



**City of Newport
Planning Commission Minutes
October 10, 2013**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 6:02 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Matt Prestegaard, Anthony Mahmood

Commissioners absent – Janice Anderson, Susan Lindoo,

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; Sherri Buss, TKDA Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission Minutes of September 12, 2013

Motion by Mahmood, seconded by Prestegaard, to approve the September 12, 2013 minutes as presented. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Resolution No. P.C. 2013-10 - Recommending the Newport City Council Approve a Conditional Use Permit and Variance Requested by Kim Brown for Property Located at 1675 Kolff Road

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 10, 2013 Planning Commission Packet. Ms. Brown provided the attached survey on October 10, 2013. Based on the survey, Ms. Brown is requesting a variance for a 73 foot sideyard setback instead of the 80 foot sideyard setback that was stated in the Resolution. The pole barn would be located 80 feet from the house.

Vice-Chair Prestegaard - Did we clarify if there was any change in the distance from the east property line close to the pump house?

Ms. Buss - I think this is a little closer than was shown last time. I think what she's trying to do is stay off of those slopes going to the west as much as possible. Given that that's City property and it's sort of a bit of a jog from the north property line and she actually meets the required setbacks from the front property line it's up to your judgment whether you need to be concerned about that line. I believe the City is planning on maintaining that property for forever.

Admin. Hill - Yes.

Ms. Buss - So there isn't an impact on any neighbors by having it that close to that little jog out area. In a strict ordinance sense, we would think of that straight northern property line as the side property line and the street property line as the front property line. The jog is a hard thing to deal with. If it were private we might be more concerned about the distance.

Chairperson Lund - As long as we're talking about that jog, being out there, I think it will have a significant impact on the slope. It's already a fairly steep slope and they'll be digging into it about eight feet which might have some impact on the City pump house. Without some type of analysis on it I'm not willing to give my blanket approval.

Vice-Chair Prestegaard - Where?

Chairperson Lund - Towards that property line that goes north-south, that's a steep slope between where this picture shows the building and the property line. This picture shows the building much further from the property line than the updated drawing. When we were out there today, that's about the steepest slope on the whole property. Newport has had a lot of experience with runoff and drainage issues. Without someone knowing more than I do telling me it's okay I look at that and it looks like it would be a problem. To have a reasonable slope they would need to grade it all out to the City property.

Ms. Buss - Or put in a retaining wall. What's your thought on the slope?

Kim Brown, 1675 Kolff Road - That's nothing. That area right there wouldn't matter if I did dig into it

Chairperson Lund - Well there's a City asset on the other side, including the pump house.

Ms. Brown - I understand but my land goes all the way up which he has to survey and mark. I'm asking you for 17 feet.

Chairperson Lund - The regulation says 100 feet so you're asking for 73 feet.

Ms. Brown - From the pump house property or the road?

Chairperson Lund - From any property line the regulation says 100 feet. I know City staff has minimized this property line but if we don't give you a variance the regulation says 100 feet. My point is that the particular problem with the 27 feet is that there's a very steep hill right there to the east line.

Ms. Brown - So what are you saying?

Chairperson Lund - Well 50 feet, which we were talking about before today, would not seem to have the same issue as the 27 feet.

Ms. Buss - So moving it 23 feet to the west to where it's shown now.

Chairperson Lund - You were out there today, you know what I'm talking about. That stake was half-way up the hill to the City property so maybe a retaining wall would be good but that's not part of the plan.

Ms. Buss - You can make either of those recommendations, that it be moved back and the slope graded to be a 4:1 slope, which I think we would recommend or that there be a retaining wall if it's steeper than that.

Vice-Chair Prestegaard - Should we have the Engineer look?

Chairperson Lund - I don't know. I don't think we should not address that feature. We've had a lot of runoff problems in Newport and I know the Engineer has been concerned with much smaller projects.

Ms. Buss - It's a reasonable comment. We haven't seen this before today. Typically if someone is going to impact a steep slope like that you would require that it be graded to 4:1 or that they do a retaining wall. So those would be the options, move it to the west so that it's off the slope and then grade it to 4:1 or if it's closer have a retaining wall.

Ms. Brown - That's fine.

Chairperson Lund - We can leave that open because I don't know how steep it really is.

Ms. Buss - I think it is steeper than 3:1.

Anthony Mahmood - I just assumed that if you would be cutting into it you'd put either a retaining wall up or something else. Because right now that hill is already half-way retained by rocks.

Vice-Chair Prestegaard - And some of those will have to move so maybe they can be put to good use.

Anthony Mahmood - Yea, my assumption was that she would put a retaining wall up anyways so that the barn didn't get eroded away.

Ms. Buss - So it would mean a new condition that would go in as #6 that says something like "Disturbed slopes must be to a maximum 4:1 slope or a retaining wall added to stabilize the slopes."

Chairperson Lund - Ok.

Vice-Chair Prestegaard - Just to add commentary about the northern boundary, which was the primary reason for our visit today, I think that the line of sight does not seem like a terrific concern after making the adjustment from 50 feet to 73 feet. It was my impression that that was every reasonable move possible. I'm comfortable in that regard.

Chairperson Lund - Do we have how close that gets to the spruces between her house and proposed building?

Ms. Buss - We were trying to estimate it on that drawing. When we put that pink flag out there that was about the corner of the building and that was 20 feet from the trees.

Admin. Hill - It was in that ballpark.

Vice-Chair Prestegaard - The existing structure we see on the drawing, that's the garage and not the moveable shed correct?

Executive Analyst Helm - Yes.

Vice-Chair Prestegaard - It would seem the moveable shed would be closer.

Chairperson Lund - I think that other square is the moveable shed.

Ms. Buss - Yes, the shaded one is the garage. I think that the shed is at a similar alignment to the trees. When we were out there it looked like the new corner was 15 feet between the proposed building the current shed and the trees were a little further.

Chairperson Lund - I have a few comments on the north border. When I was out there, it seems to me that you couldn't see the neighbors' property but we received letters from the neighbors and they seem quite concerned so we need to balance that. I would say the dominant factor in the necessity of this variance isn't so much the property but the size of the building. If anything, that makes me want to consider the neighbors' concerns even more because this is a massive structure. That being said, this is a unique property in Newport and if there were any property in Newport where a horse shed should go, it should be here.

Vice-Chair Prestegaard - Did you drive up to the pump house?

Chairperson Lund - No, could you see the neighbors' houses from there?

Vice-Chair Prestegaard - Yes, from the pump house. In the other direction, towards the property, there was not apparent visibility, at least with the vegetation now. And that's a higher elevation

Ms. Buss - So you couldn't see her house from the pump house?

Vice-Chair Prestegaard - I suppose if I stood in the right place, probably. I'm sure it's a different situation in the winter.

Chairperson Lund - How wide is the City's property?

Ms. Buss - 70 feet. So between the City's property and the 73 foot setback, there's 143 feet between the building and the neighbors' properties which is an advantage because they get a little 40 foot buffer from the 100 foot regulation.

Anthony Mahmood - My opinion is that it would be a beautiful structure for her and I think it's one of the reasons she bought that property. Going into the woods and trying to see the houses, I don't see the big problems that they were writing about.

Chairperson Lund - I understand their concern. Right now that 73 feet is mainly buckthorn and maybe box elder trees. The ones that would be taken up were minimal. I think moving it from 50 feet to 73 feet is a fair amount of additional buffer.

Vice-Chair Prestegaard - It's a reasonable accommodation. One of the neighbor's concerns was that it seemed to be in the line of sight in regards to the height of the building but the proposed building is four feet less than the house and the grading between the house and building seems flat so unless the concern is somehow about the width I'm not sure I see the issue.

Chairperson Lund - I think it'll look like a big barn structure in the winter but it'll be 143 feet from the property line. Do either of you have any further comments on the issue about the slope and pump house? Do you think adding those conditions would address it?

Anthony Mahmood - I think those are fine.

Vice-Chair Prestegaard - Maybe adding one further condition if the Engineer wants to come up with a third option.

Chairperson Lund - Those two are pretty standard aren't they?

Ms. Buss - Yes.

Chairperson Lund - That would need to be approved by the building permit? I know in general, retaining walls less than four feet don't need to go through the permit process. Could we add that whatever the slope design is it needs to go through the permitting process as part of the building?

Ms. Buss - Yes, we can say that he needs to review the grading and slope plan. If the slope goes beyond something he can review he'll have John review it.

Chairperson Lund - Ok.

Vice-Chair Prestegaard - I'll make a motion to approve Resolution No. P.C. 2013-10 with the adjusted language that instead of an 80 foot setback it'll be a 73 foot setback plus the conditions that we discussed about the 4:1 grading and/or retaining wall.

Chairperson Lund - Does it specifically state the 27 foot setback from the pump house?

Ms. Buss - I can add that.

Motion by Prestegaard, seconded by Mahmood, to approve Resolution No. P.C. 2013-10 as amended recommending the City Council approve a Conditional Use Permit and Variance requested by Kim Brown for property located at 1675 Kolff Road. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Ms. Buss - It'll go in the next City Council packet.

B. Resolution No. P.C. 2013-11 - Recommending the Newport City Council Approve a Zoning Amendment to Section 1330 General District Regulations and Section 1350 Nonresidential Districts

Executive Analyst Helm presented on this item as outlined in the October 10, 2013 Planning Commission Packet.

Vice-Chair Prestegaard - In regards to the first bullet, I thought the point was to have the barbed wire no lower than eight feet.

Executive Analyst Helm - Yes, so it needs to be at least eight feet in height.

Chairperson Lund - He means he doesn't want any barbed wire below eight feet.

Vice-Chair Prestegaard - It implies that you could have an eight foot barbed wire fence and the barbed wire could be from the ground.

Executive Analyst Helm - So you want the fence to be eight feet and then barbed wire would start above that?

Vice-Chair Prestegaard - Yes.

Chairperson Lund - Did you measure the fence around the tank farm?

Executive Analyst Helm - Public Works did and they said it's about eight feet in height to the top of the barbed wire.

Chairperson Lund - What about to the bottom?

Executive Analyst Helm - He said about six feet.

Chairperson Lund - We don't want it to be easy for people to cut themselves. I don't have any problem with that fence.

Vice-Chairperson Prestegaard - I think our point was that we don't want barbed wire 1 1/2 feet off the ground.

Ms. Buss - So the barbed wire must be at least six feet from the ground and cannot extend beyond eight feet.

Chairperson Lund - Do we care about the maximum?

Vice-Chair Prestegaard - I don't.

Executive Analyst Helm - So the barbed wire shall start at least six feet off the ground?

Chairperson Lund - Yes.

Councilman Ingemann - I was under the impression that you wanted to include electric fences not replace barbed wire with them.

Executive Analyst Helm - In the RE District, they had asked to replace barbed wire with electric.

Chairperson Lund - Do you think we should leave it in?

Councilman Ingemann - I would say include electric so you can have either or.

Vice-Chair Prestegaard - We wouldn't be taking it away. The question was whether anyone would be inclined, from this day forward, to install a barbed wire fence. So not the grandfathered fences.

Chairperson Lund - Kim's property is the largest on the hill and the other are around two to three acres. It would seem unfriendly to put up barbed wire around a two acre property. Was that your thought on it?

Vice-Chair Prestegaard - I couldn't imagine a need.

Chairperson Lund - My thought was that by excluding barbed wire it would prevent some antisocial behavior.

Vice-Chair Prestegaard - There can always be a variance for barbed wire. How many parcels could behave as farm properties?

Ms. Buss - Not many.

Chairperson Lund - I agree that barbed wire has a significant use in 10, 20, 40 acre properties but in a realm of two acre properties.

Executive Analyst Helm - Kim Brown's is the largest residential and it's just over eight acres.

Ms. Buss - I would say the rest are between two and five acres.

Vice-Chair Prestegaard - There's not any off of Bailey or Military that are in that?

Ms. Buss - That property that David Newman had, was that one or multiple parcels? That's most likely to get subdivided. I don't think there's anything comparable to Kim's that someone would use for farming. I'm sure livestock are only allowed in the RE District and I think the minimum acreage is five.

Executive Analyst Helm - For farm animals, there needs to be at least four acres for the first animal and then one acre for each additional.

Vice-Chair Prestegaard - So I'm comfortable leaving that as written.

Chairperson Lund - Is there a situation where it would make sense to use a barbed wire fence?

Vice-Chair Prestegaard - I don't know.

Chairperson Lund - I think it's ok, we're not that rural anymore. You'll have kids running around and they're much more likely to hurt themselves on barbed wire than electric.

Anthony Mahmood - We're not saying that people with barbed wire would need to rip it out and replace it.

Executive Analyst Helm - No, they would be grandfathered in.

Vice-Chair Prestegaard - I'll make a motion to approve Resolution No. P.C. 2013-11 with the amended language that barbed wire must start at least six feet off the ground.

Motion by Prestegaard, seconded by Mahmood to approve Resolution No. P.C. 2013-11 as amended recommending that the City Council approve a Zoning Amendment to Section 1330 General District Regulations and Section 1350 Nonresidential Districts. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

C. Discussion Regarding Outdoor Wood Burning Furnaces

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 10, 2013 Planning Commission Packet. After the Packet was sent out it was brought to staff's attention that Section 1300 prohibits outdoor furnaces within City limits.

Anthony Mahmood - Have any residents asked about this?

Executive Analyst Helm - I received a call a couple months ago from a resident on third avenue and his lot was pretty small. I told him that it would be on the Planning Commission agenda for discussion and haven't heard back from him.

Vice-Chair Prestegaard - The list of cities that don't allow it are a mixture of developed and rural. Those that allowed it I could definitely see where they would have some rural properties of 10 acres plus like Cottage Grove by the river. None of that seems to be present in Newport. We don't have an agricultural district or many properties over the three acre size. My initial reaction is that it doesn't quite seem to fit in.

Anthony Mahmood - With the yards being so small around here and us being in a low valley area I could see everyone getting one and it being smoked fill. We've had the ban for how long?

Executive Analyst Helm - I think it's been since the mid 2000's.

Anthony Mahmood - I don't see why we need to bring it up if no one is asking to have one. If there's a major concern than we can worry about it.

Chairperson Lund - I start with the idea that if the City is going to prohibit something we should have a good reason for it. I definitely agree that there's a good reason where we have half acre and less lots and if everyone had one it would be a problem, especially with asthmatic kids. I think it makes sense on that side. If we wanted to open the discussion and talk about the RE District, I think it would be appropriate but no one in the RE District has asked. If you guys think we should table it that would be fine with me but as long as we're talking about it I would be willing to entertain the discussion about what kind of requirements.

Vice-Chair Prestegaard - I'm interested by the precedent of these other cities, 5 acres, 3 acres, 10 acres, or 300 foot setback. We have some that are certainly pushing that three acre boundary in the RE District. I'm not sure how many exceed that.

Ms. Buss - Typically it's 100 feet from property lines or 300 feet from the nearest residence that is not on the property. Although Eagan has the 300 feet boundary but most that use the 300 feet that's from the nearest residence on an adjoining property.

Vice-Chair Prestegaard - Could you do a quick acres to feet?

Chairperson Lund - 200 feet squared is about one acre.

Vice-Chair Prestegaard - If we looked at precedent and said that it would need to be at least three acres and 300 feet from the nearest property that means it's essentially one and a half acres.

Ms. Buss - You'd have to have at least a two acre property to meet those setbacks and your house would need to be in the middle.

Anthony Mahmood - Most of them that are three acres have 200 foot setbacks from property lines. If they are five acres or more they're looking at 300 foot setbacks from the nearest building on other properties. In our case, if we're looking at a three acre lot we would want to say probably 200 feet from the property line.

Chairperson Lund - Being 200 feet from each property line would be 400 feet squared, which would be a minimum of four acre lot and there might only be two lots that could meet that.

Ms. Buss - How big are those lots in the Rumpca development?

Executive Analyst Helm - I think the minimum was 10 acres when it was developed but I think some of them were split.

Ms. Buss - In the south part there are a few more five to eight acre lots than there are in the area that we were at tonight. All along that dirt road there's some bigger lots.

Vice-Chair Prestegaard - That's all RE? I didn't realize that was Newport.

Ms. Buss - Yes, across the other side is Cottage Grove and that area you can have these.

Anthony Mahmood - Cottage Grove allows them only in agricultural and rural residential districts with a minimum lot size of three acres and 100 feet from all property lines. That would be a little easier than 200 feet.

Vice-Chair Prestegaard - Then the question would be what are other things to consider? There's a pollution factor. If an issue were brought to the City we could look to the Cottage Grove requirements as precedent. I'm just trying to think of what other considerations we might have. I'm not sure I can think of others.

Chairperson Lund - The more we talk about it the more I'm inclined to table it unless someone in the RE District asks and if someone outside the RE District asks tell them it's prohibited and they could apply for a variance.

Executive Analyst Helm - So keep it as is for now until someone asks?

Chairperson Lund - If people in the RE District aren't asking for it why open the can of worms. It wouldn't work outside of the RE District.

Ms. Buss - I think the PCA would recommend not allowing them because of people with respiratory illnesses.

D. Discussion Regarding Accessory Structure Size in the RE District

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 10, 2013 Planning Commission Packet.

Vice-Chair Prestegaard - What about height?

Ms. Buss - Most everyone has the same height requirement as us where it cannot be taller than the house. Some, such as Forest Lake, as a maximum height of 20 feet.

Chairperson Lund - My opinion is on the Brown property, the amount of screening there is exceptional but in any more open of an area a building that size would be offensive. If we put something in the Code someone could always come for a variance. If there was another situation like the Brown property I could see it not being a problem to the neighbors.

Ms. Buss - I think the tough thing is that there are some five acre properties where someone could meet the setback requirements and come in with a five or six thousand square foot pole structure that would be very visible and you would have very little way of not allowing it. If someone meets the Code requirements we pretty much have to grant the conditional use permit, it's not the same for a variance.

Chairperson Lund - What's the most accommodating size restriction of the ones you looked at?

Ms. Buss - For the size of lots we were talking about, 3,500 is the max. Someone could have two accessory structures totaling 3,500 square feet. Once you get above 20 acres, it could be considered an agricultural property and then people don't have any standard as long as they are agricultural buildings. Which the Brown building would be if she were on an agricultural lot.

Chairperson Lund - I'm inclined to add a definite number just to avoid the situation where someone wants to put up a monstrous building 100 feet from the property line.

Vice-Chair Prestegaard - I think so too.

Chairperson Lund - Do you have any thoughts on this Tom?

Councilman Ingemann - I think we should have something. Now she's got this and someone else will want it.

Ms. Buss - I think that's the danger.

Vice-Chair Prestegaard - 3,500 seems reasonable.

Chairperson Lund - 3,500 for five acres and anything less 2,000?

Ms. Buss - Forest Lake is similar, five to ten acres is 3,000 square feet and from two and a half to five acres is 2,500 square feet. Hugo is a little more generous for five to ten acres at 3,500 but it's a little less for the smaller lot sizes.

Executive Analyst Helm - That square footage would include any other accessory structure.

Anthony Mahmood - So both structures would add up to the max?

Ms. Buss - Yes.

Vice-Chair Prestegaard - I might propose a mixture of the two since we're starting from no limit. We could choose the most permissive of the two. So five to 9.99 acres we could do 3,500.

Chairperson Lund - Do we want to leave that closed on the max size or just five acres or larger?

Ms. Buss - No because you don't have agricultural land, so you could say five acres or larger.

Vice-Chair Prestegaard - And then if it's two and a half to five acres maybe we could do 2,500 instead of 2,000.

Executive Analyst Helm - There are some lots in the RE District that are less than the minimum lot size.

Chairperson Lund - Do we have a maximum building size for the rest of it or is it just lot coverage?

Ms. Buss - You have some maximums. On the smallest lots in the City the accessory structures can't be more than the primary structure and there's a maximum lot coverage.

Chairperson Lund - So in the regular residential areas, the accessory structure can't be bigger than the house?

Ms. Buss - Yes and it needs to meet a 25% lot coverage maximum.

Chairperson Lund - So maybe we don't say anything for less than two and a half acres. Does that apply to anything less than two and a half acres or just outside the RE District?

Ms. Buss - In the RE District, it's a 2,000 square foot maximum unless they get a conditional use permit.

Executive Analyst Helm - I was just saying that we would want to address properties in the RE District that are less than two and a half acres.

Vice-Chair Prestegaard - So as far down as two acres or even less?

Executive Analyst Helm - There may be some properties that are less than two acres.

Chairperson Lund - I think we need to cover the whole range.

Ms. Buss - So in Hugo, the one and a half to three acre size is 1,500 square feet. You could say something like one to 2.49 acre lots should be 2,000 and then we would be sort of proportional.

Councilman Ingemann - You need to realize that in the RE if you have sewer you don't need to have a two acre lot.

Executive Analyst Helm - Then you need to meet the same standards as the R-1 District.

Chairperson Lund - Is there any reason to be more permissive in the small RE lots than we are in the ones connected to sewer or should we lump all the small ones under the current standard for the sewer lots?

Ms. Buss - I think you want to do that.

Chairperson Lund - That's what I would say. Anything under two acres.

Executive Analyst Helm - The minimum lot size is two acres.

Chairperson Lund - So anything under two acres would need to meet the same standards as the R-1 District, and then two acres to 4.99 would be 2,500 and five acres or larger would be 3,500.

Ms. Buss - With a maximum of two structures and they would still need to meet setback requirements. Then we'll do away with the section about calculating setbacks for anything above 2,000.

Chairperson Lund - I don't know if we want to reduce the setback requirements. If we run through that formula what's a 3,500 square foot building?

Ms. Buss - We can continue to do that if you want. Maybe we bring back a proposed ordinance with a couple of drawings of what would be the requirement in terms of setback.

Chairperson Lund - If we leave it that could improve our negotiating position.

Vice-Chair Prestegaard - That was my feeling too. Is it your concern that somehow the limits will not even make sense or be coherent when considered as a group?

Ms. Buss - No, I think we need to look at it as a whole and the easiest way for me to do that is draw it out. Cottage Grove requires a conditional use permit for anything more than 2,500 so maybe you want to say that in the RE District. If it's above 2,000 square feet they will need to meet a higher setback requirement.

Anthony Mahmood - Which we already have in there.

Ms. Buss - Yes but there's no maximum size.

Chairperson Lund - Sounds like there is some desire to make it easier to figure out the setback.

Ms. Buss - It's a little complicated. I think we can deal with that. I think it's a good idea to require a conditional use permit for anything above 2,500 square feet and to have a higher setback requirement.

Chairperson Lund - So 2,500 would be the building allowed on any lot without a CUP and if you want a building larger than 2,500 on the larger lots you would need a CUP. Is that what you're proposing?

Ms. Buss - Yes.

Vice-Chair Prestegaard - Up to a maximum of 3,500?

Chairperson Lund - Yes.

E. Discussion Regarding Rezoning at the Corner of 10th Street and 2nd Avenue

Admin. Hill presented on this item as outlined in the October 10, 2013 Planning Commission packet.

Chairperson Lund - Would you buy both parcels, 121 and 927?

Admin. Hill - The small skinny parcel has a garage on it, the larger parcel has the house. They are both in poor shape and need to be taken down.

Chairperson Lund - I was thinking of the vacant parcels east of 2nd Avenue but these parcels have a house and shed already? And that's where the City's desire to clean it up comes from?

Admin. Hill - Yes, the house needs to be taken down, it has been condemned, the garage is in poor shape.

Vice-Chair Prestegaard - What's to the west of 121?

Admin. Hill - That would be the Steve Marko home.

Ms. Buss - He's well within the shoreland. I think part of what's interesting is that the large lot area, R-1A was really created for a lot of the shoreland lots because under the shoreland ordinance you need to have larger lots. But these parcels aren't really on the River and there's no reason for them to be in that larger lot zoning.

Vice-Chair Prestegaard - When you look at the companions to the north of 121 those are riverfront properties. Given that it's not riverfront I can understand the City's position.

Councilman Ingemann - Would this be spot zoning?

Ms. Buss - No because right next to it is R-1. It looks to me like they used the street as the boundary for the R-1A zone.

Chairperson Lund - When we were talking about that proposed regulation about the river coming through for the whole metro area it went beyond the properties immediately adjacent to the River. I know that didn't go through.

Ms. Buss - It's coming back. The red dotted line on the zoning map is the Mississippi River Critical Area which includes some of both R-1A and R-1. They're saying that for both of those areas, they would go along with our underline zoning, they're not going to require bigger lot sizes in there. The blue line on the map is the shoreland boundary, I think it's 300 feet from the River. You can see why a lot of those orange properties would be a larger lot size because they're in the shoreland zone.

Vice-Chair Prestegaard - Does it bisect the 121 property?

Admin. Hill - 121 is within the shoreland boundary. The two properties we're looking at are outside the shoreland.

Chairperson Lund - One corner of it is inside the shoreland.

Anthony Mahmood - So you're just talking about 927?

Chairperson Lund - So if we did this it would be the only property with any portion inside the shoreland zone in the R-1 district.

Vice-Chair Prestegaard - I thought the discussion was about both 121 and 927.

Ms. Buss - No. In fact if you were going to rezone I think you would want to rezone all of the small ones in R-1A as well. The question is would you be willing to entertain rezoning these to R-1.

