

**MINUTES OF A SPECIAL PLANNING COMMISSION MEETING HELD
TUESDAY, SEPTEMBER 25, 2007 – 7:04 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Chair Toni Honer, Dale Borgmann, Steve Dietman, Susan Palmer, Jerry Bechtold & Jerry Tippelt. Dan Hansen arrived at 7:14 p.m.

Staff members present were: Administrator/Clerk Rena Weber, Utility Billing/ Administrative Assistant Judy Neu and Attorney Jim Mogen.

Others present: Lloyd, Cheryl & Nathan Lommel, Mike & Irene Schneider

APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Borgmann, second by Member Palmer, to approve the agenda and addition as amended. Motion carried unanimously.

APPROVAL OF AMENDED MINUTES 9/11/07 – Motion by Member Borgmann, second by Member Palmer, to approve the minutes of 9/11/07 as presented. Motion carried unanimously.

NEW BUSINESS

RAYMOND SCHNEIDER-QUALIFIED MINOR SUBDIVISION-Rena Weber reported that the Schneider's wish to sell off 10 acres of land on the east side of County Road 141. There is an issue regarding the property line and the 2 property owners will need to take care of that portion first before this can be done. In addition there will be a declaration of restriction which means that they need to restrict 30 acres on their property.

Rena Weber reported that Nathan Lommel would like to purchase the 10 acres to build on.

Motion by Member Palmer, second by Member Borgmann to approve the qualified minor subdivision as presented. Motion carried unanimously.

AMENDING THE ACCESSORY USES –Attorney Jim Mogen presented a written document regarding **Ordinance No. 2007-41 AN ORDINANCE AMENDING THE ZONING REGARDING CONSTRUCTION AND CONTINUATION OF STRUCTURES FOR ACCESSORY USES** (A copy is hereby attached marked Exhibit A).

SECTION 1. Section 8, Subdivision 2 of the City Zoning Code is hereby amended by adding the following definition:

PRINCIPAL STRUCTURE. A building or structure that is occupied by, or employed as, a permitted, conditional, or interim use of the zoning district, and that meets all requirements, performance standards, or conditions imposed for the use. Same as Principal Building.

SECTION 2. Section 9, Subdivision 2 of the City Zoning Code is hereby amended by replacing Subdivision 2(A) with the following:

Subdivision 2: ACCESSORY BUILDINGS.

- A. Principal Structure Required.** An accessory building may not be constructed or otherwise located on a parcel of property until after the associated principal structure has been completed. An accessory structure may not remain, and must be removed, if the principal structure is removed, destroyed, or otherwise eliminated. If no structure on a lot is employed as a permitted, conditional or interim use, the structure is no longer a principal structure and no structure on the parcel may be employed for any accessory use.

Member Tippelt questioned if this section of the ordinance would refer to the R-1 district only.

Attorney Mogen explained that this refers to all accessory structures in all districts.

Motion by Member Palmer, second by Member Bechtold, to recommend the approval of this ordinance as presented. Motion passed on a 6 to 1 vote.

AYES: Honer, Bechtold, Hansen, Borgmann, Palmer, Dietman

NAYS: Tippelt

WATER-ORIENTED ACCESSORY STRUCTURES-

Chair Honer explained that the Department of Natural Resources (DNR)-Chapter 6120 that has some verbiage on what the City is currently dealing with and would like to reference it:

Subitem (5) contains several provisions intended to prevent use of boathouses for residential purposes, a common problem which has occurred under the existing rules. The statement prohibits the use of these structures for human habitation and also prohibits their being connected to water supply or sewage treatment facilities. The second statement requires that any accessory structures or facilities which do not meet the criteria presented in Subitems (1) through (5), or any that do not qualify as being "water-oriented" must meet normal structure setback standards.

Since all of the provisions explained above under this item are new concepts, it is necessary to include two new definitions to enable proper decisions to be made about differentiating water-oriented accessory structures and facilities from those that are not. Under 6120.2500, Subp. 20, "water-oriented accessory structure or facility" is proposed to be defined as a small, above ground building or other improvement which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. A phrase is included exempting stairways, fences, docks, and retaining walls from the definition since these facilities routinely need to be placed closer to the ordinary high water level than the 10 foot setback proposed for water-oriented accessory structures and facilities. At the end of the definition a sentence is also included which lists several structures and facilities which are intended to be included in this definition. They include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. Several of these are reasonable to allow close to the shore so they can be reached by breezes which help minimize insect annoyances during use and also have a reasonable view out over the water. Their proximity to the shore would also provide safety benefits when they are used by adults to monitor young children playing on the shore or swimming. Although some have argued that saunas should be included under this definition, they intentionally are not included in the list of examples because they often include water supply and sewage facilities and are also used for habitation.

Member Borgmann stated that Stearns County ordinance for accessory structure is the same as the DNR but it states that you can't exceed 500 feet in size.

Discussion was held on:

- What would be allowed
- Lot size, Impervious surface
- Improve water quality
- Improve the conditions around the lake
- No new structures in the shore impact zone
- Restricted the size
- Guest house issues
- Habitable

Attorney Mogen explained that the City ordinance can be more restrictive than the Department of Natural Resources (DNR) rules.

Attorney Mogen stated that he will draft an ordinance that prohibited any new structure closer than the primary structure. It is not just within the 50 feet shore impact zone, it is any structure that is within the building line setback of 75 feet and 100 feet.

- Boat House
- Gazebo
- Patio, unattached deck
- No structure, outhouse, fish house, hoop structure
- No permanent fire pits

Chair Honer explained that this is what needs to be decided, if we are going to allow any new structures from the Ordinary High Water Level (OHWL) to the primary structure.

Attorney Mogen explained that stairs, paths, fences & docks would be allowed in that area.

Motion by Member Bechtold, second by Member Borgmann, to prohibit all new structures closer than primary structure. Motion carried unanimously.

TRANSITIONAL ZONING & ZONING MAP-"TARGET AREAS" FOR IMPLEMENTING RANDALL'S IDEAS-

Chair Honer stated that we need to come up with some ideas and look at:

- Where City service are
- Where development/growth should come first
- Do target areas
- Do you want to see Conservation design-like what Randal Arndt proposes

Attorney Mogen suggest trying to come up with some idea on what you what to put between R-1 and Ag-40. Then decide where to put them.

Rena Weber reported that there was a task force formed by the Council and member Palmer presented a written document but would like for the task force to review it first to make sure they are in favor of it.

Member Bechtold explained that current future land use map does not follow the soil conditions.

Member Palmer explained that we need to look at where we want:

- Conventional Subdivision
- Conservation Overlay
- Where to allow 5 to 10 acres parcel
- Where to preserve farm land

Attorney Mogen will bring back some ideas or definitions on transitional zone, hobby farm and low density.

Chair Honer stated to bring some ideas back to the 10/16/07 meeting.

OLD BUSINESS-There was none.

ADJOURNMENT – Motion by Member Palmer, second by Member Hansen, to adjourn the meeting at 9:26 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR