

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
MONDAY, DECEMBER 10, 2007 – 7:00 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.

Staff members present were: Utility Billing/ Administrative Assistant Judy Neu & Attorney Jim Mogen. City Administrator Rena Weber arrived at 7:17 p.m.

Others present: Scott Palmer, Paul Wirth, Bill Becker & Duane Willenbring.

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

**APPROVAL OF MINUTES 11/13/07 – Motion by Member Bechtold, second by Member Palmer, to approve the minutes of 11/13/07 as presented. Motion carried unanimously.**

**NEW BUSINESS**

**EXECUTIVE SUMMARY-SHORELAND ORDINANCE**-Attorney Jim Mogen presented a written document regarding a **PROPOSED SHORELAND ORDINANCE**:

Adopting Portions of Alternative Standards and Revising Administration of Ordinance

**EXECUTIVE SUMMARY**

By James Mogen, City Attorney

December 7, 2007

**Background:**

The Department of Natural Resources (DNR) recently developed alternative standards for shoreland management. These standards, while not replacing the existing standards, provide additional options for a City to employ in meeting the requirement of the State for Cities to manage the land within 1000 feet of lake shores and 300 feet of river shores.

The DNR shoreland standards direct the considerations and criteria that the City's shoreland management ordinances must meet. They don't dictate specific language, but provide areas and standards that the ordinance have to meet.

Currently, Rockville has adopted the Stearns County Shoreland Ordinance, by reference, as the City's management ordinance. In addition, Rockville contracts with Stearns County Environmental Services to administer some portions of development in shoreland areas. This does not mean that Stearns County is responsible for shorelands. Instead, Rockville has, in effect, "out-sourced" the shoreland management, but retains responsibility. Recently, the City Council has indicated a hope to bring the administration of the shoreland controls back to the City, and has established the Alternative Shoreland Ordinance Committee to look at proposals to implement provisions of the alternative standards.

**Ordinance in Draft Form:**

This proposed ordinance would replace Stearns County's ordinance as the shoreland management ordinance for the City. This version is only a draft, and is not ready to submit to the Planning Commission for consideration. Instead, this draft is being brought to the Planning Commission to elicit comments and concerns, and to establish consensus on the direction of the Committee's work, thus far.

**The Ordinance:**

The alternative standards provide greater flexibility in protecting the quality of lakes and rivers. The specifics can be discussed at the December 10 meeting, but, in general, the proposed ordinance does the following:

1. Increases the size of lots and lowers the density of development closest to the shore, but provides flexibility for non-riparian development.

2. Reduces the impervious surface requirements of most lots, but allows for fairly high surface coverage for developments with significant open space preservation.
3. Institutes a clear stormwater program for the shoreland and the entire City that addresses concerns that the City's current policies were not clearly documented or required extensive professional consultation.
4. Develops a stormwater mitigation plan that fairly establishes goals for improving stormwater treatment of existing properties.
5. Develops a shoreline vegetation preservation and restoration requirement.
6. Clarifies the administrative duties of the Zoning Administrator and City Engineer, and provides expedited review of some applications.
7. Implements conservation subdivision protocols, replacing conventional lot and block subdivision, and including some of the recommendations of open space advocates.
8. Provides for the focus of shoreland areas to less dense residential and water-oriented commercial development, and discourages other commercial and industrial uses, and multi-family developments.
9. Addresses protections for bluffs and steep slopes.
10. Provides authority for the City to protect lakes and rivers from erosion.
11. Provides clear authority for the City to waive some requirements, but clarifies the need to strictly enforce the ordinance for most others.
12. Integrates the model of the ordinance into the scheme used for other zoning ordinances, providing less conflict with the City's code and easier administration.

**Other portions:**

The shoreland management ordinance is one part of the controls for the shoreland. In addition, the following changes to other areas of the City's Zoning Code will be proposed. These changes are not ready to discuss, except in general terms. However, it is expected that they will be less controversial.

1. Conservation Subdivision. Changes to the subdivision code are required to implement the conservation subdivision standards and criteria.
2. Stormwater Management. A new section of the Zoning Code will be proposed to provide for controls for stormwater management. While the City has been managing stormwater for years, the City Engineer has requested adoption of an ordinance that clearly lays out the requirements of property owners, the responsibilities of City Staff, and the procedures that should be followed. The Stormwater Management portion does include the surface coverage requirements, so it is expected that this will be discussed with the Planning Commission before formal submission.
3. Vegetative Preservation and Restoration. The Committee is recommending some changes to the requirement for maintaining and restoring vegetation along the shore. However, this portion is going to be integrated into the Landscaping Section or designed as a separate section. This will likely require additional review by the Planning Commission.

**Conclusion:**

Again, this proposal is only a draft. Please provide all thoughts, concerns or complaints at the December 10 meeting. This item will then be revised by the Committee, before being introduced to the City Council and Planning Commission in January. At that time, it will be revised by the Committee again, and will then be submitted for adoption to the Planning Commission, and then the City Council.

Member Palmer would like the part on discouraging others commercial and industrial uses, and multi-family development be explained. Does the City want commercial and industrial around the shoreland?

Attorney Jim Mogen explained that the City needs to decide if they want a Business district around the lakes if not we would need to remove it.

Chair Honer introduced the 3 other members on the Shoreland Committee, Scott Palmer Grand Lake Association, Paul Wirth & Bill Becker Pleasant Lake Association.

Scott Palmer stated that the Shoreland Committee involved Don Adams from Stearns County Environmental Service because Don has the knowledge on the Alternative Standard. Don is very supportive on what the Shoreland Committee is proposing. Another thing is the elimination of the sewer vs. unsewered categories. The Committee is basing their recommendation on a lot of research.

Paul Wirth stated that his specialty is more on the environmental. Being involved with Stearns County he had other sources that could help. His position here was to look at areas not only just the lakes, but rivers, trout streams and the concerns of the stormwater run off.

Bill Becker stated to protect the water and by putting in the sewer system the water quality has improved.

Scott Palmer stated that he would ask that the Planning Commission and City Council study the Shoreland Ordinance and make recommendations back to the committee if there is parts that need changing.

Discussion was held on:

- Lake Access Lots and not allowing them
- Removing the category on sewer and unsewered
- Building Line test
- Feed Lots

Member Dietman stated how do we think the residents on the lakes will take this?

Chair Honer explained that we have both Lake Association on board and this is one way we can get it out to the residents. The Commission needs to be on board too and support it.

Member Palmer stated that if we want to preserve the lakes for the future this is a great step towards that.

Member Borgmann thanked the 3 members for volunteering their time. His option is that the ordinance should work.

Member Tippelt stated he would like sometime to review it.

Attorney Jim Mogen stated that he has been working with the City Engineer regarding the Stormwater Management and that is almost completed. We are still working on the Vegetation and the Conservation Subdivisions.

Chair Honer explained that the executive summary is for the Planning Commission and Council to know what the committee has been working on for the last 2 years.

Member Tippelt questioned if the Lake Association has seen the draft copy and the reason is that they have some good input regarding this ordinance.

Attorney Jim Mogen stated that if any members have thoughts, questions and concerns regarding this ordinance they should send him an email.

**ORDINANCE 2007-44 AMENDING PARK LAND DEDICATION-** Attorney Jim Mogen presented a written document regarding **Ordinance No. 2007-44 AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING PARK DEDICATION CASH IN-LIEU CALCULATIONS**

**The Rockville City Council ordains:**

**SECTION I. Section 25 of the City Code is hereby amended by deleting all and replacing same with the following:**

**SECTION 25  
PUBLIC LAND DEDICATION**

**Subdivision 1: DEDICATIONS OF PUBLIC SITES AND OPEN SPACES**

All residential subdivisions shall dedicate land for public use such as parks, playgrounds, open spaces, natural sites, or other uses according to the following schedule.

**Subdivision 2: SCHEDULE FOR PUBLIC USE DEDICATION**

- (A) 1,800 square feet of land shall be dedicated for each single family residential lot.
- (B) 1,500 square feet of land shall be dedicated for each multi-family residential unit.

**Subdivision 3: DEDICATIONS FOR PREVIOUS SUBDIVISIONS**

The following criteria will adjust the above schedule:

- (A) For subdivisions that create a maximum of two lots, and that have one existing single family home on the property, no public use dedication will be required for the lot with the existing single family home, regardless if the single-family lot is credited with previously dedicating land for public use.
- (B) If the subdivision, or any portion thereof, was previously required to dedicate land for public use, the public use dedication required will be adjusted as follows:
  - (1) By reducing the number of single-family lots which are subject to the schedule in Subdivision 2 by the number of previous single-family lots eliminated by the new subdivision. If more single-family lots are eliminated than are included in the new subdivision, the difference is subtracted from the number of multi-family units included in the new subdivision on a one-for-one basis, and
  - (2) By reducing the number of multi-family units subject to the schedule in Subdivision 2 by the number of multi-family units eliminated by the new subdivision. If more multi-family units are eliminated than are included in the new subdivision, the difference is subtracted from the number of single-family lots included in the new subdivision based on a ratio of six units-to-five lots ratio.
- (C) If no portion of the subdivision was required to dedicate land, the entire subdivision will be subject to the requirements of this Section 25.
- (D) In no event will a new subdivision result in a return of previously dedicated land, or a refund of funds paid in-lieu of dedication.

**Subdivision 4: SUBDIVISIONS INVOLVING MIXED USES**

For subdivisions incorporating a mixture of uses and/or densities, the public use areas shall be determined by applying the appropriate dedication requirement proportionate for each use listed in this Section.

**Subdivision 5: DEDICATION OF LAND INCLUDED ON MASTER PLAN**

Where a proposed public site or open space is identified in the Master Park Plan or Comprehensive Plan of the City for public site or open space and is located in whole or in part in a subdivision, the Planning Commission may require the dedication of this land within the subdivision in complying with the dedication requirements of this Section 25. The subdivision must provide access by Public Street to the dedicated land, unless other access is acceptable to the Planning Commission.

**Subdivision 6: DEDICATION OF LAND NOT SHOWN ON MASTER PLAN**

Where the subdivision proposes to dedicate land for public use to comply with the requirements of this Section 25 that is not identified in the Master Plan or Comprehensive Plan of the City for public site or open space, the land must:

- (A) Have frontage on one (1) or more streets, unless otherwise approved by the City Council after recommendation of the Planning Commission, and
- (B) Be of a character and location suitable for the intended use as determined by the Planning Commission.

**Subdivision 7: DEDICATION OF PHASED SUBDIVISIONS**

The City shall require the dedication of all land identified in the preliminary plat within the first final plat (first phase) adopted for the subdivision. In addition, the subdivision must dedicate sufficient proposed right-of-way to access the dedicated land.

**Subdivision 8: CASH IN LIEU OF LAND**

- (A) The Planning Commission may require the subdivision to pay to the City the equivalent cash value of the land which would otherwise be dedicated. Such amount shall be made pursuant to the requirements of Minn. Stat. § 462.358 Subd 2(b), as amended, and shall be based on the value of the land at the time the subdivision, or any first phase, is approved.
- (B) In determining whether to require a cash in lieu of land payment includes, the Planning Commission must consider whether: (1) a subdivision is too small, (2) the subdivision does not include any land shown on the Master Park Plan or Comprehensive Plan, (3) the proposed land to be dedicated doesn't meet the requirements of Subdivision 6, and (4) the need for funds to develop existing park land or acquire higher-priority park land in the area.

**Subdivision 9: PARK DEDICATION FEE**

The City may, by resolution, adopt a park dedication fee, in accordance with the following:

- (A) The fee shall be based on the average value of land within the City. The City may use the values as determined by the County Assessor, or any licensed or approved appraiser.
- (B) Such resolution shall be reviewed at least annually.
- (C) The City may adopt various park dedication fees specific to an area or portion of the City which are based on the values of the land located within the area.
- (D) The park dedication fee will be the cash in lieu of land payment, unless:
  - (1) The subdivision opts to have the City calculate the cash in lieu of land payment based on its actual value;
  - (2) The subdivision pays for the costs to the City to determine the value of the cash in lieu of land payment pursuant to Subdivision 8; and
  - (3) The City may require security of its choosing to ensure payment of the costs of Subdivision 9(D) (3).

The subdivision must pay the cash in lieu of land payment as determined by the City, if this process is followed.

**Subdivision 10: SPECIAL PARK FUND**

The City shall establish a separate fund into which all cash contributions received from owners and developers in lieu of conveyance of dedication of land for such public purposes shall be deposited. Said funds shall only be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash contributions must not be used for ongoing operation or maintenance.

**Subdivision 11: DEED TO PROPERTY**

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by Warranty Deed or unrestricted plat dedication.

**Subdivision 12: PROPERTY TAXES ON DEDICATED PROPERTY**

Property taxes due and payable on dedicated properties must be paid by subdivision prior to recording of the subdivision.

**Subdivision 13: IMPROVEMENTS IN FRONT OF DEDICATED PROPERTY**

The subdivision shall be responsible for the cost of all street, storm sewer, water and sewer and other municipal improvements which run in front of or through land dedicated as part of a subdivision. Such costs shall be paid by the subdivision directly if the improvements are privately installed. If the improvements are publicly installed such costs shall be equally assessed to the subdivision lots.

