

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,
TUESDAY, AUGUST 07, 2012 – 6:33 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Acting Chair Dale Borgmann. Roll call was taken and the following members were found to be present: Acting Chair Dale Borgmann, Jerry Bechtold, Susan Palmer, & Liaison Jeff Howe. Absent Jerry Tippelt & Chair Toni Honer.

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

Others present: Bob Edelbrock, Vern Salzl & Scott Palmer.

APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Bechtold, second by Member Palmer, to approve the agenda. Motion carried unanimously.

APPROVAL OF MINUTES 06/12/12 – Motion by Member Bechtold, second by Member Palmer, to approve the minutes of 06/12/12 as presented. Motion carried unanimously.

NEW BUSINESS

PUBLIC HEARING APPROXIMATELY 6:30 P.M. THOMAS & NICOLE O'BRIEN @ 21203 AGATE BEACH ROAD – VARIANCE REQUEST –Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, August 8, 2012 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of Thomas P & Nicole M O'Brien for variance from Shoreland Requirements. The address of the property is: 21203 Agate Beach Road with a legal description of: 1.25 Acres part of Government Lot 4 lying SE'ly of and between NE'ly & SW'ly line of existing tract of land extending SE'ly

The request is to construct a 12' x 150' sand blanket in the R-1 – Shoreland District. Variances from the following will be discussed:

- ◆ Exceeding the 15' x 30' wide Recreation area

STAFF REPORT (Stearns County Environmental Services- David Nett)

This report addresses a proposal by Nicole O'Brien which includes re-grading the shoreline to repair damage created by ice heaving and adding sand to an area 12 feet back from the lake and along 150 feet of shoreline. I conducted a site visit on May 29th, 2012 to review the proposal.

To begin with, it appears the work to grade out the shoreline to repair the ice heave damage had already take place. They did not employ any sediment or erosion control best management practices. Moving forward, the applicant had proposed a 12 foot by 150 foot sand blanket. Stearns County Land Use and Zoning Ordinance #439 allows for a significantly smaller sand blanket area. Per Section 10.2.14 (30) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level. Any proposal for a sand blanket to exceed these dimensions would require a variance.

Additionally, staff recommends the installation of natural fieldstone rock riprap or biodegradable coir log to stabilize the toe of the slope and prevent any further erosion of the shoreline. The applicant will continue to experience ice damage and erosion of the shoreline if they do not stabilize the shoreline in some fashion. This could be made a condition of a permit, if one is granted.

All disturbed areas should be seeded and covered with erosion control blanket immediately following project completion.

Zoning Administrator Rena Weber reported that she received an email from James Weber @ 21209 Agate Beach Road stating that the extent of the sand blanket be set back from our common lot line by 10 feet.

Scott Palmer @ 21108 Fowler Road - I am the President of the Grand Lake Improvement District and the district is trying to undo the large sand blankets. If you read any reports from the Minnesota DNR (Department of Natural Resource) there is no way to prevent erosion. If you talk to MN DNR (Department of Natural Resource) or Stearns County Soil and Water Conservation District the only way to prevent this is to establish vegetation and shrink the size of the sand blankets. He would like to ask if the property owners would work with Sauk River Water Shed District and Stearns County Soil and Water Conservation District regarding their shoreland. He would like this request to be denied.

Motion by Member Palmer, second by Member Bechtold, to close the public hearing @ 6.43p.m. Motion carried unanimously.

Member Palmer stated that she contacted Stearns County Environmental Service to question what could be done to prevent ice heaves.

Stearns County Environmental Services comments:

- The ice heaves are going to happen again
- Try to focus on a smaller area that is usable and maintainable, and basically let the ice heaves remain because it is serving a purpose for both catching water, and creates that natural border.
- Let the ice heaves go natural because eventually vegetation will cover it and it won't be as noticeable.
- Deep rooted plants would help hold it.

Zoning Administrator Rena Weber reported that 10 notices were sent out.

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 3 No
2. 3 No Why or Why not? Because it does not indicate primacy in change of conditions.
3. 1 Yes 2 No Why or Why not? But not sustainable, smaller would provide access for beach.
4. 3 No Why or Why not? Ice heaves erode the whole lake.
5. 3 No

Motion by Member Palmer, second by Member Bechtold, to deny the variance request as present. Motion carried unanimously.

PUBLIC HEARING APPROXIMATELY 6:45 P.M. VERNON SALZL – INTERIM USE PERMIT
 –Zoning Administrator Rena Weber read the notice of public hearing on **Tuesday, August 8, 2012 at approximately 6:30 p.m. at Rockville City Hall – 229 Broadway Street East** to consider the request of approval of an interim use permit for Vernon P. Salzl @ 25940 99th Ave with a legal description of:
 (TRACT #1)

That part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and that part of the North 550 feet of the South Half of the Northwest Quarter

(S ½ NW ¼) of Section 3, Township 123, Range 29 which lies Westerly of the Northwestern right of way line of the Burlington Northern and Santa Fe Railroad Company and Easterly of the center line of County State Aid Road No. 138, Less and except that part of said NE ¼ NW ¼ platted as Minnesota Department of Transportation Right of Way Plat No. 73-42, according to the recorded plat thereof.

AN INTERIM USE PERMIT IS BEING REQUESTED AND IS GOVERNED BY THE FOLLOWING ZONING ORDINANCE REQUIREMENTS:
SECTION 9: GENERAL REQUIREMENTS: SUBDIVISION 3. OUTSIDE STORAGE, SCREENING & LANDSCAPING
SECTION 28: INTERIM USE PERMITS

The request is to store railroad ties on property for one year.

STAFF REPORT

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The request is to store railroad ties on property for one year.

Relevant Information:

1. This property is located in the I-2 Industrial District.
2. Property contains 37.2 acres more or less.
3. 11 notices of public hearing were sent out.
4. Mr. Salzi has rented out his property in the past and I did suggest these people contact him for that reason. Upon review of the ordinance it was determined that in order to do this an interim use permit would be required.
5. Staff was given two different dates as to how long the ties would/could remain in place. (2 months or up to a year).
6. These railroad ties were to have been removed from the railroad in Cold Spring by March 31, 2012 and this did not occur until the Rocori Trail was under construction.
7. The railroad ties are on the site without approval and they were told via e-mail not to do that.

Recommendations:

1. If granted – only do so for no more than 6 months.

Motion by Member Palmer, second by Member Bechtold, to close the public hearing @ 7:01 p.m. Motion carried unanimously.

Motion by Member Palmer, second by Member Bechtold, to approve the Interim Use Permit up to one year. Motion carried unanimously.

ROBERT & SANDRA EDELBROCK @ 21220 RAUSCH LAKE ROAD – INFORMATIONAL

- Rezoning to a RR (Rural Residential) 2 – 5 acre lots
- Would need a variance from the distance from a feedlot.

Robert Edelebrock @ 21220 Rausch Lake Road - Can a lot split be done by an Administrative Subdivision, and do they need a variance from the feedlot?

Discussion was held on:

- Rezoning, Administrative plats, Lots and Blocks, Variance from feedlots, cost

Member Palmer request that staff checks into feedlot guidelines.

PLANNING COMMISSION MEMBER/STAFF REPORT –

ADJOURNMENT – Motion by Member Borgmann, second by Member Bechtold, to adjourn the meeting at 7:42 p.m. Motion carried unanimously.

**JUDY NEU
ADMINISTRATIVE ASST**

**DALE BORGMANN
ACTING CHAIR**