

Florence Township Planning Commission Minutes

January 11, 2021

Members Present via Zoom: Clara, Amy, Beth, Mark (phone), Ed, Ben (phone)

MSA consultant: Kate

For permits, present: Ropers and Brezas

Call to Order 6:08

Pledge of Allegiance / Pass until next onsite townhall meeting.

Motion: Review and Approval of December minutes / Reminder: Submit minutes to website

Clara moves, Ed seconds – Motion passes to recommend to board for approval

Zoning Reviews of Permits —Amy, Mark, Kate

1. Darin & Amanda Breza. XXX Johnston Street, Frontenac. PID# 321301110. Lot width is 186 feet. Meets setbacks. Application for New Construction Home / Portable Shed – Discussion regarding its movable nature. **Motion:** Ed makes a motion, Beth seconds – Motion passes to recommend to board for approval.
2. Roper. 31542 West Florence Trail, Red Wing. PID# 320210800. Inquiry into accessory structure for a new Bathhouse. Has a CUP for family weekend campground. Review of CUP. —Kate Application s incomplete, requires a complete site plan. Not a listed or allowed use is an expansion of IUP. It is near a stream, steep slopes and possible bluff land. Delineation of bluff may be necessary. It is in a sensitive feature area a stormwater feature. It is an additional accessory use for the off-road vehicle, wedding and campground.

Tentative location is on screen (Kate). The application is not complete. As noted above, IUP expansion will need an additional public hearing (and notice). We need all items A-P in application plus review and confirmation of conditions 1-17 in the IUP issued in 2019. The responsibility is on the applicant. If they want to expand, they need to document in writing that they are in compliance with all of those items, as noted below

- #2 Events are limited – We have not information about the events in the last years. What are events plans going forward?
- #3 Township to be notified of annual schedule. This has not happened, has to be updated for 2019 and 2020.
- #9 If they have 5 or more parties camping on site, it is a campground and must be licensed by the MN Dept. of Health.

We did not permit a campground. The township clerk should provide us with the final motion of the township supervisors. We provided that condition number 9, is only allowed during trail riding events for participants. Goodhue Count outlines this in their ordinance. What we did is authorize a wedding and a trail riding event venue. Camping is not allowed for weddings.

We do not have a complete and accurate application. So we can't do anything more right now. This is an expansion of the IUP. The following conditions, at least must be met:

- Require the annual schedule notification before we consider. This should be submitted to the township clerk. The condition required 30 days notice before the first scheduled event of the year, May – October.
- Must be licensed as a camping area.
- Determine if the property owners are compliant with the IUP initially granted.

Amy notes receipt the conditional use permit that the board approved for the Roper Trust. It is not the one that is recorded, because there is not a signature to record it. But Amy will email it out to everyone.

Motion: We need a complete and accurate application

- 1) Site plan
- 2) Full application
- 3) Written conformance with all 17 conditions in the FT IUP. They all need to be in conformance.
- 4) An accurate report of the events over the last 2 years. We need event report, for the last 2 year to be submitted to the clerk

This is an Expansion and intensification of the IUP. It is an amendment to the IUP and does require a public hearing. Kate will send the letter and will provide details on #1.. Please send to Jim Roper 520 Hawthorn Street RW

Ed: seconds for discussion. Are we only adding the bathhouse? There is also an intensification of frequency of use? The accessory use of the bathing facility, absent further clarification does represent an intensification of use. How will the sensitive features issues be addressed? Any project deemed inside the sensitive features ordinance is subject to a higher standard. May need a survey and professional engineering services to ensure. We don't know yet. Purpose of the Bath House?

Ropers: Jim Roper says its just for family. This does not matter for permitting. How it impacts the facility for camping is the question. Is it a further development of camping. He says its not intended for that. The main goal, all they really need to do is to be able to install an accessible bathroom/toilet for the wedding facility. "What if we don't put in showers, but only a handicapped bathroom. We talked with the county about septic. We can skip the bathhouse. In dry run. We have those MHD certificates for the last two years. "

Kate: We are not regulating the camping. MDH is the regulatory agency. We need to know if we are going to consider this accessory use to enable more camping or a handicapped bathroom for wedding venue. To be clear (Kate), no matter the circumstances FTPC will require written confirmation on the conditions. [Ed] We are supportive but we need to get this all documented, to protect everyone.

NOTE: Has expansion of use, frequency of events, been clarified or discussed? This will need to be clear for public hearing [KET] Will also require written notice of surrounding property owners, as before?

3. Staker. 29219 Garrard Ave., Frontenac. PID# 321300761. Discuss Building Permit for ADU above a detached garage. There is an existing kitchen and owner would be adding a new Bathroom. Need Status of this project and what to do about ADU's in Old Frontenac.

4. Michaletz (Grant and Kari) Update 28400 Lake Ave Way. Board sent a letter. They had gotten a permit two years ago to build a new home. They are 95% complete. Goodhue did a building inspection of plumbing, also 95% complete. The problem is they changed the footprint and messed up the setback of their septic, too close to Pepin. So the County had them install a 6000 gallon holding tank. They will have to go closer to the bluff, or they have to install a box mound next to the house, adjacent to the house. Goodhue will re-inspect in the spring. Ben said that if they don't put in a box mound, we may need to deal with a variance request .

Permitting reminders:

- Florence does not have a septic ordinance. So unless there is a structure we don't deal with it. If a site has to be re-graded it may tip into our sensitive features review, but if it remains a septic issue its Goodhue County septic ordinance.
- Do we need a permit for a deck? Yes we do. See definition of structure 5.10. They are changing the footprint and it is a raised structure – with footings. It is a structure. Mark has consulted with the Board (January). We will add “decks, porches” to the list of items in the ordinance that need a permit. A goal for our ordinance: public friendly, clear, specific.
- Kate: If there is a question, collect the fee and the application. If they don't require anything we can refund the fee. (We will still be paying Kate)

Update on Possible Permit Violations

Scott Jorgenson. 36724 Hwy 61, Lake City. 16 x 16 shed that has been built is on skids and is moveable according to property owner. Discuss / Issue Resolved ?

Chris Greseth. 29392 Lake Ave, Frontenac. Improvements to the home did not include changing of the footprint or additions to the home according to property owner. Other required permits were approved by Goodhue County. Discuss / Issue Resolved ? Note: Goodhue said they are treating this as an ADU, based on the plan they provided-- because once they add a bathroom it is an accessory dwelling unit.

Old/New Business

1. **Vacation rentals:** The above matter is related to concern raised by S. Lake Ave neighbors regarding its use as a rental unit, with up to 10 guests. They request a policy, ordinance be developed. The request came with some examples from other towns, Afton, Two Harbors – for us to reference. Mark discussed with Red Wing planner. In RW, if they are not owner occupied Red Wing does not allow in R1 districts. If they are something that someone lives in, then it is like a BnB. If they want to rent out when they are not in town, Red Wing considers owner occupied rentals with conditional use. They also tax them, lodging tax. Kate notes detailed provisions in Duluth ordinance, may also be reference. There are many strategies, but all have challenges. Ed notes challenge of disclosure.
2. **R-1 District Proposed Changes.**
 - Need Zoning Language finalized. See note below for setback exceptions provision for existing/platted properties
 - Confirm what to do about ADUs, and 2 Family; we are still unclear re: ADUs in Old Frontenac – joint (public) hearing with HPC?

- Investigate ordinance for Group Homes, Residential Solar Units / Gardens, Air BnBs and VRBOs.

Ready to go – Kate asked to finalize language & add, integrate into Ordinance for publication:

Home Based Business Tier Chart. Chart Ready and approved by Town Board.

Sign Ordinance. Need Zoning Language changed to remove 2 items less strict than Goodhue County. Will we need a separate public hearing? Or can we just run it by the Board/

Flood Plain Elevation. Language Changed and Approved by Town Board

- Kate will also look at page 2, for language “If not specifically allowed, such use shall be considered prohibited. All uses shall be expressly identified in this ordinance”. Generally recommending to focus for now on clarifying language rather than changing. Anyone can make an application for a zoning ordinance amendment for the whole ordinance section.
- **Question of Attorney Review:** Ben says, send to Mike what we want him to review. Use the planning consultant to do the leg work and then run by the attorney. We are more strict in R1, but not in A1 and A2.

3. ADU discussion: We will want to add this to a multiple item hearing – Joint hearing with HPC (Mark will contact).

- Kate suggests we clarify definitions for “family dwellings” and accessory dwellings
- Review definition of ADU in the county ordinance. They are essentially mother in law apartments; can be attached or detached dwelling, within 100 feet of the main residence or part of the main residence.
- Mark’s recommended language change to page 9 – Single family = “No multi-family or accessory buildings allowed”. Keep I simple

Note: There is an issue arising about intensification of short term rentals in Old Frontenac. But ADUs is a separate issue. ADUs and 2 family unit residences, like a duplex, we had proposed to allow in R1, with CUP for accessory dwellings. Neither are allowed in Old Frontenac. But this is not clear in the ordinance. (We could depend, at page 2, on the ordinance principle that if it is not expressly listed it is not permitted).

