

**CITY OF MEDINA  
CONCURRENT PLANNING COMMISSION  
& PARK COMMISSION**

Meeting Minutes  
Tuesday, April 13, 2010

**1. Call to Order:** Planning Commissioner Chair, Charles Nolan called the meeting to order at 7:00 p.m.

Present: Planning Commissioners, Victoria Reid, John Anderson, Kent Williams, Beth Nielsen, Charles Nolan and Kathleen Martin.

Park Commissioners Ben Benson, Madeleine Linck, Bill Waytas, Janet White and Ann Thies.

Absent: Planning Commissioner Robin Reid and Park Commissioners Paul Jaeb and Chris Hilberg.

Also Present: City Planner Dusty Finke, Planning Assistant Debra Peterson-Dufresne, and City Planning Consultant Dan Petrik of Barr Engineering Company.

**2. Public Comments on Items not on the Agenda:**

No public comments.

**3. Update from City Council Proceedings:**

Weir presented the Council update.

**4. Public Hearing – Ordinance Amendment – Chapter 8 of Medina’s City Code pertaining to the creation of regulations for Conservation Design and Open Space Protection.**

Dan Petrik of Barr Engineering reviewed the conservation design ordinance, highlighting:

- How the overall plan would integrate resources within the community and to meet goals of the community
- How it would assist in maintaining land values
- Protection of natural resources in exchange for increased density
- The ordinance utilizes the underlying zoning districts to determine density
- How it would be utilized by offering incentives as a voluntary program
- Anticipated schedule of ordinance approval
- Ordinance flexibility and incentives in exchange for increased density.
- The overall approach would be through an overlay district and implemented under a planned unit development which could be established as a CD-PUD
- 40 acre minimum development size in rural areas and 20 acre minimum in sewered areas with different design standards and incentives for each

- Base density was explained

Williams asked if a 40 acre parcel currently allows a maximum of four buildable lots, would the proposed ordinance allow eight. He asked what the limitation was on how it could be configured and asked if the eight houses could be condensed into a corner of the 40 acres. He further asked if there would be a minimum lot size requirement. Petrik explained the comprehensive plan doesn't have specific minimum lot sizes or lot widths identified. He said the developer would have complete flexibility with the lot sizes and widths as long as septic requirements could be met. Williams asked if the five contiguous acres was related to septic requirements. Weir clarified it is a way of controlling lot sizes and keeping them large. She further said the Met Council intends after 2030 before density increases too much to sewer the entire southern portion of Medina (Minnehaha Creek Watershed). She said the Met Council wants to keep the average density to no more than one unit per 10 acres, because if we had greater density it would be harder for them to sewer the area in the future.

The commission then discussed the cost to provide infrastructure for developments proposed that are clustered. Benson said he thought it would be difficult for a developer to get density increased by 100 percent because of all the wetlands and terrain in the community. He said a developer's infrastructure costs would be down by clustering, but density would be closer to 50 percent increases rather than the full 100 percent.

Petrik reviewed other incentives that he wanted the commission to discuss such as lot size, lot width, setbacks, housing types, landscaping, and screening. He clarified what buildable areas meant by subtracting areas such as wetlands, lakes, hydric soils, slopes over 18%, requiring wetland buffers, and the 100-year flood plain. He said the idea is to provide a range of flexibility for developers.

Petrik reviewed the City's top priorities such as sensitive ecological resources, views from vistas, and habitat corridors. He then explained the optional elements such as the land stewardship plan and how it involved a four-step process. He explained the current process for a land use project can be two to three steps and implementing this program would create a fourth step towards approval if a developer wanted to increase density. He said that the program would initially determine if there would be ecological resources that would want to be preserved in exchange for the increased density.

The commission discussed sewage treatment within developments that may have clustered housing with smaller lots and how the ordinance would allow flexibility by possibly allowing drain fields in the conservation open space easement areas, but the actual tanks would always be required to be installed on each individual lot. Petrik explained the ordinance may require revisions to allow the drain fields within the easement areas.

Petrik explained the Collaboration and Traditional processes of the ordinance. Thies said she worked with conservation design easements and said she is very familiar with many of them in Lake Elmo.

Linck asked if there was a property with 150 acres and was used only for cropland and wasn't that great of property to preserve, if they would be eligible for increased density. Petrik said increased density would only be increased for properties that provide some natural resource to preserve, but if a property in the past had a natural prairie or woodland that was worth restoring back to its natural state, the developer could increase their density. Petrik said the natural resources around a proposed property to be developed would always be taken into consideration.

Thies said Wild Meadows was a good example of a conservation design with a conservation easement.

Anderson asked why and how the acreage was decided as 20 acres for sewerred properties and 40 acres for rural properties. Petrik explained a larger parcel is necessary in order to capture protection of ecological resources.

V. Reid asked if the Met Council could bring infrastructure into the conservation easement areas. Thies clarified it would be difficult for the Met Council to do and typically they won't.

V. Reid asked if a conservation design easement could be converted to an agricultural use. Petrik explained the commission would have discretion through the process of designing the ordinance, what the conservation easement could be used for, and have it defined and written into the easement.

V. Reid said she is concerned with trails that don't connect to a city wide system and would like to make sure it is a goal to require trails to connect or be part of an overall plan to connect as part of the ordinance. She said she didn't see trails as part of a conservation easement, but rather a by product. She asked if it could be stated in the ordinance that trails be required to connect to other trails.

Thies said the commission should discuss and require the use of stewardship fees. She said the money should be required to be put into a fund to manage the property. She also felt that reducing the amount of homes that back up to the open space is better, since it is the homes that back up to the open space that creates issues such as dumping and mowing into the open space areas and is difficult to monitor.

The commission discussed examples of 40 acre corn fields with no natural resource benefits to the City. Petrik explained the City doesn't have to allow benefits to a developer if the property doesn't have any ecological benefits to preserve.

Martin asked for clarification of the joint steering committee meetings and suggested staff discusses the meeting laws with the city attorney. She further suggested adding language under the purpose statement that the development should enhance what would otherwise have been allowed.

Nolan asked about the role of the steering committee and if it's a way to give the applicant assurance from the City. He raised concern with the creation of the committee and how it would give certain amount of authority or control over what would be suggested to an

applicant/developer; and if the right people weren't designated, the developer could run into problems.

Petrik explained the steering committee process and how it has been used in the City of Hanover. The commissioners discussed the process of the future steering committee and discussed their concern of feeling some sort of obligation to the developer if they were part of the steering committee.

V. Reid asked staff if they had looked nation wide at other communities. Petrik said he knows other states have these types of open space ordinances and communities from lectures he's attended, but wasn't sure where they were developed beyond the state of Minnesota.

Nolan asked for historical data on how density standards had been established. He asked how often in the elective process would it be utilized and why would the City want to do it with the possibility of such high density numbers. He further asked if the City had to allow such a high percentage of increased density. He understands the use of clustering, but was unsure why the City would want to double the density. He questioned whether the City would be going forward or backwards; and therefore needed some historical background to better understand.

Petrik said Lake Elmo allows up to 200% density incentives, which worked well for them to get the development they wanted. Their incentive was to protect key views and not allow housing to be visible from roadways.

Petrik said other communities range from 100-200% increased density incentives. He said Hugo developed three projects prior to eliminating the conservation design and open space protection area ordinance to gain density. The community was satisfied with the ordinance, but eliminated it since the Met Council thought the City was developing with too high of a density than they liked. Other cities 6-7 Lino Lakes did two programs and felt it wasn't very effective and didn't have very many incentives.

Nolan asked why not make it a mandatory program and get 100 percent participation and establish some sort of environmental value. Petrik said all the communities, except Hanover are voluntary. Nolan asked why not make it mandatory for participation. Benson asked if it was a goal of the City to have the program be mandatory. He said he likes the idea for some developments, but doesn't think that all properties need to be the same. He thinks the City has done a good job with current rural standards, but does not think the open space program would apply to all properties. He said we may find a few developers who would go through the process and can think of one property in particular that would be beneficial to be developed under the program. Nolan said he had not taken a position on the issue, but rather is gathering information to make an informative decision.

Petrik said the program is voluntary as referenced in the comprehensive plan. He said if it was made mandatory it would go against the comprehensive plan and residents would question why the City wasn't following their comprehensive plan. He suggested that if the commissioners felt strongly about one or two properties in particular they could be identified as an area that should

go through the process. He said he would be concerned with the political fall-out of making the ordinance mandatory.

Nolan asked what percentage of Medina qualifies to develop under the conservation ordinance. Weir asked if staff had looked at the 20 and 40 acre parcels to evaluate which properties possibly qualified. Finke said they had discussed putting together a map of the parcels, but hadn't completed one. The commission requested staff to prepare a map for the next concurrent meeting so they could make further recommendations.

Nolan asked within the higher density and the lower density is there higher participation in one or the other. Petrik said the density incentive would have higher value in the rural areas than other market standards would have more market value in the sewerred areas.

The public hearing was opened at 8:42 p.m.

Martha Van de Ven, 1765 Medina Road, thanked the commission for all the good questions they had pertaining to the proposed ordinance and said she really appreciated it. She said she has a question dealing with the exception to the 40 acres in the rural residential district areas. She asked for clarification of the regulation on page two subdivision 1.(b). Petrik said he thought it would be a good idea to provide some flexibility in the event someone could prove their project wouldn't visually impair visibility and protect resources. He said they want to allow some flexibility but also provide an incentive, and that is why density is being recommended to be able to increase either 2 or 1.5 percent dependant on zoning. He said it is all discretionary. Van de Ven raised concern with property being able to develop beyond the five contiguous suitable soil acre requirements today if the site had wetlands.

Williams asked Van de Ven what her concern was. Van de Ven said she is concerned with doubling the density and was also concerned with law suits from builders being allowed this kind of discretion.

Petrik said if the 40 acre minimum requirement is unlikely to be used; maybe the regulation should be taken out.

Susan Seeland, owner of a 200 acre farm near County Road 6 and Homestead Trail said she thought it looked like the City has given the ordinance a lot of thought and asked the commissioners to really think about what their goal was. She said if it is to prevent sewer hook-ups then keeping the acreage at 40 acres probably wouldn't work and they may want to think about reducing the minimum size requirement. She asked for the definition of hydric soils and what the goal relating to soils really is. Petrik explained the different soil classifications. Seeland asked the commissioners to consider community wastewater technology, since requiring everyone to have their own septic would be impeding the ability to develop.

Nolan asked for pros and cons to community sewer developments. Petrik suggested if the commissioners were interested in this type of community, the City should bring in experts and examples so the commissioners could understand this type of development.

Seeland asked about establishing 50% into conservation easements. She asked the commissioners to think about how it should be designed since there are open space areas where you want people to come to and it benefits the community and other open space areas that may be better left private.

Public hearing closed at 8:54p.m.

Thies asked what the goal was of staff for a motion. Finke explained the reason for a concurrent meeting.

Carolyn Smith explained the reason for the opportunity for the park commission to be part of the ordinance and that it wasn't just about creating trails within the open spaces areas.

Nolan asked Thies for her opinion on the negatives of conservation design easements. She explained they are not just blanket plans and there are so many different ways to set them up, and how open space could be used. She said there are a number of issues when homes back up to open space areas, since over time the properties that back up to the open space areas start to dump and mow into these areas.

**The Park Commission - Motion by Janet White, seconded by Ann Thies, to approve continuance of the public hearing to the May 11, 2010 meeting. Motion carried unanimously. Absent: (Paul Jaeb and Chris Hilberg)**

Nolan recommended a small steering committee for the program. He said he was interested in knowing more about what properties qualify, particularly how many 20 and 40 acres are existing out there today.

V. Reid asked about parcels joining together. Finke explained that the mapping plan they would put together would not be able to anticipate smaller acreage parcels getting put together. V. Reid said she also wanted to know the positive and negatives of community systems.

Nolan commented on the general approach of the process and raised concern with how a commissioner would gauge what they were allowing with such arbitrary regulations. He said he would be concerned with setting a pattern and then someone new comes in and pushes the envelope and suddenly a much higher precedence is set. He questioned how these things would get measured. He asked what the measuring stick is, and what the City is really giving up.

Anderson asked if the process puts into question the need for a specific ordinance rather than flexibility. Weir said she didn't think there was support for mandating an ordinance.

Finke suggested the commission consider looking at a sketch in an informal meeting instead of a creating a steering committee.

Nielsen explained how her job involved collaborative process and how they turn out a better product. She said she supported the steering committee process. Weir said she is in support of the collaborative process.

Williams said he didn't have an issue with not agreeing with staff's recommendations if he were on a steering committee, but would have more of an issue with representing other planning commissioners.

Conclusion of discussion was:

- Density incentives – staff would create mapping with acreage parcels
- Open space ranges – the commission said their focus wasn't on the quantity, but rather the quality of areas preserved
- Optional elements – the commission wanted to know more about how open space would be arrived at, and how it would be preserved by utilizing the four step process. The developer would need to show proof as to what they were thinking in the early stages of design for a development project.
- Stewardship plan was also part of it.
- Sewage treatment – pros and cons of a community sewage
- Collaboration process – requested staff to look at sewer community's nation wide.
- Other incentives – pg 5 of the ordinance
- Rural residential districts suggest no minimum lot sizes and the commission suggested flexibility of lot size and width (may be reduced language).
- Sewered Residential – flexibility as it applies to platted lots. Finke said there are some people concerned with wetland buffers and tree areas.

Motion to continue public hearing at the next Planning Commission meeting.

**The Planning Commission - Motion to reopen and continue the public hearing at the May 11, 2010 meeting by V. Reid, seconded by Anderson.** Motion carried unanimously. (Absent: R. Reid)

**5. Adjourn: Motion by Anderson, seconded by Nielsen** to adjourn at 10:30 p.m. Motion carried unanimously. (Absent: R. Reid)