Chairperson Lund - How big is 927?

Admin. Hill - 130 by 200 feet, so 26,000 square feet. I think the minimum in R-1 is 9,100 square feet and these two would be 13,000 square feet.

Ms. Buss - The minimum lot size in R-1A is 15,000.

Chairperson Lund - I'm not so inclined. It won't help the City's negotiating position if we approve this now anyways.

Admin. Hill - We're not asking for approval just if you would entertain it. We haven't purchased the land yet.

Ms. Buss - Part of what Deb needs to think about is what the City could do with the lots if the City buys it. She has to think if the City could sell it as one house or two houses.

Anthony Mahmood - The question I ask myself is if a single-party came and bought that land and asked the same thing would we do it for them or are we just doing it because it's the City?

Chairperson Lund - I agree with that logic.

Anthony Mahmood - If I didn't have a problem doing it for an outside party I wouldn't have a problem doing it for the City.

Vice-Chair Prestegaard - Could you state your concern?

Chairperson Lund - For me, it's outside the character of the lots immediately adjacent and is it really the standard for the R-1A district to only be the lots touching the River or should we decide that lots are a little closer to the watershed should be more sparsely populated. And this one being next to that drainage area is particularly close to the watershed.

Vice-Chair Prestegaard - Could someone give me a brief description of the significance of the shoreland boundary?

Ms. Buss - The DNR has decided that there's an area adjacent to every river and lake in the State that's called shoreland and its 300 feet for rivers and 1,000 feet around lakes. Within that area there are special regulations such as a larger lot size, setbacks...

Chairperson Lund - What is the larger lot size?

Ms. Buss - I can't remember off the top of my head because it's different in urban areas. The more significant regulations are setbacks, buildings have to be at least 100 feet back, septic systems need to be at 75 feet back and 30 feet back from the top of the bluff. The potential change the DNR is proposing is a 40 foot setback from the bluff. Also, you're prohibited from removing native vegetation within that setback and you're also supposed to maintain any existing screening from the River. That's why I think most of the lots immediately adjacent are all in the R-1A district so they can regulate that. I'm not sure why those small lots are in there because they're all outside the 300 feet setback and wouldn't need to follow the requirements for the shoreland boundary.

Anthony Mahmood - So the only difference between the R-1A and R-1 the lot size?

Ms. Buss - Pretty much.

Executive Analyst Helm - The setbacks are the same but the maximum lot coverage is different. It's 20% in R-1A and 25% in R-1.

Chairperson Lund - You're also aware that the four lots to the east are for sale and have been for years?

Admin. Hill - Yes. The plus is that there's water and sewer to these lots. I just want to know what I'm working with so we can make a better judgment.

Anthony Mahmood - Why don't we follow the blue line for the district boundary and rezone all of these.

Executive Analyst Helm - The blue line intersects some of the parcels.

Chairperson Lund - Part of this parcel is on the other side of the blue line.

Anthony Mahmood - There is a precedent set though because further south there are some properties in the R-1 district that are on the west side of the blue line.

Chairperson Lund - So if we did divide it, it would still be subject to the requirements of the DNR, at least the southern lot if we cut it in half. I think the current size fits the immediate adjacent neighbors.

Vice-Chair Prestegaard - To the west, not the east.

Chairperson Lund - That's consistent with the lots by the River though.

Anthony Mahmood - My only problem is that it's rezoning for the City's benefit.

Admin. Hill - I just want to know if you would entertain it so that I can get a better idea for the value.

Vice-Chair Prestegaard - I could make an argument that it's for the community's benefit if the structure is about to be condemned, it's not just the City that benefits. I should probably drive down there, I don't know enough to be able to say that I couldn't support it.

Admin. Hill - Ok, I can move forward assuming it may be just the one lot. If we do buy it wouldn't prohibit us from asking you to rezone to bring in more tax base.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|------------------------------|------------------|-------------------------|
| 1. City Council Meeting | October 17, 2013 | 5:30 p.m. |
| 2. Park Board Meeting | October 24, 2013 | 7:00 p.m. |
| 3. Buckthorn Removal Day | October 26, 2013 | 9:00 a.m. to 12:00 p.m. |
| 4. School District Elections | November 5, 2013 | 7:00 a.m. to 8:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Mahmood, to adjourn the Planning Commission Meeting at 7:33 P.M. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst