

September 5, 2017

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

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

Chair Squyres called the meeting to order at 7:03 p.m.

APPROVAL OF AGENDA, MINUTES

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

Hogle, seconded by Loeffler, moved to approve the August 1, 2017 meeting minutes as presented. The motion carried 4-0.

PUBLIC HEARING: VARIANCE FROM WETLAND SETBACK FOR A DRIVEWAY AT 19590 OLINDA TRAIL. BRENT AND JANE KRAUSE, APPLICANTS. (PC RESOLUTION NO. 09-05-17-01)

Brent and Jane Krause are proposing to build a new home at 19590 Olinda Trail North and have applied for a variance to construct the driveway closer than the required 75' setback from a wetland on the property. The location of the driveway would be 45' from a wetland based on the wetland delineation report.

Planner Buss presented her staff report with a review of the request. The 19.47-acre property has a number of wetlands making it impossible to locate a driveway to Olinda Trail that meets the 75' setback requirement. The proposed location 45' from Basin #3 moves the drive further from a high quality wetland and preserves mature trees on the property making the request consistent with the goals of the Comprehensive Plan. The Carnelian-Marine-St. Croix Watershed District and Washington Conservation District voiced their support for this driveway location having the least impacts. Washington County has approved an access permit for the driveway with conditions regarding its construction. Fire Chief Hinz recommended the driveway be 12' in width and connect to Olinda Trail as close to a right angle as possible for proper sight lines.

Planner Buss summarized the findings to approve the variance request with conditions written into a resolution.

Chair Squyres reported on the site visit held just prior to the meeting. The Commissioners did not enter onto the property and no questions were asked at the site visit. Administrator Soltis stated that he previously met Jay Riggs of the Washington Conservation District on the site for the Technical Evaluation Panel review of the delineation and it was determined that the area of wetland Basin #3 met the wetland criteria even though it was not on the National Wetland Inventory.

Chair Squyres opened the public hearing at 7:13 p.m. There were no comments and the hearing was closed.

Commissioner Noyes questioned why wetlands have a 75' setback. Planner Buss explained that minimizing development near wetlands protects and preserves the vegetation and habitat of species found in this environment. The key is the quality of the wetland. Based on a functions and values assessment, high quality areas would have a greater setback versus a lower quality wetland. The 75' setback is an average that is used by communities not basing setbacks on a classification system. As Riggs noted, the low-ranking wetland could have a 20' setback, so allowing the driveway to be 45' away meets the spirit of wetland protection.

Commissioners Hogle and Loeffler stated that they saw no issues with the survey map or staff recommendation to approve the driveway's location.

Chair Squyres asked how the recommendation to construct the driveway at a 90° angle to Olinda Trail could be followed through with. Administrator Soltis said it should be shown on the grading permit. Krause stated that a 90° entry should not be a problem.

Noyes, seconded by Loeffler, moved to approve PC Resolution No. 09-05-17-01, Approving a Variance for 19590 Olinda Trail North as presented. The motion carried 4-0.

The recommendation to approve the variance will be presented to the City Council at their September 19, 2017 meeting.

PUBLIC HEARING: VARIANCES FROM WETLAND, SIDE LOT LINE AND ROAD RIGHT-OF-WAY SETBACKS FOR A SEPTIC SYSTEM AT 13030 182ND STREET NORTH. GARY AND MARTHA OLSON, APPLICANTS (PC RESOLUTION NO. 09-05-17-02)

Gary and Martha Olson are proposing to replace an existing nonconforming septic system on a 0.89-acre parcel at 13030 182nd Street, located within the Shoreland Overlay District of Big Marine Lake. The existing system does not meet the 75' setback from a wetland that is adjacent to Big Marine Lake. The replacement system includes a new tank that would also be within the setback located farther from the wetland boundary than the existing tanks and a new septic mound between the home and the road that also requires a variance from the road right-of-way and the side lot line.

Planner Buss presented her staff report with a summary of the request. The survey shows the new tank at the rear of the house 53.2' from the wetland edge, and the mound system up near the road at 13.5' from the road right-of-way (40' required) and 8' from the side lot line (10' required). Buss explained that the request is consistent with the Comp Plan as the proposed location provides additional separation from the wetland over the current septic system, located 33.4' from the wetland. Pete Ganzel, Washington County, provided technical approval of the new septic system, and the Watershed also approved of the variance provided that sufficient erosion control is in place to protect water quality. The Washington Conservation District recommended a wetland delineation be completed for the site and shown on the certificate of survey due to the grading activities in the proximity of the wetland. City Engineer Goodman

noted that the survey should show sufficient clearance along the west lot line for installation of the sewer line, and show to final elevations so any stormwater runoff would not to be directed onto adjacent properties.

Planner Buss concluded with approval of the variance with findings and conditions written into a resolution. The rationale basis is that a septic system is required to support residential use, the proposed location is an improvement over the existing system, and the practical difficulties are not caused by the landowner. It is not possible to locate the new septic system on the parcel to meet all of the required setbacks.

Chair Squyres reported on the site visit held just prior to the meeting. The Commissioners met with the applicants and noted that the new septic location is in a much flatter area than the existing system, and that the sewer line may be relocated to run along the side of the garage.

Chair Squyres opened the public hearing at 7:30 p.m.

Dan Manthey, 14633 Old Marine Trail, asked if this property is connected to the 201 community septic system. He was told that the property is not within the hook-up area and must have its own septic system.

There were no further comments and the hearing was closed at 7:31 p.m.

Commissioner Noyes questioned the need for a wetland delineation since the new tanks will be further away from the wetland boundary. Buss explained that Jay Riggs recommended this, but could be removed from the conditions if determined by the Commissioners. Since an erosion control plan will be in place before removal of the existing tanks and the City Engineer will approve the grading plan, the Commissioners were in consensus to remove the requirement for a wetland delineation.

Loeffler, seconded by Noyes, moved to approve amended PC Resolution No. 09-05-17-02, Approving a Variance for 13030 182nd Street, with removal of Condition #2 – a wetland delineation is not required. The motion carried 4-0.

The recommendation to approve the variance will be presented to the City Council at their September 19, 2017 meeting.

PUBLIC HEARING: MINOR SUBDIVISION KNOWN AS MANTHEY ACRES AT PID 27.032.20.44.0003, LOCATED ALONG OLD MARINE TRAIL. DAN MANTHEY, APPLICANT

Dan Manthey is proposing to subdivide a 23.6 acre parcel located along Old Marine Trail to create Lots 1 (5.7 acres) and 2 (5.1 acres) and Outlot A (12 acres). The property is within the Shoreland Overlay District of Long Lake, a Natural Environment Lake that requires new lots to be a minimum size of 5 acres.

Planner Buss presented her staff report with a summary of the request. The proposed lots meet the lot size, frontage and buildable area requirements. The outlot indicates significant areas of

wetlands with little buildable area. The applicant proposes that the outlot will be combined with a parcel to the west that he owns. Since the Development Code does not prevent an outlot from being combined with an adjacent lot, the City Attorney advised that language be in the resolution of approval to state that the City is not requiring that Outlot A remain part of the subdivision.

Buss explained that the survey showed a shared driveway for Lots 1 and 2, but did not indicate the setbacks between the proposed driveway and adjacent wetlands to the east and west where a 75' setback is required. Buss recommended the survey be revised to indicate the setbacks, and to address the Engineer's comments to show drainage and utility easements.

Buss recommended approval of the minor subdivision with findings and conditions written into a resolution. Since the land is not in a search area for parklands, it was recommended to collect a park fee in lieu of park land.

Chair Squyres reported on the site visit held just prior to the meeting. The Commissioners spoke with the applicant and land surveyor who indicated that a driveway would not meet a 75' setback from the wetland boundaries, but instead may be a distance of approximately 71'. Planner Buss recommended the Commissioners table the application so that a variance request for the driveway location could be reviewed at the next meeting or to have the applicant locate an alternative driveway location that does meet the setbacks.

Chair Squyres opened the public hearing at 7:46 p.m.

Dan Manthey, 14633 Old Marine Trail, applicant: Manthey stated that he initially proposed a different driveway configuration, but this proposed location resulted in the least tree removal and was the best solution to preserve habitat. He said he was comfortable delaying action and applying for a variance. Buss agreed that there is good rationale for a variance, and findings could be brought back next month for approval of the minor subdivision and variance at the same time.

Theresa Chwialkowski, 14175 Old Marine Trail, asked what quality were the identified wetlands. Buss stated that the wetland report is in the meeting materials packet, and she would include the description in next month's report. Chwialkowski asked about the outlot. Buss explained that an outlot is defined as a remnant area and generally not buildable. The applicant is proposing to combine it with the land to the east in the future through a lot line adjustment, and there will be documentation of the City's approval.

There were no further comments and the hearing was closed at 7:53 p.m.

Commissioner Loeffler asked if the quality of the wetlands could affect the approval of a variance for the driveway. Buss stated that the wetlands may already have been impacted by the roadway 20' away, and this will be part of the rationale for a variance.

Loeffler, seconded by Hogle, moved to table the application for Manthey Acres Minor Subdivision to allow the applicant to apply for a variance for location of the shared driveway. The motion carried 4-0.

PUBLIC HEARING: ORDINANCE REPEALING CHAPTER 2, SECTION 4.34 OF THE DEVELOPMENT CODE – SOLAR FARMS AND COMMUNITY SOLAR GARDENS

At their August 2, 2017 meeting, the City Council voted to repeal the solar farms and community solar garden ordinance. Administrator Soltis explained the number of factors that the Council considered, including the uncertainties of environmental impacts. To amend an ordinance following state law, a public hearing must be held by the planning agency and a recommendation made to the governing body.

Chair Squyres opened the public hearing at 8:06 p.m. There were no comments and the hearing was closed.

Commissioner Hogle asked if repeal of the solar ordinance would mean that accessory solar installations which participate in Xcel's Community Solar Garden program are prohibited. Planner Buss said yes, both commercial solar farms and community solar gardens would be prohibited; however, solar panels would continue to be permitted as accessory uses. Hogle said she loves the idea of solar energy but hates the look of large projects like the one at Highway 97 and County 15. She said that their small 39 kw installation is much different and she would be concerned if the repeal would affect small community solar systems.

Administrator Soltis clarified the definition of a community solar garden program as one that requires subscribers with the generated power going to the grid. Hogle said that it's possible to be in this program with a small project having minimal impacts. Buss stated that the accessory solar system language could be reworked to allow participation in the state community solar garden program but on a small scale by limiting the size. Hogle agreed that it should be an accessory use on the property where the primary use is residential or agriculture, and still be able to participate in the community solar rewards program.

Chair Squyres stated that early market sales of 3 homes in the vicinity of Chisago County's Northstar solar project showed no effect on market value of the property. As well, he calculated that Scandia, producing 20 mW of solar power among the 6 approved installations, more than meets the total consumption of all the homes in Scandia using energy at peak usage, estimated at 10 mW. Squyres said that he was in favor of repealing the solar ordinance with a change to allow accessory solar projects to participate in the solar garden program provided they are small in size – no more big solar installations. He said the solar panels do not agree with Scandia's rural, agricultural character, and their job as Commissioners is to do what's best for Scandia.

Commissioner Loeffler said that he's heard a good amount of talk on this, and feels like he was duped by the first solar developer that has yet to install screening, and made changes to the equipment and fence. He said he has lost his trust in the developers. Buss explained that the first solar garden installation did not require intense screening from the roadway, and the Council members felt strongly that Scandia should be proud to show the progressiveness of green energy.

Commissioner Noyes said that it appears with all the regulations and cost, the projects are prohibitive anyway and there may not be any more. Buss stated that inquiries from developers have pretty much gone away.

Noyes, seconded by Hogle, moved to recommend to the City Council a repeal of the solar farm and community solar garden ordinance, and that the City consider an ordinance amendment to allow accessory solar installations to participate in the community solar garden program. The motion carried 4-0.

The recommendation to repeal the solar ordinance will be presented to the City Council at their September 19, 2017 meeting.

PUBLIC HEARING: 2018-2022 CAPITAL IMPROVEMENT PLAN

Administrator Soltis explained that biennial review of the Capital Improvement Plan results in a recommendation from the CIP Committee for capital improvement projects identified in the next 5 years. The role of the Planning Commission is to determine if the projects are in compliance with the comprehensive plan. Most of the CIP includes the purchase of equipment and vehicles which are at the end of their useful lives. Soltis explained the 2 projects that are not equipment related and subject to review for consistency with the comprehensive plan.

- Lilleskogen Park Improvements as a goal to develop existing parcels as a part of Scandia's park system.
 - Park Shelter in 2018 -- \$15,000
 - Other undesignated in 2020 -- \$10,000
- Road Project as a goal to maintain Scandia's system of local roadways.
 - Reclaim and repave in 2018 -- \$6,500,000
 - Mill and overlay in 2020 -- \$620,000
 - Mill and overlay in 2021 -- \$450,000
 - Mill and overlay in 2022 -- \$320,000

Chair Squyres opened the public hearing at 8:46 p.m. There were no comments and the hearing was closed.

Squyres commented that the comprehensive plan supports both parks and roads, and that funding sources are addressed.

Loeffler, seconded by Noyes, moved to approve the improvements in the 2018-2022 Capital Improvement Plan as being consistent with the 2008 Comprehensive Plan as drafted. The motion carried 4-0.

CHANGE TO MEETING AGENDA

Hogle, seconded by Squyres, moved to table Agenda Items 9b) Discussion on Shoreland Management Ordinance and 9c) Changes to development code to provide concept review of projects, to a future meeting. The motion carried 4-0.

DISCUSSION OF CHANGES TO RURAL EVENT FACILITY ORDINANCE

Planner Buss explained that during the recent review of Jeff Gacek's Annual Operating Permit for Redeemed Farm, the Council recommended that the Planning Commission review the ordinance for an option to allow the annual review to be completed through an administrative process. Buss presented a revised ordinance with language that an Administrative permit

process may be used, but if the City's inspection indicates non-compliance with the AOP or IUP conditions, the permit application will be reviewed by the Council.

There was consensus among the Commissioners to hold a public hearing on an amendment to the Rural Event Facility ordinance at their October 3rd meeting.

Buss noted that Gacek has applied for an amendment to his IUP to increase the guest count that will also be held at the October 3rd meeting.

ITEMS FOR FUTURE AGENDAS

Chair Squyres said the Commission will discuss an ordinance amendment to allow accessory solar installations to participate as a community solar garden program. Soltis noted that information on the Comprehensive Plan will begin to be presented next month.

ADJOURNMENT

Loeffler, seconded by Noyes, moved to adjourn the meeting. The motion carried 4-0.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk