



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
SEPTEMBER 11, 2014 - 6:00 P.M.**

Chairperson:	Dan Lund	City Administrator:	Deb Hill
Vice-Chair:	Anthony Mahmood	Executive Analyst:	Renee Eisenbeisz
Commissioner:	Susan Lindoo	Planner:	Sherri Buss
Commissioner:	Matt Prestegaard	Council Liaison:	Tom Ingemann
Commissioner:	Kevin Haley		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of August 14, 2014

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider an application from William Dalluhn for Approval of a Minor Subdivision of Property Located at 2769 Bailey Road

1. Memo from Sherri Buss
2. Application
3. Resolution No. P.C. 2014-13

B. **Public Hearing** – To consider amendments to the Zoning Code, Section 1350

1. Memo from Sherri Buss
2. Resolution No. P.C. 2014-14

C. Discussion Regarding Draft Response for the Mississippi River Corridor Critical Area Rules

D. **Resolution No. P.C. 2014-15** - Recommending City Council Approve a Zoning Amendment to Section 1300, General

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|--------------------|-----------|
| 1. City Council Meeting | September 18, 2014 | 5:30 p.m. |
| 2. Park Board Meeting | September 25, 2014 | 7:00 p.m. |
| 3. City Council Meeting | October 2, 2014 | 5:30 p.m. |
| 4. Planning Commission Meeting | October 9, 2014 | 6:00 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
August 14, 2014**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 6:01 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Susan Lindoo, Matt Prestegaard, Kevin Haley

Commissioners absent – Anthony Mahmood

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

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of July 10, 2014

Motion by Haley, seconded by Prestegaard, to approve the July 10, 2014 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Steven Bern for Approval of a Variance for Property Located at 1280 Kolff Court

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 14, 2014 Planning Commission Packet.

The Public Hearing opened at 6:07 p.m.

Steven Bern, 1280 Kolff Court - I don't have any prepared statements but can answer any questions that you may have.

Matt Prestegaard - I'm familiar with the property and understand the slope requirements. Does this allow you to remove that boat? It's set right above a severe slope and it seems like that's a risk for you.

Mr. Bern - Yes, this will allow me to place it inside. Oftentimes it's on blocks because I've had the same thoughts.

Janice Anderson, 1265 Kolff Court - I'm a neighbor of Steve's. He couldn't have done this too soon so I think it's a great addition to the property. He's upgraded the house a few years ago and I gave him an award for that. The garage will only enhance the property. I know there's some concern about the slope, it hasn't shown any degradation over the years any more than ours. I'm 100% for the action that Steve wants to go through.

The Public Hearing closed at 6:10 p.m.

Matt Prestegaard - I can't see any other way that this can be done.

Chairperson Lund - This is another situation where the setback is 11 feet but the distance from the road is greater so it won't seem out of place.

Susan Lindoo - I agree, it seems like a straightforward request.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. P.C. 2014-10 as presented recommending that the City Council approve a front yard variance for 1280 Kolff Court. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Public Hearing – To consider amendments to the Zoning Code, Section 1300, Section 1330, Section 1350, and Section 1370.07

Executive Analyst Eisenbeisz and Sherri Buss, TKDA Planner, presented on this item as outlined in the August 14, 2014 Planning Commission Packet.

Susan Lindoo - Would you see a difference between a mobile home and manufactured home?

Executive Analyst Eisenbeisz - If a mobile home, like a trailer home, came forward, that would be considered mobile.

Sherri Buss - It's about having a permanent foundation. If they don't have a foundation, they're a mobile home instead of a manufactured home.

Susan Lindoo - Is there a difference between them then?

Executive Analyst Eisenbeisz - Typically, manufactured homes have a foundation where mobile homes don't.

Susan Lindoo - It sounds like there is a distinction between the two so I'm wondering if it would be worth it to have that we don't want mobile homes without a foundation.

Ms. Buss - Then we would need to change the definition because they are identical right now and that's confusing people.

Susan Lindoo - I can see that. If there's something we don't want we should have it in the ordinance.

Matt Prestegaard - That makes sense to me.

Kevin Haley - What's the current definition?

Executive Analyst Eisenbeisz - The current definition of mobile homes is the same as manufactured homes. It cross-references the two.

Kevin Haley - Then let's get rid of it.

Matt Prestegaard - I think Susan is suggesting that all homes need to have a foundation and if no foundation, than a CUP.

Susan Lindoo - That's what I think we should be clear on.

Ms. Buss - We can take it back and work on a definition.

Executive Analyst Eisenbeisz - "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. . A manufactured single-family dwelling shall be construed to remain a manufactured single-family dwelling, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Chairperson Lund - That sounds closer to a mobile home than a manufactured home. I don't think we want to mix those up so if we could get two new definitions that would be good.

Ms. Buss - Renee can find something to work with.

Chairperson Lund - We should be more specific if we're allowing manufactured homes everywhere.

Ms. Buss - We'll look for more current definitions.

Chairperson Lund - Is the lot coverage amendment for consistency?

Executive Analyst Eisenbeisz - Right now, single-family homes in the MX districts have a lot coverage of 80%.

Chairperson Lund - But a home could be next to a business with 80% lot coverage.

Ms. Buss - But it would look radically different from any of the other single-family homes.

Chairperson Lund - So would a commercial structure. My view when I read this was that if that lot coverage is too much than maybe we should redraw our boundaries or reconsider the mixed-use.

Ms. Buss - At the last meeting we talked about trying to keep the massing of single-family homes somewhat consistent in the older parts of the community so we don't have monster structures.

Chairperson Lund - But if we're pushing for the high coverage of mixed use, isn't that what we're asking for?

Susan Lindoo - We are in MX-3 but not the others.

Executive Analyst Eisenbeisz - And this is only for single-family homes.

Chairperson Lund - I get that, I don't understand what the difference is between a single-family home and a business. If the lot coverage is too much, it's too much for a single-family home and business, I don't understand why there's a distinction. Are we just hoping they won't put a commercial building in the middle of a neighborhood?

Ms. Buss - Part of this comes about from when we have a request for a single-family home to put in a garage. If we let them put in a garage and driveway and create 80% coverage, we're ending up with a garage that is way outsized.

Chairperson Lund - Wouldn't we have the same problem if a daycare building goes in though?

Ms. Buss - When you anticipate a commercial use, you anticipate a higher lot coverage than a single-family.

Susan Lindoo - Think about a church in a residential area, I expect a church to have higher lot coverage but not single-family homes around it. There's a sense of neighborhoods and grass and trees. I'm not sure people would want to live in a single-family neighborhood where the houses are covering 80%.

Chairperson Lund - Why are houses different than other buildings?

Susan Lindoo - Look at where the mixed-use is, it's quite a bit of area. Maybe we want to say no single-family dwellings in the mixed-use. It wouldn't have an attractive look to it. Huge garages and parking areas are not attractive. I think that would be a better way to go. We want to maintain an attractive residential area.

Ms. Buss - You have so many already that you would make them non-conforming which is what we're trying to avoid. It's trying to keep a single-family property look like one.

Chairperson Lund - That makes sense to me but the way to control that is to redraw our boundaries and have more residential areas where we don't want that type of lot coverage.

Kevin Haley - If there were two properties on either side of you that were businesses and had 80% coverage and I was limited to 35%, I would agree with Dan. If an area allows for 80% than it shouldn't prohibit a homeowner from covering his property.

Chairperson Lund - I do agree it's a concern but I don't agree that it's any less of a concern for commercial.

Ms. Buss - Then we would need to look at the boundaries.

Chairperson Lund - I like them for a long-term but maybe we should bring the houses in residential areas now.

Ms. Buss - So the strip along the highway is just MX then?

Chairperson Lund - Yes.

Susan Lindoo - Maybe we don't want mixed use at all then.

Kevin Haley - The difficulty there is that houses exist there already and if they need to get a new loan and are non-conforming, they can't get a mortgage.

Susan Lindoo - How would you feel if someone moved in next to you and built a house that took up 80% of the lot? That's not really attractive. Maybe we want to hear from the people that are already there.

Chairperson Lund - It's our job.

Susan Lindoo - I think we need to listen to what people want.

Chairperson Lund - They can come down here, I don't think it's practical to survey the City.

Susan Lindoo - We're making a decision that is different.

Kevin Haley - It exists now.

Susan Lindoo - Can they build a house with 80% lot coverage now?

Ms. Buss - The way your Code is written now yes.

Susan Lindoo - But we just changed that.

Executive Analyst Eisenbeisz - For residential districts only. That's why the amendment is before you now.

Ms. Buss - These haven't been mixed use districts forever.

Susan Lindoo - So when most of these houses were built, they had the smaller lot coverage?

Ms. Buss - Yes.

Susan Lindoo - And we changed that?

Ms. Buss - Yes. I think the question is if there is redevelopment in the mixed-use districts, how do we want it to fit in. Maybe we should discuss this at a time when we have more time to think about it or at the comp plan.

Chairperson Lund - My preference would be to go block by block and decide that way.

Ms. Buss - That's something we would leave for the comp plan then. I'm getting a sense that you aren't ready to make a decision about this tonight.

Chairperson Lund - I think it is an important issue I just don't see the distinction between commercial and residential uses. I think we need to go block by block.

Susan Lindoo - Maybe we should split commercial and residential uses in half and say no one can be above 50%.

Ms. Buss - You wouldn't get businesses with that. If you guys are ok with that higher coverage then we don't need to change it.

Chairperson Lund - I'd still prefer to do a thorough investigation and if some of those areas aren't appropriate for a higher lot coverage than maybe they should be turned into residential areas.

Kevin Haley - It's highly unlikely that someone would go in and build a large house in that MX-1 area because the lots are so small.

Ms. Buss - So an approach would be to have a closer look at the neighborhoods at a future meeting?

Matt Prestegaard - Yes.

Chairperson Lund - I appreciate bringing the issue forward.

Susan Lindoo - There's a minor typo in Subd. 15(A)(6) it should be (1) instead of (f).

Matt Prestegaard - Can you explain the regulation for the barbed wire in the front?

Ms. Buss - It's not allowed in the front yard.

Matt Prestegaard - Doesn't the Knauff property have it?

Executive Analyst Eisenbeisz - They do but it's a legal non-conforming structure.

Ms. Buss - They can have it on the side, just not forward of the building front.

The Public Hearing opened at 6:38 p.m.

The Public Hearing closed at 6:39 p.m.

