

CITY OF MEDINA
PLANNING COMMISSION
Meeting Minutes
Tuesday October 10, 2017

1. **Call to Order:** Chairperson White called the meeting to order at 7:00 p.m.

Present: Planning Commissioners Aaron Amic, Dino DesLauriers, Kim Murrin, Kerby Nester, Robin Reid, and Janet White.

Absent: Planning Commissioner Todd Albers.

Also Present: City Planner Dusty Finke.

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

No comments made.

3. **Update from City Council Proceedings**

Finke reported that the Council met the previous week to consider the Excelsior Concept Plan, noting that the Council had similar comments to those made by the Commission in regard to not quite meeting the jump ahead or PUD provisions. He stated that the Council directed staff to prepare approval documents for the Wally Marx Conservation Design Subdivision and also approved of the Lunski project. He stated that the Council also approved the second phase of The Reserve of Medina as originally approved. He stated that the Council approved a preliminary budget and tax levy, which are proposed to be increased by three percent. He noted that the preliminary levy could be lowered before the final adoption in December. He stated that the Council also approved the increase in solar footprint and directed staff to prepare the approval documents for the solar request from the Morneau property.

4. **Planning Department Report**

Finke provided an update.

5. **Public Hearing – Mark Smith – NE Corner of Hwy 55 and Mohawk Drive – Comprehensive Plan Amendment and PUD Concept Plan for 48 Lot Subdivision with 7 Acre Park on 52 Acres (PIDs 03-118-23-42-0001, 03-118-23-41-0001, and 03-118-23-43-0005)**

Finke presented a request to amend the current Comprehensive Plan as well as a PUD Concept Plan. He noted that the proposed amendment would change the future land use from the current designation of mixed use to low density residential to create a 48-lot subdivision with a seven-acre park. He noted that the draft plan guides the property for business designation. He noted that the applicant is proposing a PUD to allow the single-family home lots to be narrower than typical lot width. He noted that while the width would be smaller, the minimum lot size would still be met. He stated that the same applicant presented a PUD Concept the previous month for the property to the north. He reviewed the adjacent property zoning and highlighted site features including the wetland and wooded areas. He stated that the drainage ways on the site divide the site into three areas. He presented the Concept Plan

from the applicant along with the Concept Plan presented the previous month to identify how the plans would fit together. He stated that the seven-acre park would be proposed on the southern portion of the site with a single access point onto Mohawk Drive. He stated that the City is in an awkward position between the current Comprehensive Plan and the draft plan, noting that the draft plan is expected to be in place in early 2018, and therefore any applications could be considered under the draft plan. He stated that the City is allowed to enact a moratorium, if desired, to protect the planning process. He stated that there is a lot of information from both versions of the Comprehensive Plan included in the Commission packet to help the Commission review the request. He stated that while technically the existing Comprehensive Plan is in effect, the context of the draft plan is also important. He noted that the property is proposed to be changed through the draft plan from mixed-use to business and therefore the property zoning would not match either of those zoning districts. He reviewed the requirements of the mixed-use zoning district, noting that the residential portion of the property would have higher density than what is proposed. He noted that if approved, there could be concern from the Metropolitan Council that the City has eaten up the low-density housing and therefore is not leaving sufficient space for the remaining required density. He stated that there is more flexibility within the draft update, as the overall density is slightly higher and therefore the City will meet the density requirements in the long-term. He reviewed the elements that must be considered for a PUD request, noting that the primary objective from the applicant's narrative in reducing the lot width is to accommodate both the park and residential development. He stated that the PUD also requests a five-foot reduction to the setback. He stated that the mixed-use zoning district does allow for single-family homes with smaller lots, but in conjunction with another housing product to meet the required density. He reviewed the proposed access from Mohawk, noting that the concept would need to be updated with an accurate wetland delineation and required wetland buffer. He stated that there is a 12-13 acre wooded area on the eastern portion of the site adjacent to the wetland and bisecting the northern portion of the site. He stated that the City's natural resource inventory identifies two higher quality portions of the woods on the southern portion of the site. He noted that the central and north wooded areas are rated as lower quality. He noted that the concept would remove the vast majority of the wooded areas to support the development. He noted that the applicant is proposing to grade the area to use on other portions of the site, which would reduce the ability to preserve trees. He stated that extensive tree removal would be required if the application moves forward in this method. He suggested that if this moves forward, perhaps there is a way to preserve the higher quality knoll and reduce the recreational amenities within the park. He noted that some of the comments will be similar, as the same comments have been made on the other concept plans that were recently reviewed. He expressed concern with the transportation proposed. He noted that the applicant stated that development of these two sites would contribute towards the extension of the nearby roadway. He stated that the City has identified an important watermain connection and the applicant is proposing to install that connection as part of the development of these sites. He stated that the applicant is proposing to incorporate the park identified for this area as well. He stated that if the Commission and Council move forward with this project, it would provide the infrastructure elements identified by the City. He stated that staff would caution against amending the existing Comprehensive Plan as that would be cumbersome during this planning process to update and finalize the draft plan. He stated that if the change is desired, staff would recommend making that change to the draft plan. He stated that one of the main objectives of the draft plan is to minimize the residential growth in the community to match the goals identified by the Met Council and this would increase that residential growth. He stated that the Steering Committee also believed that a business guiding for the property may help to preserve the high-quality tree knoll on the property that would be removed under this request. He stated that the infrastructure that would be provided is consistent with the objectives of the draft plan and therefore there are competing interests in the development of this property.

Reid stated that she recalled that the Commission was not supposed to consider financial aspects when reviewing requests.

Finke stated that in general terms that is true, but infrastructure is identified in the draft plan that provide for the quality of life for residents.

Murrin referenced the staff report which notes that the applicant is proposing to build 48 single-family homes on 50 acres, but elsewhere it provides different information.

Finke confirmed that the concept includes 48 lots. He confirmed that the density calculations are based on 48 lots.

Murrin referenced the infrastructure elements, which state that the improvements would be constructed in conjunction with the development of this property and the property to the north; and asked if that infrastructure would only be built if both parcels are approved.

Finke said the applicant has stated that the water connection would be provided with the twinhome property concept plan on the northern parcel and the road funding would be provided through the development of the southern parcel.

Amic stated that it is difficult because the City is between plans. He asked the implications of removing a business parcel from the draft plan.

Finke stated that in reality there are a lot of wetlands on this parcel and available business properties are limited.

DesLauriers referenced the comment that if the property were zoned business, perhaps that would preserve some of the wooded area. He asked for input on why this parcel is proposed to change to the business zoning district.

Finke stated that one of the objectives was to reduce the overall residential development and explained how the Steering Committee reviewed properties to determine additional business opportunities.

Mark Smith, applicant, stated that Finke did a great job of explaining the request. He stated that he is attempting to not only bring forward this request, but also show how this would tie together with the site to the north that he brought forward to a previous meeting. He noted that both parcels are within the current staging period and if the direction of the Commission and Council align with his desires, he would bring forward the two concepts as one application. He stated that perhaps the density between the two parcels could be calculated together to balance the density and raise the density on the lower parcel. He stated that after reviewing the tree inventory, he would propose to leave the knoll in place unless directed to remove that by the park department. He stated that he did not believe that business or mixed-use would be a good fit and would be better used by a park on the southern portion and residential on the northern portion of the site. He asked for direction from the Commission.

Murrin asked if the road extension would be dependent on both projects being approved.

Smith noted that the road extension would be dependent on both concepts being approved. He stated that he could provide the watermain connection if only the northern portion is approved, but if both concepts are approved he would construct the watermain and provide right-of-way for the road extension.

Amic referenced the comment that no business would want to be on this land because of the heavily wooded portion of the site. He would hope that the City would have thought about that. He asked for more information.

Smith noted that there are three separate parcels of land divided by creeks and wetlands and therefore the property is not very conducive for one complex or campus. He stated that the heavily wooded area would also require heavy removal in order to support a building or parking lot. He stated that the southern portion is also covered by trees that would block visibility from the highway. He stated that the right in/right out is also not a preference for a business.

Amic asked if that has been thought out by the Steering Committee.

Finke replied that there are some sites that get more specific discussion throughout the process and stated that there was specific discussion on this property. He noted that while there are knolls on the site, there are also flat portions of the site and park dedication could be given for preservation of the knolls. He stated that access was recognized, noting that commercial would not be ideal, but business would allow for office type uses. He noted other business uses that were constructed with the knowledge of the right-in/right-out.

White opened the public hearing at 7:39 p.m.

Tim Cavanaugh, 3320 Lanewood Lane, stated that he is the owner of the property and noted that he attended public meetings and was opposed to the business use. He did not feel that people walked the property to fully understand the topography. He stated that to be any type of a business use you would need contiguous land for development. He noted that if the road and watermain is also going to be burdened onto the property in conjunction with the tree removal and topography of the site, it would not be feasible for business development. He stated that this proposal has decreased the density from the original proposal and the D.R. Horton proposal that came before that. He felt that the use proposed would be the best the City can hope for and is also the best he can hope for. He believed the land would be worthless as a business use with the non-contiguous topography.

DesLauriers asked for input on the discussion that occurred regarding the reguinding of the property under the draft plan.

Cavanaugh stated that the property is currently zoned mixed-use and he was asking for residential and not business. He stated that this proposal would be a good fit and would also provide the needed infrastructure in this area.

Murrin asked what the land was originally zoned for when he purchased the property.

Cavanaugh stated that the land has been in his family for an excess of 50 years and was originally agricultural.

White closed the public hearing at 7:43 p.m.

Reid stated that she sees updating the current Comprehensive Plan as futile and would not want the developers to waste their money on this when the City is not going to amend the existing plan. She stated that the City could review a Concept Plan under the draft Comprehensive Plan. She stated that changing the draft Comprehensive Plan could be open to discussion.

White agreed that she did not believe the City Council would have interest in amending the existing Comprehensive Plan at this time. She agreed that a proposal could be considered under the text of the draft Comprehensive Plan. She stated that the Steering Committee put a lot of work into the guiding for this property and the guiding for this property is important; not only for the parcel, but also in the overall rate of residential development allowed. She stated that the Steering Committee would most likely want to review a request for additional residential designation to determine if development should then be delayed on another parcel.

Murrin asked what would happen if the Steering Committee were to swap the use of this parcel with another parcel and whether that would require the City to resend the plan for comments.

Finke stated that he fully expects there to be changes to the draft plan coming out of the comment period, noting that is the purpose of receiving comments. He explained that the level of public input and whether the plan would need additional jurisdictional review, would depend upon the significance of the changes. He noted that jurisdictional review would not necessarily be required when swapping land use for 40 acres here and there, but stated that the City may want to gain additional public input. He provided an update on the timeline for the draft Comprehensive Plan process.

Amic asked for additional information on the ability to amend the draft plan once adopted. He noted that perhaps a moratorium would be the best route to prevent the City from continually receiving requests that are not going to be considered until the draft plan is adopted.

DesLauriers stated that he would agree with the comments of Reid that the City continues to receive requests that are not being considered right now because of the timing between the existing Comprehensive Plan and the draft plan. He stated that the item that is missing from this discussion is the fact that this development would contribute to the extension of the road and to the water infrastructure and park system.

Murrin agreed that the City would be considering those improvements, but noted that the north property is not staged until 2025, so while the City would gain that benefit right now it is unknown as to whether the City will need that extension. She stated that one core value in the plan is to maintain greenspace. She questioned whether the City needs the road extension now, or when the property to the north is developed.

Finke stated that the road extension will be needed. He stated that three remaining sites have all had concept plans within the last few months. He stated that the risk is that the site to the north does not develop as soon as it is staged; and then the road still needs to be constructed before the development of that parcel. He stated that the watermain looping is needed and the City will move forward on that element regardless of development activity. He stated that the water will be less of an impact on existing users, as connection fees could be adjusted to fund that improvement over time. He stated that the road extension is harder to define the funding responsibility of. He stated that if there is not an opportunity to provide that connection in conjunction through development, the City would need to go through a 429 assessment and general tax dollars would need to supply the difference in funding, as the assessments would not fund the project. He agreed that it would be a substantial share of the roadway costs that would be paid by the taxpayers of Medina.

Reid stated that the parcel was not staged because this was a business property and therefore if this is rezoned to residential the staging should then be pushed back to 2025. She

explained that while the City would like to encourage any business development, the residential development has been pushed back.

Murrin agreed that she would have a problem jumping ahead of the residential development because of the decision that was made to phase out residential property because of the high amount of development the City has had in the past years. She stated that she would be willing to push the issue down the road as the road connection is not needed right now.

Reid stated that she was inclined to want to leave the zoning business because the parcel is adjacent to other business properties, but acknowledged the challenges to this parcel that may lend to residential. She also did not believe that a park that close to Hwy 55 would be a good fit.

Amic stated that this is a tricky issue and agreed that this would be a gamble. He stated that this is a nice plan, noting that he would not have a problem with a park near Hwy 55. He stated that he does like the plan with a creative layout incorporating the wetland and topography. He stated that although it has been said that this should be pushed back, he is unsure that there will be a better deal than this and the City could end up with something a lot worse than this. He recognized the concern that this site may not be right for business use and acknowledged those points. He stated that he would fear that those factors are not considered as much as they should be. He stated that it does matter if this site is even good for business in the future and is important for the City to think about.

Nester referenced the nearby Lunski property which has three businesses on one lot and stated that she would not see a reason that could not be done on this property as well.

White asked if the Commission could include a recommendation with the motion tonight for the Steering Committee to review this property to determine if business is the right fit for this parcel.

Finke confirmed that the group can provide input on that direction through consensus of formal motion.

It was the consensus of the Commission to take separate action of the request and direction for the Steering Committee.

Motion by Reid, seconded by Nester, to recommend denial of the Comprehensive Plan Amendment. Motion carries unanimously. (Absent: Albers)

Motion by DesLauriers, seconded by Amic, to request that the Steering Committee review the guiding of the subject property within the draft Comprehensive Plan update to confirm that business is the appropriate land use. Motion carries 5-1. (Murrin opposed) (Absent: Albers)

Murrin noted that a lot of time and effort has been put into the draft Comprehensive Plan and therefore would like to take the recommendation of the Steering Committee as is.

Reid acknowledged that this plan would give the City a lot, but stated that even if the property were regraded for residential, the staging would be delayed to 2025.

White stated that she did like the plan, but would want to see more connection between the two areas, with a more centrally located park and access to the development from Chippewa.

6. **(Continued Hearing) Ordinance Amendment – Chapter 8 Related to Land Use Regulations Pertaining to the Sanitary Landfill and Closed Landfill-Restricted Zoning District**

Finke stated that this is the same ordinance that was in the packet the past month, which regulates the Woodlake Landfill to allow for management of a closed landfill and would allow for solar equipment. He stated that the proposed ordinance does not include any setbacks above those outlined in statute, in order to reduce any potential impacts from the neighboring property owners. He stated that a representative is present from the PCA tonight as requested by the Commission and noted that a report from the City Attorney was also included specifying that this ordinance would meet the statutory requirements and would not go above the requirements.

Murrin referenced the setback and design standards and asked how that complies with what is recommended from the PCA.

Finke stated that those standards apply to the landfill property and there are not design standards from the PCA for the site, as long that is consistent with the closed landfill plan.

Murrin stated that the overlay district has been removed and asked how that relates to the recommendation from the PCA.

Finke stated that the written plan included that as a tool, but the follow-up statements do not seem to be consistent.

Murrin asked for information on how this area of concern would be relayed to potential property owners and asked if the City is following the recommendation of the PCA to ensure that the City does not face liability in the future.

Finke stated that this would meet the statutory requirements, but noted that the PCA did recommend that the City consider setbacks or overlays in regard to the methane gas area of concern.

Murrin confirmed that the PCA recommends the overlay district and the City is not proposing to include that in the draft ordinance. She stated that the PCA is recommending an overlay for the area of concern and setbacks, and asked for the reasoning for that recommendation.

Finke introduced the members of the PCA that were present, Shawn Ruotsinoja and Mark Umholtz.

Shawn Ruotsinoja, PCA, stated that information was included in the report from a now retired land manager. He stated that the setbacks were proposed for the methane gas area of concern and an overlay for the groundwater area of concern. He stated that personally he would not recommend an overlay for that purpose and noted that it is not required. He stated that the PCA sees this as a team effort between the land use plan from the PCA and the regulations of the municipalities. He stated that they would recommend a setback from the land waste for the distance of 200 feet and would not use the overlay. He explained the process that is used for permitted drinking wells within the area of concern to determine the best course of action. He noted that because the groundwater is already being regulated, the overlay would be redundant. He stated that the information is already in existence and therefore the overlay is not needed to convey that information.

Murrin asked, if as written, the ordinance would then allow building within the setback area.

Finke stated that the direction from the Commission was to minimize the impact the ordinance would have on neighboring properties and therefore the setback was removed. He confirmed that as proposed, the ordinance would allow construction within the setback. He stated that the City would provide notification of the risks within the area of concern.

Ruotsinoja stated that the PCA recommends the setback, but the City has the authority to make the decision. He stated that if someone was allowed to build a structure within the setback area, and something bad happened, that person would most likely sue.

Murrin stated that if the setback is put in place the City would then be safe from liability.

DesLauriers stated that most of the setbacks are within the landfill itself, and asked if the setback is necessary.

Ruotsinoja confirmed there are only two areas which exceed the landfill boundaries.

White asked if the area of concern would change in the future.

Ruotsinoja confirmed that the MPA does take readings on occasion and stated that they are not finding explosive limits within those readings, but the policy of the PCA is not to shrink the setback less than 200 feet from the waste as methane gas is very fickle. He noted that sometimes the setback exceeds 200 feet.

White asked and received confirmation that the City would be notified if the setback is changed in the future.

Reid asked if the amount of methane decreases over time.

Ruotsinoja stated that they would expect the methane levels to decrease over time as the waste decomposes, which leaves less waste.

Reid asked if a decrease has been seen for this site.

Ruotsinoja stated that the flare is monitored daily, but was unsure of the measurements. He noted that there is a landfill that closed in 1975 which is still producing a lot of methane gas. He noted that there is another site where the flare cannot even be maintained constant and is just turned on sporadically.

Reid stated that it seems that the PCA does accurate monitoring and would alert the City to any problem, and therefore it would be a remote possibility that anything bad would happen.

Ruotsinoja provided an example of an explosion which occurred nearby a closed landfill in the past. He stated that if people are going to build near the landfill, the PCA feels that the structures should remain 200 feet away from the waste. He provided additional input on the potential for solar energy and noted that if that decision is made, it would be through the PCA. He provided additional information on the groundwater area of concern as identified on the map. He stated that although the report mentions holding that area in an overlay, he does not recommend that the City do anything other than share the information with the public because the Department of Health is already regulating that aspect.

Murrin asked and received confirmation that the City would not be held liable if they do nothing further with the overlay district for the groundwater area of concern as long as the

information is shared with the residents. She asked if Ruotsinoja could send an email to Finke with that recommendation not to follow the overlay district so that the City has that in writing.

White thanked Ruotsinoja for sharing that information with the Commission.

White reopened the public hearing.

Paul Chamberlain, representing Richard Burke, stated that they have been present now three times for the discussion, noting that the driving force is the stigma that would be placed on surrounding properties for groundwater and/or methane gas areas of concern. He noted that negatively impacting property values would not help the City with its tax base and would not help the adjacent property owners. He stated that there is no groundwater contamination from the lined portion and the contamination is contained within the landfill property. He stated that if there is a legitimate concern, people should be aware of that, but otherwise there is no reason to put an unneeded stigma on the property.

Reid stated that the City has no control over the area of concern, as that is determined by the PCA.

Chamberlain stated that there is no mention in the statute for the area of the concern. He stated that the affected area is the landfill, and the other adjacent properties would not be affected area.

Reid stated that the Commission has diminished the language to the extent possible and asked what else Mr. Chamberlain is looking for.

Chamberlain stated that there is more that can be done, noting that would put the City at odds as the area of concern is identified by the PCA. He stated that the landowner will not sit still while someone puts an area of concern on their property.

Reid asked what Mr. Chamberlain wants the Commission to do.

Chamberlain stated that he would like subdivision 8 of ordinance 827.09 deleted.

Reid stated that the City is simply notifying property owners that pull a building permit.

Chamberlain stated that the results of the methane gas testing are tamer, but asked what the concern is. He stated that the gas probes routinely have zero percent readings and no gas migrating off the property. He stated that there is a pretty remote chance that anything would happen. He stated that their main concern is the groundwater area of concern. He stated that the goal stated by staff is that the ordinance would have no impact on any property other than the landfill. He asked if the City would stand up and not pass the language, because they do not think it is right. He indicated that as stated by the PCA, someone applying for a well would need to go through the Health Department, which would then check the necessary information anyway. He acknowledged that he is asking for a strong position from the Commission and the City.

Reid stated that it is a State statute and the City Attorney has stated that the City is required to do the minimum notification.

Chamberlain stated that the common interest should be the driving force, as the City should want to do what is right, notifying people of a problem if that arises and notify people of the area without stigmatizing the property.

Amic asked concerning the damage that has been done at this point in terms of stigmatizing.

Chamberlain stated that nothing has been stigmatized at this point. He noted that before his client purchased his property, he conducted a Phase I environmental assessment of the property to ensure there were no contamination issues. He was unsure if there would be a negative impact because of the groundwater area of concern, but noted that would be a factor in the marketability.

Amic asked how long ago the property owner purchased the property.

Chamberlain believed the transaction occurred in 1994.

Amic referenced the methane gas area of concern and asked what would be cut off from the area of concern in a perfect world.

Chamberlain replied that he would be fine with the setback included in the landfill boundary.

Amic referenced the northern portion that exceeds the landfill boundary and asked the amount of acreage. It was unknown, but believed to be small. Amic noted that perhaps the landowner could give that property to the landfill and therefore the setback would be completely within the landfill boundaries.

Craig Todd, real estate agent, stated that the City, State and County received beneficial gain from the landfill while the adjoining property owners did not receive financial gain. He stated that the methane gas and water quality are strong concerns. He stated that trying to place a value on the overlay impacts would be unknown. He stated that the methane gas will migrate and travel as will the water quality issues. He referenced a specific property that would be almost entirely consumed by the areas of concern and therefore a structure could not be built that would meet setbacks. He stated that the PCA and the City do have responsibility, and the seller would need to disclose that information to a potential seller. He asked if the City could return to the PCA and demand the organization purchase the property because of the problem that they created. He stated that the PCA benefited from the landfill and would benefit from the solar array, but the specific property owner has received zero benefit. He stated that land is the resident's retirement and the land cannot be sold as it is right now with the areas of concern.

White closed the public hearing.

Murrin asked if someone can build within the groundwater area of concern.

Finke stated that there are no building regulations within the draft ordinance. He noted that the Department of Health would have their own regulations for well drilling.

Murrin stated that it is her interpretation that the groundwater area of concern then does not need to be identified because the Department of Health has authority. She asked what then is changing.

Finke stated that the ordinance simply acknowledges that the law exists that formally states that the City will follow the law. He stated that as the zoning administrator he would follow

the law either way. He noted that there is a difference of opinion between the City Attorney and Mr. Chamberlain.

Reid left the meeting.

Murrin stated that this area is already identified, the area is not being changed, and the ordinance is simply stating that the City will follow the law. She stated that anyone purchasing property nearby can see there is a landfill nearby and would know there could be concerns in that area. She stated that she would have a hard time agreeing that the value of the land would decrease when the area is already identified. She stated that the City does not have control over the boundaries of the areas of concern.

White referenced page two, noting that the action before the Commission tonight is simply to adopt the zoning district and how the ordinance would be adopted. She reviewed the potential actions the Commission could take tonight.

Murrin believed that the 200-foot setback should be enacted because of the liability issues that could arise from not accepting that setback.

Finke provided clarification on the setback recommended by the PCA. He stated that if a setback is adopted, an overlay may be a better tool. He stated that regardless of the tool, the City would have to figure out how a setback could be enacted if that is desired.

White stated that she would agree with the 200-foot setbacks in those areas.

Amic asked the minimum effort that the City could do at this time.

White stated that she would not be comfortable with the bare minimum.

Finke asked the position of the Commission as to whether the City should ask the PCA to review the boundaries for the groundwater areas of concern.

Mark Umholtz, PCA, stated that the contamination is a moving target over time and provided additional details.

Amic noted that the City is providing the notification and if someone builds on that area, that would be the liability of that property owner.

Nester asked what would happen if the area of concern is expanded and the City language states 200 feet, noting that it would be difficult to expand that area further in the future.

White noted the difficulty in enforcement.

Finke agreed that it is easier to map a specific distance.

Murrin asked how the ordinance currently addresses the overlay district.

Finke replied that currently there is no overlay district and therefore the decision would be whether or not to include the setback.

Motion by Murrin to recommend approval of the ordinance with the addition of the setback for the Methane Gas Area of Concern. Motion failed for lack of second.

DesLauriers stated that he would agree with Amic to support the ordinance including the bare minimum requirements.

Motion by DesLauriers, seconded by Amic, to recommend approval of the ordinance as presented.

Motion by Murrin, seconded by Nester, to amend the motion to include 200-foot setback for the Methane Gas Area of Concern. Motion amendment failed with a vote of 2-3 (Amic, White and DesLauriers opposed). (Absent: Albers and Reid)

Motion carries with a vote of 3-2 (Murrin and Nester opposed). (Absent: Albers and Reid)

Murrin stated that she remains opposed as she is concerned that the City could incur liability from not having setbacks.

Nester agreed that she would support the 200-foot setback.

Finke stated that he intends to present this item to the City Council on November 8th, noting that the deadline to submit information in the packet is November 1st.

White thanked the residents and members from the PCA that attended the meeting to provide their input.

7. **(Continued Hearing) 4000 Hamel Road – Rezoning of Woodlake Landfill to the Closed Landfill-Restricted Zoning District**

Finke stated that the recommendation just approved by the Commission deletes the existing landfill regulations and replaces that with the closed landfill/restricted and therefore the second action before the Commission now would be to rezone the landfill property to the new zoning designation.

Murrin asked if the difference of opinion on the setback would impact this decision.

Finke stated that it would seem those differences of opinions would be separate from this rezoning request.

White continued the public hearing at 9:14 p.m.

No comments.

White closed the public hearing at 9:14 p.m.

Murrin asked if anything else would be changed other than the name.

Finke stated that the ordinance will drastically change the use of the property. He explained what is allowed under the existing ordinance and noted that under the new zoning district the only action that would be allowed is to manage the existing wastes and perhaps install solar panels.

Murrin asked and received confirmation that the landfill has not been open since 1994.

Finke explained that the City received the closed landfill plan from the PCA in 2013 and has now gotten around to changing the zoning.

White noted that from a practical standpoint, nothing is changing.

Motion by Murrin, seconded by DesLauriers, to recommend adoption of the ordinance rezoning the Woodlake Landfill to the Closed Landfill-Restricted District. Motion carries unanimously. (Absent: Albers)

8. **Approval of the September 12, 2017 Draft Planning Commission Meeting Minutes.**

Motion by Murrin, seconded by Nester, to approve the September 12, 2017, Planning Commission minutes with the changes noted. Motion carries unanimously. (Absent: Albers and Reid)

9. **Council Meeting Schedule**

Finke advised that the Council will be meeting the following Tuesday and Murrin volunteered to attend in representation of the Commission.

10. **Adjourn**

Motion by DesLauriers, seconded by Amic, to adjourn the meeting at 9:26 p.m. Motion carried unanimously.