

September 6, 2016

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Travis Loeffler, Tom Noyes and Dan Squyres. Absent: Commissioner Walt Anderson. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis, City Attorney Andy Pratt, Deputy Brandon Yetter, and Deputy Clerk Brenda Eklund. Council member Chris Ness was also in attendance. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Chair Maefsky requested that the order of Agenda Items 5.a) Exterior storage of vehicles and 5.b) Sound amplification standard in the Rural Event Facility Ordinance be switched. **Loeffler, seconded by Squyres, moved to approve the agenda as amended. The motion carried 4-0.**

Noyes, seconded by Loeffler, moved to approve the August 2, 2016 meeting minutes as presented. The motion carried 3-0, with Squyres abstaining due to his absence last month.

PUBLIC HEARING: VARIANCE FOR AN ACCESSORY STRUCTURE AT 16970 ST. CROIX TRAIL. PAUL HEDELSON, APPLICANT (PC RESOLUTION NO. 09-06-16-01)

Planner Buss described the variance application made by Paul Hedelson for an accessory structure within the setback of the St. Croix Riverway District and located on a separate parcel adjacent to 16970 St. Croix Trail which does not have a primary structure. The primary structure on the property is located on the eastern parcel. The applicant replaced an existing substandard accessory structure that was destroyed by a storm last winter with a new structure in the same location and of similar size. The 10'x12' shed did not require a building permit but is required to meet the setbacks and standards of the zoning ordinance, which is 200' from the River's Ordinary High Water Level. The shed is located 170' from the OHWL. Buss stated that a complaint triggered the investigation by staff and the National Park Service of the constructed shed.

Buss advised Mr. Hedelson that the St. Croix Riverway Ordinance requires that if a substandard structure needs replacement due to destruction, the replacement must comply with the dimensional standards of the ordinance, and that staff would recommend denial of the variance request as there is room for the structure to be moved to a location that does meet the 200' setback. Staff also advised the applicant that the shed violates the accessory structure ordinance in that no structure may be built on a lot without a principal structure on the lot, and the owner may combine the two parcels to meet the ordinance requirement. Mr. Hedelson decided to proceed with the variance request with the rationale that the shed is a small structure built in the historical location.

Planner Buss summarized the findings that the request does not meet the criteria of granting a variance. There are no practical difficulties that are unique to the property; replacement in the previous location within the setback of the OHWL is not consistent with the goals and requirements of the St. Croix Riverway District Overlay or the Comprehensive Plan for protection of the River which were established to eventually eliminate non-conforming structures. An option presented to the applicant was to complete a relatively simple lot

consolidation action to comply with the accessory structure requirement that the shed be located on a parcel with a primary structure and also meet the Riverway setback from the OHWL. A resolution to deny the variance was prepared with conditions to either remove the shed or move the shed to a location that meets setbacks. If it remains, the two lots must also be combined so that the accessory structure and primary structure are on the same parcel. These would have to be done within 60 days of the City's denial of the variance request.

Chair Maefsky opened the public hearing at 7:12 p.m.

Paul Hedelson, Applicant: Mr. Hedelson explained that the shed, used for family maple syrup making, was replaced in the same location after a tree fell on the previous shed. He meant no malice in replacing the structure; it was just a rebuild and he is looking for common sense to be applied here. He stated that it will be costly and not easy to move the shed.

There were no further comments and Chair Maefsky closed the hearing at 7:16 p.m.

Commissioner Squyres stated that the shed may be small and inconsequential, but the Commissioners have a duty to protect the St. Croix River and administer the rules in a fair and equitable way.

Chair Maefsky asked if Mr. Hedelson must prepare a certificate of survey to comply with the conditions that the new location must meet setbacks. Planner Buss stated that if staff is confident in using GPS coordinates to determine the 200' River setback, the 40' road right-of-way setback and the 10' setback from the septic mound, a survey would not be necessary. If this determination is too hard, a survey should be asked for. Buss reminded the Commissioners that it's their job to enforce the City's ordinances.

Mr. Hedelson asked about the process to comply with the conditions. Administrator Soltis said that Hedelson should stake the area where the shed would meet setbacks, and he could use GPS to verify if the location is compliant. Attorney Pratt explained that lot consolidation is done at Washington County and could require a new deed with a new legal description.

Chair Maefsky noted that the shed is not currently visible from the River, and locating it out of the setback makes the shed more visible to the neighbors. Commissioner Loeffler stated that small trees will need to be removed to allow the shed in the new location.

Noyes, seconded by Squyres, moved to approve PC Resolution No. 09-06-16-01, Denying a Variance for 16970 St. Croix Trail North. The motion carried 4-0.

The recommendation to deny the variance will go before the City Council at the September 20, 2016 meeting.

PUBLIC HEARING: ORDINANCE NO. 177 – AMENDING THE DEVELOPMENT CODE FOR TEMPORARY DWELLING UNIT – CARE FACILITY AND TEMPORARY DWELLING UNIT DURING CONSTRUCTION

At their August 16th meeting, the City Council voted to opt out of state legislation regarding temporary care facilities with the reasoning that Scandia already allows for this use in a manner that provides more flexibility. At their August 2nd meeting, the Planning Commission agreed to revise language in the ordinance to reflect parts of the new legislation, such as allowing a caregiver as well as the person receiving care to occupy the dwelling.

Planner Buss presented draft Ordinance No. 177 that would amend the development code with the following proposed changes:

- Addition of several definitions related to Temporary Care Units that were included in the recent state legislation regarding Temporary Care Units.
- Clarifies that a permit for a Temporary Unit during Construction is only needed for a manufactured home that is brought to the site to serve as the temporary unit, not when the existing home remains while a new home is under construction.
- Update the district sections of the code to reflect the change from an Interim Use Permit to Administrative Permit for both types of dwelling units.

Administrator Soltis noted that the definition for “Temporary Dwelling, Care Facility” must also be amended to include patient or caregiver as occupants of the dwelling.

Chair Maefsky questioned if a definition for health care agent should be included. Further discussion concluded to not define health care agent but to allow it to be broad, as it is assumed in the definition of a caregiver.

Chair Maefsky opened the hearing at 7:36 p.m. There were no comments and the hearing was closed.

Noyes, seconded by Loeffler, moved to recommend approval of Ordinance No. 177 with an amended definition of Temporary Dwelling, Care Facility. The motion carried 4-0.

The recommendation to approve Ordinance No. 177 as amended will go before the City Council at their September 20, 2016 meeting.

DISCUSSION ON THE SOUND AMPLIFICATION STANDARD IN THE RURAL EVENT FACILITY ORDINANCE

Planner Buss explained that during review of the Gacek Rural Event Facility permit application, questions have arisen regarding the interpretation of the amplified sound performance standard for Rural Event Facilities which reads “sound amplification of ceremonies only is permitted”... “no other sound associated with the event... may be amplified.” Staff have interpreted the sound reference to be outdoor sound and that party music afterwards must be indoors; however outdoor or indoor do not appear in the text. Planner Buss led a discussion on the interpretation of the standard for the Gacek application and for the long-term.

Attorney Pratt advised that there can be clear conditions in the Gacek permit to clarify that amplified sound after the ceremony must be indoors with the building openings closed. He also noted that conditions could reference Ordinance No. 65, which governs how the City enforces noise standards.

Much discussion concluded that language in the ordinance should be amended to make it clear that outdoor sound amplification may be of the ceremony only, and to add a reference to the City's Noise Ordinance No. 65 for any sound. If police enforcement deems the activity a disturbance, the officer can declare the event a nuisance at his discretion.

Commissioner Squyres stated that it seems reasonable to allow a Rural Event Facility to have outdoor amplified music at an appropriate time of day. Planner Buss explained that regulating the location of non-ceremonial activities that use amplified sound was developed to minimize impacts to neighbors who may be disturbed living next door to a site that could be used daily as a business, and restrictions on sound were needed.

Staff will prepare a draft ordinance for further review based on the proposed amendments to address outdoor amplified sound, reference Ordinance No. 65 and with conditions that building openings must be closed.

DISCUSSION ON EXTERIOR STORAGE OF VEHICLES

Discussion continued from the August meeting on exterior storage of vehicles. Planner Buss summarized the issues stemming from complaints about the number of operable vehicles parked in view of neighbors for long periods of time and the number of recreational vehicles on a lot, especially on small lakeshore properties. Some of the ordinance is vague about vehicle parking, such as the duration of time. Buss stated that the ordinance should be made clearer and include where vehicles can be parked.

Buss provided examples of vehicle parking ordinances from a number of communities. Some communities require that vehicle parking must be located on a paved or gravel surface. Parking in side or rear yards may require a minimum setback of 4-5 feet from parcel boundaries. It was noted that the definition of front yard must be made clear that this is the lakeside for properties in Shoreland and the rear yard is the street side. Storing up to 2 recreational vehicles is permitted in these areas by the current ordinance. Buss also explained that the current definition of recreational vehicles could be further defined by size, so that regulations would exempt canoes and kayaks. The definition of "large recreational equipment" from the City of Hugo was provided. The Planning Commissioners were in agreement to model the current definition with Hugo's, but eliminate the last sentence and include "or similar vehicle".

Requiring parking to be on a paved or impervious surface was agreed to, and staff will provide a definition for the next meeting.

Much discussion concluded that regulations for lot size could be categorized by those less than one acre, between 1 – 2.5 acres, and all other sized lots. A table format will be provided at the next meeting to more clearly show the number and area for parking large recreational equipment.

Deputy Yetter provided his observations about the parking complaints he has investigated, such as problems with vehicles parked within 100 feet of the road that are in view of neighbors. It was agreed that using the current accessory structure setback of 200' from the road was reasonable for parking regulations. Deputy Yetter was asked to bring back photos of properties in the City that will help define the parking issues.

Administrator Soltis noted the League's model ordinance for vehicle parking provides some direction for crafting language addressing duration of parking. Guest parking is excluded for vehicles of occasional guests who do not reside on the property, such as a limit of 72 hours of continuously parking. Placement of guest parking could also be excluded from the regulations.

Bob Ten Eyck, 13500 182nd Street, stated that screening is an important consideration to include with the regulations, as is the length of time an abandoned vehicle is allowed to be stored, even if it is licensed. Buss will further research a more clear definition of "inoperable".

Steve Toensing, 19553 Parkview Avenue, asked that "not visible from the street" should be part of the regulations. He indicated that the example from Hugo's parking of recreational vehicles is incorrect, but Buss stated that this was taken from their website. Buss will clarify this with Hugo's Planner for the next meeting.

The Planning Commission will continue to discuss amendments to the vehicle parking ordinance at the next meeting.

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