

City of Rockville Planning Commission Minutes

Date: January 25, 2005 Time: 7:00 p.m. Place: John Clark Elem. School Media

Present: Jerry Bechtold, Don Merten, Linda Peck, Dale Borgmann, Dan Hansen, Toni Honer, Kathleen Stanger  
City Staff: Rena Weber, Judy Neu, Pete Carlson, John Kolb

Approve Agenda: Motion by Dan, seconded by Don, to approve the agenda and amendments. Passed.

Approval of Minutes for 01/11/05: Don moved approval of the minutes, seconded by Dan, with the following corrections: a) Eliminate this sentence "That also a house could be placed on this property with minimal impact to the surrounding area." (Part of public hearing information provided by Anne Nelson); b) Under public hearing info from Linda & John Peck change the following: ...1.2% of land in the county that is in the Minnesota Biological Area ... replace Minnesota Biological Area with County Biological Survey map. Change "Total of a 110 acres has been identified so far in Rockville City" with Total of only 110 acres of Lowland Forest has been identified in Stearns County. Remove the words "next to the Pole building" from the sentence "Linda would like to see them put the building site North of Sauk River Road *next to the pole building.*"

New Business:

- a) Discuss John & Brian Herberg Plat. Brian Herberg presented information to the Planning Commission as regards 127 acres of land owned by his parents in the SP-1 District (sections 27 & 34). He is interested in building a house on this property on a 5 acre parcel located in a wooded area situated on 40 acres in the southwest quarter. To do this he may need to sell 12-13 acres northeast of the existing homestead. His parents are considering building a new home on land to the south of the homestead. Much of the land on site is agricultural & wetlands with interspersed woodlands. There is a high voltage transmission line that crosses the property. Brian was specifically asking for direction from the Planning Commission on how to proceed. The following suggestions were made by Commission members and staff: 1) Under SP-1 District only 1 home is allowed for every 40 acres. Therefore the maximum number of homes allowed would be 3; 2) Check into any lakeshore management issues; 3) No PUDs are allowed in SP-1; 4) Research the idea of a conservation design for the land – sources of information available from the 1000 Friends of Minnesota. Jerry encouraged Brian to submit a draft document to the Commission after researching the suggestions provided.
- b) Bruce Conrad – Rental & 2 Businesses: No action as Bruce was not present.
- c) Discuss Conservancy District: The history around how the Conservancy District idea came about (Dec. 2002), was altered and finally eliminated from our ordinances (2004) was explained by John Kolb. Originally the idea was for a Conservancy overlay in **any** district of Rockville that would provide a way to protect valuable natural resources in areas not suitable for agricultural or urban

development. These areas were identified as wetlands, woodlands, and steep slopes. In 2003 the areas identified were expanded to include Stearns County Biological Survey areas of rare species inventory and all areas within the one hundred (100) and five hundred (500) year flood plain. In 2004 the idea of the Conservancy Overlay District was deleted from the ordinances. This was done because efforts were made by the Commission and City Council to expand the SP-1 District Conditional Use section (Subdivision 6: Single Family Dwelling Requirements) so that it reflecting more protection for these natural resource areas. The County Biological Survey sites were acknowledged in a more general sense by using the term wildlife habitat. In some ways this action has weakened the strength provided in Rockville's ordinances to steward these special resource areas. However, John Kolb encouraged the Commission members to keep in mind the intent of the original Conservancy district idea . When asked how one would apply such protection possibilities to land not in the SP-1 District, Mr. Kolb said that most of these special areas are in the SP-1 District. He also mentioned that the major flaw of Conservancy Districts is that they can be overly broad/restrictive thus taking away any options for the landowner. Such is not the case with our ordinances.

#### Old Business:

- a) Continue public hearing – Scott Gronseth-Conditional Use Permit-SP-1
  - 1) Scott Gronseth: As the landowner he has made a request for a conditional use permit so he can sell it for a residential dwelling situated south of Sauk River Road. When he bought the property he anticipated building on the parcel section south of the road not considering the parcel section north of the road.
  - 2) Fred Bengtson, DNR Wildlife Manager: Fred addressed the importance to the state of the MN County Biological Survey Sites – one of which is the lowland hardwood forest south of Sauk River Road where the proposed house would be located. This area is a wildlife corridor as well as an area of high biological diversity (plant and animal life). Once these areas are taken away they are essentially gone forever. He urged the Commission to give these sites special consideration. There are alternatives that can be implemented; the decisions may be painful and many people may not like them but there are not many soldiers in our society working to defend these areas. Rockville can have development and also preserve. He also commended the City in pursuing a natural resource inventory. Fred submitted some written testimony to the City (dated 01-21-05).
  - 3) Mark Lenaghan, Edina Reality: He reminded the Commission that Stearns County Environmental Services did give the go ahead for this site south of Sauk River Road. There are no county, federal, state or City of Rockville

rules/laws/ordinances that say this proposal can't be done. He stated that the loss of perhaps 1 acre of trees in this lowland hardwood forest was really a minimal impact. Kathleen asked if the location of a septic system north of the road was a possibility. Mark indicated it would be okay with the buyer.

- 4) Chuck Imdieke , septic system installer for the proposal: Chuck addressed further Kathleen's questions: 1) He had only been asked to look at a septic system south of the road. He did not realize that land on the north side was under consideration. 2) Yes, there were concerns about placing septic systems in wooded areas as trees and tree roots can impact the system. As such trees would be cleared 10 feet around the 36 'x 85' land required for the system.
- 5) John Kerber, Pleasant Lake Area: John emphasized that if these CBS sites were so special then the state and/or federal government ought to purchase them.
- 6) Brian Herberg, (Cypress Court): Brian emphasized that the soils on the land south of the road were amenable to this proposal. Rockville needed the tax revenue and that if the forest was impacted south of the road planting of trees could be require north of the road as a replacement

The public hearing was closed at 8:30 p.m. Motion by Dale, seconded by ?

At this time Rena read into the record written testimony that had been received by the City from the following: 1) Hannah Dunevitz Texler, Regional Plant Ecologist, MNDNR (date: 01-12-05); 2) Stephen Saupe, PhD. ( SJU & CSB), Professor and Herbarium Curator (Date: 01-21-2005); 3) Scott Palmer, President, Grand Lake Area Association (Date: 01-25-05); 4) Anne Nelson, Environmental Specialist (Stearns Co); 5) Cynthia Smith-Strack, Municipal Development Group, Inc. (Date: 01-25-05).

Rena walked the Commission members through the two checklists that relate to the consideration of a residential development in SP-1. One of these is filled out by the applicant, the other by the Commission. A vote was taken by the Commission on #4 of the Commission's checklist which state: "Are there conditions required prior to the approval of the development?" The question posed was if both the house **AND** the septic system should be located north of Sauk River Road. Voting YES that both should be north of the road were: Toni, Don, Dan, Linda and Kathleen. Voting that the house should be on the south side with the septic on the north side – Dale. Voting that the house should be on the south without addressing the location of the septic system: Jerry. Members were then polled on whether or not they wanted to postpone a decision on making a recommendation to the City Council: Voting against postponing : Kathleen, Linda, Dan, Don, Toni. Voting to postpone: Dale

Linda made a motion that the following recommendation be sent to the City Council: The Planning Commission recommends denying this request to construct a single family dwelling in Section 8 (on approximately 34 acres) (Gronseth property) south of

Sauk River Road. See attached Exhibit A for the entire recommendation with reasons For denying the request. The motion was seconded by Kathleen. Votes supporting the motion: Kathleen, Don, Linda, Toni. Votes against: Dale. Abstaining: Dan. Carried.

Linda requested that an independent written legal opinion by John Kolb accompany the Planning Commission's recommendation and findings attesting that the Commission's recommendation is legally defensible. John Kolb said this was possible. Moved by Linda, seconded by Toni, that this request for legal defensibility be done. Yes votes: Kathleen, Dale, Linda, Dan, Don and Tony. No dissenters.

- b) Woodland – Amend Ordinance (Review Beckers): Pete Carlson handed out some Other tree preservation ordinances: additional information from Becker and a very comprehensive ordinance from Eden Prairie. The Commission already has tree ordinances from the City of St. Joseph and Cold Spring. It was recommended that we look at the ordinances we have, pick out the parts we like from each source, think about how a tree preservation/replacement plan might become part of a developer's agreement and consider how one might enforce such an ordinance.

Additions to the Agenda:

- 1a) Transitional Zoning: The Commission has received letters from the Pleasant Lake Area Homeowners Association and the Grand Lake Area Association requesting that the City of Rockville establish more zoning classifications under the R-1 Single Family Residential District. Discussion followed with the following ideas: 1) if requiring larger lots are we spreading more costs to the smaller lots? 2) costs for sewer hook ups. 3) Could developing and implement conservation designs in developments help? We need to look at what is being done in other communities as regards these transitional zones. Recommended we get information from: Cities of Hugo, Cold Spring, Andover and Marina on the St. Croix. Also the organization 1000 Friends of Minnesota is working with cities on conservation design developments.
- 2a) Planning Commission Ordinance Amendment: This issue will be addressed at a special City Council/Planning Commission on February 9, 2005. At this time 2 public hearings will take place – one addressing changes in the structure of the Planning Commission which would allow the chair to vote. Rena will get copies to the Commission on the proposed changes at our next scheduled meeting Feb. 8.

Open Forum: Brian Herberg presented some information as regards the various soils on the Gronseth property. There are 3 major soil types and all pose different challenges to standard residential development. However, Brian's point was the soil north of Sauk River Road are more negative for development than those south of the road.

At 10:40 Toni moved with Dale seconding that the Planning Commission adjourn.

Passed!!!! Submitted by Linda Peck Chairman \_\_\_\_\_ Rec.Sec. \_\_\_\_\_

### Exhibit A

The Planning Commission recommends denying this request to construct a single family dwelling in Section 8 on approximately 34 acres (Gronseth property) south of Sauk River Road.

#### Reasons for Denial:

- 1) The project as proposed is not in compliance with Rockville's Comprehensive Plan.
  - a) The proposed house/garage/driveway/septic system are all located in a County Biological Survey site (lowland hardwood forest). Only 3 CBS sites exist in the City of Rockville. The recommendation for these sites in our Comprehensive Plan (Chapter 2, page 8) states: "To the extent possible the City should promote, protect, enhance and preserve natural and physical features while managing requests for development and redevelopment."
  - b) This parcel of land is located in the Special Protection District 3 – see chapter 4 (pp 20-23). Recommendations in this District include:
    - #1 a.(p.21): "Open space preservation/natural resource protection."
    - #3 (p.21): "The City to every extent possible shall preserve, protect, restore and enhance former and remaining elements with historic and/or cultural significance, productive agricultural lands, wetlands, woodlands, steep slopes and physical infrastructure within this District. Areas of special note within the district include steep slopes, oak forests, wetlands, lowland hardwood forests, tamarack swamps and areas within the Sauk River floodplain."
    - #4 (p.21): "Promote the continued existence of woodlands and open space within the district."
    - #7 (p.22): "The City should promote the preservation of ----- biological surveys-----."
- 2) The project is not consistent with the City's Zoning Ordinances for the Special Protection District: Subdivision 6 – Single Family Dwelling Requirements:
  - #2) "The soils and topography must be more amenable to the construction of a single family dwelling than to farming or wildlife habitat."
  - #3) "The vegetative cover must be more amenable to the construction of a single family dwelling than to farming or wildlife habitat."
  - #6) "The location of the dwelling must minimize wildlife habitat destruction. For example tree removal must be minimized and the structures must be located so as to have the least amount of impact on habitat."
  - #7) "The location of the dwelling must minimize and/or avoid impacts on wetlands both through direct filling or proximity affecting water quality or wildlife habitat. The dwelling and construction must also avoid negative impacts on storm water drainage."
  - #9) "The dwelling must be located on land which is of marginal use as tillable land or wildlife habitat."
- 3) There is an alternative location for a residential dwelling on the 10 or so acres north of Sauk River Rd. that avoids impacting the lowland hardwood forest CBS site.