4. Solar Garden discussion (Amy) - We will allow residential solar permits for their houses in R1. Free standing or roof? A side yard 100 feet wide. With an increasing number of solar gardens, we need some language in our ordinance, or do we defer to Goodhue for A2 and A3.. We have permitted a few in A2. Goodhue has definitions takes for residential, business/commercial (use on the land, only on commercial land) and utility scale. Look at their definitions. They have a stand alone solar article –Amy suggests we follow Goodhue for A1 & A2, and discuss R1, to allow residential scale, with best practices – Could allow by CUP. Amy will get the Goodhue Co. information together for February agenda.

5. Group Homes discussion - Email exchange with Ryan Bechtl. Goodhue County has not defined this very well. Followed up with the asst. planner at Red Wing. His advice is that you need to be careful. There are many kinds of group homes for many different kinds of uses. He recommended investigation of state statute. Initial consensus is that we don't want to allow a group home provision in R1. Amy disagrees, thinks it could be a CUP. Kate again references section 4 ordinance interpretation, that “ if it is not expressly permitted, it is not allowed, then it

is considered prohibited”. Refer to R1 and what uses are listed. (For A1 and A2 you defer to Goodhue County). When reviewing uses, you have to think carefully about what words you are using. If an institution comes in and buys a single family home and puts 15 people in there you have an issue for the integrity of neighborhoods and keeping things as they are. Ed will check in on this. Definitions are important.

6. Bluff Land Protection Ordinance and Sensitive Features provisions:

- Kate notes that we can be doing more with our Sensitive Features Ordinance, which allows the PC to apply conditions and best management practices to potential impacts in any sensitive features overlay
- The PC does not wish to change its bluff setbacks but we so want to create an exception for existing and platted properties – the few which are potentially impacted by bluff setbacks.
- Put the sensitive features provisions into the application. This provision isn't being triggered because we don't have a mechanism. So you haven't really been utilizing it. Once a property is identified, no matter what they are doing in a sensitive feature area, they have to document best practices. You can require the necessary items in writing to prove that they are mitigating the effects. There is provision for this in the ordinance, that would not necessarily require a variance.
- Kate will construct an exception for bluff overlay, with language for non-conforming existing R1 built or platted, to be required to provide a (professionally?) designed mitigation plan to conform with our sensitive features ordinance. May require engineering assistance. We have to be careful about how we write this; should be pretty simple. [e.g. an exception for R1 properties developed prior to Jan 20, 2021].
- Functionally, Kate' recommendation is to make this part of the application, an automatic trigger. Add to our form as a call out – 'If you are identified to be in a sensitive features overlay, the ordinance will apply and there may be additional requirements.

Motion of direction to Kate - Draft an exception to the bluffland section of ordinance and amend the application to call out mitigation requirements for sensitive features. Next meeting, let's see all of the language from Kate. [Review with discussion in February. In March public hearing and get it recorded. April at the latest]

Re: Exceptions Language: Kate is requested to draw up an exceptions provision that specifies which R1 properties (to which date) qualify, and the nature of the requirements for assuring mitigation of any potential impacts. It will also specify the responsibility (including financial) of the property owner for any surveys or engineering evaluation that is needed to accomplish this – which the Planning Commission under the provisions of the Sensitive Features Overlay Districts is authorized to require. (We might consider some education on this on website or handout?)

Bluff Delineation Map metadata: Kate is also requested to provide for documentation of metadata information for this layer, as discussed previously. She will arrange a meeting for Beth with the mapper, Jeff Powell, in the next few weeks.

Record keeping/retention issue: Mark will continue to raise this to the Board. We need to have hard copy of all approved permits and minutes -- keep at town hall.whatever we have for hard copy related

to approved permits and approved minutes (Amy, Mark, Kristen) Need to file by PID number. This is not sufficient. Recommend a cloud based system.

Motion to Adjourn 8:45. Next board meeting on the 25th. Beth moves. Amy seconds. Noted: Ryan's absence is excused.

NOTE FOLLOW UPS:

Kate:

- Letter to Ropers
- Integrating approved items into ordinance
- Constructing language for bluff setback exception
- Adding sensitive features ordinance guidance to application

Amy:

- Solar detail and definitions from Goodhue

Ed:

- Follow up on Group Homes

Mark:

- Discuss ADU, R1 language clarifications for Old Frontenac with possible joint hearing, with HPC (at some point)
- Follow up with board on Cloud storage system – record retention/storage and access (continue to discuss, maybe PC makes recommendations?)

Kate and Beth:

- Bluff delineation metadata meeting with Jeff