Executive Analyst Eisenbeisz - The first resolution will be amended to remove the mobile home and lot coverage amendments so it will just be the fence section.

Motion by Lindoo, seconded by Haley, to approve Resolution No. P.C. 2014-11 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Motion by Prestegaard, seconded by Haley, to approve Resolution No. P.C. 2014-12 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Discussion Regarding Request for Zoning Change on Brewery Items

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 14, 2014 Planning Commission Packet. The questions for the Planning Commission are: 1) Should the ordinance be amended to allow the brew pub as a permitted use for any restaurant with an existing bar?; 2) Should craft breweries be allowed in the mixed use districts?; and 3) If yes, should there be a size limit and CUP required for craft breweries?

Susan Lindoo - I understand brew pubs, are craft breweries allowed in MX-3?

Ms. Buss - No.

Susan Lindoo - And you're saying that the only city that allows craft breweries in mixed-use districts is St. Paul and they have a limit of 5,000?

Ms. Buss - Yes, most people keep them to industrial districts and some allow them in commercial districts.

Susan Lindoo - So one change is the CUP for the brew pub and the second is the craft brewery?

Ms. Buss - Yes. If you're all feeling like you want any of the folks that have a bar or liquor license to have a brew pub without having to get a new CUP, we can make that change next month. The bigger question is the other one.

Kevin Haley - How you described it originally, I wouldn't have any problems. We're talking Tinucci's, Cloverleaf, Super America...

Executive Analyst Eisenbeisz - They have an off-sale license. We have Tinucci's, Opinion Brewing and Cloverleaf with an on-sale, Newport Liquor and Opinion Brewing with an off-sale, and Super America has a 3.2% off-sale license.

Kevin Haley - So if the liquor store decided to start brewing beer...

Executive Analyst Eisenbeisz - They couldn't.

Chairperson Lund - A quick point of clarification, you said 5,000 gallons, do you mean 5,000 barrels? MN law states that all brew pubs can't brew more than 3,500 barrels so all brew pubs in St. Paul don't require a CUP because by law they can't make more than 3,500 barrels per year so they're only talking about craft breweries.

Matt Prestegaard - I think we're feeling comfortable on brew pubs.

Derrick and Autumn Lehrke, owners of 374 21st Street - I think you just got to the hard part. As we grow, that's the question, what becomes too big. The idea that us growing is a problem isn't a good thing to hear. That we plan to grow and want to grow, that's absolutely the case. We would put that back into your hands. The brew

pub does allow 3,500 barrels right now but if we were to change to a brewery and brew the same beer it's almost a definition without distinction. Instead of selling it in glasses we would be selling it in kegs to other bars and liquor stores. We originally looked at being a brewery and thought the brew pub was a step into that. We would like to see the opportunity to become a brewery in the future if we're going to invest in all of the equipment and updating the building.

Kevin Haley - How big is the building right now?

Ms. Buss - 12,000?

Kevin Haley - So it's already bigger than the 10,000, I thought I saw a regulation in there.

Mr. Derrick - There used to be a regulation of 10,000 square feet but then you increased it to 15,000 to accommodate us but now you don't allow breweries in the MX-3 District that kind of kills the whole thing for us.

Ms. Buss - I think the question is do you want to allow breweries throughout the MX-3 District? If yes, is there a size limit? Their question is do you want to require a CUP for the brewery? I think there was a consensus that you want to allow brew pubs without a CUP. We'll bring that language back to you next month. This is a different question and relates to craft breweries.

Susan Lindoo - Most towns don't?

Ms. Buss - The only one that does in a mixed-use type district is St. Paul and they allow up to 5,000 barrels per year without a CUP and if you go above the 5,000 they require a CUP. That's because once you get up to that level you are having barrels of beer that are being made and sold and there's truck traffic. In the MX-3 District, there are areas that are adjacent to residential districts. Even in purely commercial districts, other communities require a CUP for that use because of truck traffic, loading areas, potential for odors and potential for events because craft breweries, at least in Minneapolis, have several events.

Chairperson Lund - Aren't events addressed in a separate part of the code?

Ms. Buss - They can be.

Chairperson Lund - My inclination is that allowing a brewery that can make 25,000 barrels without a CUP seems irresponsible but the brew pub at 3,500 barrels, I would be comfortable with that.

Susan Lindoo - The brew pub piece seems comfortable.

Matt Prestegaard - Absolutely. Starting to speak towards the craft brewery question, there might be some willingness for us to talk about allowing that in MX-3 but I imagine we would feel inclined to speak about some production cap and some would want the teeth of a CUP.

Chairperson Lund - That's a point, if we're looking at St. Paul and they say 5,000 that doesn't seem too far from 3,500 without a CUP.

Kevin Haley - I could get to 5,000 barrels and not have any issue. 15,000 or 20,000 barrels, it'd be nice to have input.

Ms. Buss - And to have the neighbors speak to it.

Mr. Lehrke - I would say that we would be much more comfortable having that discussion in the near term, especially if we're going to make that change that would require a public hearing now. If you were to set a limit of 10,000 or 15,000 barrels, that's getting to a number we're comfortable with. That's millions of dollars of beer so I

don't think I'll be hurting. I'll be excited, I just want to know that we can get to a reasonable business. It doesn't make sense to invest hundreds of thousands of dollars on something that's not allowed and we'll talk about it in five years when we're ready for it.

Matt Prestegaard - What do you sense is reasonable for volume?

Mr. Lehrke - If we were in the neighborhood of 10,000 to 15,000 that is where a lot of the cities are coming in...

Ms. Buss - That is not true.

Susan Lindoo - That's in commercial and industrial districts.

Ms. Buss - That's not in this sort of district.

Mr. Lehrke - I don't have all of the details but a lot of what we're hearing today isn't correct and when we talk about cities like Stillwater, they do have a requirement for a permit and it's \$500 for every business that comes before the Planning Commission. They have zero brew pubs there and when you ask breweries, they say that there will not be one under their current ordinances and Stillwater understands that. I didn't bring it today but just search breweries, there was a whole list in a Star Trib article that listed 10-15 cities that are making it easier for breweries to come, they want breweries to come.

Ms. Buss - A lot of those cities I contacted and they allow them in industrial districts. That's the list you have here.

Mr. Lehrke - If I can continue, a lot of those cities said they are doing this before a business comes to them, they are trying to attract businesses to their area. One thing here and it's from your original packet, it says that there's only one brewery that is located in a C-1 district but the Minneapolis staff were interviewed and they are unaware of any noise, traffic or odor issues. You can find city after city that is saying that they're doing everything they can. I've heard concerns about these issues but I don't see anywhere else where they have concerns about odor.

Susan Lindoo - Can you bring us examples then that cities are trying to place craft breweries in mixed-use districts? I don't think you understand our issue, we're saying, like other cities, that breweries are allowed in the business and industrial districts and that makes sense and we're delighted for that. You've purchased a building that is in the mixed-use district. If we can find lots of other cities that are doing it in mixed-use or residential, that will give us more information to work with.

Chairperson Lund - I don't understand why this is getting contentious. There seems to be general consensus that we'll amend the code to allow a brew pub without a CUP. The second part is that we don't allow micro breweries within MX-3 but there seems to be general consensus that a micro brewery is ok and potentially without a CUP with a cap on the volume and then require a CUP at a higher amount.

Mr. Lehrke - I'll point you to your first packet, on page 7, table 2, breweries in commercial or mixed districts: Minneapolis, yes; Duluth, some; Dallas, with CUP; Denver, yes; Portland, yes; Seattle, yes; and St. Paul, yes. That's from your packet.

Chairperson Lund - We're moving that way.

Mr. Lehrke - What I'm finding is not people that have problems with noise, I'm finding city councils that are allowing this even though no one wants to go there so far. I'm not finding citizens that are so angry.

Susan Lindoo - All those cities, allow them in mixed-use districts?

Ms. Buss - We'd have to look specifically at those cities. They're not necessarily mixed-use districts, some of them are commercial or mixed-use districts not at all like yours. All of the cities he listed are very big cities. They're not your comparables. Your comparables in the metro area are a lot of the cities that are listed in the memo. I haven't given you all of the detail. My concern is that a lot of other cities similar in size and the characteristics of mixed-use districts like you have concerns about allowing a brewery as a use anywhere in those districts without a CUP.

Susan Lindoo - I think that's it, it's not not wanting it, it's about having an industrial activity in mixed-use. We've been trying to back away from that because we want that area to be apartment friendly. We're struggling with what mixed-use is. We have so many single-family homes in mixed-use. That's why the brew pub will fit but something that is more manufacturing is complicated. We're trying to figure out how other cities do it. I think a brewery of 5,000 barrel is not very much but 15,000 is getting up there.

Chairperson Lund - The CUP gives us the opportunity to talk about loading hours and things like that. It gets to be more on the industrial scale. My concern is those things associated with an industrial use. It is right next to some residences. Don't hear a CUP as no.

Mr. Lehrke - If you're allowing us to do 3,500 barrels without a CUP, we would have less foot traffic if we switched and started selling as a brewery. It's just a distinction.

Chairperson Lund - It's details like screening and loading dock location.

Ms. Buss - It's a normal part of business operation. Are you ok with what St. Paul allows?

Matt Prestegaard - I was going to suggest that. We would allow breweries in MX-3 and cap it at 5,000. If you want to go over 5,000 then we would require a CUP.

Kevin Haley - I would be fine with that.

Susan Lindoo - Can you still sell other liquor if you stop being a brew pub?

Mr. Lehrke - No. The only difference is whether or not we sell other people's products. The only difference would be that we could only sell our beer.

Matt Prestegaard - Our question is a production and volume question.

Ms. Buss - If that's agreeable to you guys, we can bring back a draft ordinance that permits a brew pub without a CUP and allows a craft brewery up to 5,000 barrels and requires a CUP above 5,000 barrels.

Kevin Haley - I think we're on the right track. Even at 10,000 barrels, there aren't that many trucks.

Ms. Buss - I think you need to imagine that there could be three or four of these on the same street. I've really looked into this and called planners. The cities that are expanding the use and encouraging it are doing so in purely commercial or industrial districts. People are comfortable with that. When it gets to a mixed-use or next to residential, people start having concerns, especially if there's outdoor related use.

Matt Prestegaard - Was there reaction to what I threw out there and have we heard everything you wanted to say?

Mr. Lehrke - I think we would like a little higher number and maybe we can bring you some documentation. 5,000 is not a small amount of beer, it's helpful. I did want to bring up something else, the ordinance you passed as a provision that says brew pubs aren't allowed to sell to other bars and liquor stores. That's being talked about

at the State level. If our beer is popular and we want to sell it to someone else, do you have a concern? If not, the ordinance would need to be changed.

Chairperson Lund - You'd prefer that we reference the State regulation?

Mr. Lehrke - Yes.

Ms. Buss - We can't be more liberal to the State but we can reference it in the ordinance.

Executive Analyst Eisenbeisz - Just to clarify, there are two definitions for breweries. There's a craft brewery that allows less than 20,000 barrels and there's a micro brewery that allows less than 1,000,000 barrels.

Matt Prestegaard - I assume that we're talking about craft.

Kevin Haley - I don't see us getting into a micro brewery.

Audience Member - Can you state how many trucks come in now?

Mr. Lehrke - We probably have six or seven different vendors. If we were brewing, you would see less traffic.

Executive Analyst Eisenbeisz - Sherri will bring something forward so we'll have a public hearing next meeting.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Eisenbeisz - Pioneer Day was a really good day, the weather held out. We sold out of all 600 buttons and have a number of prizes that haven't been claimed so if you still have your button check the website to see if your number won.

6. NEW BUSINESS

Susan Lindoo - I'll announce the new flood markers for the Grove Street Overlook. We still had money left over from the mosaic project so we're making two flood markers that will show the high flood years and will be a giant ruler so staff can see how high the water is. We had some of the Newport kids help with tiles.

Kevin Haley - I was just down there, it's beautiful and the mural shows nicely.

Susan Lindoo - It's a beautiful piece and some volunteers clean it every year.

Kevin Haley - That is where the fence will be? I was down there last night and it's a five foot drop to the rocks, I understand the concern.

Chairperson Lund - There's no legal requirement to put up a fence over a cliff but there's a concrete wall that someone built.

Susan Lindoo - Should there be a fence at the other ones?

Chairperson Lund - The fishing pier is a slow grade and the other one has a wall. The Grove Street Overlook is unique because it has a drop-off. There was some discussion at the City Council meeting about making a fence that people can't climb on, I don't think that's the City's responsibility. The City's responsibility is to put up a fence, if someone climbs over it that's their fault. To the extent possible, it would be nice if it were closer to like the edge of a fishing pier.

Susan Lindoo - If we had the money, it would be cool to reconstruct the WPA walls.

7. ANNOUNCEMENTS

Chairperson Lund - The next Planning Commission meeting will be September 11.

8. ADJOURNMENT

**Motion by Lindoo, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 7:23 P.M.
With 5 Ayes, 0 Nays, the motion carried.**

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Dalluhn Minor Subdivision
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz William Dalluhn, Applicant and owner	Project No.:	15481.007
From:	Sherri Buss, RLA, AICP, Planner	Routing:	
Date:	September 3, 2014		

SUBJECT: Dalluhn Minor Subdivision

MEETING DATE: September 11, 2014

LOCATION: 2769 Bailey Road
Newport, MN

APPLICANT: William Dalluhn

ZONING: Residential Estates (RE) District

60-DAY PERIOD: October 6, 2014

ITEMS REVIEWED: Application and Site Plans received August 7, 2014

BRIEF DESCRIPTION OF THE REQUEST:

The applicant is proposing to subdivide an existing 5-acre parcel to create two lots. The lots are proposed to be 2.85 and 2.18 each acres in size. The subject property is located in the Residential Estates (RE) District.

The existing residence on Parcel A will remain. Parcel B is proposed for future single-family residential use.

DETAILED EVALUATION OF THE REQUEST:

The Subdivision Ordinance requires that subdivisions and the subdivision process meet the following standards:

- That the proposed subdivision conform to the Comprehensive Plan
- That subdivisions are consistent with applicable plans, laws and regulations
- To provide for the orderly subdivision of land and ensure proper legal descriptions
- To ensure that adequate public infrastructure, facilities and services are available concurrent with development
- To require that subdividers furnish land, install infrastructure, pay fees, and install measures needed to ensure that development provides its fair share of capital facilities
- To ensure that new subdivisions contribute toward an attractive, orderly, stable, livable and safe community through adequate design and construction
- To encourage wise use and management of land, water, and natural resources and secure the rights of the public with respect to public lands and waters
- To provide a means to provide adequate recreation areas, school sites, and other public facilities

The sections that follow review the proposed subdivision based on the ordinance requirements.

Comprehensive Plan

The Comprehensive Plan says that the intent of the Residential Estates (RE) District is to permit large lot residential development, while protecting natural resources such as bluffs, woodlands, and wetlands. The minimum lot size in the district is 2 acres. The proposed residential use is consistent with the Comprehensive Plan recommendations for uses and lot sizes in the RE District.

Dimensional Requirements

The Zoning Ordinance requires that lots be a minimum 160 feet wide and 200 feet deep in the RE District.

The setback requirements include the following:

- Front yard: 40 feet
- Side yard: 20 feet
- Rear yard: 50 feet

The proposed lots are 168.24' and 160.00' in width, and over 600 feet long. The existing structures on Parcel A meet the front, side and rear setback requirements. Buildings proposed on Parcel B will need to meet the setback requirements in the ordinance. The proposed lots and existing structures meet the dimensional requirements.

Access and Right-of-Way Requirements

The Parcel A has an existing driveway access to Bailey Road, and Parcel B will require a new access. Bailey Road is a County roadway (CSAH 18). The Planner sent a copy of the application to County staff for review regarding access and right-of-way issues. County staff provided the following comments:

- Washington County Land Records identifies 75 feet of right-of-way from the centerline of CSAH 18/Bailey Road. According the Washington County Plan 2030



the right-of-way requirement along this section of county roadway is 184 feet. Based on this requirement, there should be 92 feet from the centerline. An additional 17 feet of right-of-way should be shown on the survey and dedicated to Washington County through a written easement description. The document should be recorded with the new deeds for Parcels A and Parcel B.

- A Washington County Access permit will be required for access to Parcel B.

The Planner has included the County's requested conditions in the proposed conditions for approval of the subdivision.

Maximum Lot Coverage

The maximum allowed lot coverage in the RE District is 20%. The Planner calculated the lot coverage based on the survey submitted for the subdivision. The impervious coverage on Parcel A will be approximately 10% after subdivision. The existing coverage on Parcel B will be approximately 2% (existing roadway). Parcel A meets the ordinance requirement, and future development proposed on Parcel B will be required to meet the ordinance requirements for lot coverage.

Accessory Structures

Parcel A has 2 existing accessory structures that include a total 1,652 square feet. The Zoning Ordinance allows lots in the RE District that are 2.0 to 4.99 acres in size to have a maximum of 2 accessory structures totally 2,500 square feet. The existing lot meets the ordinance requirements.

Building Height

No new buildings are proposed on the new parcel.

Wastewater System and Well

The home on Parcel A has an existing on-site septic system and well. The applicant or future owners of Lot 1 will need to meet the requirements of the Washington County Subsurface Sewage Treatment System Regulations and obtain required County and State permits for a wastewater system and a well.

Grading

No construction or grading is proposed with subdivision.

Wetlands

One wetland exists on Parcel B. The applicant has indicated the location of the wetland on the plat.

The preliminary plat identifies a proposed drainage and utility easement to be dedicated around the wetland.



The City Engineer reviewed the proposed plat and easement, and indicated that he has no comments on the proposed subdivision.

Park Dedication

The City requires that all subdivisions dedicate land, or cash in lieu of land, to the public as parks, playgrounds, trails or open space for all newly-created lots. If the City determines that land is not needed in the area of the proposed subdivision, the subdivider may pay the cash in lieu fee.

The Planner reviewed the City's future park and trail map to determine if future parks or trails are planned in or near the proposed subdivision. The city-wide park and trail plan included in the Comprehensive Plan shows a future trail along the north side of Bailey Road, but no future parks or trails within the subdivision.

The City's current park dedication fee for new single-family lots is \$3,400. The fee was established in 2011, but has not been reviewed by the Planning Commission or Council since that time. In recent years, many communities have reduced their fees based on the decline in land values since the recent recession. (Park fees are based on the City's plan for parks and trails, and expected costs to create that system, including land acquisition costs.) Current fees for residential units among other cities in Washington County include: Forest Lake, \$2,000; Hugo, \$2,400; Lino Lakes, \$2,500; Stillwater, \$2,000; White Bear Lake, \$1,000; Wyoming, \$1,800.

The Planning Commission should consider the park dedication fee requirement for this subdivision. Some options include:

1. Charge the current city-adopted fee of \$3,400
2. Recommend a different fee that is closer to the fees charged in other cities
3. Recommend that no park dedication fee be charged, and suggest that the City review its fee in light of the current park and trail plan and current land costs.

The Planning Commission should discuss whether a park dedication fee will be charged for this subdivision, and make a recommendation to the Council.

ACTION REQUESTED:

The Planning Commission may take the following actions:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

PLANNING STAFF RECOMMENDATIONS:

The Planner recommends that the Planning Commission approve the proposed minor subdivision located at 2769 Bailey Road, with the following conditions:



1. The Final Plat shall be substantially in conformance with the Final Plat drawing June 17, 2014. The applicant shall revise the plat drawing to show the required right-of-way to be dedicated to Washington County with the written easement description. The easement document shall be recorded with the new deeds for Parcels A and B.
2. All future development on Lots 1 and 2 shall meet the requirements of the City's Ordinances.
3. The applicant shall obtain the required septic system permit from Washington County at the time development on Parcel B.
4. The applicant shall obtain the required Washington County Access Permit at the time of development on Parcel B.
5. The applicant shall dedicate a drainage and utility easement over the wetland area.
6. The applicant shall satisfy the City's park dedication requirement.
7. The applicants shall pay all fees and escrow associated with this application.



City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7th Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 08/07/14 Public Hearing Date 09/11/14

Applicant Information

Name: William Dalluhn Telephone: 651-303-5474
Mailing Address: 2769 Bailey Rd Telephone: 651-459-6435
City/State/Zip: Newport MN 55055

Property Owner Information

Name: William Dalluhn Telephone: 651-303-5474
Mailing Address: 2769 Bailey Rd Telephone: 651-459-6435
City/State/Zip: Newport MN 55055

Project Information

Location of Property: _____

Legal Description of Property (Must match description on the Deed) and P.I.D. #: _____

- Zoning District: _____ Flood Plain: **AE 0.2% Annual Chance Flood Hazard**
- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min) |
| <input type="checkbox"/> Rezoning | \$500 plus Escrow |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input type="checkbox"/> Variance | \$300 plus Escrow |
| <input type="checkbox"/> Conditional Use Permit | |
| <input type="checkbox"/> Residential | \$300 plus Escrow |
| <input type="checkbox"/> Commercial | \$450 plus Escrow |
| <input checked="" type="checkbox"/> Subdivision Approval | |
| <input checked="" type="checkbox"/> Minor Subdivision | \$300 plus Escrow and Parkland Dedication Fee |
| <input type="checkbox"/> Major Subdivision | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ | |
| <input type="checkbox"/> Review by Engineer Cost: _____ | |
| <input type="checkbox"/> Total Cost: _____ | |

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: Residential

State Reason for Planning Request: sub divide for residential add'l

lot

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT: W. C. Dallah

SIGNATURE OF OWNER (IF APPLICABLE): W. C. Dallah

For Office Use

Fee: \$2,300 Date Paid: 08/07/14 Receipt #: _____

Publication of Notice Date: _____

Public Hearing Date: September 11, 2014

P.C. Resolution #: _____

Council Action Date: September 18, 2014

Council Resolution #: _____



Subdivision Preliminary Plat Application Checklist

This is a simplified list of the requirements for a Preliminary Plat for a subdivision in Newport. Developers should consult "Chapter 12—Subdivisions" of the Zoning Ordinance for detailed information on each of the required site plan submittals. Subdividers must provide a sketch plan and meet with the zoning administrator prior to submitting the preliminary plat.

GENERAL REQUIREMENTS:

- | | <u>INCLUDED IN</u> | <u>SUBMITTAL</u> |
|--|-------------------------------------|---------------------------------|
| 1. Application Form, including location, address (if assigned), legal description, PID number of all parcels included in the proposed plat; name, plat name, address, contact information and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat. | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 2. Fees | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 3. Escrow | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 4. A description of the request (either on the application form or in a letter), including at least the number of lots, development type, anticipated completion date, and written verification that all commonly-owned contiguous land is included in the plat. | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 5. A map, aerial photo or plan showing the parcel in question, boundaries of the proposed plat, and all property and ownership within five hundred (500) feet of the parcel boundaries. | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 6. Site Plan | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| <ul style="list-style-type: none"> • One (1) 11"x17" hard copy, one (1) electronic copy, and three (3) 22"x34" or 24"x36" full-size plan sets. <i>N/A</i> <p><u>Plan Sheet Requirements:</u></p> <ul style="list-style-type: none"> • Title block • Name, address, phone number for owner, developer, surveyor, engineer • Signature of the person that prepared the site plan drawings • Date of preparation and revision dates • North Arrow • Graphic scale not less than 1:50 using an Engineer's Scale | | |

SITE PLAN REQUIREMENTS: PRELIMINARY PLAT

EXISTING AND PROPOSED:

- | | <u>INCLUDED IN</u> | <u>SUBMITTAL</u> |
|---|-------------------------------------|---------------------------------|
| 1. An accurate certified survey of the proposed plat, current within one year, showing existing conditions and providing the current legal descriptions of all parcels within the proposed plat. | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 2. Gross acreage of the proposed plat, property lines, proposed dimensions and lot size for all lots and outlots. | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |
| 3. Location, width and name of all existing streets, public roadways, and trails, parks and other public lands (including all permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, | <input checked="" type="checkbox"/> | YES <input type="checkbox"/> NO |

and to a distance of 100 feet beyond the boundary lines of the proposed plat. Layout of all proposed streets, sidewalks, trails, and fire lanes, including those required by the City's Comprehensive Plan, to meet the requirements of the City's Ordinance and Engineering Standards.

- | | | |
|--|---|-------------------------------|
| 4. Location and size of all existing buildings and proposed buildings. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Minimum building setback lines. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Topography in 2-foot contours intervals within the proposed plat, and to a distance of 100 feet beyond the boundary of the plat. | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 7. Existing and proposed driveways. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Location and size of all existing sewers, water mains, culverts, fire hydrants, and other underground facilities (public and private) within the proposed plat, and to a distance of 100 feet beyond the boundary liens of such plat, and preliminary utility plan. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 9. Soil borings and percolation tests, if required by the City Engineer or Building Official | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 10. A drainage report prepared by a Professional Engineer showing existing drainage areas contributing to the preliminary plat and a calculation of the existing runoff and proposed runoff, identification of proposed stormwater facilities, and related information to meet the requirements of the City's ordinance and Watershed District requirements, and a preliminary grading and erosion control plan. | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 11. Vegetation and landscaping, including a tree inventory and Tree Preservation Plan as described in the Subdivision Ordinance | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 12. Wetland delineation report completed by a Certified Wetland Scientist | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 13. Shoreland and Floodplain district boundaries and classifications: including waterbodies, watercourses, Ordinary High Water Level, and 100 year flood elevation. | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 14. Bluffs, wooded areas, rock outcrops, power transmission poles lines, and other significant features within the proposed plat, and to a distance of 100 feet beyond the boundary lines of the plat. | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 15. An environmental assessment worksheet (EAW) or other environmental review, when required, and subject to the provisions of Minnesota Statutes. | <input type="checkbox"/> YES | <input type="checkbox"/> NO ? |
| 16. Additional information relevant to the request, including proposed plan for future platting, if applicable. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

MA

ADMINISTRATIVE SUBDIVISION FOR: BILL DALLUHN

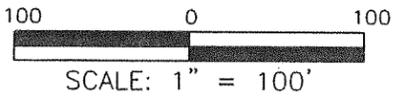
2769 BAILEY ROAD, CITY OF NEWPORT, WASHINGTON COUNTY, MINNESOTA

PIN: 25.028.22.11.0001

NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 28, RANGE 22

LEGEND

- FIRE HYDRANT
- ⊗ WATER VALVE
- MANHOLE
- ▣ CATCH BASIN
- ⊘ POWERPOLE
- ☀ LIGHT POLE
- IRON MONUMENT FOUND
- IRON PIPE MONUMENT SET
- 281.26 * EXISTING SPOT ELEVATION



PROPOSED PARCEL "A" LEGAL DESCRIPTION:

THE EAST 317.42 FEET OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 28, RANGE 22, IN THE CITY OF NEWPORT, WASHINGTON COUNTY, MINNESOTA, LYING SOUTH OF THE CENTERLINE OF COUNTY HIGHWAY NO. 18, EXCEPTING THEREFROM THE SOUTH 417.42 FEET THEREOF AND LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 AND THE EAST LINE OF THE WEST 834.84 FEET OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE SOUTH 00 DEGREES 08 MINUTES 10 SECONDS EAST ASSUMED BEARING ALONG SAID EAST LINE OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 A DISTANCE OF 169.28 FEET TO THE CENTER LINE OF COUNTY STATE AID HIGHWAY NO. 18; THENCE CONTINUING SOUTH 00 DEGREES 08 MINUTES 10 SECONDS EAST ALONG SAID EAST LINE OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 A DISTANCE OF 732.41 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 417.42 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS WEST A DISTANCE OF 123.15 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE NORTH 00 DEGREE 58 MINUTES 24 SECONDS WEST A DISTANCE OF 380.92 FEET; THENCE NORTH 04 DEGREES 55 MINUTES 21 SECONDS WEST A DISTANCE OF 311.72 FEET TO SAID CENTER LINE OF COUNTY STATE AID HIGHWAY NO. 18 AND THERE TERMINATING. SUBJECT TO EASEMENTS OF RECORD.

CONTAINING 124,006 SQUARE FEET OR 2.85 ACRES

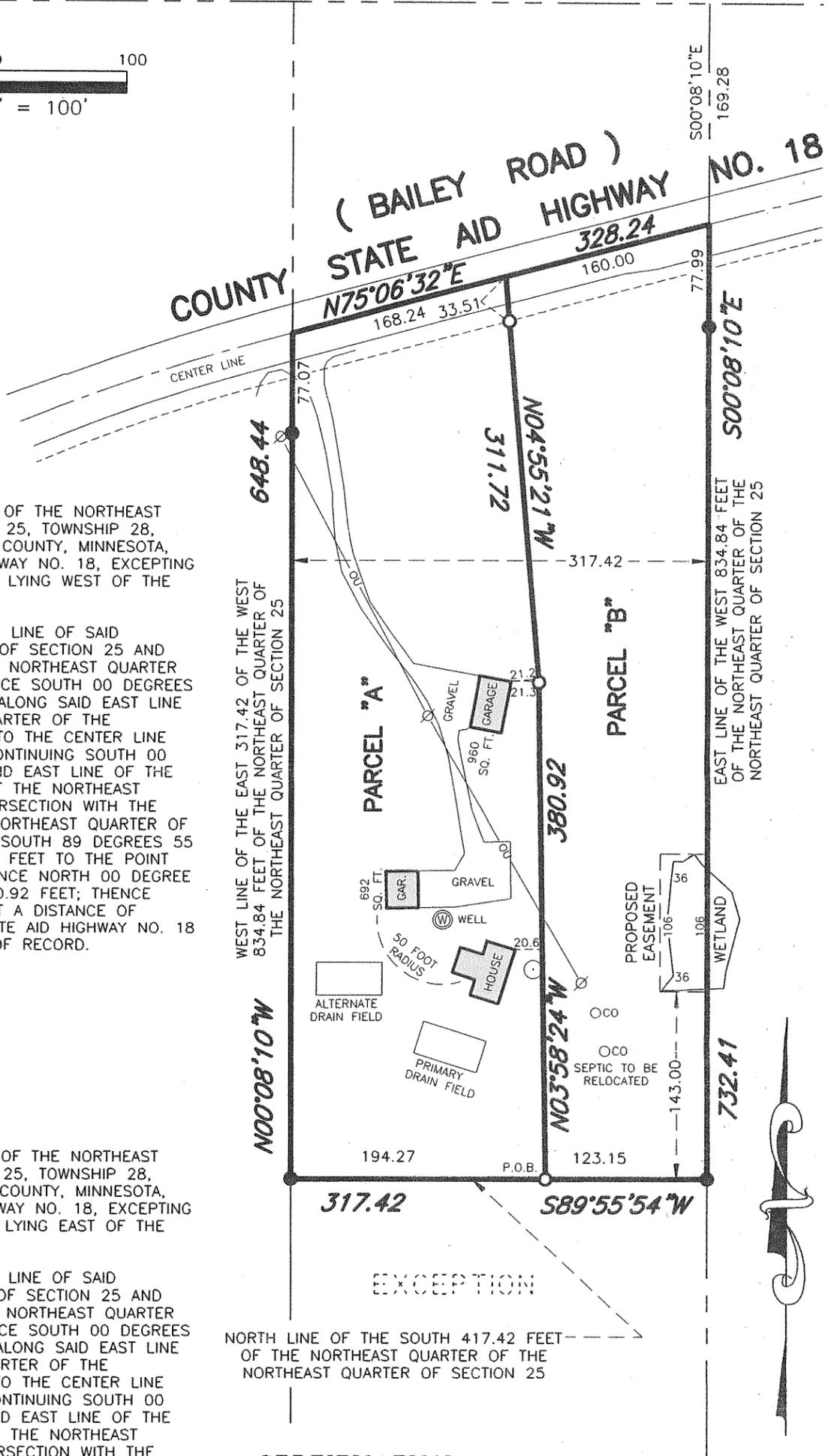
PROPOSED PARCEL "B" LEGAL DESCRIPTION:

THE EAST 317.42 FEET OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 28, RANGE 22, IN THE CITY OF NEWPORT, WASHINGTON COUNTY, MINNESOTA, LYING SOUTH OF THE CENTERLINE OF COUNTY HIGHWAY NO. 18, EXCEPTING THEREFROM THE SOUTH 417.42 FEET THEREOF AND LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 AND THE EAST LINE OF THE WEST 834.84 FEET OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE SOUTH 00 DEGREES 08 MINUTES 10 SECONDS EAST ASSUMED BEARING ALONG SAID EAST LINE OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 A DISTANCE OF 169.28 FEET TO THE CENTER LINE OF COUNTY STATE AID HIGHWAY NO. 18; THENCE CONTINUING SOUTH 00 DEGREES 08 MINUTES 10 SECONDS EAST ALONG SAID EAST LINE OF THE WEST 834.84 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 A DISTANCE OF 732.41 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTH 417.42 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25; THENCE SOUTH 89 DEGREES 55 MINUTES 54 SECONDS WEST A DISTANCE OF 123.15 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE NORTH 00 DEGREE 58 MINUTES 24 SECONDS WEST A DISTANCE OF 380.92 FEET; THENCE NORTH 04 DEGREES 55 MINUTES 21 SECONDS WEST A DISTANCE OF 311.72 FEET TO SAID CENTER LINE OF COUNTY STATE AID HIGHWAY NO. 18 AND THERE TERMINATING. TOGETHER WITH A PERPETUAL DRAINAGE EASEMENT OVER, UNDER AND ACROSS THE NORTH 106.00 FEET OF THE SOUTH 249.00 FEET OF THE EAST 36.00 FEET OF SAID DESCRIBED PROPERTY.

CONTAINING 95,149 SQUARE FEET OR 2.18 ACRES

ALTERATIONS TO THIS DRAWING ARE PROHIBITED WITHOUT THE EXPRESS WRITTEN PERMISSION OF PTS LAND SERVICES INC. COPYRIGHT 2014.



CERTIFICATION:

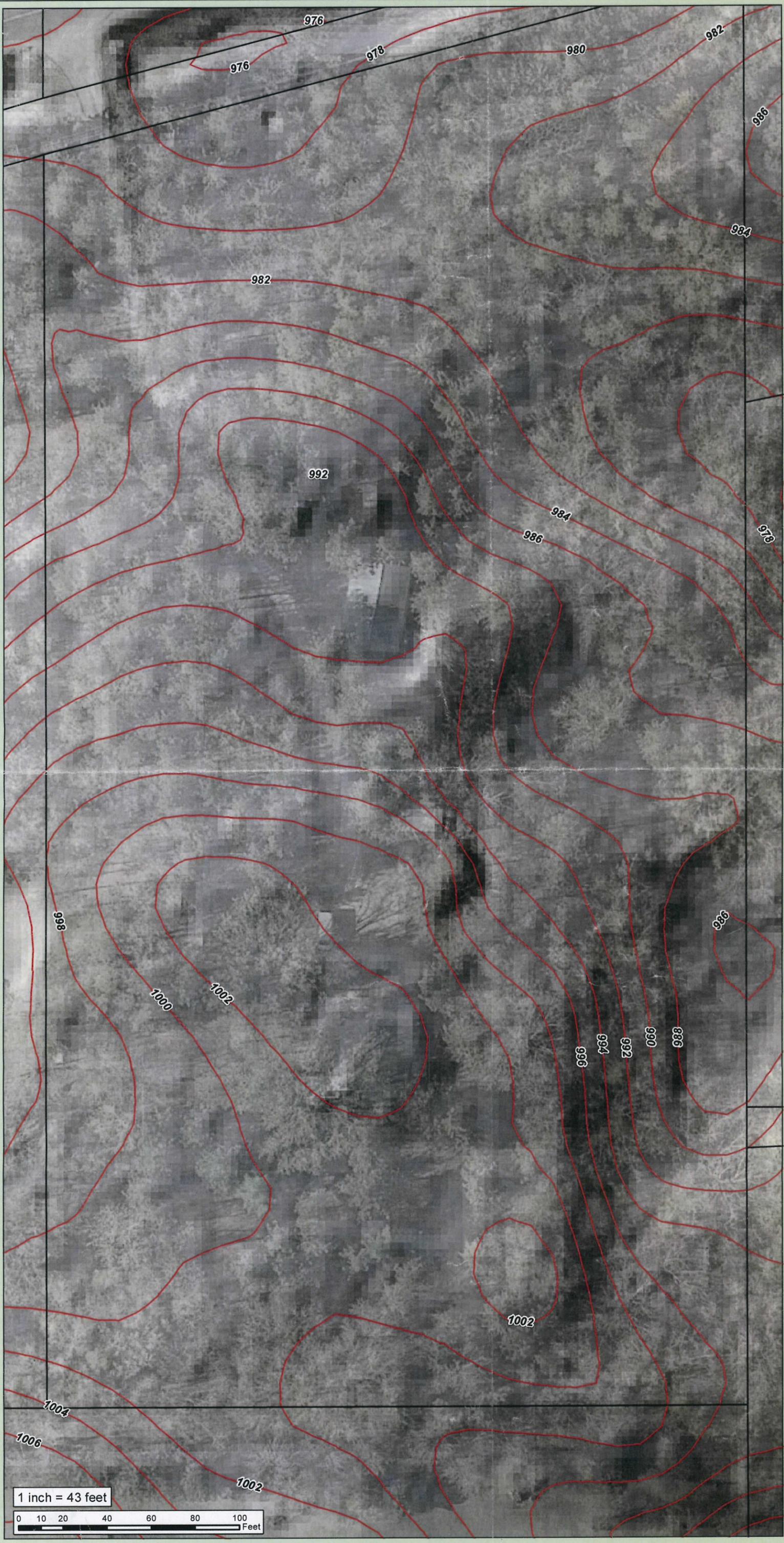
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNED THE 17th OF JUNE, 2014.

Timothy S. Peterson
TIMOTHY S. PETERSON
MINNESOTA LICENSE No. 45332
FOR: PTS LAND SERVICES

PTS LAND SERVICES

826 NW 30TH STREET, FARIBAULT, MN 55021
507-291-1137 Fax: 507-334-9472



KEY TO FEATURES

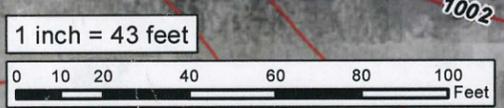
-  Parcels
-  2 ft Contours (LiDAR)

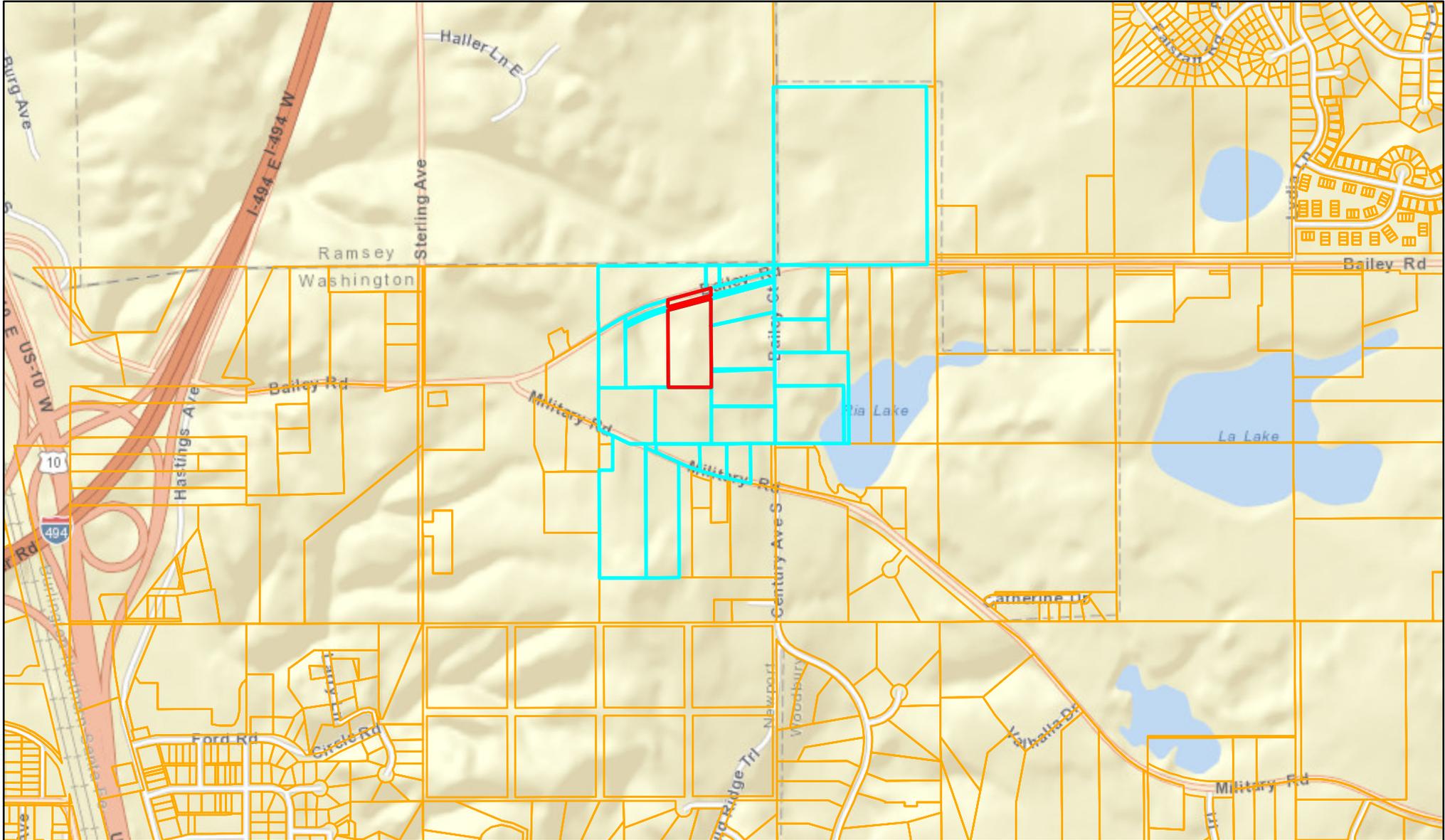


DALLUHN
2769 BAILEY RD
NEWPORT

PIN: 2502822110001

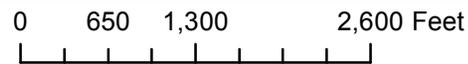
2013 Aerial Photo





Parcel ID: 2502822110001

Parcel Address:
2769 BAILEY RD, CITY OF NEWPORT



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER A REQUEST FOR A MINOR SUBDIVISION**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, September 11, 2014 at 6:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider an application from William Dalluhn, 2769 Bailey Road, Newport, MN 55055 for a Minor Subdivision. The request is to divide 2769 Bailey Road into two parcels.

Said property is legally described as:

PID#25.028.22.11.0001 - The East 317.42 feet of the West 834.84 feet of that part of the Northeast Quarter of Northeast Quarter (NE1/4 of NE1/4) of Section 25, Township 28N, Range 22W, in the City of Newport, Washington Co., Minnesota, lying South of the centerline of County Highway No. 18, excepting therefrom the South 417.42 feet thereof.

Containing 5.02 acres, more or less, subject to the right-of-way of said County Highway No. 18; and also subject to a road easement over the West 33 feet of the North 250 feet of the above described tract (said 250 feet being measured along the West line thereof); together with a road easement over a 33 foot wide strip adjacent to and immediately West of the above mentioned 33 foot strip easement.

The Planning Request is governed under Chapter 12, Section 1200.10 Platting Procedures, of the Newport City Code adopted by the Newport City Council on June 5, 1997.

Information on this Application can be reviewed at the Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the project either at, or in writing prior to, the Public Hearing.

Dated this 20th day of August, 2014

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, August 27, 2014)

ADDRESS/PID #	OWNER	OWNER'S MAILING ADDRESS	CITY, STATE, ZIP
2560 BAILEY CT	VERBOUT THOMAS M	2560 BAILEY CT	NEWPORT MN 55055
2565 BAILEY CT	MOLINE DAVID R & COLLEEN M	2565 BAILEY CT	NEWPORT MN 55055
2570 BAILEY CT	LINDA M GOFF LIVING TRS	2570 BAILEY CT	NEWPORT MN 55055
2575 BAILEY CT	WETSEL CURTIS L & NANCY S	2575 BAILEY CT	NEWPORT MN 55055
2600 BAILEY CT	TIMMERS ERNEST J & MARY L	2600 BAILEY CT	NEWPORT MN 55055
2800 BAILEY CT	HARDER KURT A & JODY R SCHLOEGEL	2800 BAILEY CT	NEWPORT MN 55055
1575 BAILEY RD	GMYREK PENNY A	1575 BAILEY RD	NEWPORT MN 55055
2720 BAILEY RD	BAILEY NURSERIES INC	1325 BAILEY RD	NEWPORT MN 55055
2721 BAILEY RD	JOHNSON DAVID & ROZLYN	2721 BAILEY RD	NEWPORT MN 55055
2850 BAILEY RD	BAILEY NURSERIES INC	1325 BAILEY RD	NEWPORT MN 55055
2867 BAILEY RD	OLSON CURTIS M & KAREN M	2867 BAILEY RD E	NEWPORT MN 55055
1201 MILITARY RD	JOHNSON DAVID W & ROZLYN M	1201 MILITARY RD	NEWPORT MN 55055
1320 MILITARY RD	CAROL J SCHLORHAUFER LIVING TRS	1320 MILITARY RD	NEWPORT MN 55055
1340 MILITARY RD	MCDONOUGH MATTHEW J & JENNIFER J	1340 MILITARY RD	NEWPORT MN 55055
1355 MILITARY RD	BONDESON MARY LOU	1355 MILITARY RD	NEWPORT MN 55055
1365 MILITARY RD	NEWPORT TOWERS LLC	303 11TH ST NW	BUFFALO MN 55313
1385 MILITARY RD	BOYER BRENT A & JACQUELINE M	1385 MILITARY RD	NEWPORT MN 55055
1395 MILITARY RD	WAGNER MICHAEL V	1395 MILITARY RD	NEWPORT MN 55055
1399 MILITARY RD	MONDRY JOHN M	4700 BLOOMBERG LN	INVER GROVE HEIGHTS MN 55076
19.028.21.33.0001	BAILEY NURSERIES INC	1325 BAILEY RD	NEWPORT MN 55055
25.028.22.11.0014	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082

PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-13

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A MINOR SUBDIVISION
REQUESTED BY WILLIAM DALLUHN, 2769 BAILEY ROAD, NEWPORT, MN 55055, FOR
PROPERTY LOCATED AT 2769 BAILEY ROAD, NEWPORT, MN 55055**

WHEREAS, William Dalluhn, 2769 Bailey Road, Newport, MN 55055, has submitted a request for a Minor Subdivision; and

WHEREAS, the property is located at 2769 Bailey Road, Newport, MN 55055, and is more fully legally described as follows:

PID#25.028.22.11.0001 - The East 317.42 feet of the West 834.84 feet of that part of the Northeast Quarter of Northeast Quarter (NE1/4 of NE1/4) of Section 25, Township 28N, Range 22W, in the City of Newport, Washington Co., Minnesota, lying South of the centerline of County Highway No. 18, excepting therefrom the South 417.42 feet thereof.

Containing 5.02 acres, more or less, subject to the right-of-way of said County Highway No. 18; and also subject to a road easement over the West 33 feet of the North 250 feet of the above described tract (said 250 feet being measured along the West line thereof); together with a road easement over a 33 foot wide strip adjacent to and immediately West of the above mentioned 33 foot strip easement; and

WHEREAS, The described property is zoned Residential Estate (RE); and

WHEREAS, Chapter 12, Section 1200.03, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on September 11, 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Minor Subdivision of the described property to applicant William Dalluhn, 2769 Bailey Road, Newport, MN 55055, with the following conditions:

1. The Final Plat shall be substantially in conformance with the Final Plat drawing June 17, 2014. The applicant shall revise the plat drawing to show the required right-of-way to be dedicated to Washington County with the written easement description. The easement document shall be recorded with the new deeds for Parcels A and B.
2. All future development on Lots 1 and 2 shall meet the requirements of the City’s Ordinances.
3. The applicant shall obtain the required septic system permit from Washington County at the time development on Parcel B.
4. The applicant shall obtain the required Washington County Access Permit at the time of development on Parcel B.
5. The applicant shall dedicate a drainage and utility easement over the wetland area.
6. The applicant shall satisfy the City’s park dedication requirement.
7. The applicants shall pay all fees and escrow associated with this application.

Adopted this 11th day of September, 2014 by the Newport Planning Commission.

VOTE: Lund	_____
Mahmood	_____
Lindoo	_____
Prestegaard	_____
Haley	_____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator



11 East Superior Street, Suite 340
Duluth, MN 55802
218.724.8578
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Brewpub and Microbrewery Uses—Ordinance Updates
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
From:	Sherri Buss, RLA, AICP, Planner	Project No.:	15482.000
Date:	September 2, 2014	Routing:	

Background

The Planning Commission discussed the permit requirements for two classifications of brewery uses in MX zoning districts in August, and recommended that staff bring updates to the Zoning Ordinance back to the Commission in September for a public hearing.

The uses of concern in the MX District include:

- Small brewery or winery as an accessory use to a bar or restaurant
- Craft breweries

It should be noted that both uses cannot be operated simultaneously at one location based on state licensing requirements.

Small Breweries and Wineries as Accessory Uses—no CUP for existing restaurants and bars

The Commission recommended that Small breweries or wineries as accessory uses should not be required to obtain CUP's if they are added to existing, licensed bars and restaurants in Newport.

The Planner has attached a proposed updated ordinance section that removes the "Small brewery and winery as an accessory use" from the Accessory Uses section of the MX district chart, and moves it to the primary use section, added to the "Restaurants where liquor is served" use. If it is identified as part of this primary use, then existing establishments will not need a CUP to add the Small brewery use.

Craft Brewery—Conditional Use Permit requirement based on size

The ordinance update attached proposes that Craft breweries be either permitted or conditional uses based on size. The table includes this requirement:

- Conditional Use Permits would be required for craft breweries with the capacity to produce more than 5,000 barrels of malt liquor each year, and with more than 15,000 square feet of floor area

This approach to zoning for this use is based on the review of requirements in other communities in the Metro Area and around the U.S. It is the most liberal standard that is being used to permit this use in mixed use districts in other cities.

- The requirements are identical to the City of St. Paul zoning requirements for craft breweries in mixed use districts
- Minneapolis has a much smaller size limit for Small Breweries in Neighborhood Commercial Districts—Small Breweries larger than 1,200 square feet in size require CUP's
- Denver requires a CUP for all craft breweries located within 500 feet of residential uses. St. Paul staff noted that Denver has the most permissive regulations among larger cities that they had surveyed. Denver uses a form-based zoning code, which is difficult to compare to district classifications used in traditional codes such as those in St. Paul and Newport. St. Paul staff also noted that none of the new breweries in Denver located near residential uses were producing more than 5,000 barrels per year, so no conclusions could be drawn about the land use compatibility of larger craft breweries with residential uses. In Mixed-Use districts in Newport, craft breweries could be within 500 feet of residential uses in that district or adjacent residential districts.
- The St. Paul staff memo (August, 2013) also noted that many cities still limit breweries of any size to industrial areas, and some cities limit brew pubs to commercial zones only. This is true for communities in the Metro Area. St. Paul is the only city in the Metro Area that allows Craft breweries in mixed use districts. Other cities that permit smaller breweries and brew pubs, and their permit requirements, include:
 - Excelsior, permits craft and microbreweries in the downtown Commercial District—CUP required at all sizes
 - Apple Valley—microbreweries permitted in Industrial Districts only
 - Eagan—microbreweries are permitted uses in Industrial Districts only. Brew pubs and tap rooms are permitted as accessory uses to microbreweries or restaurants. Brew pubs and tap rooms require CUP's at all sizes in all districts.
 - Roseville—microbreweries with tap rooms are permitted in Industrial and Business Park districts only
 - St. Louis Park—microbreweries and tap rooms are permitted in Business Park and Industrial Districts only, and limited to 3500 barrels of malt liquor production per year
 - Stillwater—Microbreweries and brew pubs are permitted in some Commercial and Business Districts. A CUP is required in all districts where permitted for all sizes of these uses.
 - Plymouth—Brew pubs are permitted in some Commercial Districts. A minimum proportion of food sales are required as part of the business. Microbreweries are permitted uses in Industrial Districts only.

Newport's ordinance permits breweries of all sizes without CUP's in the Industrial Districts, similar to the communities surveyed above.



1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development, sf=square feet

Use	MX-1	MX-2	MX-3	MX-4
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Manufactured single-family dwelling	P	P	N	P
Mobile homes	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P
Congregate housing for senior populations	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
PUD	PUD	PUD	PUD	PUD
Civic and Semi-Public Uses				
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C
Day Care Facilities	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C

City of Newport

Section 1350 Non-Residential Districts

Use	MX-1	MX-2	MX-3	MX-4
Schools for business, trade, dancing, music	C	C	C	C
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C
Artist studios	P	P	P	P
Auto body repair and major auto repair, towing services	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Brew on premises store	P	P	P 10,000 sf maximum	P
<u>Brewery, Craft</u>	<u>P/C*</u>	<u>P/C*</u>	<u>P/C*</u>	<u>P/C*</u>
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Conference Center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	P
Data centers	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C
Internet publishing and broadcasting	P	P	P	P
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—larger than 10,000 sq ft	P

Use	MX-1	MX-2	MX-3	MX-4
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	P
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P
Theaters (with structured parking)	P	P	P	P
Theaters	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Vehicle sales, display and service	C	N	N	N
Vehicle Storage Lot	N	N	N	N
Warehousing as a primary use	N	N	N	N
Accessory Uses				
Drive up facilities	C	C	C	C
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C
Renewable energy system	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Parking lot, as an accessory use	C	C	C	C
Small brewery or winery as an accessory use to a bar or restaurant	€	€	€	€
Swimming Pool	P	P	P	P

- * [Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:](#)
- a. [A Craft Brewery with more than fifteen thousand \(15,000\) square feet of floor area to ensure size and design compatibility with the particular location.](#)
 - b. [A Craft Brewery with the capacity to manufacture more than five thousand \(5,000\) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.](#)

B. Business and Industrial District Uses

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-14**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO
SECTION 1350 NON-RESIDENTIAL DISTRICTS**

WHEREAS, The City currently allows brewpubs in the MX-3 District with a Conditional Use Permit but does not allow craft breweries in the MX-3 District; and

WHEREAS, The City has received a request to allow brewpubs as a permitted use and craft breweries in the MX-3 District; and

WHEREAS, The Planning Commission reviewed and discussed the request at its August 14, 2014 meeting; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, September 11, 2014; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1350 Non-residential Districts*. They will read as follows:

Section 1350 - Non-Residential Districts

1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development, sf=square feet

Use	MX-1	MX-2	MX-3	MX-4
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Manufactured single-family dwelling	P	P	N	P
Mobile homes	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P
Congregate housing for senior populations	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
PUD	PUD	PUD	PUD	PUD
Civic and Semi-Public Uses				
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P

Use	MX-1	MX-2	MX-3	MX-4
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C
Day Care Facilities	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C
Schools for business, trade, dancing, music	C	C	C	C
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C
Artist studios	P	P	P	P
Auto body repair and major auto repair, towing services	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Brew on premises store	P	P	P 10,000 sf maximum	P
Brewery, Craft	P/C*	P/C*	P/C*	P/C*
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Conference Center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	P
Data centers	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C
Internet publishing and broadcasting	P	P	P	P
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—larger than 10,000 sq ft	P
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	P
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P
Theaters (with structured parking)	P	P	P	P
Theaters	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Vehicle sales, display and service	C	N	N	N

Use	MX-1	MX-2	MX-3	MX-4
Vehicle Storage Lot	N	N	N	N
Warehousing as a primary use	N	N	N	N
Accessory Uses				
Drive up facilities	C	C	C	C
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C
Renewable energy system	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Parking lot, as an accessory use	C	C	C	C
Swimming Pool	P	P	P	P

- * Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:
- a. A Craft Brewery with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
 - b. A Craft Brewery with the capacity to manufacture more than five thousand (5,000) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.

Adopted this 11th day of September, 2014 by the Newport Planning Commission.

VOTE: Lund _____
Mahmood _____
Lindoo _____
Prestegaard _____
Haley _____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

September 4, 2014

Mr. Daniel Petrik, Land Use Specialist
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4025

Re: City of Newport Comments on Draft Mississippi River Corridor Critical Area (MRCCA)
Draft Rules
TKDA Project No. 15482.000

Dear Mr. Petrik:

The City of Newport is writing to you to provide its comments on the MRCCA Working Draft Rules. The City previously commented on the draft rules published in 2010. We are encouraged to see that many of the issues that the City identified in our comment letter (December 2, 2010) have been addressed in the new draft of the proposed rules in response to the concerns expressed by many local governments. We also appreciate the DNR staff meetings with the City and with private landowners during 2013-2014 to discuss the new version of the proposed rules.

However, the City is concerned about several elements of the proposed rules that will require new permits, complicated monitoring and enforcement, and create significant costs that would be borne by local residents, businesses, and the City. Several of the items identified below will result in new burdens for landowners and the City. We believe that existing regulations and permits address the goals to protect resources in the MRCCA, and we do not believe the new permitting and monitoring requirements will result in improved natural resource outcomes or help to meet the goals of the Critical Areas Act, particularly in fully-developed communities like Newport.

At the August 19 meeting on the proposed rules, Commissioner Landwehr indicated that the DNR may make a budget request to the Legislature for funds to assist with the implementation of the proposed rules. The City of Newport supports this request. We believe that the new mandates for local governments in the rules should only be adopted if there is new funding for local governments to support implementation of the rules.

Our specific comments regarding the proposed rules are as follows:

- **Identification and establishment of Primary Conservation Areas (PCA).** The draft rules require that local governments identify "primary conservation areas" within the MRCCA. The areas must include shore impact zones, bluff impact zones, slope preservation zones, floodplains, wetlands, natural drainage routes, unstable soils and

bedrock, significant existing vegetation, tree canopies, native plant communities, public river corridor view areas, scenic views and vistas, and cultural and historic sites and structures. Local government will need to identify all of these areas and create maps of the PCA's so that they can be used to evaluate permit and subdivision applications in the MRCCA.

Identification and mapping of these areas will be a time-consuming and costly effort for many local governments.

- While maps exist of floodplain and shoreland zones, many of the other items required to be included in the PCA's are not currently inventoried or mapped in our community. Cities like Newport do not have staff to complete the inventory and mapping efforts, and will need to contract these services. The cost to the City will be high in order to gather and maintain data that will be sufficiently accurate for use in permitting.
- Some of the categories are not defined in the new rules. There is no definition for "significant existing vegetation" or "natural drainage routes"; the rules do not indicate if "wetlands" means delineated wetlands, or something else. If local communities must define the terms, the PCA's will not be consistent among communities, and permit requirements will not be consistent across the MRCCA.

Significant items included in the PCA's are regulated already mapped and regulated—shoreland areas, floodplains, steep slopes and bluffs, and wetlands. Stormwater management is regulated by local cities and Watershed Districts. There is no need for additional regulation of these areas.

The City recommends that if inventory and mapping of additional features to identify PCA's is necessary, the State of Minnesota should reimburse the costs to the City for completing the inventory and mapping effort. The PCA's should include only elements that can be clearly defined, so that the PCA's are consistent throughout the MRCCA and permit requirements are equitable.

- **Requirements for structures to assist persons with disabilities.** Section 6106.0080 Subp. 6 of the proposed rules would require persons with disabilities to get an interim use permit rather than a variance to allow structures related to disabilities (i.e. ramps, stairways, etc) in locations that would require a variance. The interim use permit would not require the identification of "practical difficulties" to permit the improvements, but otherwise provides little benefit to the disabled person, as the costs and process are the same as for a variance. The City would need to monitor the permit to require removal of the structure at the time or event stated in the permit, which will add additional costs to the permit. The City recommends that if the intent of the proposed rule is to minimize costs and review time, and maintain the privacy of the disabled person as stated by the DNR, an administrative permit issued by the Zoning Administrator would be a better approach than an IUP in order to minimize the time, costs, and maintain the privacy of disabled persons.



- **Incorporation of documents by reference.** The draft rules list a number of documents that are proposed to be incorporated in the rules by reference, and notes that the documents may be subject to frequent change. Of the eight documents listed, one is not yet available, and it is a significant document--The MRCCA **Visual Resources Protection Plan** – which is being developed by the National Park Service and the Mississippi Parkway Commission. The new rules would require the City to use the methodology in that document for granting conditional use permits for height.

The City recommends that these documents be provided for review and comment before the new rules are adopted. The methodology for assessing visual resources could add significant new costs for zoning permit applications (which in Newport are borne by local residents and businesses who apply for the permit) to determine visual impacts of proposed development. The City's current height standards for zoning districts are consistent with those proposed in the draft rules. Additional visual analysis and regulation of height based on vague visual standards is not necessary.

