

**MINUTES FROM A JOINT WORKING SESSION OF THE ROCKVILLE CITY COUNCIL,  
PLANNING COMMISSION & STAFF HELD TUESDAY, MARCH 25, 2008 – 6:30 P.M. –  
ROCKVILLE CITY HALL**

The meeting was called to order at 6:41 pm. by Chair Toni Honer. Attending the meeting were:

City Council: Vern Ahles, Susan Palmer, Jim Pflipsen & Don Simon. Absent: Randy Volkmuth and Mayor Herberg who was interviewing potential fire fighters.

Planning Commission: Toni Honer, Jerry Bechtold, Dan Hansen, Jerry Tippelt & Steve Dietman.

Staff Members present: Julie Zimmerman, Engineer Scott Hedlund & Attorney Jim Mogen.

Also present: Shoreland Ordinance task force members present were: Scott Palmer, Bill Becker, & Paul Wirth.

Chair Honer announced that the Special Meeting had been called for the purpose of reviewing the proposed Shoreland Ordinance, Storm Water Ordinance, as well as Transfer of Development Rights and A-10 Ordinances.

Attorney Jim Mogen stated that the Storm Water Management Ordinance would be presented by Engineer Scott Hedlund. (Scott arrived at approximately 6:46 pm).

Attorney Mogen presented copies of a revised Shoreland Overlay District Ordinance draft dated 3/25/08. He noted that the revised draft has integrated all of the changes that Mr. Mogen understood that needed changing or clarifying from the previous meeting. He asked those present to feel free to ask questions or discuss if there is anything missing or anything that needs further clarification. Attorney Mogen went through the changes with those present. On page 3 there is a clarification on the width that it has to be the width at the shoreline as well as at the building line, on page 4 the multi family language for minimum lot size was changed-"L" was taken out to remove residential and was changed to duplex lot area. On page 5 language was changed regarding the shore impact zone (decks can't go in the shore impact zone). On page 10 E there was language added for riprap/retaining walls, and on page 11 section #7 was added clarifying that swimming is allowed but can't be by a boat access, etc.

Planning Commission member Toni Honer noted that when this ordinance becomes implemented there should there clarification of the square foot addition vs. the percentage of impervious surface.

It was stated that the Planning Commission overall felt that with Storm Water Plan the cases would be few and far between so they would prefer to deal with these on a case by case basis by not being too restrictive and being more fair overall. They want to do this to try to keep the residents that have been there from getting upset. The city needs to maintain flexibility but still keep a fairly consistent ordinance.

There was a question of clarification-if there is a complete tear down it was the shoreland committee members' understanding that the ordinance wouldn't necessarily require the applicant to put in the native grass etc. Couldn't they also do some of the other mitigation efforts instead like rain gardens, etc? Attorney Mogen stated that could be further clarified by the Storm Water Management discussion.

Attorney Mogen referred to page 10, Subdivision 13 (b) of the Storm Water Management draft dated 3/25/08 regarding the Shoreland Stormwater Impact Mitigation program section. Items 1, 2 and 3 are standards that trigger the higher standard for the vegetation. As drafted, if the lot exceeds the impervious coverage limits noted in these sections, then mitigation efforts would be needed. This would apply for a substantial remodel or new development.

Planning Commission Chair Toni Honer questioned if it is below the 50% is there verbiage to allow a site approval?

It was stated that it's better to have strong, specific language or the criteria well defined in the ordinance. If you think the language in 13 (b) 1 is too loose, 13 (b) 2 is intended to catch that.

Member Susan Palmers' understanding was that there were several ways to mitigate such as rain gardens, or other items of mitigation.

Attorney Mogen suggested that Scott Hedlund review the Storm Water Management draft. Engineer Hedlund went through the handout he had created of the Proposed Storm Water Management Ordinance Overview and he also referred to the Storm Water Management draft of 3/25/08.

The overview covered the following areas:

Why Have a Storm Water Management Ordinance?

Subdivision 1 Purpose

Subdivision 2 (a) Storm Water Management Permit Required

Subdivision 2 (b) Exemption from Permit Requirement

Subdivision 2 (c) Waiver of Permit Requirements

Subdivision 3 Application for Storm Water Management Permit

Subdivision 4 Transfer of Storm Water Management Permit

Subdivision 5 Financial Security Required

Subdivision 6 Required Map & Plan Submittals

Subdivision 7 Application Review Procedure

Subdivision 8 Storm Water Management Standards-General

Subdivision 9 Construction Activity Standards-General

Subdivision 10 Detention Facility Standards-General

Subdivision 11 (a) Storm Water Discharge Standards- Rate & Volume

Subdivision 11 (b) Storm Water Discharge Standards-Water Quality

Subdivision 12 Special Shoreland Erosion Prevention & Sediment Control Standards

Subdivision 13 Shoreland Storm Water Impact Mitigation Program

Subdivision 14 Expedited Review through Use of Pre Approved Methods

\*Rainwater gardens

\*Rain barrel

\*Soakaway Pit/Infiltration Trench

\*Riparian Shoreline Buffer

Subdivision 15 Lot Coverage Limits

Subdivision 16 -18 Miscellaneous

Shoreland Committee member Scott Palmer questioned his understanding of the Storm Water Management draft. Are there different mitigation options allowed under the draft? Is his understanding correct?

Attorney Mogen went through an example of a situation using a pre-existing lot of record with a 20,000 square foot lot adding 700 sq ft to a house, with an existing garage and driveway that all together currently totals 19,200 sq. ft. of impervious surface. Under this scenario the property is not exempted because it is in the shoreland area. A permit is needed. An application and 3 maps would need to be completed (could be all on 1 map) existing lot, construction plan (how addition it is going to be built) and what looks like in the end. The Financial security obligation would need to be paid along with the application (escrow or fee). The ordinance is concerned about water quality so the volume is the first part-does this project require mitigation? You would look to subdivision 13b of the Storm Water Management Ordinance. For a General Development lake in the shoreland zone 15% is the calculation to use. So for a 20,000 sq. ft. lot times 15% = 3,000 sq. ft. for the calculation. After this is done there would be 2,700 sq. ft. of impervious surface (2,000 existing and 700 new). That would not be exceeding the calculation but under 13 (b) 3 if the proposed use will result in an impervious surface area which exceeds the limits of the zoning district, and it wouldn't apply to 13 (b) 1 because it's not 50% or more of the floor area of the principal structure being repaired, replaced, or remodeled, however under 13 (b) 2 under the cumulative area of all additions and improvements language if this addition exceeds 700 square feet then the applicant must treat the Water Quality Volume based on the area required by the ordinance. The applicant would propose a mitigation effort such as a soakaway pit or rain garden and the city engineer would review the mitigation plan to determine if it meets the ordinance. If it does, then the engineer could approve the plan. The applicant could also choose to put in vegetation to address the required mitigation.

In major situations like tear downs or a major addition/remodeling the vegetation component (shoreline buffer) of the ordinance would be required (at 25 ft deep and 75% of the width of the property). There would still be a need to deal with run off.

There was a question about how the vegetative component would work with a sandy beach? Can the vegetative component begin at the grass area of the lot instead of digging up the sand beach?

It was stated that in a situation where the water current creates the sand beach then that can be dealt with as a unique situation. If it isn't a natural occurrence, for example if someone has hauled in sand, then the riparian buffer would be required. Attorney Mogen stated there may be some credit given for some vegetative area on the property.

Members questioned what will people tolerate? It is felt that the ordinance needs to be reasonable.

There was a question as to who determines if the sand beach is natural or not. It was noted it can be determined by the city engineer, the county, etc.

There was another question regarding what is the definition of substantial remodeling? It is 50% in the draft according to Attorney Jim Mogen.

Member Pflapsen supports these ordinances and feels the city needs acceptance by the lake residents before taking this to the other areas of the city.

It was discussed to bring this back to the Shoreland committee soon to get final discussion before returning this back to the city council.

Shoreland committee member Bill Becker questioned page 3, Subdivision 2 (b) of the Storm Water Management ordinance overview with the exemption from permit requirement being less than 10,000 square feet for new impervious surface. Is this reasonable? Does everyone feel comfortable with that? It was noted they are trying to use reasonableness in this ordinance.

Shoreland committee member Scott Palmer questioned whether this should be brought to the lake associations first? Grand Lake is having their meeting in May. It was determined that the two lake associations will have a special meeting to review these ordinances within the next 3-4 weeks to get this wrapped up before June.

The group felt that they are close to a final draft. The Shoreland committee will have another meeting. **The next Shoreland Committee meeting will be held on Thursday April 3, 2008 at 8 am. at Rockville City Hall.** The committee will discuss the Shoreland Ordinance and Storm Water Management Ordinance at that meeting.

Scott Palmer questioned if engineer Hedlund and Attorney Mogen could be present at the joint lakeshore meeting and if the city could cover this cost? The council discussed that there was a fee to be received from a previous fine and the proceeds from the fine were supposed to be used to cover water quality issues. City staff will research whether the fee has been collected and it was felt that the city could use the fine funds to cover the engineer and legal costs since this is a water quality issue. The lake associations will take care of informing their members and cover the costs of postage, etc.

It was also suggested that the city may want to have a public information meeting for all city residents to get resident input before scheduling the public hearing on the ordinances.

**Motion by Member Pflapsen, second by Member Palmer, to research the fine proceeds and use the fine proceeds to cover the costs of the engineer and legal fees for attendance at the Lakeshore Association meetings.**

**AYES: Ahles, Palmer, Pflapsen & Simon.**

**Motion passed on a 4-0 vote.**

The discussion then switched to the Transfer of Development Rights issue. Planning Commission Chair Toni Honer noted she felt that issue was done.

Chair Honer asked that the A-10 discussion be pushed back until the Shoreland Ordinance and Storm Water Management ordinances are mostly completed. The general consensus of those present was to wait.

**Motion by Member Palmer, second by Member Ahles, to adjourn the meeting at 8:36 pm.**  
**AYES: Ahles, Palmer, Pflepsen & Simon. Motion passed on a 4-0 vote.**

Submitted by Julie Zimmerman-Finance Director