated that if this were just a garage a variance would not be needed, but it's the issue of the impact of the horses that raises a concern. Commissioner Loeffler stated that he does not have an issue with the size or placement of the barn, which Commissioner Anderson agreed with.

Commissioner Hogle noted that the contention is that the neighboring property owners do not believe this is a reasonable use of the land and asked if there was anything in the ordinances to address this. Planner Buss stated that the zoning ordinance specifically permits specialty agricultural uses such as horse barns and training facilities in the General Rural District, and therefore this is a reasonable use. Chair Maefsky asked if the drainage document is unusual. Planner Buss explained that development agreements are a common way to establish easements and responsibilities for drainage. Commissioner Loeffler noted the HOA's concern about damage to the liner, but asked if this would be out of the Planning Commission's jurisdiction and an issue handled legally between the private parties. Chair Maefsky suggested the City get a legal opinion about this.

Commissioner Squyres asked if they should accept the Watershed's opinion that there is no worry about runoff into the pond and eventually into the river. Planner Buss noted that the City's ordinance and County zoning ordinance permit up to 6 horses on a 12-acre parcel based on the assumption that 2 acres per animal are needed to handle the manure produced by the horses. Additional horses would require a Conditional Use Permit and manure management plan. Therefore, the zoning ordinance assumes that the manure and runoff from up to 6 horses can be handled on this property. Due to the land-locked situation of the pond, the runoff will not reach the St. Croix River.

Anderson made a motion to accept the Planner's recommendation as written. Hogle offered a friendly amendment that a condition be added to require a vegetative buffer around the pond as described in Shaver's letter. Mr. Amundson stated that he would cease mowing the walking path around the pond to satisfy this condition. Commissioner Anderson agreed to the amendment and Hogle seconded the motion.

Commissioner Squyres asked for an amendment to the above motion which would address the manure management concerns since the property has unique characteristics to consider. Planner Buss offered language for an amendment that would have the Washington Conservation District make a recommendation on manure management relating to slopes which the applicant must be required to comply with.

Chair Maefsky stated her concerns about the HOA document and suggested action be tabled in order to have the City Attorney's review. Planner Buss indicated that she would request comments from the City Attorney regarding the relationship of the drainage easement document to the variance and provide that information at the October 20 Council meeting rather than table the application, but Maefsky said she was not happy with that approach.

Maefsky summarized the Anderson/Hogle motion: recommend approval with conditions in Resolution No. 10-06-15-02 with added conditions that 1) a vegetative buffer be required around the pond as stated in the Watershed letter, and 2) require the recommendations from the WCD for a manure management plan be complied with by the applicant. Maefsky called for a roll call vote: Squyres – yes; Hogle – yes; Loeffler – yes; Anderson – yes; Maefsky – no. The motion carried 4-1.

This recommendation will go before the City Council at their October 20, 2015 meeting.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR INSTALLATION OF A COMMUNITY SOLAR GARDEN ON PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF TH 97 (SCANDIA TRAIL) AND COUNTY ROAD 15A (MANNING AVENUE). GORDY SIMANTON, FOREST LAKE HOLDCO, LLC, APPLICANT. (PC RESOLUTION NO. 10-06-15-03)

Gordy Simanton, representing Solar Stone Partners and lease owner Forest Lake Holdco, LLC, has applied for a Conditional Use Permit to develop a Community Solar Garden on a 59-acre parcel located at the northwest corner of TH 97 (Scandia Trail) and County Road 15A (Manning Avenue). The Parcel Identification Number is 18.032.20.33.0001. The project will connect to

Xcel's distributing grid to be delivered to customers in Washington, Anoka, Ramsey and Dakota counties, and Solar Stone will bill the customers for the electricity they purchase.

Planner Buss summarized details of the application and the staff report. The site, owned by the Steve Sadowski Family Partnership, is a former sand and gravel quarry that has low agricultural value. The solar arrays will cover a 25-acre area consisting of five 1 Megawatt (MW) solar gardens with a layout that avoids wetlands and drainage ways. The area under the panels will not count as impervious and will be planted with a perennial seed mix. The application meets the requirements of the City's recently adopted solar ordinance. The project is working through the Xcel interconnection process and is expected to be completed in December.

Planner Buss explained the letter from MnDOT that requires the site access to be on CR15A (Manning Trail) rather than from TH 97. This will require an amendment to the applicant's site plan. Buss stated that the City Engineer had safety concerns about a single access to the site, but the Fire Chief offered his approval since there will be no permanent residences on the site.

Planner Buss asked the Commissioners to discuss if the screening is adequate and meets the intent of the ordinance. MnDOT recommended that the existing tree line along the south boundary be maintained. Buss explained that due to the site's topography, the panels will be located below the top of the grade and setback 150' from the ROW. Sunlight reflecting from the panels would be directed toward the sky and not toward the roadway or buildings to the south.

Buss stated that a Wetland Delineation was completed for the site and reviewed by the Washington Conservation District and the Watershed staff. In addition to the 2 wetlands that are protected by a 75' buffer, there are some other wet areas that are defined as incidental which were created as a result of the mining activities and not subject to regulation.

The City Attorney advised on the required decommissioning plan, and recommended that a Letter of Credit at a value of 125% of the cost to implement the plan be held by the City. Buss stated that this calculates to a value of \$156,000 for the escrow amount.

Planner Buss concluded with a recommendation of approval with findings and conditions presented in a resolution. Buss noted the amended conditions that require the site plan to be revised to show the access road from Manning Trail, the Engineer's comments on road width and project plans, and addressing MnDOT's comments regarding the fence and tree line, along with adding the Letter of Credit amount of \$156,000.

Chair Maefsky opened the public hearing at 9:04 p.m.

Gordy Simanton, Applicant: Mr. Simanton gave a presentation on the project with information on the solar energy legislation and the company's experience with the 19 solar projects that are in the application phase. Mr. Simanton explained that they would like to mobilize prep work at the site this fall and begin construction next spring, with power to the grid scheduled by Quarter 3, 2016.

Alex Bildeaux, 21473 Manning Trail: Mr. Bildeaux asked about the plans for lighting the site. Planner Buss stated they have to meet the conditions of the ordinance such as shielding and directing all lighting downward.

Pat Rogowski, 213th Street: Ms. Rogowski said she was very happy to see solar panels going in and asked if a fence would be installed to provide screening. Planner Buss explained that there will be a perimeter fence but the panels would be below grade when viewed from Highway 97, even with the panels being 15' feet from ground level. In answer to a question on the capacity, the project is estimated to provide the annual power consumption to 150 to 200 residences.

Dewey Powell, 10339 Scandia Trail: Mr. Powell said he was in favor of the project and questioned what it would do to surrounding property values. He also asked about traffic and lighting. Kaya Tarhan, Solar Stone, stated that there has been no appreciable study on the impacts of solar installations to property values, but said impacts are lower than those of wind energy systems, as there is no noise generated and a low profile. The traffic volume would be extremely low after construction is completed, then perhaps once per month maintenance tasks after that. There would be minimal lighting of the site and no glow is given off from the panels, or any reflection from headlights.

Kevin Nickelson, 11262 Scandia Trail: Mr. Nickelson asked if there is a photo of an existing facility to give an idea of how the site will look. Mr. Simanton offered to supply site photos for the Council meeting. Mr. Nickelson asked about fencing and if deer getting into the site could be a problem. Mr. Tarhan explained that a low field fence will be installed around the perimeter that will allow wildlife to transfer back and forth. He said there could be damage from deer but the equipment is robust and can take the abuse. The monitoring reports indicate very quickly if a panel is damaged and would be promptly replaced and covered by an insurance claim.

Commissioner Loeffler noted that a solar garden may be viewed at Great River Energy in Maple Grove near I-94 and Hemlock. Mr. Simanton added that the state's solar program is very new and would be more abundant in the next few years.

Wren Brandenburg, 10520 207th Street: Ms. Brandenburg asked how one buys into shares and what will happen to the land in 30 years. Mr. Simanton explained the bill credits that Xcel would provide to subscribers and that a subscriber can receive the benefits of solar power without the investment in panels on their home. At 30 years, the underlying property owner remains as is with an option to have Solar Stone remove the equipment or renew the lease.

There were no further comments and the hearing was closed at 9:40 p.m.

Commissioner Anderson questioned if solar panels can be installed under power lines. Mr. Tarhan explained that long linear right-of-ways are not an optimal location because compact squares offer lower line losses and shadowing onto the panels is a constraint on power loss.

The Commissioners began a lengthy discussion on the screening of the site. They concluded that the applicant should submit a landscape plan that would be visually appealing and consistent

with Scandia's scenic viewshed and character. They recommended that screening of the view from TH 97 and Manning Trail should be between 30% and 50%. Planner Buss added that it could be supplemental to what is existing on the south boundary.

The Commissioners asked if the applicant's request to begin clearing or construction this fall before the interconnection agreement is finalized could be accommodated. Planner Buss stated that the applicants are proposing to do site prep work this fall which will require a grading permit, but the interconnection agreement will not be final until December. The ordinance requires that the agreement be in place prior to issuing any permits for the project. If the level of the work proposed does not need a permit, then that would be okay, but any disturbance of 1,000 square feet or greater requires a grading permit. She will ask the City Attorney if there is a way to accommodate a start this fall, and if this could create problems for the City.

Commissioner Hogle noted that the correct designation for Manning Trail should be used in the resolution – it may be referred to as Old County 15A now.

Maefsky, seconded by Loeffler, moved to approve PC Resolution No. 10-06-15-03 with amendments 1) a revised site plan showing site access onto Manning Trail; 2) a landscape plan which shows at least 40% screening of the site from the roadways in order to break up the view and provide scenic character. Maefsky explained that these plans would be administratively approved by staff.

Commissioner Anderson stated that this plan was not well done and it's too premature to approve. This is a prominent part of Scandia and needs to be 90% screened. He recommended the panels next to the roadway be moved to the back of the property.

Maefsky called for a vote on the above motion. The motion carried 4-1, with Anderson opposed.

Commissioner Loeffler asked if there is a way for the applicants to get an early start on the work before the interconnection agreement is completed. Planner Buss stated that it's not likely a variance could be allowed since it appears that starting early is based on an economic reason. Buss will consult with the City Attorney on this question and report at the October 20 Council meeting, when this recommendation will be heard.

PUBLIC HEARING: ORDINANCE NO. 165 -- AMENDING THE DEVELOPMENT CODE, CHAPTER 1, SECTION 4.2 AND CHAPTER 2, SECTION 4.30 REGARDING DEVELOPMENT STANDARDS FOR SIGNS; INCLUDING AN UPDATE TO THE CITY'S ARCHITECTURAL DESIGN GUIDELINES

Planner Buss presented a summary of proposed Ordinance No. 165 which would update the current sign ordinance and Architectural Guidelines as discussed over the past Commission meetings.

Chair Maefsky opened the public hearing at 10:18 p.m.

Sue Rodsjo, 21450 Pomroy Avenue: Ms. Rodsjo stated that she is in favor of businesses having temporary signs and recommended that banners be used for advertising events instead of a portable chassis style currently used in town. She said the portable chassis is not fitting with the Design Guidelines and banners can be purchased inexpensively and work quite well for businesses and events.

Ms. Rodsjo addressed lighting of signs and recommended that backlit signs not be allowed as they detract from dark skies and add to light pollution. She said that signs with downward directional lighting are still quite visible and functional. Ms. Rodsjo was in agreement that pennants not be allowed for advertising.

Commissioner Loeffler noted the businesses that have backlit signs that may not be currently working. Planner Buss stated that the existing signs would probably be classified as nonconforming uses, and could continue but could not be expanded. Chair Maefsky stated that if they were allowed, the issue would become the number that could potentially be installed.

Ms. Rodsjo stated that bright animated signs should continue to be excluded as they are distracting.

Ryan Jinks, 22353 Peabody Trail: Mr. Jinks stated he was representing the Parks and Recreation Committee and in favor of the length of time (34 days) that temporary signage is allowed, to better promote events such as Vinterfest.

There were no further comments and the hearing was closed at 10:27 p.m.

Due to the late hour, Chair Maefsky recommended discussion of the proposed ordinance be continued at the November 4th meeting.

Maefsky, seconded by Loeffler, moved to table further discussion of proposed Ordinance No. 165 to the November 4th meeting. The motion carried 5-0.

MEETING MATERIALS – MAEFSKY

Chair Maefsky reported that it appeared there was an issue with the members getting the meeting packet materials. Deputy Clerk Eklund explained that the notice that materials were available for viewing in Dropbox went out on September 30th and there was no notice given to staff that materials were not received. Staff reports were available for the Commissioners to pick up in the office that same day. Chair Maefsky reminded the members to check their e-mails for notice that materials are ready and to view the documents in the Dropbox link.

ADJOURNMENT

Loeffler, 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