- **Vegetation Management—New Permit.** The new rules would require the City to create and implement a new permit for vegetation removal. The proposed standards require that selective vegetation removal of more than 5-15% of the total tree canopy or vegetation cover or by an area of more than 1,000- 5,000 square feet, whichever area is less, in the shore impact zone, the bluff impact zone, and the slope preservation zone, over a two year period, requires a permit. The rules also require that landowners who cut more than the allowed vegetation complete a restoration plan that would be approved and monitored by the City

These requirements in the rules will be difficult for the City to implement. It will be very difficult for the applicant and for City staff to determine and monitor what equals 5-15% of the vegetation on a property or whether 1,000 to 5,000 square feet of the canopy is proposed for removal or has been removed over two years. It would require that the City complete a new baseline inventory of each property, and complete periodic review of properties to identify vegetation removal. *The City does not currently have the in-house staff resources to monitor vegetation removal on all parcels within the MRCCA, and manage this new a new permit process. The rules permit local governments to delegate the permitting responsibilities to a resource agency, but the permit applicants and the City would still bear the cost of this new permitting and monitoring.*

The City believes that the existing vegetation management regulations in the Shoreland Ordinance have been sufficient to prevent significant loss of tree canopy and vegetative



cover on parcels in Newport that are within the MRCCA. The City believes that the new regulations will be almost impossible to administer, will be costly, and are not needed.

▪ **Construction or replacement of retaining walls, rip rap or other erosion control measures—New Permit or additional requirements on existing Building Permits.**

The proposed rules require a new permit process whereby a “qualified person” must submit a determination that the above methods are not sufficient, in order to permit a retaining wall or rip rap rather than vegetative methods for erosion control.

The City believes that existing permitting processes implemented by the City and Watershed Districts are sufficient to manage erosion control, and determine the best methods given the characteristics of individual sites. In many locations, vegetative methods are not sufficient to manage erosion control. The new regulation is not necessary, and could place a significant new permit burden on the City and residents in the MRCCA area in order to prove that vegetative means will not provide adequate erosion control.

- **Stormwater Management—Higher Permit Standards.** The proposed rules require a permit for all development that creates new or fully reconstructs impervious surface of more than 10,000 square feet on parcels that abut a public water body, wetland or natural drainageway. In some cases, replacement of a driveway would trigger this requirement. The threshold for creation of new impervious surface is one acre under the City’s MS4 permit. The DNR not given a rationale for a higher standard than the one required by the Minnesota Pollution Control Agency through the MS4 permit process.

The City recommends that the existing MS4 permit requirement is reasonable and sufficient to protect resources in the MRCCA District. The proposed rule should be changed to be consistent with the MS4 Permit requirements.

- **Requirement for New Site Plan Permit.** The new MRCCA rules require a “site plan” for all items that require a discretionary action or a permit—such as a variance or conditional use permit. The site plan must include a large number of items listed in the rules and the list of required submittals goes beyond the City’s requirements for applications for most variances and conditional use permits. The city has the authority to require a site plan for conditional use permits, variances, and similar zoning permits when needed, but does not need this extensive information in all cases. This requirement will add significant new costs to land use permit applications for residents and businesses in the MRCCA District. Many permit applications are relatively simple now, and meet the City’s needs for review.



The City recommends that this requirement be removed from the rules. Local governments are able to determine the submittal requirements for review of local zoning permits.

- **Subdivision of land—protection of Primary Conservation Areas required.** The MRCCA rules propose that when subdivision occurs the developer must set-aside a portion of the area within the Primary Conservation Area identified on the property and dedicated open space, and that native vegetation communities be restored within that area. This requirement will create confusion with the City's Park and Open Space dedication requirements, and could add significant costs for developers, home owners associations or the City to dedicate, restore and maintain the dedicated areas. It will also place a priority on dedication of the primary conservation areas as park and open space areas, and may limit the City's ability to require the dedication of park and open space areas outside the primary conservation areas as a part of development.

Primary Conservation Areas such as wetlands, bluffs, steep slopes and floodways have protection under current rules, and do not need to be dedicated as permanent open space in order to be protected from development. The rules may suggest that the City consider the PCA areas for dedication, but should give the City the flexibility to determine whether these areas are already adequately protected, so that open space dedication can be better applied elsewhere to meet the City's adopted park, trail and open space plans.

- **Proposed MRCCA Districts Map.** The proposed MRCCA Districts map is not compatible with the City's Zoning Map at the southern end of the City. Properties that are currently zoned for Industrial Uses are included in the proposed CA-SR District.

The City requests that the DNR revise the map to be consistent with Newport's zoning districts.

Thank you for considering our comments on the proposed MRCCA Rules. If you have questions about these comments, please contact City Administrator Deb Hill at 651.556.4600.

Sincerely,

Tim Geraghty
Mayor

Cc: Deb Hill, City Administrator
Newport City Council and Planning Commission Members





MEMO

TO: Newport Planning Commission
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: September 4, 2014

SUBJECT: Definitions for Manufactured Single-Family Dwellings and Mobile Homes

BACKGROUND

At its August 14, 2014 meeting the Planning Commission discussed the definitions for manufactured single-family dwellings and mobile homes and directed staff to research different definitions for the two items. Below are the current definitions for the two items:

Manufactured Single-family Dwelling. "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. . A manufactured single-family dwelling shall be construed to remain a manufactured single-family dwelling, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home. "Mobile Home" shall have the same meaning as manufactured single-family dwelling.

DISCUSSION

Staff reviewed definitions for these two items from Cottage Grove, Inver Grove Heights, Maplewood, Plymouth, South St. Paul, St. Paul Park, West St. Paul, Woodbury, and the State Building Code. Additionally, the City contacted an appraiser to see what they use as definitions. All of the cities and State Building Code have the same definition as the City for manufactured single-family dwellings. South St. Paul and St. Paul Park are the only two that have different definitions for mobile homes and are listed below:

South St. Paul: *Mobile home (including manufactured homes)* means a single-family detached dwelling unit designed for yearround occupancy, constructed at a factory or assembly plant and drawn to the site on an attached undercarriage and wheels. "Mobile home" shall not include "recreation vehicle," as herein defined, nor shall it include modular or prefabricated dwelling units that meet or exceed the requirements of the state building code.

St. Paul Park: *Mobile home* means a manufactured home that is less than 20 feet wide over at least 30 feet of its length in the erected mode, suitable for yearround occupancy and containing the same water supply, waste disposal and electrical conveniences as stationary housing; and subject to tax or registration under state law, and

having no foundation other than wheels, jacks or skirtings. Overhangs and other projections beyond the principal exterior walls shall not be taken into account in determining the width measurement.

The appraiser provided the City with the below definitions from the "Dictionary of Real Estate Appraisal," which is published by the Appraisal Institute.

Manufactured Home: A factory-built house manufactured under the Federal Manufactured Home Construction and Safety Standards as of 1976 commonly known as the HUD code.

Mobile Home: A complete, livable dwelling unit capable of being moved from place to place by a truck or automobile.

The appraiser noted that the Dictionary indicates that mobile homes, modular homes, panelized homes, and precut homes are all classified as manufactured homes.

Based on the above, it seems that the main difference between manufactured homes and mobile homes is the foundation. As such, staff is recommending that the definition for manufactured single-family dwellings be amended to make it so that they need to be built on a permanent foundation and that the definition for mobile homes states that they have no permanent foundation. The proposed definitions are below. A red-lined version is attached as well.

Manufactured Single-family Dwelling. "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Mobile Home. "Mobile Home" shall mean a manufactured home that is less than 20 feet wide over at least 30 feet of its length in the erected mode, suitable for yearround occupancy and containing the same water supply, waste disposal and electrical conveniences as stationary housing; and subject to tax or registration under state law, and having no foundation other than wheels, jacks or skirtings. Overhangs and other projections beyond the principal exterior walls shall not be taken into account in determining the width measurement. A mobile home shall not include a recreational vehicle.

RECOMMENDATION

It is recommended that the Planning Commission approve Resolution No. P.C. 2014-15 amending the definitions for manufactured single-family dwellings and mobile homes.

Subd. 79 Lot Width. "Lot Width" shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building setback line.

Subd. 80 Manufactured Single-family Dwelling. "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with ~~or without~~ a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. ~~— A manufactured single-family dwelling shall be construed to remain a manufactured single family dwelling, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.~~ A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

Subd. 81 Micro- and Regional Brewery. "Micro- and Regional Brewery" shall mean a facility with a capacity to manufacture one million (1,000,000) or fewer barrels of alcoholic and nonalcoholic malt liquor a year. This definition excludes brew on premises stores as defined in this ordinance, and/or small breweries operated in conjunction with a bar or restaurant defined herein as an accessory use.

Subd. 82 Mobile Home. "Mobile Home" shall ~~have the same meaning as manufactured single-family dwelling.~~ mean a manufactured home that is less than 20 feet wide over at least 30 feet of its length in the erected mode, suitable for yearround occupancy and containing the same water supply, waste disposal and electrical conveniences as stationary housing; and subject to tax or registration under state law, and having no foundation other than wheels, jacks or skirtings. Overhangs and other projections beyond the principal exterior walls shall not be taken into account in determining the width measurement. A mobile home shall not include a recreational vehicle.

Subd. 83 Mobile Home Park. "Mobile Home Park", a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

Subd. 84 Modular Manufactured or Prefabricated Home. "Modular Manufactured or Pre-fabricated Home" shall mean a nonmobile housing unit that is entirely or mostly fabricated off site and transported to a building site where final installations are made, permanently affixing the module to the site. A modular manufactured home shall be considered the same as a single-family dwelling under the standards in this Code, provided it meets the standards for floor area and other minimum standards.

Subd. 85 Motel. "Motel" shall mean a combination or group of two (2) or more detached, semi-detached or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations of a fee.

Subd. 86 Motor Vehicle. "Motor Vehicle" shall mean any self-propelled vehicle not operated exclusively on railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle, including but not limited to cars, trucks, buses, motorcycles, campers, recreational vehicles, and trailers.

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-15**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO
SECTION 1300 GENERAL ZONING**

WHEREAS, The City has been working to clean up language in its Zoning Code; and

WHEREAS, The Planning Commission feels it is advantageous to distinguish between manufactured single-family dwellings and mobile homes ; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, August 14, 2014; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1300 General Zoning*. They will read as follows:

Section 1300 - General Zoning

1300.01 Definitions.

Subd. 80 Manufactured Single-family Dwelling. "Manufactured Single-family Dwelling" shall mean a structure, not affixed to or part of real estate, transportable in one or more sections, which in a traveling mode is eight (8) body feet or more in width, or forty (40) body feet, or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a single-family dwelling with a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, except for accessory manufactured single-family dwellings and temporary manufactured single-family dwellings, as defined in this Chapter. A manufactured single-family dwelling shall not be construed to be a travel trailer or other form of recreational vehicle.

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Adopted this 14th day of August, 2014 by the Newport Planning Commission.

VOTE: Lund	_____
Mahmood	_____
Lindoo	_____
Prestegaard	_____
Haley	_____

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator