

# CITY OF MEDINA PLANNING COMMISSION

## Meeting Minutes

Tuesday, November 9, 2010

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

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

Absent: none

Also Present: City Planner Dusty Finke

2. **Public Comments on items not on the agenda**

No public comments.

3. **Update from City Council proceedings**

Council member Weir presented.

4. **Planning Department Report**

Finke gave Planning update.

5. **Approval of October 12, 2010 Planning Commission meeting minutes**

**Motion by Nielsen, seconded by Anderson** to approve the October 12, 2010 minutes with recommended changes. Motion carried unanimously. (Absent: None)

6. **Public Hearing – JoAnn Reiser Wahlfors and Elizabeth Ringer of 1525 and 1700 Deer Hill Road (PID #26-118-23-22-0001; 27-118-23-11-0002; 27-118-23-14-0003) request a Comprehensive Plan Amendment from Rural Residential to Agriculture and a Rezoning from Rural Residential to Agricultural Preserve.**

Finke presented the application, explaining two property owners on Deer Hill Road made the application. He explained the following two necessary actions: A Comprehensive Plan Amendment to re-guide properties and a Rezoning of the properties.

Martin asked about the property to the north and NW and what their current uses were. Finke stated the property to the north is rural farmed property and the property to the NW is primarily pasture and has wetlands. Martin asked if the City currently had three Ag Preserve properties within the City. Finke said yes.

Williams asked if 1700 Deer Hill Road was two parcels and if they have to combine them to meet our 40 acre requirement. Finke explained the decision is to determine if the properties should be zoned Ag Preserve, and if so, City staff would recommend a condition that the lots be combined to meet the 40 acre requirement.

V. Reid asked if the application was approved would there be any prohibition of cutting down trees and planting crops. Finke said it's a matter of interpretation. He said it is a staff concern.

V. Reid asked if the tree regulations could be relaxed. Finke explained it's a difficult area of interpretation as it relates to trees and the Ag Preserve zoning.

V. Reid asked if Ag Preserve zoning was a State Law. Finke said yes.

Anderson asked if an applicant was zoned Ag Preserve does the applicant have to approach the City to cut down trees. Finke explained if significant trees were being cut down without asking, the City would more than likely place a stop work order on the property. Once the situation is reviewed it would be determined how many trees would be allowable for removal or review a replacement plan.

Nielsen asked how long ago the two properties to the north were rezoned to Ag Preserve. Finke said they were rezoned around the year 2000. Nielsen asked if the applicant was receptive to combine the two parcels. Nolan said it would be discussed during the public hearing.

Nolan asked if this was a voluntary program. Finke said the City could identify properties that are eligible for Ag Preserve or the City could or can wait for property owners to request and go through the process. Nolan said he had never heard it discussed in the past. Weir explained the Council came to a consensus that the request for zoning to Ag Preserve wouldn't happen very often and the decision was to require land owners to request the change. She acknowledged it preserved the rural character of the property. Nolan summarized that rezoning to Ag Preserve was a voluntary process instead of an imposed requirement.

Weir explained the trees at 1700 Deer Hill Road were mainly buckthorn and not high quality trees. R. Reid asked what happens if the property changed hands. Finke explained it is recorded on the property and goes with the sale of the land.

Finke further explained that the City's Policy has been to respond to Ag Preserve requests rather than mandate the zoning. The City tends to be more reactionary. Nolan asked what the dollar impact to the City would be if a property was rezoned to Ag Preserve. Finke said it's complicated, but generally speaking it would be a three quarter reduction in property taxes. He said Green Acres has a very similar benefit from year to year.

Finke said 1525 Deer Hill Road was listed under Green Acres. Nielsen asked if Deer Hill Road was scheduled to be upgraded and if so, would they be able to get around assessments. Finke said the road is not identified for improvements, but Tamarack Drive would be in the future and these two properties would have an indirect impact.

Public Hearing opened at **7:41 p.m.**

Nielsen asked Ringer if they would be open to combining her lots. Ringer said if it was required she would be, in fact she had always pictured them as one lot.

Williams inquired how long they had been farming it. Ringer responded that they had been farming it since 2002 and they had expanded into the buckthorn area.

V. Reid inquired if the tax benefit was one of the reasons for the request. Ringer responded that conservation was her primary goal, but the tax benefit certainly helped.

Jack Wahlfors said he thought it was much easier to put the property into Ag Preserve and let his family decide what to do with it after he is gone. He said he has been raising raspberries for 35 years and people always ask what is going to happen after he is gone. Jack said he'd like to think his son would continue to grow raspberries. He said one of the benefits of Ag Preserve was the property would be preserved. He stated that he had some strawberry seeds that are specially designed to grow in the woods. He said he sees his property as an island into the past. If everything worked right, hopefully his island would still exist in 25 years. He further said Medina is unique and his property is a benefit, just the same way a park is a benefit.

Weir inquired when Wahlfors had served on the Planning Commission. Wahlfors thanked the Planning Commissioners for their service and explained that he had sat on the other end from where he was now and knows how hard it is to be a Planning Commissioner. He explained he went to an estate sale one time after serving on the Commission and the person there said he had asked the City for something in the past and had to go before the Planning Commission and knew he would be denied. However, he had supported the applicant and dug his heels in and convinced the other six Commissioners to approve it.

Seth Hoyt stated that Ringer is entirely too humble about her farm. He has seen the farm in operation, and is greatly impressed with what is produced. He said it is a terrific asset to the City.

Nielsen asked if there was a fear of increased traffic as the area grows busier. Hoyt responded that he hadn't thought about it, but wasn't concerned. He said other existing agricultural uses generate more traffic than their use.

Betty Turnham, 1512 Deer Hill Road, said she has lived near the properties for a long time and felt privileged to live near them. She said the area is beautiful and she hopes it stays that way.

Nolan said he believes these families are why he moved into Medina. He said their passion and heart are in the right place and their motive is not to dodge taxes. Nielsen stated that she appreciated the neighborly support because that is usually not how it goes. Martin and R. Reid concurred.

Martin stated she is not concerned about the regulatory restriction, because the property is already farmed. If the City would enforce its regulations there would be a strong record that it is reasonable to farm the property with the trees as they are.

V. Reid stated she has some concern of a future land owner being able to come in and clear cut in order to grow crops.

Nolan stated that while there are difficulties to restrict the property, he does not believe the decision being made tonight sets a precedent. The City will make case-by-case decisions in the future if there are higher quality woods on a property and the City may make a different decision.

Anderson echoed the comments of the other Commissioners. His one concern is the other property owners who may wish to come in.

Williams stated that it is a good faith request and is in support of the application.

Public Hearing closed at 7:56 p.m.

**Motion by Williams, Seconded by R. Reid** to recommend approval of the Comprehensive Plan Amendment from Rural Residential to Agriculture and Rezoning from Rural Residential to Agricultural Preserve for the properties located at 1525 and 1700 Deer Hill Road.

Nolan suggested a friendly amendment to add a condition that 1700 Deer Hill Road be required to combine their two lots. General consensus was to recommend this condition as well.

**Motion carried unanimously.** (Absent: None)

## **7. City Council Meeting Schedule**

December 7, 2010 Council meeting – Nolan  
December 21, 2010 Council meeting - Williams

## **8. Adjourn**

**Motion by Anderson, Seconded by Nielsen** to adjourn the meeting at 8:06 p.m.

**Motion carried unanimously.** (Absent: None)