**SECTION II. This Ordinance shall be effective immediately upon its passage and publication.**

**Motion by Member Bechtold, second by Member Borgmann, to recommend adopting the amended Ordinance No. 2007-44 An Ordinance Amending the Zoning Ordinance Regarding Park Dedication Cash In-Lieu Calculations as presented. Motion carried unanimously.**

**DRAFT ORDINANCE-“FRONT” OF LOT-**

Attorney Jim Mogen stated that he thought it was handled at the last meeting.

Judy Neu questioned that the 11/13/07 minutes regarding the setbacks from the road and the front of the structures along Hubert Lane, Lake Road, Mitchell Lane, and Pleasant Road did not get handled.

Attorney Jim Mogen explained that it is an issue on the setbacks and recommends that those areas be addressed.

Chair Honer stated at our next joint meeting in January with the Council we need to discuss variance request.

Rena Weber reported that this could be addressed when you have the training with Jed Burkett.

**UPDATES FROM SUB-COMMITTEES:**

- A. **ZONING MAP-** Member Bechtold reported that the committee met and talked about where there is interest in development.

The area that the committee focused on was the Voigt's property by Pleasant Lake.

- There is interest in developing the property
- Could implement some of our suggestion and ideas
- There is undeveloped lake shore
- There is sewer in that area
- There is potential connection of Pleasant Road to either County Road 137 or 88<sup>th</sup> Ave for transportation.
- This area does fit the City of Rockville and St Joseph Township Comprehensive plan

Attorney Jim Mogen suggests tweaking the zoning district to identify those restrictions but doing that there are 3 things that need to be addressed.

- **Park Plan:** Currently the City does not have a Master Park Plan and if you are going to identify an area to be a park, you will need to develop a good Master Park Plan.
  - **Streets:** The second piece to having a Master Park Plan is the road and you will need to dictate where roads go. You will need to have a study done.
  - **Schilplin Property:** The City has an agreement in place and that identifies the density of that property and if that changes the City would need to refund some of the money.
- B. **SMALLER LOTS-** Member Hansen reported that the committee needs to come up with criteria on what we want in the smaller lots.

**SET DATE FOR LAND USE TRAINING WITH JED BURKETT:**

Rena reported the Jed Burkett works for the League of Minnesota as a staff attorney and a Land Use expert. Jed will come to the City of Rockville and give a free Land Use presentation. The Planning Commission will need to pick a date on when to have the joint meeting with the Council. The scheduled meeting date will be January 22, 2008 @ 6 p.m.

**OLD BUSINESS**-There was none.

**STAFF REPORT** – Rena Weber reported that the Council passed Ordinance # 2007-41, 2007-42, 2007-43 with a revision to the Industrial setback. The Council is requiring that a 100 foot setback from an area butting an R-1 District. Another thing is that Vincent Meyer has accepted an offer on his place on Pleasant Lake. The person that put the offer in does not have plans to build as big as what was proposed. The last thing to report on is Raymond & Irene Schneider who owns property in the SP-1/AG-40. They want to sub-divide the farm house off from the rest of the property.

Attorney Jim Mogen explained that the Schneider's would not be able to plat because the ordinance does not allow it. In the Ag-40 district it requires all plats within that district be by Planned Unit Development but in the SP-1 District Planned Unit Developments are not permitted. We would need to fix that part of the ordinance if you want sub-divisions.

Attorney Jim Mogen reported on the Wesbur/Tauber property. The issue is that Wesbur's sold 35 acres to Tauber's and there was some provision that the Tauber's would sell it back. The Wesbur's property is in Wakefield Township and Tauber's property is in the City limits but the driveway goes through Wakefield Township. The Wesbur's had contacted the City on whether they could subdivide the property.

Attorney Jim Mogen questioned if the Planning Commission had any thought or issues on subdividing the property. The Wesbur's currently lease the property and would like to buy it back for agricultural purpose. The ordinance allows for that type of sub-subdivision because it is for agricultural use only. The issues are the driveway and whether the City will require them to have 75 foot frontage, even though the front of the driveway would not be in the City limits. The other issue is that the City encourages the property lines to be straight right angles. They are proposing to follow the field so the lot lines would not end up being straight.

**ADJOURNMENT** – *Motion by Member Hansen, second by Member Borgmann, to adjourn the meeting at 9:10 p.m. Motion carried unanimously.*

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**JUDY NEU**  
**BILLING CLERK/ADMINISTRATIVE ASST**

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**TONI HONER**  
**CHAIR**