

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, MAY 10, 2011 – 6:30 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, Jerry Tippelt, Jerry Bechtold & Liaison Jeff Howe. Absent: Susan Palmer.

Staff members present were: Zoning Administrator Rena Weber and Billing Clerk/Administrative Assistant Judy Neu.

Council members present were: Jerry Schmitt & Don Simon.

Others present: Mike & Susan Nistler, Greg Mueller, Susan Vieregge & County Commissioner Jeff Mergen.

APPROVAL OF AGENDA/AMENDMENTS – Zoning Administrator Rena Weber reported on the Molitor’s Certificate of Compliance there was a paragraph added to the documents “The conveyance of this remaining tract is for a purpose other than to create a building site. Therefore, use of the tract described in this Paragraph #3 as a building site shall be prohibited. “

Motion by Member Borgmann, second by Member Tippelt, to approve the agenda and the Amendment. Motion carried unanimously.

APPROVAL OF MINUTES 02/08/11 – *Motion by Member Bechtold, second by Member Borgmann, to approve the minutes of 02/08/11 as presented. Motion carried unanimously.*

NEW BUSINESS

MOLITOR’S ADMINISTRATIVE PLAT: Zoning Administrator Rena Weber reported the Molitor’s would like to split off 2.57 acres (farm site) and Donald & Delores Molitor would own that portion. The remaining tract of land would be transferred to Thomas and Joseph Molitor’s Partnership.

Chair Honer stated she did a site visit with Tom Molitor he explained that the reason for the property lines running the way they are is because of the drainage tile that is in the field they legally have to own it to maintain it and the other question was the Molitor’s needed to know that they would need a secondary septic site on the 2.57 acres.

CERTIFICATE OF COMPLIANCE

STATE OF MINNESOTA)
COUNTY OF STEARNS)
CITY OF ROCKVILLE)

1. These descriptions are intended for Donald M. Molitor and Delores H. Molitor, Trustees of the Donald M. Molitor and Delores H. Molitor Revocable Trust Agreement dated March 14, 1995 (“Trust”) to retain a tract, and for the remaining tract to be transferred to Thomas and Joseph Molitor Partnership, a Minnesota Partnership, in the City of Rockville.

2. In addition, the historic description for the property owned by Donald M. Molitor and Delores H. Molitor, as Trustees of the Donald M. Molitor and Delores H. Molitor Revocable Trust Agreement dated March 14, 1995, is incorrect in that 88th Avenue is not located on the quarter section line. Therefore, this Certificate of Compliance is further granted for the homestead of the Donald M. Molitor and Delores H. Molitor Revocable Trust Agreement dated March 14, 1995 to be correctly described. As a result of the split approvals, the remaining Trust property shall consist of a portion of the old legal description as well as certain additional real estate occupied by the Trust with title currently in the Thomas and Joseph Molitor Partnership. The two tracts to be held by the Trust are described as follows, to-wit:

TRACT A-1

That part of the NE 1/4 of the NW 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 14; thence on an assumed bearing of S 02°16’13” E, along the North-South Quarter line of said Section 14, a distance of 701.46 feet to the point of beginning of the

tract herein described; thence continue on a bearing of S 02°16'13" E, along last said line, 430.04 feet; thence on a bearing of N 88°51'19" W, 203.20 feet; thence on a bearing of N 04°28'22" E, 430.00 feet to its intersection with a line bearing N 88°51'19" W from the point of beginning; thence on a bearing of S 88°51'19" E, along last said line, 152.62 feet to the point of beginning.

TRACT A-2

That part of the NW 1/4 of the NE 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 14; thence on an assumed bearing of S 02°16'13" E, along the North-South Quarter line of said Section 14, a distance of 701.46 feet to the point of beginning of the tract herein described; thence on a bearing of S 88°51'19" E, 86.82 feet to the center line of 88th Avenue; thence on a bearing of S 01°17'49" E, along said center line, 429.66 feet; thence on a bearing of N 88°51'19" W, 79.50 feet to its intersection with the North-South Quarter line of said Section 14; thence on a bearing of N 02°16'13" W, along last said line, 430.04 feet to the point of beginning.

A new comprehensive legal description for the Trust property is as follows, to-wit:

That part of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 14; thence on an assumed bearing of S 02°16'13" E, along the North-South Quarter line of said Section 14, a distance of 701.46 feet to the point of beginning of the tract herein described; thence on a bearing of S 88°51'19" E, 86.82 feet to the center line of 88th Avenue; thence on a bearing of S 01°17'49" E, along said center line, 429.66 feet; thence on a bearing of N 88°51'19" W, 282.70 feet; thence on a bearing of N 04°28'22" E, 430.00 feet to its intersection with a line bearing N 88°51'19" W from the point of beginning; thence on a bearing of S 88°51'19" E, along last said line, 152.62 feet to the point of beginning.
Containing 2.57 acres, more or less.
Subject to easements of record.
Subject to the rights of the public in 88th Ave.

The above-described property is the new legal description for parcel #76.41623.0900

3. As a part of this Certificate of Compliance, the legal description for the remaining tract to be transferred from the Trust to Thomas and Joseph Molitor Partnership is as follows, to-wit:

The Northeast Quarter of the Northwest Quarter, Section 14, Township 123, Range 29,
LESS AND EXCEPT:
(TRACT A-1)

That part of the NE 1/4 of the NW 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 14; thence on an assumed bearing of S 02°16'13" E, along the North-South Quarter line of said Section 14, a distance of 701.46 feet to the point of beginning of the tract herein described; thence continue on a bearing of S 02°16'13" E, along last said line, 430.04 feet; thence on a bearing of N 88°51'19" W, 203.20 feet; thence on a bearing of N 04°28'22" E, 430.00 feet to its intersection with a line bearing N 88°51'19" W from the point of beginning; thence on a bearing of S 88°51'19" E, along last said line, 152.62 feet to the point of beginning.

The conveyance of this remaining tract is for a purpose other than to create a building site. Therefore, use of the tract described in this Paragraph #3 as a building site shall be prohibited.

4. Finally, as a part of this Certificate of Compliance, the new description for the existing tract of land owned by Thomas and Joseph Molitor Partnership after the transfer to the Trust referenced above, is as follows, to-wit:

The NW 1/4 of the NE 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota

LESS AND EXCEPT:
(TRACT A-2)

That part of the NW 1/4 of the NE 1/4, Section 14, Township 123, Range 29, Stearns County, Minnesota, described as follows; Commencing at the North Quarter Corner of said Section 14; thence on an assumed bearing of S 02°16'13" E, along the North-South Quarter line of said Section 14, a distance of 701.46 feet to the point of beginning of the tract herein described; thence on a bearing of S 88°51'19" E, 86.82 feet to the center line of 88th Avenue; thence on a bearing of S 01°17'49" E, along said center line, 429.66 feet; thence on a bearing of N 88°51'19" W, 79.50 feet to its intersection with the North-South Quarter line of said Section 14; thence on a bearing of N 02°16'13" W, along last said line, 430.04 feet to the point of beginning.

The Rockville City Planning Commission has reviewed these splits and found them to be in compliance with the standards set forth in the City of Rockville.

DECLARATION OF RESTRICTION

This Declaration of Restriction ("Declaration") is made this _____ day of _____, 2011, by the undersigned "Declarant".

WHEREAS, the Declarant are all the fee owners of the following described property:

See attached **Exhibit A**

WHEREAS, Section 11 of the City of Rockville Subdivision Code requires that a Declaration of Restriction be executed restricting the further subdivision of the property that has been subdivided and/or attached pursuant to that section and the Administrative Minor Subdivision procedures included therein, unless such subsequent subdivision is performed by platting.

WHEREAS, the Declarant has sought subdivision under Section 11 for agricultural, nonresidential purposes.

NOW, THEREFORE, the Declarant makes the following Declaration. The restrictions described below shall run with the land and shall be binding on all parties and all persons claiming under them.

1. The property described in **Exhibit A** shall not be further subdivided until and unless platted pursuant to the Subdivision Code of the City of Rockville, or its successor ordinances.
2. No residential dwelling or structure may be constructed, erected, placed or developed within the property being subdivided and/or attached, as described in **Exhibit A**
3. All future subdivisions or transfers must comply with the zoning and subdivision controls effective at that time.

FURTHERMORE, this Declaration is made for benefit of the City of Rockville or its successors ("City"), and may be removed by resolution of the City, recorded with the County Recorder, in the event:

- A. The property is rezoned to allow for additional residential development, or
- B. The City determines the purposes of this Declaration no longer apply.

IN WITNESS WHEREOF, the Declarants have executed this Declaration on the date and year above written.

Motion by Member Bechtold, second by Member Borgmann, approved the Administrative Plat as present. Motion carried unanimously.

GREG MUELLER PIT: Zoning Administrator Rena Weber reported the following written/oral report that was dated April 6th, 2011 from Central Specialties Inc.: This letter is to request an extension of the IUP for the Greg Mueller Pit. We have currently suspended production operations at the site because there are no area specific projects on schedule at this time. As a result we have implemented Interim Reclamation Plan measures to secure and maintain the site.

The site does however, hold a rich and abundant source of high quality aggregates that are well suited to road construction. Coupled with its strategic location on a 10 ton paved road, it is particularly attractive and competitive site with minimal impact, for any future area specific projects. For these reasons we would like to retain the permit on the site in dormancy until such time as it becomes feasible to activate it for a site specific area project.

Mike Nistler -25417 County Road 2 with the Interim Use Permit Greg told me that after they are done with County Road 51 they were going to close the pit and put it back into farm land. We were happy to hear that because it is not fun living next to a pit where you have the dust, the dirt, the semi truck, the beeping when backing up. Now it's looking like it is going to be a 10 year pit, there are four (4) huge piles all marked with different types of material just waiting for someone to come in and start a business. That is not what was agreed to. My idea is to give him until November 1st to get rid off the piles then cover everything back up. Greg agreed in writing that he would shut the pit down and start farming it.

Chair Honer questioned is this on the agenda to take action tonight.

Zoning Administrator Rena Weber explained that this is follow up to the Interim Use Permit that was due on November 1st, 2010.

Chair Honer explained that Central Specialties Inc/Greg Mueller is requesting an extension.

Susan Vieregge from Central Specialties out of Alexandria Minnesota – The pit was open and there is some misunderstandings about the term reclaim and closed. The pit is a site that offers a good source aggregate. The pit has not been managed or accessed at this point in time but is kept for the benefit of the County and the Cities in the area it's obvious a valuable resource for projects that happen in the future that we can't anticipate at this time so to close it up, cover it up and put it back into farming would be disservice to the County and the community in this area. Obviously with road construction one of the great costs to building the roads is transportation of materials. So if we can access a site where the material is close by it could be to everyone's benefit. We would like to ask the Council to approve an extension to the pit. We do not have any work scheduled out of the pit at this time. The eastside of the pit has been reclaimed so probably about 1/3 of the site has been graded and Mr. Mueller intends to plant the reclaim area back into crop land this year. The rest of the pit has not been mined at this time but has been graded and contoured. The stock piles need to be put some where until they can be used or sold.

Chair Honer questioned "Has all the equipment been moved out?"

Susan Vieregge stated everything is out.

Chair Honer questioned "Is it just the stock piles?"

Susan Vieregge stated "Yes".

Mike Nistler questioned "Why are they stock piling a pit that suppose to close?"

Susan Vieregge explained there was some material that was left over from the County Road 51 project, perhaps anticipation for other projects.

Member Tippelt questioned you said that the eastside of the pit is reclaimed and ready to be farmed. What is the intent, is it to go further north with the pit and away from Mr. Nistler property?

Susan Vieregge stated "Yes" that is the plan.

Member Tippelt questioned "Is there anything or suggestion that can be done?"

Mike Nistler explained he had a conversation with Mr. Mueller recently to back the pit up in front of his house and he can deal with the noise, dust, pollution and everything else. I wouldn't have a problem with the pit there. We been dealing with the pit from 1995 to present and we had enough.

Greg Mueller explained they are moving to the North it is like a windshield wiper. They started by Mike's property, they bought by County Road 2 and now they are by the township road. Actually like how a windshield wiper goes they are halfway around that circle.

Mike Nistler stated they are about a quarter of a mile away from Mr. Mueller place right now. I say lets sell the material, level it off, move it back by Mr. Mueller's house and then do the windshield wiper and work your way back to County Road 2.

Sue Vieregge explained that there is cost involved in moving the stock pile. The stock piles are probably something that could be used for township roads or other projects in the area so if we have to truck it off site and then bring it back for something that will add extra expenses to the projects. We have made efforts to keep the site clean. Another thing to take into consideration is that when the pit is active it is for the benefit of the residents in this area.

Mike Nistler stated they shouldn't be able to stock pile? They don't have a permit to stock pile.

Chair Honer explained the Planning Commission should do a site visit tonight and make a recommendation to the council at their next meeting.

Susan Nilster stated during daycare hours the contractor came over to tell us that they were going to shut down for the day because there was so much smoke going toward our property.

Motion by Member Borgmann, second by Member Bechtold, to table until they can do a site visit. Motion carried unanimously.

HOOP STRUCTURES: Zoning Administrative Rena Weber explained that a letter was sent to Monte Burger regarding his hoop structure. Monte Burger had contacted the City to explain that it's not a hoop structure and it's been there for years. This past winter with the wind and snow the material had torn. Monte has contacted a company to have it replaced.

Member Borgmann stated it is a hoop structure.

Motion by Member Borgmann, second by Member Bechtold, to remove the hoop structure. Motion carried unanimously.

RIGHT TO FARM & RURAL RESIDENTIAL ORDINANCE: Zoning Administrator Rena Weber reported the following written/oral reports from the City Attorney Adam Ripple: It looks like MN Statute 561.19 (which provides protection for ag operations from nuisance actions) was used to provide the basic framework for the ordinance. Attached are clean and redline copies of some revisions that I suggest. The following is an explanation of those changes:

1. To be clear, the City can only provide exemptions/protections with respect to the City's nuisance regulations. The City cannot adopt an ordinance that alters a private individual's ability to initiate a nuisance action under state law. I believe the intent of the proposed ordinance is to ensure that the City's ordinances are not used by angry neighbors to make life difficult for farmers. The ordinance accomplishes that goal.
2. 561.19 uses the term "established date of operation" as a way to start a 2 year period from the date in which an operation begins. After the 2 year window, the burden of proof in a court proceeding shifts to the plaintiff. The proposed ordinance uses a similar term, but does not create a window. Instead, the ordinance immediately shifts the burden of proof to the plaintiff. Thus, the term is unnecessary and creates confusion, so I deleted it in Section 3 of my revisions.

3. Section 4 was unclear and used the "established date of operation" term. The references to time in A, B, and C are confusing because the proposed ordinance is not time dependant except for Section 4. D (now C). Again, the ordinance cannot serve to alter state law.
4. I have removed or altered all references to injury, because they are misleading.
5. Section 5.F. was a little confusing. I assumed the intent was to exclude ag operations that are not within the permitted districts and revised accordingly. If this was not the intent, let me know.
6. Section 6 has a disclosure. Inclusion of the disclosure with building permit seems to be mandatory, but the disclosure for sale or rental is permissive. A permissive requirement like this is going to have little if any practical effect. That said, it is fine to leave it how it is.

**ORDINANCE #2011-69
RIGHT-TO-FARM ORDINANCE**

AN ORDINANCE TO PROTECT AGRICULTURAL OPERATIONS FROM NUISANCE SUITS UNDER CERTAIN CIRCUMSTANCES

The Rockville City Council does hereby ordain as follows:

Section 1. - Findings of Fact: The Rockville City Council finds that the encroachment of non-agricultural land uses into rural areas may interfere with efficient agricultural production by encouraging unnecessary local regulation of agricultural practices and/or private litigation against farmers.

The Rockville City Council further finds that the right of farmers to produce food and other agricultural products must be balanced with the rights of non-farmers who own, occupy, and use rural land.

Section 2. Intent: It is the policy of the City of Rockville to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and agricultural products. When non-agricultural land uses extend into agricultural areas, agricultural operations often become the subject on nuisance suits. As a result, agricultural operations are sometimes forced to cease operations or are discouraged from making investments in farm improvements. Therefore, it is the purpose of this ordinance to reduce the loss to the City of its agricultural resources by limiting the circumstances for which agricultural operations, using accepted agricultural practices, may be deemed to be a nuisance.

Section 3. - Definitions: The following words or phrases as used in this ordinance shall have the meanings given them in this section.

- A. **Agricultural District:** Lands found in areas of City of Rockville classified as "A-40" Agricultural District and "R-R" Rural Residential District as specified upon the official Rockville zoning maps, adopted April 16, 2003 and as subsequently amended.
- B. **Agricultural Operation:** Conditions or activities that occur in connection with the production of agricultural products and includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery, the use of irrigation pumps and equipment, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, the grazing and confinement of livestock subject to county health and zoning regulations and applicable state requirements, and the use of labor and farm laborers.
- C. **Agricultural Practices, Accepted:** Methods and techniques for producing and processing agricultural products which do not endanger public health, safety, or welfare. Said practices shall be in conformance with applicable county, state, and federal laws and regulations governing those practices including, but not limited to those governing air, land, and water pollution.
- D. **Agricultural Products:** Organic material (animal or plant) which supplies food, feed, fiber, fur or fuel, but not limited to, grains, feed crops, vegetables, fruits, seeds, trees, wood, forages, sod, pasture, dairy and dairy products, fowl, poultry and poultry products, livestock, swine, cattle, horses, sheep, fish, goats, bees and honey products, and other similar products.
- E. **Nuisance:** Means a public or private nuisance as defined by statute, administrative rule, ordinance, or by the common law.

- F. Nuisance Suits, Action or Proceeding: An action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

Section 4. - Agricultural Operations; Limitation of Nuisance Suits;

Actions or Proceedings: No nuisance suit, action or proceeding, alleging that an agricultural operation is a public or private nuisance under the ordinances of the City of Rockville shall be maintained in the district court if:

- A. The agricultural operation is conducted within an agricultural district; and
- B. The agricultural operation is conducted in accordance with accepted agricultural practices; and
- C. Either (1) The agricultural operation began prior to ownership, occupancy or use of land within an agricultural district by a person alleged to have been harmed as a result of the agricultural operation, or (2) A person, as the owner, occupier or user of lands within an agricultural area, alleged to have been harmed as a result of an agricultural operation after the adoption of this ordinance.

Section 5. - Exemptions: The provisions of this ordinance shall not apply or defeat the right of any person, firm, public body, or corporation to recover damages for:

- A. Negligent agricultural operations;
- B. Damage sustained because of pollution of the air, land, or surface and subsurface water;
- C. Changing the condition of a stream or watercourse;
- D. Increased flood heights or velocities caused by encroachments upon the flood plain;
- E. Excessive soil erosion; and
- F. Agricultural operations located within a non-agricultural district.

Section 6. - Notice to Landowners: The following notice may be included in any contract for the sale or rental of land, and shall be included in any permit issued for the construction of any dwelling on land located within an agricultural district or immediately adjacent thereof.

"The property described herein is located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subject to inconvenience and discomfort arising from agricultural operations, including but not limited to noise, odors, fumes, dust, and operation of machinery of any kind (including aircraft), the storage and disposal of manure, and the application of chemical fertilizers, herbicides, and pesticides. Owners, residents and other users of this property should be prepared to accept such inconvenience and discomfort from agricultural operations, and are hereby put on official notice that Section 4 of the City of Rockville Right-To-Farm Ordinance may bar them from bringing a nuisance action against such agricultural operations."

Section 7. - Disclaimer: This ordinance does not affect nuisance suits, proceedings, or actions commenced prior to the effective date hereof.

Section 8. - Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared severable.

Section 9. - Certification: The Rockville Administrator/Clerk shall certify to the adoption of this ordinance and cause the same to be published.

Section 10. - Effective Date: That this ordinance shall be and is hereby declared to be in full force and effect, from and after ten (10) days from the date of final passage and approval.

Motion by Member Borgmann, second by Chair Honer, to proceed in recommending the Right to Farm ordinance as presented.

AYES: Borgmann, Honer & Tippelt

ABSTAIN: Bechtold

Motion passed on a 3 to 0 vote.

And the other comment from the City Attorney was the ordinance looks pretty good. There is one issues that I think needs to be addressed though. In the R-R District, “agricultural land uses” are permitted uses, but “Farming” is a conditional use. The definition of each term, as provided in Section 8 of the zoning ordinance is as follows:

“FARMING” means the cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

“AGRICULTURAL USE” means the use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

1. Field crops including but not limited to: barley, soybeans, nursery stock, garden crops, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
2. Livestock including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.
3. Livestock products including but not limited to: milk, butter, cheese, eggs, meat, fur and honey.

The proposed ordinance states “agricultural land uses” instead of “agricultural use,” I recommending using the term defined in the ordinance. It seems that many activities would fall within the definition of both “farming” and “agricultural use”. This is problematic if one term is a permitted use, but the other is a conditional use. The restriction in Subdivision 4. L. that uses “farming” creates a cap, rather than a floor, of no more than 3 units per acre. (A CUP is required for any “farming,” but “farming” above 3 units per acre is not permitted.) If 4.L. instead required that a CUP be required above 3 units per acre, there would be no inconsistency.

I am not sure what the intent of using the 2 terms (“farming” vs “agricultural use”) is, but I think the ordinance can easily be fixed once the intent is clear.

**ORDINANCE #2011-70
RURAL RESIDENTIAL ORDINANCE
AN ORDINANCE TO ALLOW FOR RURAL RESIDENTIAL DEVELOPMENT AND AMENDMENTS TO
CORRESPONDING ZONING ORDINANCES**

The Rockville City Council does hereby ordain as follows:

SECTION 16 A: Rural Residential District “R-R District”

SUBDIVISION 1 – PURPOSE AND GOALS

1. Purpose: This district is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that due to substantial coverage by wooded areas, rock outcroppings, marginal soils, steep topographies where soil erosion is of risk and not conducive to long-term agricultural use; or negative impact on waterways from higher density residential is likely, etc. Some areas in this district are currently under agricultural production and can remain so. Residential development may be allowed in this district at an overall density up to 8 dwellings per 40 acres. Land within this district is not highly valued farmland nor is land located within any growth or expansion area of the City of Rockville. This district is likely located adjacent to agricultural areas and efforts to minimize land use conflict shall be a primary tool in approving development.

This R-R District will be identified on the City’s Future Land Use map but will not be on the current zoning map until an area has been re-zoned to this district following a request for the same from the property owner(s).

2. Goals of the R-R District:

- a. Minimize land use conflict between agricultural and other land uses.

1. Maintain suitable boundaries for urban, rural residential and agricultural areas.
- b. Manage the impacts of growth and development on the City's rural character.
 1. Discourage incompatible land uses through effective land use controls.
 2. Identify appropriate areas for commercial, industrial and non-farm rural residential developments.
- c. Provide a variety of residential opportunities.
 1. Provide a diversity of housing prices and styles, meeting the needs of different ages, incomes and lifestyles.

SUBDIVISION 2 – PERMITTED USES:

The following uses are permitted subject to any applicable performance and general development standards contained herein:

- a. Agricultural land uses
- b. Family, group, "program", daycare facilities serving 12 or less.
- c. Single family residential dwelling unit
- d. Forestry

SUBDIVISION 3 - PERMITTED ACCESSORY USES:

The following accessory uses and structures are permitted subject to the performance and general development standards contained in of this Ordinance.

- a. Accessory buildings (residential)
- b. Decorative landscaping features
- c. Home occupations
- d. Private swimming pools
- e. Private tennis courts
- f. Residential garages, parking spaces, carports
- g. Roadside stands for sale of home occupations, or horticultural products, provided off-street parking is provided
- h. Signs as regulated by ordinance

SUBDIVISION 4 – CONDITIONAL USES:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this Ordinance:

- a. Airports or airplane runways
- b. Alcohol fuel plants
- c. Animal hospital
- d. Bed and breakfast inns
- e. Bulk liquid storage
- f. Churches, cemeteries
- g. Commercial Wireless Towers– personal wireless, microwave
- h. Contractor shops-cabinet, excavation, etc.
- i. Essential services, transmission services, utilities substations
- j. Event Centers
- k. Farm implement sales, fertilizer plants, grain elevators, greenhouses
- l. Farming, general and dairy, providing animal unit density is not greater than 3 units per acre for parcels 10 acres and greater.
- m. Governmental buildings and structures
- n. Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
- o. Outdoor recreational facilities-golf courses
- p. Schools – private and public
- q. Storage building as a principal use on a parcel of 10 acres or more.

- r. Wastewater treatment facilities
- s. Wind energy conversion systems (in accordance with other provisions in our existing ordinance).

SUBDIVISION 5 – INTERIM USES:

The following uses may be allowed as interim uses subject to the procedures set forth in this Ordinance and further subject to the performance and general development standards contained in this ordinance:

- a. Extractive uses
- b. Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.

SUBDIVISION 6 – STANDARDS FOR DETERMINING PERMITTED RESIDENTIAL DWELLING SITES (BUILDABLE LOTS):

- a. Parcels of Record: Certain parcels of record recorded under separate deed and not containing five (5) acres may be allowed as residential dwelling building sites and shall be determined as follows:
 - 1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein to be a parcel of record may be combined with other tracts or parcels for determining the number of permitted residential dwelling sites.
 - 2) Any non-contiguous tract or parcel that is in common ownership on May 1, 2011 but was recorded under separate deed prior to May 1, 2011 shall be considered a parcel of record and shall be eligible as a residential dwelling site.
- b. Residential dwelling site eligibility: An eligible five (5) acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
 - 1) The tract contains five (5) acres more or less, must be platted using the Lot and Block system. The right of way of any public road adjacent and included in the description of said tract may be used for the 5 acres calculation.
- c. Density calculation: Determining eligibility for a residential dwelling site on a parcel or parcels within the R-R District shall be as follows:
 - 1) The property owner's total acreage owned on the parcel or parcels all within this district, less and except any land under the OHWL, shall be calculated.
 - 2) 5 acres for each existing residential dwelling and any equivalent land area previously restricted shall be subtracted from the total acreage owned.
 - 3) The results from (1) and (2) above shall be divided by five (5) acres and the quotient shall be the number of eligible divisions that are permitted for the parcel. Decimals of less than 0.80 shall be reduced to the nearest whole number and decimals 0.80 or greater shall be increased to the nearest whole number.

As an example of how unbuildable/buildable land would be handles by this provision, if 8 acres of a 20-acres parcel is unbuildable, 4 dwelling units would be allowed on the remaining 12 buildable acres; thereby maintain the required 1 dwelling unit per 5 acres density.
- d. Lot access requirements: Every tract or parcel, including out lots shall abut or have direct vehicular access to a public road and have a minimum road frontage equal to the required lot width. This public road may be an interior dedicated public right of way that is built by and maintained by the property owners and not by the city, provided the dedicated public right of way meets the minimum road width and other requirements of the city.

SUBDIVISION 7– LOT REQUIREMENTS:

- a. The minimum lot size for a single-family residential dwelling shall be 5.0 acres of which 2.5 acres must be buildable.

SUBDIVISION 8 – SETBACK REQUIREMENTS:

Except as provided in Section 9 – General Requirements Ordinance, the following setback requirements shall apply:

- a. Residential structures setbacks from side yard or rear yard: 50 feet
- b. Minimum width and depth of lots: minimum median lot width of not less than 250 feet and minimum median lot depth of not less than 300 feet.

SUBDIVISION 9 – HEIGHT REQUIREMENTS

- a. Buildings other than agricultural buildings; shall not exceed thirty-five (35) feet in height except as provided in this Ordinance.
- b. Agricultural buildings shall be exempt from the height requirements.

SUBDIVISION 10 – LOT COVERAGE

The maximum lot coverage shall be twenty-five percent (25%).

SUBDIVISION 11 - RURAL RESIDENTIAL PLANNED UNIT DEVELOPMENT (RR-PUD)

1. Purpose: To allow flexibility and creativity in design by offering alternative standards in what is currently designated SP-1 and A-40 zoning districts. This would allow property owners in agricultural areas within these 2 districts to develop non-productive land areas with residential dwellings with similar density and other standards as is allowed in the R-R District. In designing an RR-PUD the natural features such as wetlands, existing topography, soil types, woodlands and natural communities shall be considered to preserve rural character, enhance scenic vistas and protect sensitive environmental resources and provide areas for recreational use. A Rural Residential PUD may allow for the creation of distinctive neighborhoods by encouraging clustered residential development.

The RR-PUD is only allowed in overlay districts that have been designated on the City of Rockville Zoning Map. The RR-PUD must be approved through a Conditional Use Permit.

2. Objectives:

- a. Locate residential lots to avoid hydric and restrictive soils.
- b. Plat designs shall avoid lot locations that impact steep slopes, wetlands, floodplains, and other environmentally sensitive areas.
- c. Consider structures of historical significance, prime agricultural lands, endangered species protection, mature tree stands, and rare plant communities when designing layouts. Lots should be designed in a manner that offers highest preservation for natural corridors that are valuable for wildlife habitat, scenic enjoyment or agricultural production.
- d. Reduce the cost of construction and maintenance of public facilities, infrastructure and services.
- e. Provide a lot layout that maintains a low visual impact, particularly from arterial roadways and abutting properties.
- f. Facilitate road connections from one subdivision to another.
- g. Connect existing and potential open space lands, natural corridors and trail-ways whenever possible.

AMENDMENTS**SECTION 16 A-40****Subdivision 6: RESIDENTIAL DENSITY REQUIREMENTS**

1. Except as otherwise provided in this Ordinance, only one (1) Single Family Residential Dwelling unit shall be allowed per forty (40) acres.
2. ~~Residential Development Rights may be transferred from one forty (40) acre tract to another forty (40) acre tract. The Planned Unit Development standards of this Ordinance must be met if any transfer results in the transfer of two (2) or more residential dwelling sites.~~
3. ~~The City will not accept transfers of Residential Development Rights from any other city or town into the City.~~

SECTION 24 SP-1 SPECIAL PROTECTION AG-DISTRICT

Deleted in its entirety.

SECTION 26 PUD PLANNED UNIT DEVELOPMENT

~~In no event will a planned unit development be approved which allows for increased development within a SP-1 District.~~

SECTION 9 GENERAL REQUIREMENTS

Subdivision 6: DWELLING UNIT RESTRICTIONS

- A. Except and in the case of Planned Unit Development Districts and R-2 and R-3 and Rural Residential Districts, no more than one (1) principal building may be located on a lot. In the A-40 District a second dwelling may be located on the Lot by conditional use permit.

Subdivision 25: FEEDLOTS

Section 6.7 of the Stearns County, Minnesota Zoning Ordinance (as amended) relating to feedlots is hereby adopted by reference in its entirety except for setback requirements. Existing feedlots cannot sub-divide their property and be closer than 700' from a new sub-divided lot.

SECTION 29: AMENDMENTS/REZONING

- A. Petition. The owner of the subject property ~~or ten (10) or more owners of property~~ in the City may propose a zoning amendment or change, including a rezoning, by submitting fifteen (15) copies of a verified petition to the Zoning Administrator.

Section 12. - Certification: The Rockville Administrator/Clerk shall certify to the adoption of this ordinance and cause the same to be published.

Section 13. - Effective Date: That this ordinance shall be and is hereby declared to be in full force and effect, from and after ten (10) days from the date of final passage and approval.

Liaison Jeff Howe stated we should have a definition of agricultural land use.

Motion by Member Borgmann, second by Chair Honer, to give Zoning Administrator approval to get clarification from the City Attorney regarding the definition on "farming" and "agricultural use". Motion carried unanimously.

Recessed 7:36 p.m. for the Planning Commission to go a do a site visit @ Central Specialties/Greg Mueller pit.

Motion by Member Borgmann, second by Member Bechtold to recommend extending operation until November 1st, 2011, to add signs saying no Jake Braking, to get a direct phone number from Central Specialties to direct any concerns or comments to, to post no discharging of fire arms and no use of ATV after working (7:00 a.m.-10:00 p.m.) hours.

AYES: Borgmann, Bechtold & Tippelt

ABSTAIN: Honer

Motion passed on a 3 to 0 vote.

ADJOURNMENT – Motion by Member Borgmann, second by Member Tippelt, to adjourn the meeting at 7:55 p.m. Motion carried unanimously.

JUDY NEU
BILLING CLERK/ADMINISTRATIVE ASST

TONI HONER
CHAIR