

BRAINERD PLANNING COMMISSION

Wednesday, December 21, 2016

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/ Amendment of Agenda
3. Approval of minutes of the regular meeting held on November 16, 2016 and the Workshop on November 16, 2016
4. NEW BUSINESS
 - Public Hearings:
 - a) Carol and James Paschelke – application for a Variance to construct a 6’ tall fence where a 4’ tall fence is permitted at 501 16th St. SE, Brainerd, MN 56401
 - b) Gretchen Nelson – application for a Variance to permit a metal roof that is not standing seam in design on an accessory building located at 717 2nd Ave. NE, Brainerd, MN 56401
 - c) Short Term Rentals – Permit as an Interim Use in Agricultural, Residential, Business, Mixed Use and Industrial Districts.
5. PUBLIC FORUM – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed
6. OLD BUSINESS
7. Commissioners’ Questions/Comments
8. City Planner’s Report
 - a) 2017 Planning Commission
 - b) League of Minnesota Cities Training
9. Adjourn to 2nd Floor Conference Room for a Telecommunications Ordinance Review Workshop

Any individual needing special accommodations please call 218/828-2309

PLANNING COMMISSION
Wednesday, November 16, 2016

Planning Commission Chair Plantenberg called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Antolak, Headley, Straw, Plantenberg and Turner. Also present were City Planner Ostgarden, City Administrator Thoreen, Planning Intern Bryan Harvey and 5 others.

#2 Approval/Amendment of Agenda

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of minutes of the regular meeting held on October 19, 2016

MOVED AND SECONDED BY COMMISSIONERS STRAW AND HEADLEY, DULY CARRIED, TO APPROVE THE MINUTES OF THE OCTOBER 19, 2016 REGULAR PLANNING COMMISSION MEETING AS PRESENTED.

#4 NEW BUSINESS

- a) **City of Brainerd, 501 Laurel Street, Brainerd, MN 56401 on behalf of Brainerd Public Utilities, 8027 Highland Scenic Road, Baxter, MN 56425 Conditional Use Permit (CUP) request to permit using rip rap to stabilize a steep slope adjacent to the City of Brainerd owned hydroelectric dam at 1801 Mill Avenue Brainerd, MN 56401**

City Planner Ostgarden reported that due to increased concerns about erosion on a steep slope adjacent to the Mississippi River hydro dam, Brainerd Public Utilities is proposing to remove approximately 300' of vegetation on the slope and installing rip rap for stabilization. He referred to Packet attachments depicting rip rap and how it is used including definitions and pictures.

The Chair opened the Public Hearing at 6:07 P.M.

The Chair recognized Brainerd Public Utilities Superintendent Magnuson who clarified that the erosion is on a hill on the east side of the river at the hydro dam between the driveway and the BIC property. He stated that this has caught the attention of the Federal Energy Regulatory Commission regional engineer based on dam safety, noting that trees on the side hill and maintenance of a fall out pipe will also be addressed. He reported that he met with Crow Wing SWCD representative Beth Hippert onsite and that all agreed that this will be the best solution for the multiple problems on the hill. He also answered questions of the Commission.

The Chair closed the hearing at 6:11 P.M.

The following Findings-of-Fact were read into the record:

1. The City of Brainerd owns the hydroelectric dam and adjacent lands on the Mississippi River located in the city. The dam is operated and maintained by Brainerd Public Utilities.
2. The dam property abuts the Brainerd Industrial Center property and it has a steep slope that is creating erosion concerns for the dam and property.
3. Brainerd Pubic Utilities would like to stabilize about 300' lineal feet of the slope with rip rap.

4. The property is located within 300' of the Mississippi River, making it subject to the City of Brainerd Shoreland Management Regulations.
5. The stabilization method has been reviewed by the Crow Wing County Soil and Water Conservation District that has submitted a letter of support for the project subject to conditions.
6. The DNR, MPCA, and Army Corps of Engineers who were notified of the project and each submitted no comments.
7. The project is in keeping with the Zoning Ordinance objective to *Protect and preserve the natural environment of the City.*
8. The plan is consistent with the following Comprehensive Plan Goal and Strategy:
COMMERCIAL/INDUSTRIAL LAND USE
Goal: *PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.*
Strategy
Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.
9. BPU Superintendent Magnuson appeared at the meeting and reported that all parties involved feel this will be the best solution for the multiple problems on the hill.
10. No correspondence was received for or against the CUP.

Condition: That the stabilization be done in accord with the recommendations for using native vegetation described in the November 14, 2016 Crow Wing County Soil & Water Conservation letter to BPU Superintendent Magnuson.

#5 PUBLIC FORUM - None

#6 OLD BUSINESS - Short Term Rental (previously VRBOs) Ordinance Draft Discussion

Commission discussed various concerns including guest limitations based on rooms available and square footage and elected to include draft language on the December 21, 2016 Planning Commission meeting.

#7 COMMISSIONERS' QUESTIONS/COMMENTS - None

#8 CITY PLANNER'S REPORT - None

#9 ADJOURN – To Workshop to Discuss Proposed Zoning Ordinance Amendment Regarding Cell Towers

AS THERE WAS NO FURTHER BUSINESS, WITH A MOTION BY TURNER AND SECOND BY STRAW, DULY CARRIED, THE MEETING ADJOURNED AT 6:42 TO THE 2ND FLOOR CONFERENCE ROOM TO DISCUSS A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING CELL TOWERS.

Respectfully submitted,

Mark Ostgarden AICP, City Planner
Planning Commission-DRAFT

**Brainerd Planning Commission Workshop
November 16, 2016**

Chairman Angie Plantenberg called Brainerd Planning Commission Workshop to order at approximately 6:50 in the City Hall 2nd Floor Conference Room.

Present: Antolak, Headley, Pritschet, Straw, Turner

Others Present: Rick Adams, City Administrator Jim Thoreen, Planning Department Intern Bryan Harvey and City Planner Mark Ostgarden

The meeting purpose was to hear from Rick Adams, Rick Adams KGI Wireless and a consultant with Verizon about the need to amend our telecommunications section of the Zoning Ordinance. He handed out information about the FCC and state statute language. He explained the need to amend our ordinance to permit smaller cell towers in commercial and residential areas and in the public right of way. The issue is that more and more data is sent and received and the industry is moving from taller towers to shorter and more numerous towers.

Mr. Adams has worked with other cities on ordinance updates and he offers his assistance with ours. Chairman Plantenberg asked that staff contact the LMC for its guidance in updating our ordinance. Commissioner Straw raised the concern about health issues associated with telecommunication radio frequencies.

Staff has ordinances from several other cities that can be reviewed for guidance on our process. This item will be discussed at the December meeting

The meeting adjourned at approximately 7:30 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

December 12, 2016

VARIANCE

APPLICANT/LOCATION: Carol and James Paschelke, 501 16th St. SE, Brainerd, MN 56401

PROPOSED USE: Six foot tall fence where a 4' tall fence is permitted

LOT AREA: 50' x 100' (5,000 sf)

CURRENT ZONING: R-2 (One and Two Family Residential) District

ADJACENT USES: East: Elementary School
South: Residential
West: Residential
North: Residential

ADJACENT ZONING: North: R-2 (One and Two Family Residential) District
East: R-2 (One and Two Family Residential) District
South: R-2 (One and Two Family Residential) District
West: R-2 (One and Two Family Residential) District

REPORT

The Paschelkes have a corner lot and have begun construction of a 6' tall fence in the side street setback area along Norwood Street where a 4' tall fence is permitted. Zoning Ordinance Section 515-19-7: Fences, Height. reads:

- A. Fences may be located in any yard up to a height of four (4) feet.
- B. Except as prohibited by Section 515-19-7.E a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line.

Criteria for Granting Variances

- A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the Ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*

- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.*
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*
- L. Provide for administration of this Ordinance.*
- M. Provide for amendments.*
- N. Prescribe penalties for violation of such regulations.*
- O. To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

When the Variance is consistent with the Comprehensive Plan.

The Comprehensive Plan Goal and Strategy that may apply is:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

- 1. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

Attached is a photo of the street side yard where the fence has been constructed. The question is why can't the property owner construct the fence at the dwelling setback and have reasonable use of the property?

- II. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

When looking at the neighborhood, what is unique about the property? Lot shape? Size? Width? Topography? Large Trees? Building locations?

- III. *The variance, if granted, will not alter the essential character of the locality.*

Does having a 6' tall fence along the 16th Street property line affect the neighborhoods character? There is a legal non-conforming fence along 16th Street on the lot at opposite corner from the petitioner.

Economic considerations alone do not constitute practical difficulties.

Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on December 21, 2016 and the City Council may consider the Planning Commission recommendation at its TUESDAY January 3, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



Google Earth



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

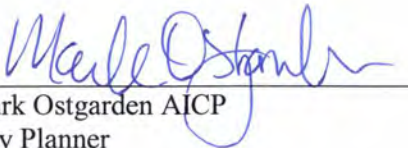
Notice is hereby given that Carol and James Paschelke, 501 16th St. SE, Brainerd, MN 56401, has applied for a variance from Zoning Ordinance Section 515 -17 Fences to construct a 6' tall fence where a 4' tall fence is permitted. The property is located in an R-2 (One and Two Family Residential) District. The property is legally described as Lot 5 Block 6 Sleepers Addition.

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., December 21, 2016, to consider the request for the Variance.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 7th day of December, 2016


Mark Ostgarden AICP
City Planner

Publication date: December 9, 2016

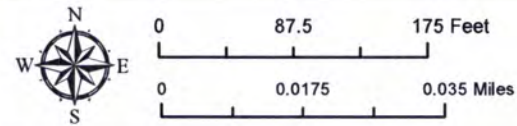
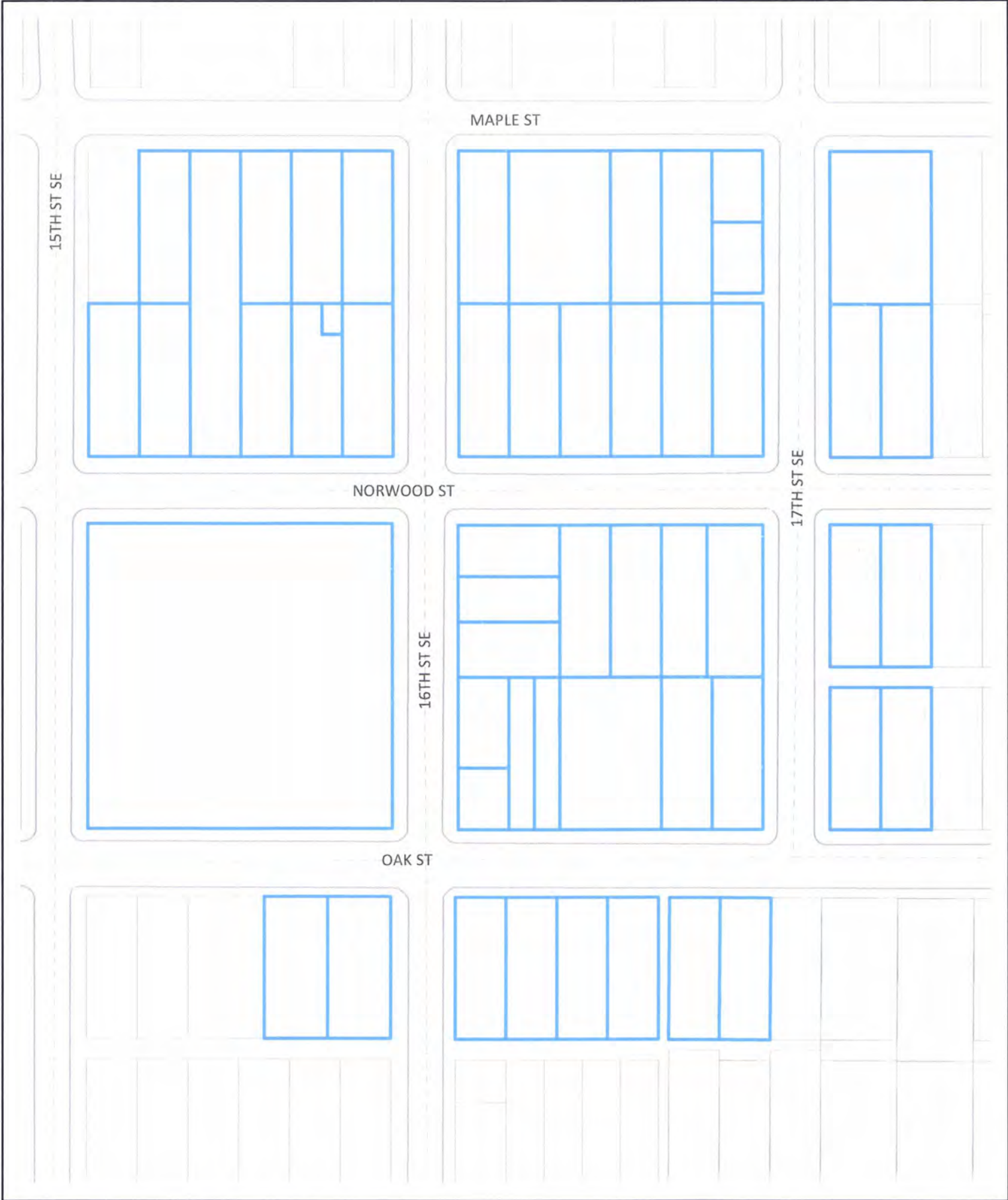
6' Tall Fence Location



CAROL AND JAMES PASCHELKE VARIANCE - 501 16TH ST SE

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09174001000S009	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1624 OAK ST
09174001000T009	FORTUNE, WILLIAM F III & MARLOWE	18763 HARTLEY LAKE RD	BRAINERD MN 56401	1620 OAK ST
09174002009Z009	SHERWOOD, ERICA L	1602 OAK ST	BRAINERD, MN 56401	1602 OAK ST
09174002011Z009	MUELLER, JUSTIN P & SHELBY L	1608 OAK ST	BRAINERD, MN 56401	1608 OAK ST
09174002013Z009	TAYLOR, LANCE	1612 OAK ST	BRAINERD, MN 56401	1612 OAK ST
09174002015Z009	JOHNSON, KEVIN & JANE	1618 OAK ST	BRAINERD MN 56401	1618 OAK ST
09174003020Z009	WEBER, PAUL G	4431 NEWTON AVE N	MINNEAPOLIS MN 55412	1518 OAK ST
09174003022Z009	THOMAS, JOHN G	5154 JORDAN RD	BAXTER, MN 56425	602 16TH ST SE
091810120010009	LAMSER, ANNMARIE J	1524 MAPLE ST	BRAINERD, MN 56401	1524 MAPLE ST
091810120020009	WILT, DAVID, RICHARD & JOYCE	8226 GULLWOOD RD	NISSWA, MN 56468	1520 MAPLE ST
09181012003Z009	MOSER, ANDREW H & ANNETTE	5136 STATE HIGHWAY 25	BRAINERD, MN 56401	1516 MAPLE ST
09181012004Z009	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1509 NORWOOD ST
09181012005Y009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	1504 MAPLE ST
091810120070009	HENNIS, JASON U	1501 NORWOOD ST	BRAINERD, MN 56401	1501 NORWOOD ST
091810120080009	LEWIS, JEFFREY & KRISTINE	6147 DONALD ST	BAXTER MN 56425	1507 NORWOOD ST
091810120100009	HANNAN, ADAM & CHRISTINA	1513 NORWOOD ST	BRAINERD, MN 56401	1513 NORWOOD ST
09181012011A889	MINNEGASCO PROPERTY ACCOUNTING	P O BOX 59038	MINNEAPOLIS, MN 55459-0038	
09181012011B009	BRUNS, TROY G & SHERI	1517 NORWOOD ST	BRAINERD MN 56401	1517 NORWOOD ST
091810120120009	SWEET, ASHLEY	1521 NORWOOD ST	BRAINERD, MN 56401	1521 NORWOOD ST
09181013001A009	POMERLEAU PROPERTIES LLC	1002 WRIGHT ST	BRAINERD, MN 56401	1622 MAPLE ST
09181013001B009	WILT, DAVID	5389 PIONEER TRL	BRAINERD, MN 56401	408 17TH ST SE
091810130020009	POMERLEAU PROPERTIES LLC	1002 WRIGHT ST	BRAINERD, MN 56401	1620 MAPLE ST
091810130030009	WALTERS, HERMAN JAMES & LORRAINER KA	7571 HIGHLAND SCENIC DR	BAXTER, MN 56425-7811	1614 MAPLE ST
09181013004Z009	PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401	1610 MAPLE ST
091810130060009	BELL, RICHARD H & DEBORAH	23259 COUNTY ROAD 4	NISSWA MN 56468	
091810130070009	SPIELMAN, KRISTEN A	1603 NORWOOD ST	BRAINERD, MN 56401	1603 NORWOOD ST
091810130080009	JOEL, JAMES H JR & SHELLIN M	1607 NORWOOD ST	BRAINERD, MN 56401	1607 NORWOOD ST
091810130090009	RADEMACHER, CHAD A	1609 NORWOOD ST	BRAINERD, MN 56401	1609 NORWOOD ST
091810130100009	KRAMVIK, JAMES L & BRIANNA M	1615 NORWOOD ST	BRAINERD, MN 56401	1615 NORWOOD ST
091810130110009	SALINAS, ALAUNA K	1619 NORWOOD ST	BRAINERD MN 56401	1619 NORWOOD ST
091810130120009	CAPIDAL INVESTMENTS LLC	6697 MARYLAND RD	BAXTER, MN 56425	418 17TH ST SE
09181014001Z009	GROENWOLD, JOHN	13713 OLIVEWOOD DR	BAXTER MN 56425	1704 MAPLE ST
09181014004Y009	JOOSTEN, CAROL M	1707 NORWOOD ST	BRAINERD MN 56401	1707 NORWOOD ST
09181014004Z009	WAHL, DANIEL J	423 17TH ST SE	BRAINERD MN 56401	423 17TH ST SE
09181015008Y009	GROENWOLD, JOHN & AMANDA	13713 OLIVEWOOD DR	BAXTER, MN 56425	1704 NORWOOD ST

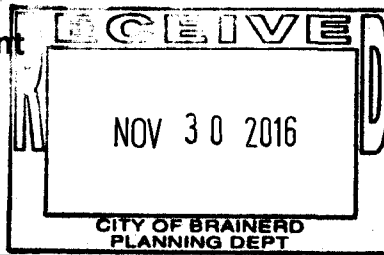
09181015008Z009	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1702 NORWOOD ST
09181015011Y009	WEBB, TAMARA J	1707 OAK ST	BRAINERD, MN 56401	1707 OAK ST
09181015011Z009	ANDERSON BRAINERD PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD, MN 56465	1703 OAK ST
09181016001Z009	HESS, DARREL D	1622 NORWOOD ST	BRAINERD, MN 56401	1622 NORWOOD ST
09181016002B009	DWYER, BENJAMIN	303 GLENWOOD ST	RED WING, MN 55066-3426	1618 NORWOOD ST
091810160030009	HANKEL, CHRISTIAN R & JENNY	1616 NORWOOD ST	BRAINERD MN 56401	1616 NORWOOD ST
091810160040009	HANKEL, CHRISTIAN R & JENNY	1616 NORWOOD ST	BRAINERD MN 56401	
09181016005X009	PASCHELKE, JAMES & CAROLE A	501 SE 16TH ST	BRAINERD MN 56401	501 16TH ST SE
09181016005Y009	MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401	505 16TH ST SE
09181016005Z009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	509 16TH ST SE
09181016007A009	VANWYNGEEREN, RICHARD & MARSHA	17134 JOHNSON RD	BRAINERD, MN 56401	515 16TH ST SE
09181016007B009	MILTON A & MARLENE A SARFF TRSTES	13945 KENWOOD DR	BAXTER, MN 56425	1601 OAK ST
09181016008A009	FREIHAMMER FAMILY LMTD PARTNERSHIP	4729 BRENTWOOD RD	BAXTER, MN 56425	
09181016008B009	MILTON A & MARLENE A SARFF TRSTES	13945 KENWOOD DR	BAXTER, MN 56425	
09181016009Z009	FREIHAMMER FAMILY LMTD PARTNERSHIP	4729 BRENTWOOD RD	BAXTER, MN 56425	1609 OAK ST
091810160110009	THOMAS, JOHN G	5154 JORDAN RD	BAXTER, MN 56425	1617 OAK ST
091810160120009	NELSON, MATT	2027 E FAIRBANKS ST	TACOMA, WA 98404-4850	1623 OAK ST
091810170000009	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	HARRISON





City Planning Department

City Hall - 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us



Receipt # 2016-00085
Check # 8477
Date Paid: 11-30-16

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 501 SE 16th St

LEGAL DESCRIPTION: Lot(s): 546 Block: 16 Addition: _____
(attach description if lengthy)

Property Owner Name: Carole & James Paschelke

Street Address: 501 SE 16th St City: Brainerd State: MN Zip Code: 56401

Phone Number: 218 820 3000 Fax: _____ E-mail: c-paschelke@hotmail.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: I would like to put up 6' tall privacy fencing in the place of existing 4' chain link. James is a deputy sheriff and I am the social worker at the Salvation Army. Neighboring properties have 6' fence, but our property borders a sidewalk. I have had several clients invade my privacy / observe me in the yard, and we would be more comfortable with safety / security with privacy fence.

Carole Paschelke
Property Owner Signature

11/30/16
Date

Carole Paschelke
(Please print name)

Carole Paschelke
Applicant Signature

11/30/16
Date

Carole Paschelke
(Please print name)

Dec 21st Planning Comm. Info by Nov. 30

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

✓

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

✓

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805;
corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

STAFF REPORT TO THE PLANNING COMMISSION

December 12, 2016

VARIANCE

APPLICANT/LOCATION: Gretchen Nelson, 12629 30th St., Brainerd, MN 56401 for property at 717 2nd Ave. NE, Brainerd, MN 56401

PROPOSED USE: An accessory building roof that is not standing seam in design

LOT AREA: 50' x 140' (7,000 sf)

CURRENT ZONING: R-1 (Single Family Residential) District

ADJACENT USES: East: Residential
South: Residential
West: Residential
North: Residential

ADJACENT ZONING: North: R-1 (Single Family Residential) District
East: R-1 (Single Family Residential) District
South: R-1 (Single Family Residential) District
West: R-1 (Single Family Residential) District

REPORT

Gretchen Nelson received a notice from the Building Department that the accessory building roof at 717 2nd Ave NE needed repair. Rather than new shingles the owner chose to use a corrugated metal roof design. Zoning Ordinance Section 515- Section 17.8.B.5: General Building, Use and Design Provisions Accessory Buildings, Uses and Equipment. reads:

Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the Ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*

- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
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- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.*
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*
- L. Provide for administration of this Ordinance.*
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- O. To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

When the Variance is consistent with the Comprehensive Plan.

The Comprehensive Plan Goal and Strategy that may apply is:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

- 1. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.**

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

The question is why is it reasonable to allow this roof to have a corrugated metal look?

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

What is unique about the garage that would allow corrugated metal to be used?

III. The variance, if granted, will not alter the essential character of the locality.

In place of the standing seam design would corrugated metal alter the neighborhood?

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on December 21, 2016 and the City Council may consider the Planning Commission recommendation at its TUESDAY, January 3, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner





Dear Planning Commission,

In July 2016, we received notice, from the City of Brainerd, that the roof on our small detached garage needed to be repaired or replaced. We did not realize that we needed to follow specific criteria for the roofing material or obtain a building permit to redo the roof. That negligence was on our part, due to our lack of research. We decided that a metal roof would be the most cost effective way for us to repair the roof, to keep it from being an issue further down the road. Metal roofing would allow us to do the work ourselves and would be longer lasting than shingles would be. We ordered our supplies through Menards and when they came in my husband (Nick) and father got the roof done without issue and before the deadline given by the city.

We received notice a few days later, again from the City and I believe from Mr. Caughey, thanking us for doing the approved repairs, however we needed to obtain a building permit. I submitted a building permit to Laurie Johnson via email with a phone payment and several days later saying that "Unfortunately, you did not obtain the necessary roofing permit prior to starting the work. If you would have done so we would have explained that the pole building style metal roofing is not an acceptable roof appearance style." Upon speaking with Mark Ostgarden, I was able to confirm that the only thing wrong with the roofing job was that it "looked wrong" because it was "agricultural looking" instead of the standing seam.

I have checked the MN Residential Codes, and to the best of my understanding and knowledge, the roofing that we used doesn't violate any MN State codes, only the one set by the City of Brainerd because of how it looks. This garage is on an alley, it is barely big enough to park a small car in, and the roofing matches the paint and looks very nice. It doesn't appear to detract from any of the other homes or garages around it and certainly looks much better than it did when the shingles on the south side were warping and curling.

I am asking that our request for the variance be approved to allow the current roof to stay on the garage. Having to remove and replace it would be a great financial burden for us and I would need several months to be able to save the money for the replacement. Our likely step, should the request not be approved, would be to demolish the garage completely to eliminate further issue and cost. This would, of course, decrease the property value and eliminate storage, however we feel that would be our best next step.

I am more than willing to discuss this matter with you, should you have further questions. I can be reached at home (218-829-9084), via cell (218-330-7058), or through email (ng.nelson@hotmail.com).

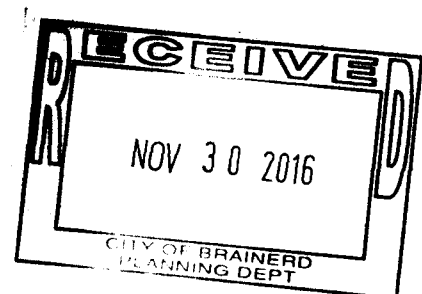
Thank you for your time,

Gretchen Nelson

Gretchen Nelson (Patrick)

Property Owner of 717 2nd Ave NE

218-330-7058



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Gretchen Nelson, 12629 30th St., Brainerd, MN 56401, has applied for a variance from Zoning Ordinance 515-17 General Building, Use and Design Provisions to permit a metal roof that is not standing seam in design on an accessory building located at 717 2nd Ave. NE, Brainerd, MN 56401. The property is located in an R-1 (Single Family Residential) District. The property is legally described as Lot 4 Block 28 Farrar and Forsythe's 1st Addition.

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., December 21, 2016, to consider the request for the Variance.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 7th day of December, 2016


Mark Ostgarden AICP
City Planner

Publication date: December 9, 2016

Garage
Location



AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

None

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111 tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095 melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126; mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104 mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

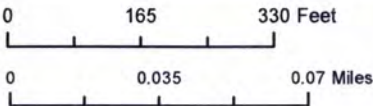
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594 Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402



GRETCHEN NELSON VARIANCE REQUEST - 717 2ND AVE NE

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
050192102800009	EVERGREEN, CEMETERY ASS'N	1105 3RD AVE NE	BRAINERD MN 56401		
091280210010009	SAMUELSON, SHARON FRANCES ANN	21188 CONTRAST RD	PINE CITY, MN 55063		623 2ND AVE NE
091280210020009	FAIRBANKS, RITA & ALICE (L E)	617 2ND AVE NE	BRAINERD MN 56401		617 2ND AVE NE
091280210110009	WARREN, HAROLD L & MONA R	4643 CINOSAM RD	BRAINERD, MN 56401		618 1ST AVE NE
091280210120009	TEUT, DAVID H	102 G ST NE	BRAINERD, MN 56401		102 G ST NE
091280220010009	BOCK, THOMAS C	623 3RD AVE NE	BRAINERD, MN 56401		623 3RD AVE NE
091280220110009	HOHEISEL, PAUL & GLENDA TRUST AGR	15668 NELS JOHNSON RD	BRAINERD, MN 56401		620 2ND AVE NE
091280220120009	HOWARD, STEVEN M	624 2ND AVE NE	BRAINERD MN 56401		624 2ND AVE NE
091280270012009	FLANAGAN, LEESHA MARIE	729 3RD AVE NW	BRAINERD, MN 56401		729 3RD AVE NE
091280270022009	ELFSTRAND, SUZANNE	727 3RD AVE NE	BRAINERD, MN 56401		727 3RD AVE NE
091280270042009	EBINGER, JOHN M & SUSAN M	1704 13TH AVE NE	BRAINERD, MN 56401-2146		719 3RD AVE NE
091280270050009	SCAMMAHORN, RAYMOND J & DANA L	713 3RD AVE NE	BRAINERD, MN 56401		713 3RD AVE NE
091280270060009	TAURING, JOSHUA N & ABBEY L	711 3RD AVE NE	BRAINERD, MN 56401		711 3RD AVE NE
091280270070009	KATZENBERGER, CHAD	9153 COUNTY ROAD 23	BRAINERD, MN 56401		705 3RD AVE NE
091280270080009	NEWMAN, KARON G	701 3RD AVE NE	BRAINERD MN 56401		701 3RD AVE NE
091280270090009	GUDERJOHN, DANIEL	702 2ND AVE NE	BRAINERD, MN 56401		702 2ND AVE NE
091280270100009	SACCONI-SELINGER, DAVID L & JEANETTE	708 2ND AVE NE	BRAINERD, MN 56401		708 2ND AVE NE
091280270110009	GILB, TRENT & ALINE	710 2ND AVE NE	BRAINERD, MN 56401		710 2ND AVE NE
091280270120009	ROBERTS, HOLLY M	716 2ND AVE NE	BRAINERD, MN 56401		716 2ND AVE NE
091280270130009	COSERT, TODD A & MOLLY DEJONGHE	718 2ND AVE NE	BRAINERD, MN 56401		718 2ND AVE NE
091280270140009	COUNTRYMAN, ANNE	722 2ND AVE NE	BRAINERD, MN 56401		722 2ND AVE NE
091280270152009	PECK, ALEXEI N H	724 2ND AVE NE	BRAINERD, MN 56401		724 2ND AVE NE
091280280012009	BRENNY, SHELLY A	723 2ND AVE NE	BRAINERD, MN 56401		723 2ND AVE NE
091280280030009	MARTHALER, MARIANE D	721 2ND AVE NE	BRAINERD, MN 56401		721 2ND AVE NE
091280280040009	PATRICK, GRETCHEN L	12629 30TH ST	BRAINERD, MN 56401		717 2ND AVE NE
091280280050009	HINES, JASON A & FARRAH S	715 2ND ST NE	BRAINERD, MN 56401		715 2ND AVE NE
091280280060009	JENNINGS, NICHOLAS B	711 2ND AVE NE	BRAINERD MN 56401		711 2ND AVE NE
091280280070009	AUSTIN, MICHAEL R & KAYLA KANERA	703 2ND AVE NE	BRAINERD, MN 56401		703 2ND AVE NE
091280280080009	GILSON, LANCE A & NICOLE	701 2ND AVE NE	BRAINERD MN 56401		701 2ND AVE NE
091280280090889	BETO, MABEL	704 1ST AVE NE	BRAINERD, MN 56401		704 1ST AVE NE
091280280100009	ELLSTROM, AUSTEN B	708 1ST AVE NE	BRAINERD, MN 56401		708 1ST AVE NE
091280280110009	THORNTON, DANIEL	401 HOLLY ST	BRAINERD, MN 56401		712 1ST AVE NE
091280280120009	GRANHOLM, TERESA	716 1ST AVE NE	BRAINERD, MN 56401		716 1ST AVE NE
091280280130009	ROSS, CURTIS J	720 1ST AVE NE	BRAINERD, MN 56401		720 1ST AVE NE
091280280140009	WEISINGER, ANN	722 1ST AVE	BRAINERD, MN 56401		722 1ST AVE NE
091280280152009	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401		724 1ST AVE NE
091530010010009	SCHNEIDER, JOSHUA & LORRAE	623 1ST AVE NE	BRAINERD, MN 56401		623 1ST AVE NE
091720300010009	HEINLEN, PAUL & MELINDA	14143 KIMBERLEE CT	BAXTER MN 56425		801 3RD AVE NE
091720300020009	BENSON, DONALD R	7010 JONQUIL LN N	MAPLE GROVE, MN 55369		807 3RD AVE NE
091720300092009	RIESE, ROBERT & JODI	C/O COLIN & AMY MCLAIN	2331 DANCING WIND RD SW	PINE RIVER, MN 56474	816 2ND AVE NE
09172030011Y009	PIPENHAGEN, LUCAS	211 H ST NE	BRAINERD MN 56401		211 H ST NE
09172030011Z009	BOYLAN, JERRY A	203 H ST	BRAINERD, MN 56401		203 H ST NE

09172031001Y009	EVENSON, BRIDGETTE J	123 H ST NE	BRAINERD, MN 56401	123 H ST NE
09172031001Z009	KOOB, BRENDA M	P O BOX 56	BRAINERD, MN 56401-0056	115 H ST NE
091720310030009	RICHIGER, HEATHER	4209 PILLAGER CREEK	PILLAGER, MN 56473	815 2ND AVE NE
091720310040009	CHENEY, ELAINE L	817 2ND AVE NE	BRAINERD MN 56401	817 2ND AVE NE
09172031007Z009	SADLER, JEANNE A	103 H ST NE	BRAINERD, MN 56401	103 H ST NE

**City Planning Department**

City Hall – 501 Laurel Street
 Brainerd, MN 56401
 218-828-2309/Fax 218-828-2316
 www.ci.brainerd.mn.us

RECEIVED

NOV 30 2016

CITY OF BRAINERD
ADMINISTRATIONReceipt # 2016-00086Check # 3675Date Paid: 12/2/16**CONDITIONAL USE/REZONING/VARIANCE APPLICATION****RESIDENTIAL****COMMERCIAL****CONDITIONAL USE PERMIT**
☐
☐
☒

(\$250.00)

REZONING

(\$300.00)

VARIANCE

(\$250.00)

☐
☐
☐

(\$400.00 + \$500.00 escrow deposit)

(\$500.00)

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 717 2nd Ave NE Brainerd**LEGAL DESCRIPTION:** Lot(s): 004 Block: 028 Addition: Farrery for the 1st Addit to Bldg
(attach description if lengthy) Sec 19 Twp 145 Rg 30**Property Owner Name:** Gretchen Nelson (Patrick)**Street Address:** 12629 30th St **City:** Brainerd **State:** MN **Zip Code:** 56401**Phone Number:** 218-829-9084 **Fax:** n/a **E-mail:** ng.nelson@hotmail.com
218-830-7058**Applicant Name:** (If different than Property Owner) n/a**Street Address:** _____ **City:** _____ **State:** _____ **Zip Code:** _____**Phone Number:** _____ **Fax:** _____ **E-mail:** _____

Description of Request: In July we installed a new, metal roof on a detached garage. We did not realize there was a difference in metal, other than appearance. Initially we were notified that our job was approved/repaid, then told it wasn't because it didn't have the correct appearance. We are asking for the current roof to be allowed as it will be a great financial burden to change it, just because it doesn't look right.

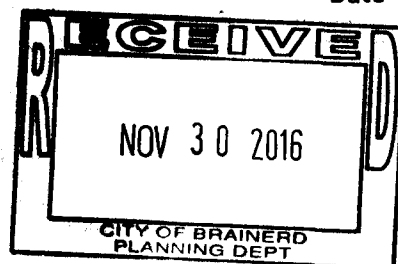
Gretchen Nelson**Property Owner Signature**11-27-16**Date**Gretchen Nelson

(Please print name)

Gretchen Nelson**Applicant Signature**11-27-16**Date**Gretchen Nelson

(Please print name)

(OVER)



MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner *MO*

DATE: December 12, 2016

RE: Short Term Rentals Public Hearing

The Public Hearing to consider adding Short Term Rentals to the Zoning Ordinance as an Interim Use is scheduled for December 21, 2016. Attached is a copy of the Zoning Ordinance Definitions section identifying how the short term rental definition would be added. Attached is also a copy of the R-1 (Single Family) Residential District draft language identifying how the use would be added to individual districts.

In addition to a recommendation on whether to add Short Term Rentals as an Interim Use, the Planning Commission needs to determine in which zoning districts the use should be allowed. The Planning Department suggestion for districts to allow Short Term Rentals is:

Agricultural Districts:

R-A, Rural Agricultural District

Residential Districts:

1. R-R, Rural Residential District
2. R-E, Single Family Estate Residential District
3. R-1A, Single Family Residential
4. R-1, Single Family Residential
5. R-2, Medium Density Residential

Business Districts:

1. B-1, Residential-Office District
2. B-2, Neighborhood Business District
3. B-3, Central Business District
4. B-4, General Business District

SECTION 2 RULES AND DEFINITIONS

include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

SHORT TERM RENTAL UNIT. A DWELLING UNIT, AS DEFINED BY THIS CHAPTER, OFFERED FOR TRADE OR SALE, WHETHER FOR MONEY OR EXCHANGE OF GOODS OR SERVICES, FOR PERIODS OF 2 TO 29 DAYS.

Sign - Wall Sign. Any building sign attached parallel to but within two (2) feet of a wall painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only one (1) sign surface.

Sign - Window Sign. Any building sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Significant Woodland. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees between four (4) inches and twelve (12) inches in diameter or coniferous trees between four (4) feet and twelve (12) feet in height.

Single-Phase Development. The process where improvement of the entire site occurs in one continuing process. Activities which can occur during single-phase development include initial site grading; installation of utilities; construction of public streets; construction and installation of utilities; construction of public streets; construction and grading of drainage ways; filling of any areas, grading of the pad area; utility hookups; construction of buildings, parking lots, driveways, storage areas, recreation areas, private streets, and any other activity within the construction area.

Site. Lot or combination of contiguous lots which are intended, designated and/or approved to function as an integrated unit.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Slope. The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

Slope, Steep. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, steep slopes are lands having average slopes over eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

SECTION 54
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

Section:

- 515-54-1: Purpose and Intent
- 515-54-2: Permitted Uses
- 515-54-3: Accessory Uses
- 515-54-4: Interim Uses
- 515-54-5: Conditional Uses
- 515-54-6: Uses by Administrative Permit
- 515-54-7: Lot Area and Setback Requirements
- 515-54-8: Building Height
- 515-54-9: Building Performance Standards
- 515-54-10: Lot Coverage

515-54-1: Purpose and Intent. This district is established to allow and preserve areas in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.

515-54-2: Permitted Uses.

- A. Detached single family dwellings.
- B. Public recreation areas and related accessory buildings and structures.
- C. Residential facilities serving six (6) or fewer persons in a single family detached dwelling.
- D. Essential services as regulated by Section 36 of this Ordinance.

515-54-3: Accessory Uses.

- A. Garages and open off-street parking for private residential use subject to the provisions of Section 17.
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment for private use as regulated by Section 24 of this Ordinance.
- D. Solar energy systems and structures.
- E. Home Businesses as regulated by Section 26 of this Ordinance.

- F. Tool houses and sheds and other such buildings for the storage of domestic tools, supplies and equipment subject to the provisions of Section 17 of this Ordinance.
- G. Private recreational facilities for the enjoyment of the residents of the principal building and their occasional guests.
- H. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- I. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-54-4: Interim Uses.

- A. Home Extended Businesses as regulated by Section 26 of this Ordinance.
- B. Temporary buildings associated with a public or private principal school building and used for classrooms.
- C. SHORT TERM RENTALS PROVIDED THAT:
 - 1. THE MINIMUM RENTAL PERIOD SHALL BE NOT LESS THAN 2 CONSECUTIVE NIGHTS AND NOT MORE THAN 29 CONSECUTIVE NIGHTS.
 - 2. THE OWNER (PERMIT HOLDER) OF A SHORT TERM RENTAL MUST APPLY FOR AND RECEIVE AN INTERIM USE PERMIT. OWNER OCCUPIED DWELLINGS THAT ARE ALSO SHORT TERM RENTALS DO NOT REQUIRE AN INTERIM USE PERMIT.
 - 3. THE APPLICATION FOR AN INTERIM USE PERMIT SHALL INCLUDE:
 - A. ALL INFORMATION REQUIRED FOR A CONDITIONAL USE PERMIT.
 - B. FLOOR PLAN OF THE STRUCTURE, INCLUDING THE NUMBER OF BEDROOMS WITH DIMENSIONS AND ALL OTHER SLEEPING ACCOMMODATIONS.
 - C. A TO-SCALE SITE PLAN WHICH SHOWS LOCATIONS AND DIMENSIONS OF PROPERTY LINES, THE DWELLING UNIT INTENDED FOR LICENSING, ACCESSORY STRUCTURES, PARKING AREAS AND SHORE RECREATIONAL FACILITIES.
 - D. A PLAN FOR GARBAGE DISPOSAL BY THE PERMIT HOLDER.

E. A PET POLICY.

4. EMERGENCY CONTACT INFORMATION (POLICE, FIRE, HOSPITAL) SHALL BE POSTED IN THE SHORT TERM RENTAL.
5. A PERMIT HOLDER MUST PROVIDE THE NAME, ADDRESS, AND PHONE NUMBER FOR THE MANAGING AGENT OR LOCAL CONTACT TO ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY. THE PERMIT HOLDER SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY WITHIN 10 DAYS OF A CHANGE IN THE MANAGING AGENT OR LOCAL CONTACT'S CONTACT INFORMATION.
6. A PERMIT HOLDER MUST DISCLOSE IN WRITING TO THEIR RENTERS THE FOLLOWING RULES AND REGULATIONS:
 - A. THE MANAGING AGENT OR LOCAL CONTACT'S NAME, ADDRESS, AND PHONE NUMBER.
 - B. THE MAXIMUM NUMBER OF GUESTS ALLOWED AT THE PROPERTY.
 - C. THE MAXIMUM NUMBER OF VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS ALLOWED AT THE PROPERTY AND WHERE THEY ARE TO BE PARKED.
 - D. PROPERTY RULES RELATED TO USE OF EXTERIOR FEATURES OF THE PROPERTY, SUCH AS DECKS, PATIOS, GRILLS, RECREATIONAL FIRES, POOLS, HOT TUBS, SAUNAS AND OTHER OUTDOOR RECREATIONAL FACILITIES.
 - E. APPLICABLE SECTIONS OF CITY ORDINANCES GOVERNING NOISE, PARKS, PARKING AND PETS.
7. THE OCCUPANCY OF A SHORT TERM RENTAL SHALL BE LIMITED TO NO MORE THAN 2 PEOPLE PER BEDROOM.
8. ROOMS USED FOR SLEEPING SHALL BE PROVIDED WITH EGRESS WINDOWS AND SMOKE DETECTORS IN LOCATIONS THAT COMPLY WITH THE MINNESOTA STATE BUILDING CODE OR THE REQUIREMENTS OF THE BUILDING DEPARTMENT, WHICHEVER IS STRICTER.
9. THE SHORT TERM RENTAL SHALL BE CONNECTED TO CITY SEWER AND WATER.
10. A SHORT TERM RENTAL SHALL HAVE A FULL BATHROOM (SINK, TOILET AND TUB OR SHOWER).

11. ON-SITE PARKING SHALL BE PROVIDED WHICH IS SUFFICIENT TO ACCOMMODATE THE RENTERS OF THE VACATION/PRIVATE HOME RENTAL. PUBLIC STREETS MAY NOT BE USED FOR CALCULATING PARKING FOR RENTERS.
12. ADDITIONAL OCCUPANCY BY USE OF RECREATIONAL VEHICLES, TENTS, ACCESSORY STRUCTURES OR FISH HOUSES IS NOT PERMITTED.
13. ONE ON PREMISE SIGN IS ALLOWED IN ACCORD WITH ZONING ORDINANCE SECTION 515-37-5 G. SIGNS. PERMIT NOT REQUIRED.
14. THE PERMIT HOLDER SHALL PROVIDE A PHYSICAL VISUAL DEMARCATION OF THE PROPERTY LINES.
15. THE PERMIT HOLDER SHALL KEEP A REPORT, DETAILING USE OF THE SHORT TERM RENTAL BY RECORDING THE FULL NAME, ADDRESS, PHONE NUMBER AND VEHICLE LICENSE NUMBER OF GUESTS USING THE RENTAL. A COPY OF THE REPORT SHALL BE PROVIDED TO THE PLANNING DEPARTMENT UPON REQUEST.
16. A SHORT TERM RENTAL SHALL BE A LICENSED RENTAL UNIT BY THE CITY AND SHALL MEET THE REQUIREMENTS OF ALL STATUTES, RULES, REGULATIONS, AND ORDINANCES INCLUDING, BUT NOT LIMITED TO THE CITY OF BRAINERD'S RENTAL HOUSING MAINTENANCE CODE. EACH UNIT SHALL BE INSPECTED ANNUALLY BY THE RENTAL HOUSING INSPECTOR AND THE FIRE MARSHALL.
17. THE PLANNING COMMISSION MAY IMPOSE CONDITIONS THAT WILL REDUCE THE IMPACTS OF THE PROPOSED USE ON NEIGHBORING PROPERTIES, PUBLIC SERVICES, AND NEARBY WATER BODIES AS WELL AS OTHER CONCERNS INCLUDING, BUT NOT LIMITED TO PUBLIC SAFETY AND SAFETY OF RENTERS. SAID CONDITIONS MAY INCLUDE BUT NOT BE LIMITED TO – FENCING OR VEGETATIVE SCREENING, NATIVE BUFFER ALONG THE SHORELINE, NOISE STANDARDS, DURATION OF PERMIT, RESTRICTIONS AS TO THE DOCKING OF WATERCRAFT, AND NUMBER OF RENTERS.
18. A PERMIT HOLDER MUST POST THEIR PERMIT NUMBER ON ALL PRINT, POSTER OR WEB ADVERTISEMENTS;
19. A PERMIT HOLDER MUST APPLY FOR AND BE GRANTED STATE AND LOCAL SALES TAX NUMBERS, INCLUDING HOTEL AND MOTEL USE SALES TAX.

20. IN ADDITION TO AN INTERIM USE PERMIT, SHORT TERM RENTALS RENTED FOR LESS THAN 7 DAYS ARE CONSIDERED A HOTEL AND ARE REQUIRED TO HAVE A MINNESOTA DEPARTMENT OF HEALTH LICENSE.
21. ALL SHORT TERM RENTALS, OPERATING PRIOR TO THE EFFECTIVE DATE OF THESE STANDARDS, SHALL BE IN COMPLIANCE WITH THIS SECTION BY _____.

515-54-5: Conditional Uses.

- A. Off-premise surface parking lots and parking ramps subject to provisions of Section 22 of this Ordinance.
- B. Bed and breakfast subject to provisions of Section 31 of this Ordinance.
- C. Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District, not used for classroom education and subject to the following minimum requirements:
 - 1. One (1) off-street parking space for each three hundred (300) square feet of office space.
 - 2. No individual exterior entrances.
 - 3. Business hours are limited from 7:00 a.m. to 9:00 p.m.
 - 4. No exterior business signs.
- D. Planned Unit Developments as regulated by Section 11 of this Ordinance.
- E. Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance.
- F. Public and private schools provided that:
 - 1. The site accesses a major collector.
 - 2. The site is landscaped in accordance with Section 20 of this Ordinance.
 - 3. Off-street parking is provided in accordance with Section 22 of this Ordinance.
 - 4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

5. Emergency vehicle access is provided to and within the site.

G. Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 20 of this Ordinance.
2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

H. Places of worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

- I. Dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet on nonconforming lots located in the city prior to 1989.

515-54-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-54-7: Minimum Lot Area and Setback Requirements.

A. Lot Area Requirements:

1. Lot size: Seven thousand (7,000) square feet
2. Lot Width: Fifty (50) feet

3. Lot Depth: Lot depth shall not exceed three (3) times the lot width for the buildable area of the lot

B. Principal Building Setbacks:

1. Front Yard: Twenty (20) feet
2. Side Yard: Five (5) feet
3. Side Yard (corner): Twenty (20) feet, fifteen (15) feet for an attached garage
4. Rear Yard: Twenty-five (25) feet

C. Accessory Building and Structure Setbacks:

1. Front Yard: Twenty (20) feet
2. Side Yard: Three (3) feet
3. Side Yard (corner): Fifteen (15) feet, twenty (20) feet if garage faces street
4. Rear Yard: Five (5) feet

515-54-8: Building Height.

- A. Dwellings shall not exceed thirty-five (35) feet in height. Permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.
- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-54-9: Building Performance Standards.

- A. Minimum floor area per dwelling unit (conforming lots): Seven hundred fifty (750) square feet.
- B. Minimum width/length of dwelling unit (conforming lots): Twenty-two (22) feet.
- C. Minimum floor area per dwelling unit (nonconforming lots): Five hundred (500) square feet.
- D. Minimum width/length per dwelling unit (nonconforming lots): None
- E. Each dwelling unit shall be located on a permanent foundation with a perimeter curtain wall in accordance with the Brainerd and Minnesota Building Code.
- F. Minimum width/length for a dwelling less than seven hundred fifty (750) square feet on nonconforming lots: eighteen (18) feet

515-54-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-54-11: Design Requirements.

All dwellings shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

Dwellings shall meet the following design criteria, as defined by the predominant character of the existing residential block front. The block front shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block front shall be measured from intersection to intersection, to the road end, or two hundred (200) feet in either direction from the development site, whichever is nearest.

- 1. Building orientation on lots shall match the predominant orientation of other buildings along the block front.
- 2. Access and location of off-street parking on lots shall be similar to the predominant character of existing development along the block front. Primary vehicular access shall be through rear alleys where such rear of proposed structures, insofar as this is consistent with the predominant character of the block front.
- 3. Roofs on proposed residential structures shall be similar in slope and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block front:
 - a. Dormers;
 - b. Gabled or hipped roofs;
 - c. Pitched roofs;
 - d. Parapets or cornices.
- 4. Unless it is the predominant existing style on the block front, flat roofs shall not be allowed.
- 5. Horizontal facades longer than twenty-five (25) feet shall be treated to reduce buildings mass and visual bulk using at least one of the following techniques:

- a. Bays or recesses (minimum depth of eighteen (18) inches);
- b. Window patterns;
- c. Contrasting materials or colors;
- d. Upper story setbacks;
- e. Balconies.

The applicant shall demonstrate that the selected techniques are either currently present on the block front or are not substantially incompatible with existing development.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Brainerd Planning Commission has initiated a public hearing to consider input related to permitting Short Term Rentals by Interim Use Permit in the following Zoning Ordinance Sections, 515-:

- 51 – R-A, RURAL AGRICULTURAL DISTRICT
- 52 – R-R, RURAL RESIDENTIAL DISTRICT
- 53 – R-E, SINGLE FAMILY ESTATE RESIDENTIAL DISTRICT
- 54 – R-1, SINGLE FAMILY RESIDENTIAL DISTRICT
- 55 – R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT
- 56 – R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT
- 57 – R-3, HIGH DENSITY RESIDENTIAL DISTRICT
- 60 – B-1, RESIDENTIAL OFFICE DISTRICT
- 61 – B-2, NEIGHBORHOOD BUSINESS DISTRICT
- 63 – B-4, GENERAL BUSINESS DISTRICT
- 65 – B-6, WASHINGTON STREET COMMERCIAL DISTRICT
- 70 – I-1, LIGHT INDUSTRY DISTRICT
- 71 – I-2, GENERAL INDUSTRY DISTRICT
- 72 – MU, MIXED USE DISTRICT

A short term rental is anywhere from 2-29 days. A copy of the Short Term Rental draft language is available to view on the city website at www.ci.brainerd.mn.us or a copy can be obtained by contacting the City of Brainerd Planning Department at 218-828-2309.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, December 21, 2016 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 7th day of December, 2016

Mark Ostgarden AICP
City Planner

Publication Date: December 9, 2016

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner



DATE: November 10, 2016

RE: Zoning Ordinance Section 35 Antennas and Towers Draft Revisions

Attached for review and discussion are revisions to Zoning Ordinance Section 35 Antennas and Towers which includes language to permit cell towers and antennas in zoning districts other than industrial, the only district where they are currently permitted. The Wireless Communication Facilities Ordinance from Rogers, MN was used as a model for adding language to our Ordinance.

Also provided are the antenna related definitions from the Brainerd Zoning Ordinance and definitions from Ordinances from Rogers and Fridley. They are provided for a discussion about whether we should add some or all of the definitions to our Ordinance.

Chairman Plantenberg asked that the Planning Department contact the League of Minnesota Cities to find out what guidance it can provide on this issue. That was done and following is what I received:

We don't have a model ordinance or much in the way of current sample ordinances. Historically, subsequent to the 1996 telecom act, we did have a sample model ordinance but it has long since been retired, as out of date. This is an area of law that has been subject to recent changes, at least as to modifying existing facilities (aka collocations). And of course the technology itself has transformed. So sample ordinances that are not of recent vintage might not best reflect current law or technology. As to the law, the recent changes were (1) section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, and (2) an October 17, 2014, Federal Communications Commission Report and Order. For what they might be worth, I've attached some materials from a May 2016 webinar that may be of interest to you or your city attorney.

Chairman Plantenberg has scheduled a workshop on December 21st following the regular meeting it discuss the draft.

Telecommunication Ordinance Definitions

Brainerd

Antenna Related.

1. **Personal Wireless Service.** A device consisting of a metal, carbon, fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.
2. **Public or Commercial Radio and Television, Broadcast Transmitting.** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming and including the support structure thereof.
3. **Public Utility Microwave.** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.
4. **Radio and Television Receiving.** A wire, set of wires, metal or carbon fiber element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.
5. **Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas and support structure thereof.
6. **Short-Wave Radio Transmitting and Receiving (Ham Radio).** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave and citizen band radio communications, and including the supporting structure thereof.
7. **Secondary Use.** A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.
8. **Structure, Public.** An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

9. **Support Structure.** Any building or other structure other than a tower which can be used for location of antennas.
10. **Tower.** Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.
11. **Tower, Temporary Mobile.** Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).

Rogers

Sec. 105-244 Definitions.

For the purposes of this Ordinance, the following definitions apply:

- A. *Abandonment:* Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.
- B. *Accessory Equipment:* Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
- C. *Antenna:* Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
- D. *Base Station:* The equipment and non-tower supporting structure at a specific site authorized to communicate between user equipment and a communications network, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.
- E. *Close mount:* shall mean and refer to mounting of the antenna array and or any part of the wireless facility with mounting techniques where the components do not protrude from the face of the structure by more than 18”.
- F. *Co-location:* shall mean and refer to the mounting or installation of transmission equipment for multiple telecommunication providers on one eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- G. *Concealed/Stealth Wireless Facility:* Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

- H. *Eligible Facilities Request*: A request for modification of an existing wireless tower or base station that involves co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a substantial modification.
- I. *Engineered Fall Zone*: The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards
- J. *Equipment Compound*: An area surrounding or near the base of a wireless support structure within which are located wireless facilities.
- K. *Existing Structure*: An existing wireless support structure, that is capable of supporting the attachment of wireless facilities. The term includes, but is not limited to, electrical transmission towers, buildings, and water towers.
- L. *FCC*: Shall mean and refer to the Federal Communications Commission or its successor.
- M. *Lattice Type Towers*: Refers to the type of tower that has three or more legs that are spread at the bottom to transfer the lateral loads of the tower to the ground without the use of guy wires. The legs are connected to each other through a series of diagonal cross members that create a lattice work of steel.
- N. *Monopole*: A single, freestanding pole-type structure supporting one or more antennas. For the purposes of this Ordinance, a monopole is not a tower or a utility pole.
- O. *Ordinary Maintenance*: Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color, and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include adding additional antennas or transmitter/receivers, nor making substantial modifications to existing wireless facilities.
- P. *Replacement Pole*: A pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.
- Q. *Roof Top or Exterior Façade Mounted Facilities*: The placement of the whole or part of a wireless facility on an existing building roof or exterior face.
- R. *Self-Supporting Tower*: Typically a tower that is supported without the use of guy wires. Includes lattice and monopole type towers.
- S. *Site*: For towers, monopoles, or concealment type structures, other than structures in public right-of-way, referring to the current boundaries of the leased or owned property surrounding

the tower, monopole, any access, or utility easements currently related to the site, and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

- T. *Substantial Modification*: The mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure or existing wireless facilities as defined by the FCC.
- U. *Tower*: A lattice-type structure, guyed or freestanding, that supports one or more antennas.
- V. *Utility Pole*: A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.
- W. *Water Tower*: A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
- X. *Wireless Facility or Wireless Facilities*: The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.
- Y. *Wireless Support Structure*: A freestanding structure, such as a monopole or tower, designed to support wireless facilities. This definition does not include utility or light poles.
- Z. *Wireless Transmission Equipment*: Any equipment that facilitates transmission for any authorize wireless communication service including backup power.
- ZZ. *Zoning Permit*. Any type of permit issued relating to this zoning ordinance. Types to include administrative, interim, and any future type of permit that may be defined in the future.

Fridley

205.30.2. DEFINITIONS

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning;

“*Antenna Support Structure*” means any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

“*Applicant*” means any Person that applies for a permit for wireless telecommunication facilities or towers, automatic meter reading devices or DAS.

“Application” means the process by which a person submits a request to develop, construct, build, modify, or erect wireless telecommunication facilities or a tower upon land within the City, develop, construct, build, modify, or erect an automatic meter reading system within the City; or develop, construct, build, modify, or erect DAS within the public right-of-way. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

“Approved Site” means a site which has been approved by the City Council as an eligible location for placement of wireless communication facilities.

“Automatic Meter Reading device” means a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications commission, including any antenna attached to such device and excluding devices reading and transmitting data from a single utility meter.

“Automatic Meter Reading system” means a series of devices which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device.

“City” means the City of Fridley, Minnesota.

“Distributed Antenna System (DAS)” means a network of remote communications nodes deployed throughout a desired coverage area, which includes at least one antenna for transmission and reception utilizing a high capacity signal transport medium connecting each node to a central communications hub site and radio transceivers located at the hub site or at each individual node to process the communications signals transmitted and received through the antennas. Also referred to as DAS or “small cell”.

“Electrical Engineer” means an electrical engineer licensed by the State of Minnesota.

“Existing Site” means a tower or antenna support structure installed or erected prior to December 18, 1997, and which is not located on an approved site.

“Owner” means any Person with fee simple title to any approved site, existing site, site approved by special use permit, or wireless telecommunications facility.

“Pad Mount Device” means a devise which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device like the automatic meter reading device, but, which is installed on its own pedestal and not on an existing public utility structure.

“Person” is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

“Public Utility Structure” means a structure or pole appropriate for supporting wires for communications or the transmission of data or electricity and located on a public right-of-way or public utility easement on privately owned property.

“Satellite Earth Station Antenna” is all equipment necessary for processing of traffic received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

“State” means the State of Minnesota.

“Structural Engineer” means a structural engineer licensed by the State of Minnesota.

“Telecommunications Right-of-Way User” means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. A cable communication system defined and regulated under Minn. Stat. Chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. §216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapters 453 or 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A, are not telecommunications right-of-way users for the purposes of this Chapter.

“Tower” Means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term “tower” shall not include amateur radio operator’s equipment as licensed by the FCC.

“Wireless Telecommunications Facilities” means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or have installed upon or near a tower or an antenna support structure. However, the term wireless telecommunications facilities shall not include:

- A. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; and
- B. Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category; and
- C. Automatic meter reading systems.
- D. Distributed Antenna System (DAS)

SECTION 35
ANTENNAS AND TOWERS

Section:

- 515-35-1 Purpose and Intent
- 515-35-2 General Standards
- ~~515-35-3 Certification, Inspection and Maintenance~~
- 515-35-3 **APPLICABILITY AND EXEMPTIONS**
- ~~515-35-4 Tower Design~~
- 515-35-4: LOCATION STANDARDS**
- ~~515-35-5 Certification, Inspection and Maintenance~~
- 515-35-5 Co-Location **DESIGN** Requirement
- 515-35-6 Accessory Antennas
- ~~515-35-7 Personal Wireless Service Antennas~~
- 515-35-7 NEW TOWERS DESIGN REQUIREMENTS**
- ~~515-35-8 Commercial and Public Radio and Television Transmitting Antennas, and
Public Utility Microwave Antennas~~
- 515-35-8 NEW TOWERS**
- 515-35-9 New ANTENNAE
- 515-35-10 Temporary Mobile Towers.
- ~~515-35-10~~ **11: Commercial and Public Radio and Television Transmitting Antennas, and
Public Utility Microwave Antennas.**

515-35-1: Purpose and Intent. The purpose of this Section is to establish predictable and balanced regulations for the location and screening of wireless communications equipment in order to accommodate the growth of wireless communication systems within the City of Brainerd while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of the Section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.

515-35-2: General Standards. The following standards shall apply to all personal wireless service telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and short-wave radio transmitting and receiving antenna.

- A. All obsolete and unused antennas and towers shall be removed within twelve (12) months of cessation of operation at the site by the antenna or tower owner, unless an exemption is granted by City staff. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associate facilities when they are abandoned, unused or become hazardous shall be submitted to the City.
- B. All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required Federal, State, or local agency licenses.

- C. Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer.
- D. When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner.
- E. No message shall be affixed to the antenna and/or tower structure.
- F. Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.
- G. ~~If a new tower of seventy-five (75) feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one (1) additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.~~
- H. Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency.
- I. All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower.
- J. Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations.
- K. Amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
- L. Except as may be applicable in a case where a Conditional Use Permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service shall be exempt from the following: Section 515-35-2.H., Section 515-35-5 and Section 515-35-7.

~~515-35-3: Certification, Inspection and Maintenance.~~

- ~~A. All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person.~~
- ~~B. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and Federal and State law.~~
- ~~C. The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, Federal and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.~~

SEC. 515-35-3: APPLICABILITY AND EXEMPTIONS

- A. ALL LEGALLY PERMITTED WIRELESS TELECOMMUNICATIONS FACILITIES, CONSTRUCTED AS PERMITTED USES, EXISTING ON OR BEFORE _____ 2016, SHALL BE ALLOWED TO CONTINUE AS THEY PRESENTLY EXIST, PROVIDED HOWEVER, THAT ANY VISIBLE MODIFICATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY WILL REQUIRE THE COMPLETE FACILITY AND ANY NEW INSTALLATION TO COMPLY WITH THIS SECTION; ANY REPAIR, MAINTENANCE, OR REPLACEMENT OF A WIRELESS TELECOMMUNICATION FACILITY THAT DOES NOT EXPAND OR ENLARGE THE FACILITY DOES NOT REQUIRE AN APPLICATION FOR A CONDITIONAL USE PERMIT; BUT DOES REQUIRE ZONING APPROVAL.
- B. THE FOLLOWING SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION:
 - 1. OVER-THE-AIR RECEPTION DEVICES INCLUDING THE RECEPTION ANTENNAS FOR DIRECT BROADCAST SATELLITES (DBS), MULTICHANNEL MULTIPOINT DISTRIBUTION (WIRELESS CABLE) PROVIDERS (MMDS), TELEVISION BROADCAST STATIONS (TVBS) AND OTHER CUSTOMER-END ANTENNAS THAT RECEIVE AND TRANSMIT FIXED WIRELESS SIGNALS THAT ARE PRIMARILY USED FOR RECEPTION.
 - 2. FACILITIES EXCLUSIVELY FOR PRIVATE, NON-COMMERCIAL RADIO AND TELEVISION RECEPTION AND PRIVATE CITIZEN'S BANDS, LICENSED AMATEUR RADIO AND OTHER SIMILAR NON-COMMERCIAL TELECOMMUNICATIONS.

3. FACILITIES EXCLUSIVELY FOR PROVIDING UNLICENSED SPREAD SPECTRUM TECHNOLOGIES (SUCH AS IEEE 802.11A, B, G (WI-FI) AND BLUETOOTH) WHERE THE FACILITY DOES NOT REQUIRE A NEW WIRELESS SUPPORT STRUCTURE.

SEC. 515-35-4: LOCATION STANDARDS

- A. WIRELESS TELECOMMUNICATIONS FACILITIES SHALL BE LOCATED, SITED AND ERECTED IN ACCORDANCE WITH THE FOLLOWING PRIORITIES, 1 BEING THE HIGHEST PRIORITY AND 9 BEING THE LOWEST PRIORITY:
 1. ON EXISTING TOWERS, MONOPOLES, BUILDINGS, WATER TANKS OR OTHER STRUCTURES ON CITY OWNED PROPERTY.
 2. ON EXISTING TOWERS, MONOPOLES, BUILDINGS OR OTHER STRUCTURES ON OTHER PROPERTY IN THE CITY.
 3. A NEW CONCEALMENT/STEALTH WIRELESS SUPPORT STRUCTURE ON CITY OWNED PROPERTY.
 4. A NEW WIRELESS SUPPORT STRUCTURE ON CITY OWNED PROPERTY.
 5. A NEW CONCEALMENT/STEALTH WIRELESS SUPPORT STRUCTURE ON PROPERTY IN ANY DISTRICT.
 6. A NEW WIRELESS SUPPORT STRUCTURE ON PROPERTY IN INDUSTRIAL DISTRICTS.
 7. A NEW WIRELESS SUPPORT STRUCTURE ON PROPERTY IN MIXED USE OR BUSINESS DISTRICTS.
 8. A NEW WIRELESS SUPPORT STRUCTURE ON PROPERTY IN AGRICULTURE DISTRICTS.
 9. A NEW WIRELESS SUPPORT STRUCTURE ON PROPERTY IN RESIDENTIAL DISTRICTS.
- B. IF THE LOCATION PROPOSED IS NOT THE HIGHEST PRIORITY LOCATION LISTED IN A. ABOVE, THE LOCATION PROPOSED SHALL NOT BE APPROVED UNLESS THE APPLICANT ESTABLISHES THAT THERE ARE NO SITES AVAILABLE IN A HIGHER PRIORITY LOCATION THAT MEET THE REQUIREMENTS OF THIS SECTION AND THE TECHNICAL REQUIREMENTS FOR THE PROPOSED WIRELESS TELECOMMUNICATIONS FACILITY. ECONOMIC CONSIDERATIONS SHALL NOT BE A FACTOR IN DETERMINING WHETHER A HIGHER PRIORITY LOCATION IS AVAILABLE.

- C. AN APPLICANT MAY NOT BY-PASS SITES OF HIGHER PRIORITY BY STATING THE SITE PROPOSED IS THE ONLY SITE LEASED OR SELECTED. AGREEMENTS BETWEEN PROVIDERS LIMITING OR PROHIBITING CO-LOCATION SHALL NOT BE A VALID BASIS FOR ANY CLAIM OF COMMERCIAL PRACTICAL DIFFICULTY.
- D. THE APPLICANT SHALL SUBMIT A WRITTEN REPORT DEMONSTRATING THE APPLICANT'S REVIEW OF THE ABOVE LOCATIONS IN ORDER OF PRIORITY, DEMONSTRATING THE TECHNOLOGICAL REASON FOR THE SITE SELECTION. IF APPROPRIATE, BASED ON SELECTING A SITE OF LOWER PRIORITY, A DETAILED WRITTEN EXPLANATION AS TO WHY SITES OF A HIGHER PRIORITY WERE NOT SELECTED SHALL BE INCLUDED WITH THE APPLICATION.
- E. THE CITY MAY APPROVE ANY SITE LOCATED WITHIN AN AREA IN THE ABOVE LIST OF PRIORITIES, PROVIDED THAT THE CITY FINDS THAT THE PROPOSED SITE IS IN THE BEST INTEREST OF THE HEALTH, SAFETY AND WELFARE OF THE CITY AND ITS INHABITANTS AND WILL NOT HAVE A DELETERIOUS EFFECT ON THE NATURE AND CHARACTER OF THE COMMUNITY AND NEIGHBORHOOD.

515-35-5 Certification, Inspection and Maintenance

- A. All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person.
- B. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and Federal and State law.
- C. The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, Federal and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.

~~**515-35-6: Tower Design.** Where allowed, wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment.~~

515-35-7 5: Co-Location DESIGN Requirement. AN APPLICATION FOR A NEW TOWER SHALL NOT BE APPROVED UNLESS THE APPLICANT DEMONSTRATES THAT THE ANTENNAS CANNOT BE ACCOMPANIED ON AN EXISTING OR APPROVED TOWER, BUILDING, OR STRUCTURE WITHIN A TWO (2) MILE SEARCH

RADIUS OF THE PROPOSED TOWER DUE TO ONE (1) OR MORE OF THE FOLLOWING REASONS:

- A. THE PLANNED EQUIPMENT WOULD EXCEED THE STRUCTURAL CAPACITY OF THE EXISTING OR APPROVED TOWER, BUILDING, OR STRUCTURE AS DOCUMENTED BY A QUALIFIED AND LICENSED PROFESSIONAL ENGINEER, AND THE EXISTING OR APPROVED TOWER CANNOT BE REINFORCED, MODIFIED, OR REPLACED TO ACCOMMODATE PLANNED OR EQUIVALENT EQUIPMENT AT A REASONABLE COST.
- B. THE PLANNED EQUIPMENT WOULD CAUSE INTERFERENCE MATERIALLY IMPACTING THE USABILITY OF OTHER EXISTING OR PLANNED EQUIPMENT AT THE TOWER OR BUILDING AS DOCUMENTED BY A QUALIFIED ENGINEER AND INTERFERENCE CANNOT BE PREVENTED AT A REASONABLE COST.
- C. OTHER UNFORESEEN REASONS THAT MAKE IT NOT FEASIBLE TO LOCATE THE ANTENNAS UPON AN EXISTING OR APPROVED TOWER OR STRUCTURE.
- D. EXISTING OR APPROVED TOWERS, BUILDINGS, OR OTHER STRUCTURES DO NOT EXIST IN THE SEARCH AREA, OR DO NOT MEET THE NEEDS OF THE USER. DOCUMENTATION SHALL BE PROVIDED AT THE TIME OF APPLICATION CLEARLY DEMONSTRATING WHY EXISTING STRUCTURES DO NOT MEET THE NEEDS OF THE USERS.
- E. THE APPLICANT SHALL DEMONSTRATE THAT SECTION 515-35-5.A. THROUGH 515-35-5.D. OF THIS ORDINANCE WERE ATTEMPTED, BUT AN AGREEMENT COULD NOT BE REACHED.

515-35-8 6: Accessory Antennas. The following standards shall apply to all accessory antennas including radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers.

- A. Accessory antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines.
- B. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of one (1) foot from all lot lines.
- C. Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district, except support structures and antennas used in the amateur radio service may

extend a maximum of two (2) times the normal height restriction for the affected zoning district.

~~515-35-9: Personal Wireless Service Antennas.~~

~~A. Residential and Commercial District Standards.~~

~~1. Antennas Located Upon an Existing Tower or Structure. Personal wireless service antennas as a permitted secondary use may be located upon existing towers or structures shall require the processing of an Administrative Permit and shall comply with the following standards:~~

~~a. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable accessory building setback requirements, and shall be screened from view by landscaping where appropriate.~~

~~b. An Administrative Permit is issued by City staff, subject to the following conditions:~~

~~1) Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.~~

~~2) Wall or façade mounted antennas may not extend more than five (5) feet above the cornice line and shall be constructed of a material or color which matches the exterior of the building.~~

~~c. In no case shall a personal wireless service antenna be located upon or affixed to a detached single family residential dwelling.~~

~~2. New Towers. The erection of new personal wireless service antenna towers within Residential and Commercial Zoning Districts of the City is prohibited.~~

515-35-7 NEW TOWERS DESIGN REQUIREMENTS

A. ALL NEW STRUCTURES IN EXCESS OF 120' SHALL BE STRUCTURALLY DESIGNED TO ACCOMMODATE AT LEAST 3 ADDITIONAL ANTENNA ARRAYS.

B. ALL NEW STRUCTURES BETWEEN 80' TO 120' SHALL BE STRUCTURALLY DESIGNED TO ACCOMMODATE AT LEAST 2 ADDITIONAL ANTENNA ARRAYS.

- C. ALL NEW STRUCTURES BETWEEN 40' TO 79' SHALL BE STRUCTURALLY DESIGNED TO ACCOMMODATE 1 ADDITIONAL ANTENNA ARRAY.
- D. EACH FUTURE ANTENNA ARRAY SHALL BE OF SUFFICIENT DESIGN TO ACCOMMODATE AN ANTENNA ARRAY EQUAL TO THOSE OF A TYPICAL FULLY DEVELOPED WIRELESS CARRIER SITE AND AT LEAST EQUAL TO THE SIZE OF ARRAY THE APPLICANT IS INSTALLING. FUTURE ARRAYS SHOULD BE PLANNED TO BE LOCATED AS CLOSE TO THE APPLICANT'S ANTENNA AS POSSIBLE WITHOUT CAUSING INTERFERENCE.
- E. EACH NEW STRUCTURE SHALL BE DESIGNED TO EXTEND AN ADDITIONAL 20' IN HEIGHT BUT NOT EXCEEDING THE HEIGHT LIMITATIONS OF SEC 515-35-8 . DESIGN SHALL INCLUDE A LARGER FOUNDATION TO ACCOMMODATE THE ADDITIONAL HEIGHT AND WEIGHT AND A MECHANICAL CONNECTION TO FASTEN THE EXTRA LENGTH OF TOWER STRUCTURE. THIS EXTENSION CAN BE UTILIZED TO PLAN FOR THE ADDITION OF 1 OF THE FUTURE ANTENNA ARRAYS REQUIRED IN SECTION E. ABOVE.
- F. THESE CO-LOCATION DESIGN REQUIREMENTS MAY BE WAIVED, PROVIDED THAT THE APPLICANT, IN WRITING, DEMONSTRATES THAT THE PROVISIONS OF FUTURE SHARED USAGE OF THE TOWER IS NOT TECHNOLOGICALLY FEASIBLE, IS COMMERCIALY NOT PRACTICABLE OR WOULD COMPROMISE THE STEALTH CHARACTERISTICS OF THE TOWER STRUCTURE.

515-35-8 NEW TOWERS

- A. NEW GUYED TOWERS ARE PROHIBITED IN ALL ZONING DISTRICTS.
- B. INDUSTRY ZONING DISTRICTS
 - 1. ALL SELF-SUPPORTING AND CONCEALMENT/STEALTH TYPE OF TOWERS ARE ALLOWED AS A PERMITTED USE.
 - 2. MAXIMUM BUILD HEIGHT OF 179'.
 - 3. TOWER SETBACK SHALL BE AT LEAST THE DISTANCE OF THE ENGINEERED FALL ZONE PLUS 20' OR HEIGHT OF THE TOWER PLUS 20' IF NO ACCEPTABLE ENGINEERED FALL ZONE DOCUMENTATION IS PRESENTED.
 - 4. ANY ACCESSORY STRUCTURE ASSOCIATED WITH THESE STRUCTURES SHALL BE LOCATED SO AS TO COMPLY WITH THE APPLICABLE MINIMUM SETBACK REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS LOCATED.

5. PERSONAL WIRELESS SERVICE TELEPHONE ANTENNAS AS A PERMITTED SECONDARY USE MAY BE LOCATED UPON AN EXISTING STRUCTURE OR COLLOCATED ON AN EXISTING TOWER SHALL REQUIRE ZONING APPROVAL AND SHALL COMPLY WITH THE FOLLOWING STANDARDS:

A. ANTENNAS MOUNTED ON BUILDINGS OR STRUCTURES SHALL NOT EXTEND MORE THAN FIFTEEN (15) FEET ABOVE THE STRUCTURAL HEIGHT OF THE BUILDING OR STRUCTURE TO WHICH THEY ARE ATTACHED.

B. WALL OR FAÇADE MOUNTED ANTENNAS MAY NOT EXTEND MORE THAN FIVE (5) FEET ABOVE THE CORNICE LINE AND MUST BE CONSTRUCTED OF A MATERIAL OR COLOR WHICH MATCHES THE EXTERIOR OF THE BUILDING.

6. AT THE DISCRETION OF THE CITY, A SECURITY FENCE NOT GREATER THAN EIGHT (8) FEET IN HEIGHT WITH A MAXIMUM OPACITY OF FIFTY (50) PERCENT SHALL BE PROVIDED AROUND THE SUPPORT STRUCTURE, AS WELL AS NO CLIMB SECURITY MEASURES SHALL BE PROVIDED ON THE TOWER OR SUPPORT STRUCTURE.

C. BUSINESS, MIXED USE, AND RURAL ESTATE DISTRICTS

1. CLOSE MOUNT MONOPOLES OR CONCEALMENT/STEALTH TYPES OF TOWERS ARE ALLOWED WITH A CONDITIONAL USE PERMIT.

2. MAXIMUM BUILD HEIGHT OF 50'.

3. TOWER SETBACK SHALL BE AT LEAST THE DISTANCE OF THE ENGINEERED FALL ZONE PLUS 20' OR HEIGHT OF THE TOWER PLUS 20' IF NO ACCEPTABLE ENGINEERED FALL ZONE DOCUMENTATION IS PRESENTED.

4. ANY ACCESSORY STRUCTURE ASSOCIATED WITH THESE STRUCTURES SHALL BE LOCATED SO AS TO COMPLY WITH THE APPLICABLE MINIMUM SETBACK REQUIREMENTS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED.

D. AGRICULTURE DISTRICTS

1. MONOPOLES AND CONCEALMENT/STEALTH TYPE OF TOWERS ARE ALLOWED WITH A CONDITIONAL USE PERMIT.

2. MAXIMUM BUILD HEIGHT OF 179'.

3. TOWER SETBACK SHALL BE AT LEAST THE DISTANCE OF THE ENGINEERED FALL ZONE OR HEIGHT OF TOWER PLUS 20' IF NO ACCEPTABLE ENGINEERED FALL ZONE DOCUMENTATION IS PRESENTED.
4. ANY ACCESSORY STRUCTURE ASSOCIATED WITH THESE STRUCTURES SHALL BE LOCATED SO AS TO COMPLY WITH THE APPLICABLE MINIMUM SETBACK REQUIREMENTS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED.
5. MINIMUM SIZE OF PARENT PROPERTY FOR A NEW WIRELESS SUPPORT STRUCTURE TO BE LOCATED IN IS 40 ACRES. TOWER SITE ITSELF CAN BE ANY SIZE.

E. RESIDENTIAL, RESIDENTIAL OFFICE AND PLANNED UNIT DEVELOPMENT DISTRICTS

1. ELIGIBLE PROPERTIES TO BUILD NEW WIRELESS SUPPORT STRUCTURES ARE RESTRICTED TO INSTITUTIONAL AND PUBLIC PROPERTIES WITHIN THOSE DISTRICTS.
2. CONCEALMENT/STEALTH TYPES OF TOWERS ARE ALLOWED WITH A CONDITIONAL USE PERMIT.
3. MAXIMUM BUILD HEIGHT OF 40'.
4. TOWER SETBACK SHALL BE AT LEAST THE DISTANCE OF THE ENGINEERED FALL ZONE PLUS 20' OR HEIGHT OF THE TOWER PLUS 20' IF NO ACCEPTABLE ENGINEERED FALL ZONE DOCUMENTATION IS PRESENTED.
5. ANY ACCESSORY STRUCTURE ASSOCIATED WITH THESE STRUCTURES SHALL BE LOCATED SO AS TO COMPLY WITH THE APPLICABLE MINIMUM SETBACK REQUIREMENTS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED.

~~B. Industrial District Standards.~~

- ~~1. Antennas Located Upon an Existing Structure or Existing Tower. Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or collocated on an existing tower shall require the processing of an Administrative Permit and shall comply with the following standards:~~

- ~~a. An Administrative Permit is issued by City staff.~~

- b. ~~Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.~~
- e. ~~Wall or façade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.~~

515-35-9 New ANTENNAE. Towers.

- A. New ~~towers~~ ANTENNAE as a permitted secondary use shall require ZONING approval of an ~~Administrative Permit~~ and shall comply with the following standards:
 - 1. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.
 - 2. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that
 - 1) ~~Towers with a maximum capacity to support two (2) antennas shall not exceed one hundred forty (140) feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed one hundred sixty (160) feet in height.~~
 - 2) ~~The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a residential zoning district. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the base zoning district or the failure area of the tower, whichever is greater.~~
 - 2. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.
 - 3. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around

the support structure, as well as no climb security measures shall be provided on the tower or support structure.

515-35-10 Temporary Mobile Towers.

- A. Personal wireless service antennas located upon a temporary mobile tower as a permitted secondary use may be used on an interim basis until a permanent site is constructed shall require ZONING ~~the approval of an Administrative Permit~~ and shall comply with the following standards:
1. Temporary mobile towers are exempt from co-location and permanent tower structure design standards provided for in the following sections: Section 515-2. H. and 515-35-2.I, Section 515-35-4 and Section 515-35-5.
 2. The termination date of the permit shall not exceed one hundred twenty (120) days. Temporary mobile towers located on a site longer than one hundred twenty (120) days shall require the processing of an Interim Use Permit subject to the standards contained in Section 6.
 3. Guyed towers are prohibited.
 4. Mobile units shall have a minimum tower design wind load of eighty (80) miles per hour, or be set back from all structures a distance equal to the height of the tower.
 5. All towers shall be protected against unauthorized climbing.
 6. The height of the tower shall not exceed one hundred (100) feet.

515-35-10 11: Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas.

- A. Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:
1. Such antenna shall be considered an allowed conditional use within all industrial districts of the City and shall be subject to the regulations and requirements of Section 5 of this Ordinance.
 2. The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.

3. Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment, as well as no climb security measures shall be provided on the tower or structure.



Ground Level

MPR News How communities are
facing the future

Local government finance

Gravel or pavement? Running costs to ground in exurbia

 **bwalsh** October 26, 2010, 11:33 AM

Between 1998 and 2007, Baldwin Township's population grew quickly and with that growth came mile after mile of new paved road.

These young roads are relatively easy and inexpensive to maintain for now, but they are aging at the same pace. This means that when it's time to overlay more bituminous on one, others will need the same maintenance shortly.

Baldwin, in the northeast corner of Sherburne County north of the Twin Cities, sees this coming from 20 years away and is trying to find a way to afford its road infrastructure. In its 2010-2015 Capital Improvements Plan, Baldwin splits its road costs into two categories: maintenance and capital improvements. The plan states that Baldwin will likely need a 6 percent increase per year in maintenance costs to roads — to continue the kinds of processes that increase a paved road's life, such as chip sealing — and a 20 percent increase per year in capital improvement costs — the larger, more expensive projects, such as reconstruction and overlay — for some time to come.

It further concludes that costs will only increase if these repairs are delayed because the township is unable to raise enough funds.

But if the township can't afford upkeep on all of these roads, what are its other options? What if it returned some of the roads to gravel? It's a question getting increasing attention as local governments find themselves under stress. And, in fact, what at first glance seems short-sighted, in Baldwin Township might save money in the long run.

Stutsman County, N.D. recently decided to return roads to gravel in order to be able to afford its infrastructure, and they aren't alone.

As the Wall Street Journal article states: "In Michigan, at least 38 of the 83 counties have converted some asphalt roads to gravel in recent years. Last year, South Dakota turned at least 100 miles of asphalt road surfaces to gravel. Counties in Alabama and Pennsylvania have begun downgrading asphalt roads to cheaper chip-and-seal road, also known as 'poor man's pavement.' Some counties in Ohio are simply letting roads erode to gravel."

But how feasible is this process?

Sherburne County's road maintenance figures show that costs to keep up gravel roads far outweigh those to keep up bituminous. From 2005 to 2009 the county spent \$43,411.23 in maintenance costs on just over 23 miles of gravel county roads. But over the same period of the time the county only spent \$27,293.13 in maintenance costs on 2,028.6 miles of paved road. Using those figures, it cost the county about \$1,887.44 per mile of gravel road that needed maintenance and about \$13.45 per mile for maintenance on bituminous.

The yearly maintenance costs of gravel roads make them appear inefficient, until you consider the capital improvement costs associated with bituminous roads at the middle and end of their lives, which isn't always reflected in yearly maintenance figures.

Baldwin's own cost estimates for maintenance over the next five years illustrate the hidden costs of paved roads. In 2010, reconstruction of 0.128 miles along 99 1/2 St. cost \$49,863 dollars, or \$389,554.69 per mile. In 2011, reclaim/overlay of 289th and 127th streets for 0.7 miles will cost \$43,659, or \$62,370 per mile. In 2012, reclaim/overlay of 0.7 miles along 100th St. will cost \$97,241, or \$138,951.71 per mile. In 2013, overlaying a mile of bituminous on 112th St. will cost \$99,915.

While bituminous overlay only needs to be done to roads 20 years after they are built and reclaim/overlay 40 years after they are built, these high costs are hard for townships to absorb all at once, even when they plan for them years in advance.

Over its 40-year lifespan, a low-volume paved road will need to be chip sealed twice, undergo overlay once and then reclaim/overlay. Baldwin's 2010 estimate to chip seal paved road is \$3,885 a mile. Cost for capital improvements is obviously dependent on the condition of a road. As the figures above show, these can vary significantly.

Using a weighted average of the above figures, the reclaim/overlay costs are approximately \$124,844.90 per mile of paved road. Adding the chip seal costs twice, the estimated overlay cost from the above figures (\$99,915) and the reclaim/overlay cost, Baldwin's paved roads will cost an estimated \$232,529.90 per mile every 40 years, or \$5,813.25 per mile per year.

That's about 3 times what it costs to maintain gravel roads in the county.

As the Wall Street journal said, paved roads were once a hallmark of the United States. With this mentality, it is hard to let go of paved roads, but maybe it's something Baldwin needs to consider. Letting some roads return to gravel at the end of their 40 year lifespan could help Baldwin afford the paved roads it needs while keeping taxes manageable for all residents.

About the blogger



bwalsh

brookewalsh@gmail.com

Comments for this thread are now closed.

×

2 Comments

MPRNews - Ground Level

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Tim • 6 years ago

The problem I have is that in this country people are allowed to build just about anywhere they want and then "some" expect paved plowed roads. Then complain about the taxes. I am looking for a study that shows the property or fuel taxes paid by the 4 people that live on that country road will EVER cover the cost. Don't get me wrong where the density or traffic is high enough we need good roads.

1 ^ v • Share ›



JoAnn • 6 years ago

Yes, let's turn back into a developing country.

1 ^ v • Share ›

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[Planner of the Year](#)

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Reflecting on Four Years as Chapter President



From the Desk of the President

In preparing this last newsletter update before my term as your Chapter President expires, I reflect on the past four years, the experience of leading the Minnesota Chapter of APA, and lessons learned.

First off, as members of the state and national chapters of APA, you are part of an incredible organization. The level of passion and commitment of our local and national members and APA staff has been surprising and inspiring. We are all Making our Communities Great, striving for a more effective and transparent organization, and improving the logistics and function of our non-profit organizations. During my tenure, I have gained a deep respect for the efficiency and effectiveness of APA.

Secondly, the amount of volunteer power and commitment the Minnesota Chapter has is second to none. Many chapters have several full time staff people guiding and running their organization. Minnesota has two (amazing) very part time staff doing the work of many and a cadre of eager and high energy volunteers.

Our chapter's opportunities for professional development, social events, and conferences stand out among the best throughout APA and compared with other professional organizations, based on my personal experience and from conversations with other organizations' members and leaders. We could not do this work without volunteers, so thank you all. I encourage you (admonish you!) to get involved or stay involved at the state and national level, through initiatives, chapters, and divisions.

You could not have selected a better choice for your incoming President, Tim Gladhill. Tim is a dedicated and passionate longtime volunteer with the organization, and has served on the board for four years as Vice President, bolstering the organization's communications, organizational efforts, and supporting our professional and social events. I wish you all the best of luck during this transition of the Executive Committee!

I'm humbled and honored to have been a part of and our APA and our APA-MN! Thank you for the support and the fun.

Breanne Rothstein
President, APA-MN



2016 APA MN Conference

Many thanks to all of you who made the 2016 Upper Midwest/APA MN conference a huge success!! That includes the attendees, the Conference Committee, the presenters, the exhibitors and sponsors, and the many participants who work and live in St. Cloud, including Mayor Dave Kleis. Special thanks to the Conference Co-chairs, Joe Janish and Eric Weiss, and to the Program Chairs, Raya Esmaeili and Mike Palermo. About 400 attendees were registered, and in addition, we had presenters who were only available for their session--a final total of about 480 persons. Focusing on equity, the sessions were not only educational and diverse, but 130 attendees also learned more about the St. Cloud area through their mobile tours, made possible through the work of the Mobile Tours Chairs,



Julie Wischnack, AICP, Planner of the Year



Table of conference awards

Chelle Benson and Ryan Miller. We also would like to thank our featured speakers, Patti Gartland, Lisa Bender, and Shawntera Hardy, and especially the Theatre of Public Policy members, who provided improvised satire and entertainment. Of course, kudos to Melissa Poehlman for lining up the Awards Program and Liz Heyman and Gratia Ratzloff for working with all the exhibitors. Finally, Alex Conzemius is grateful to all of you who purchased raffle tickets, with the proceeds of \$1023 dollars going to the local food shelf.

It takes a lot of work and planning to pull a conference together, with many steps along the way. We feel fortunate that Raya Esmaeili and Mike Palermo have already stepped forward to volunteer as 2017 Conference Chairs. They have been reviewing the evaluations from this year's conference to note ideas mentioned by the attendees as sessions and events they would like to see next year. So mark your calendars for September 27-29 to attend the 2017 APA MN Conference in Mankato. Mike and Raya would like to remind any of you who are interested in participating in the Conference Committee, to please get in touch with APA MN at mnapa@buffleheadweb.net. We look forward to another great conference next year.



Partnerships in Planning: Rice Creek Commons Master Plan, Ramsey County and the City of Arden Hills.



Bridging the Gap: Advancing Equity in Planning
The Rev. Dr. Martin Luther King Jr. Park Playground, Minneapolis Park and Recreation Board and WSB & Associates Inc.



Excellence in Community Engagement: Minnesota GO:
Statewide multimodal transportation plan and Minnesota highway investment plan update by MnDOT and HDR Inc.



Gunnar Isberg Scholarship: Chloe McGuire Birgl



Innovation in Planning: St. Cloud comprehensive plan, Houseal Lavigne Associates and the city of St. Cloud.



Planning in Context: Creative Placemaking in the South Loop, idea prize, demonstration projects and policy plan by Artistry at the Bloomington Center of the Arts and the city of Bloomington Community Development Dept.



Outstanding Student Project: Increasing Engagement with Communities of Color, A Toolkit for Carver County Parks and Recreation by Chuck Demler, Kaela Dickens, Joe Hartmann, Laurel Nightingale and Kalli Perano.

APA MN in St. Cloud

Top left: Crowd gathers at the conference.

Bottom left: Attendees check out a booth.

Top right: Minneapolis Councilwoman Lisa Bender

Middle right: Tane Danger, MC

Bottom right: Theater of Public Policy



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New Online Residency and Housing Resources

Two free online planning resources were recently released, providing assistance with planning for affordable housing and resiliency.

Housing

In September, the White House released their [new housing development toolkit](#).

This recognizes community best practices in “modernizing zoning codes, land use regulations, and development approval process to spur the production of affordable housing.” The toolkit recognizes common barriers that exist to producing affordable housing, and proposes a range of solutions.

The toolkit is meant to complement other federal government initiatives to address economic inequality through affordable housing and place-based solutions. This includes the forthcoming [HUD Prosperity Playbook](#), an online portal addressing a range of community development and housing topics.

Resiliency

The American Society of Landscape Architects (ASLA) has recently released a [new online guide](#) to resilient landscape planning and design. This is organized around disruptive events, including drought, extreme heat, fire, flooding, landslides, and biodiversity loss. The intent is to create multi-layered, adaptive systems that can “fail safely in the event of a catastrophe.”



Become Resilient

The guide also includes numerous links to other projects that demonstrate best practices in addressing each of these areas.



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Short Term Rentals: Are They Right for Your Community?

Short-term rentals are but one new issue communities are facing resulting from the sharing economy. Short-term rentals, or home sharing arrangements, are quickly gaining steam with the rise of websites like AirBNB and VRBO.

Renting out a room or an entire house to short-term visitors can be a quick and easy way for homeowners in desirable areas to make some extra money. Properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to downtown hotels and motels.

But these rentals present a unique set of impacts to existing neighborhoods and can change the character of these areas. For example, complaints relating to noise, parking, traffic and property maintenance can arise from neighbors of short-term rental properties. For communities struggling with rentals of single-family homes in general, this adds another twist: the potential for landlords to take these homes off of the long-term rental market if short-term rentals are in high demand can contribute to a shortage of rental housing.

The first set of questions surrounding short-term rentals revolves around how to define them. Prior to the sharing economy, these were defined as Boarding Houses and regulated as such. But today, there are several added complexities to consider:

- How long is “short term” v. just a rental? Typically short-term rentals are defined as anything under 30-days.
- How often does it have to occur before it becomes a bed and breakfast? Or a hotel? Or a boarding house?
- Do short-term rental properties need to register in communities with rental registration programs?
- What if the owner stays in the house during the rental period?

Generally, there are three basic varieties of short-term rentals: (1) hosted sharing, where the primary occupants of a residence remain on-site with guests; (2) unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests; and (3) dedicated vacation rentals, where there are no primary occupants.

Some keys to look at when considering regulations for short-term rentals include:

Definitions: How should your community define this use? Or are they already covered under an existing definition? Most communities do not contemplate short term rentals where the rental unit is occupied as a primary residence for the majority of the year. This can mean that, by default, short term rentals like these are prohibited.

Does your ordinance prohibit the rental of rooms or dwelling

units for periods shorter than a month unless owners comply with the regulations for boarding houses, bed and breakfasts, or hotels/motels? Many do. If it is your desire to allow short-term rentals, new definitions such as hosted or unhosted accessory home sharing and/or vacation rentals may be appropriate.

Locations: should short-term rentals be permitted in single-family residential districts? Concerns will be traffic, noise, parking, and property maintenance for visitors looking to “party”; neighbors may voice objections to a perceived change in their neighborhood character from residential to commercial. Allowing short-term rentals may also create a shortage of long-term rental property in areas that need it, another factor that should be considered.

Licensing or other zoning standards: There are many choices available to communities thinking about getting into the short-term rental regulation business:

- Define them and then prohibit them all together.
- Create standards related to licensing or zoning performance standards. Such standards may include registration and record keeping requirements, provision of off street parking, limits on number of days a property can be rented, limits on spatial concentration of short-term rentals, and/or regular inspections. Regulations may also prohibit dedicated vacation rentals, requiring that properties still have to be homesteaded. And finally, communities can decide whether to allow these with administrative approvals or whether to require conditional use permits.
- Enforcement: Should it be complaint driven? Or involve the pro-active monitoring of registered short-term rentals?

Further Reading:

Morely, David. “Regulating Short Term Rentals”, Planners Advisory Service Quick Notes No. 56, American Planning Association, 2015.

- Regulating Short Term Rentals: A Guide for Equitable Policy. 2016. Oakland, California: Sustainable Economies Law Center. Available at <http://www.theselc.org/regulating-short-term-rentals-a-guidebook-for-equitable-policy>

National Association of Realtors. 2015. “Field Guide to Short-Term Rental Restrictions.” Available at <http://www.realtor.org/field-guides/field-guide-to-short-term-rental-restrictions>

Code Enforcement: Risky Business

By Caraolyn Braun

Often one of your first jobs in the planning world is code enforcement. Interestingly and perhaps surprisingly, code enforcement often requires much more than entry level skills. Code enforcement can be risky business.

When you are enforcing codes, you are working with people who didn't do what they were supposed to do. Sometimes it is simply because they were unaware of the rule or regulation and it is relatively easy to bring them into compliance. Let's call them the **"Oops"** people.

Often, however, you are dealing with people who don't care what the rule is or they simply don't agree and are unwilling to comply. With a little education and persistence, some of these folks can be brought into compliance, albeit grudgingly, in a relatively short period of time. Let's call them the **"Oh, Okay"** people.

And then there are the remaining folks who have no intention of complying, who will ignore your phone calls and letters, and worse yet – will become threatening and/or dangerous. Let's call them the **"No Way"** people.

Tricks of 'Oops' People

Most of the Oops people will comply once they are advised of the issue. Occasionally, they will disagree with the need for the rule or regulation and take a little time to comply. But in most cases you will only have to call them once. A few of the Oops people will become the Oh, Okay people because they need a little prodding to comply.

Tricks of 'Oh, Okay' People

The Oh, Okay people often have to be prodded one or more times to come into compliance. They may argue a bit or ignore written notices, because they don't see the issue as all that important. They may wait until they get a citation and then quickly come into compliance, hoping that the citation will be withdrawn. They may call a council member or the city manager, hoping to get more time to come into compliance, to have the council member or city manager issue a stand down order (do not enforce) or to get a citation withdrawn – all of which are a way to end run the process (go around the compliance staff). In the case of administrative citations, they may file an appeal after the citation was issued and after they have come into compliance, mostly in hopes of having the fee waived.

Tricks of 'No Way' People

The No Way people don't care what the regulation requires. They don't support the regulation and they don't believe anything you tell them. They may not let you on their property. They will accuse you of singling them out; they may personally attack you – usually verbally and in rare occasions, physically. They may not allow you to enter their property.

Tips for Better Results

There are a number of things you can do to help assure success in code enforcement:

1. Develop clear policies that outline how you proceed in various scenarios. The policies should include a step-by-step process. Once you have those policies, make sure you follow them in a fair and consistent manner. Also make sure you review and update them from time to time. What works today may not work a year from now.
2. Make sure you know your right to enter property. The League of Minnesota Cities has good information on this and how/when you need a warrant to enter property.
3. Work with your police department. Make sure you check each address before you go to do on-site inspections. As you work more and more with the police, you will become familiar with properties that are of concern. If you have ANY concern about going alone to a property, take someone with you – and, if possible, make that second person an officer.
4. Create a summary of code enforcement activities that you can distribute to the manager, the council and others who are interested. It can be weekly, bi-weekly, monthly – whatever works given your level of activity for code enforcement. Make sure your summary is general in nature – the types of issues, the number of citations written, the problems solved. Do not include specific property information, such as addresses. The summary helps elected officials know that issues are being addressed and it helps to show citizens that they are not being singled out.
5. Be Patient. Work with people whenever you can. Code enforcement shouldn't be about how many citations you can write. It is about bringing people into compliance, thereby improving the community.

Upcoming Events

Maurice Cox: Next Generation of Parks

When: 7 pm, Friday, November 4, 2016

Where: Best Buy Theater, Northrop Auditorium

Join us for extraordinary evening with one of the foremost choreographers of urban re-creation: Maurice Cox, Planning Director, City of Detroit.

Featuring Minnesota Public Radio's Brandt Williams and an opening sequence with youth designers from Juxtaposition Arts, plus the premiere of a short film about an MPF-JXTA parks design collaboration

The City of Detroit is on the cusp of a dramatic transformation that finds parks and public space emerging from the intersection of design and social justice. From the city's famed international riverfront (yes, that's Canada across the Detroit River), to a new water management and greenspace typology emerging from its 20 square-mile mosaic of vacant land, and recent \$4M Civic Commons grant, community-led design is at the forefront of Detroit's future.

Today, nearly two years after Detroit emerged from bankruptcy, the city is stabilizing and beginning in earnest to reinvest in its assets – both people and place. Called the "Champion of the Neighborhoods," Cox is a convener, who helps community members understand that it's **possible** to change the world through design.

[Click here](#) for more information and free tickets.

CTS Research Conference

The Center for Transportation Studies at the University of Minnesota would like to extend an invitation for members of APA Minnesota to attend this year's Transportation Research Conference, which will be held

on Thursday, November 3rd at the Commons Hotel in Minneapolis.

We have received approval for [12.25 AICP credits](#) for a number of sessions at this year's conference and felt that the event would be of interest to APA Minnesota members. A session of particular interest might be our opening plenary speaker. Gabe Klein, author of Start-Up City: Inspiring Private and Public Entrepreneurship, Getting Projects Done, and Having Fun (2015, Island Press) will speak on the topic "Creating Sustainable, Livable, Forward-Compatible Cities for Economic Resilience." Following Gabe's remarks, a panel discussion featuring Mayors Chris Coleman (St. Paul), Ardel Brede (Rochester), and Dr. Anu Ramaswami from the Humphrey School, UMN will be held. More details about the program and registration are available on [CTS's web-site](#).

Land Use Training & Education Fall Workshop Schedule

[Community Solar Gardens Workshop](#)

November 4, 2016, 12:30p.m.-4:30p.m.

League of MN Cities, 145 University Ave W, St. Paul

2016 has been a big year for solar garden construction. Join our 11/4 session to learn about the current status of garden development, land use implications, and how to participate.

In 2013, Minnesota passed community solar garden legislation that required Xcel Energy to move forward with a community solar program. Since that time, there has been a flurry of activity to develop the rules that govern the program and to get community solar gardens up and running. 2016 is slated to be a big year for community solar garden construction. Local govern-



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Upcoming Events (Cont.)

ments have been part and parcel of the program development so far are likely to continue to play a strong role in garden development - through land use, through subscriptions, and through facilitating local opportunities.

This workshop is open to elected and appointed officials, land use practitioners and community members and will give an update on the state of community solar garden development in Minnesota -- particularly in Xcel Energy territory -- highlighting lessons learned over the past two years. Topics will include:

- Current status of garden development
- Land use implications of garden development
- Land use planning and zoning best practices participation possibilities - host site, subscriber, developer/facilitator

The Basics of Planning and Zoning

November 16, 9 a.m. - 4 p.m., Eagan

Eagan Community Center - North Oaks Room

Designed for those new to land use planning or interested in a review of the fundamentals, this workshop covers the nuts & bolts of planning, zoning & subdivision regulation. Participants will learn how planning and zoning is developed, where they fit into the process, and how the different "players" can maximize their impact.

Funding for this project is provided by the Center for Prevention at Blue Cross and Blue Shield of Minnesota,

as part of Blue Cross' long-term commitment to tackling the leading causes of preventable disease: tobacco use, lack of physical activity and unhealthy eating.

Your Role as Planning Commission Member

November 17, 1-4 p.m., Little Falls

Morrison County Government Center

As a Planning Commission member, you contribute hours of unpaid time to your community. Have you discovered that serving in this capacity is a bit more challenging than anticipated? This workshop will focus on what you need to know to be successful in this important position. You'll learn practical tips that can make the difference between results and regrets.

Nurturing Creative Places Webinar

The Massachusetts chapter of the APA is sponsoring a free webinar entitled [Nurturing Creative Places: A Dive into the Arts and Planning Toolkit](#), on Friday, November 4, 2016, 12:00 PM - 1:30 PM CDT.

Arts and culture is an essential element of what makes places and communities healthy, connected, and vibrant. It provides opportunities for people from different walks of life to socialize, learn, and play; it provides experiences that helps people engage with elements in the past, present, and future; and it creates unique and exciting opportunities for people to understand and interact with their built and natural environments.



Upcoming Events (Cont.)

How can planners nurture innovation and creativity through planning, programming, and policy? Join us for a demo of the new Arts and Planning Toolkit, an innovative new resource for planners and other government staff who are interested in innovating their civic practices through projects and partnerships that engage arts, culture, and the creative community. Learn about how arts and culture can be an effective component of urban, suburban, and rural community revitalization. Learn about real projects that are infusing creativity into the civic life and physical and social environments of communities and walk away with inspiring, concrete examples of ways you integrate build arts and culture into your planning practice.

PlanIt: Conference Registration is Open!

[Registration](#) is Open!

Join us on **December 13, 2016, at Earle Brown Heritage Center in Brooklyn Center**. The Metropolitan Council invites the region's planners to an all-day, free [conference](#) event as part of the PlanIt program. A detailed [program brochure](#) with session descriptions, schedule for the day, and logistics is attached and posted [online](#). This daylong event will include sessions on integrating different plan elements of the comprehensive plans, lessons from local planners, and breakout sessions in partnership with watershed districts, state agencies, park implementing agencies, community planners, and much more.

Julie Campoli, an urban designer and author, is the keynote speaker. Julie is a well-known writer on urban form and changing landscape. She uses innovative graphic techniques to help the audience understand the relationship between urban design concepts and the physical environment.

Parking at the venue is free. Transit options are also available. **CM credits will be provided.**

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For questions, please contact Raya Esmaili at [\(651\) 602-1616](tel:6516021616) or raya.esmaili@metc.state.mn.us; or contact Angela Torres at [\(651\) 602-1566](tel:6516021566) or angela.torres@metc.state.mn.us.

Public Places and District Stormwater Management

Nov. 1st. 8am - Noon

Location: Ramsey Municipal Center, 7550 Sunwood Dr. NW Ramsey MN 55303

Facilitators: Bruce Jacobson and Bob Close

The role of the public realm has rapidly evolved in the past decade, with growing awareness of the intersections between a community's physical design and health, climate change, protection and enhancement of natural resources, food production, energy generation and social equity.

There will be a presentation followed by a discussion with an expert panel comprising public and private practitioners. Participants will learn about state-of-the-art storm-water management strategies and how they can be integrated into a beautiful and vibrant public realm, whether parkland or streets. Attendees will learn about global precedents and how they can be applied to their own cities.

Support funding provided by a grant from the McKnight Foundation.

\$75 registration.

Sign up online at www.tickets.umn.edu.

Student Happy Hour

Planning Student Organization at University of Minnesota – Twin Cities is hosting a career panel, *What Can I Do with my Planning Degree*. Please join us Monday, November 14, after the panel at Town Hall Brewery at 7:15 pm for networking and casual conversations with students. Drink tickets and appetizers will be provided. All are encouraged to attend.

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Upcoming Events (Cont.)

New Markets Tax Credits Training

November 8-10, 2016

Minneapolis, MN

New Markets Tax Credits (NMTC) can help close significant financing gaps in high impact projects, but understanding how to use the tool can be challenging. This workshop, conducted by NDC, will take participants from a general understanding of the program to its application in actual deals. The workshop will address:

- Basic regulations and requirements of the NMTC program
- How funds – including investor equity and leveraged loans - flow through a NMTC deal
- Calculating how much net benefit is generated by different amounts of NMTC allocation
- How to attract NMTC allocation for projects by understanding what Community Development Entities (CDEs) with credit awards are looking for (community benefits) and what tax credit investors are seeking (returns, Community Reinvestment Act credit, etc.)
- This is an approved activity for NDC Recertification and APA CM credits. [Register online.](#)

CM | 22.00

Job Opportunities and RFPs

Job Title: County Planner

Hiring Agency: Polk County Government Center

Web Link: <http://www.co.polk.wi.us>

Deadline: November 9, 2016

Salary Range: DOQ

Job Description

This position performs a wide variety of research, analysis, plan development, technical assistance and administrative activities in support of the County's overall planning program; develops County and community functional and comprehensive plans; prepares grant applications; provides technical support for various County committees and local units of government.

Essential Duties:

Identifies, obtains and reviews basic planning data

from a variety of federal, state, and private sources; Conducts research activities for all projects according to accepted and established planning methods; Designs, implements, and analyzes community surveys in support of plan and policy development for County and community projects; Designs and prepares various technical studies on population, land use, parks and recreation, solid waste, economic development, historic preservation and other planning issues; Prepares draft and final planning document for County comprehensive and functional plans for Committee and County Board approval; Prepares grant applications for financial assistance from federal, state, and private agencies; Develops and participates in various County programs and policies to implement comprehensive and functional plans; Provides technical assistance to local communities for development and implementation of community comprehensive and functional plans; Provides technical assistance to local communities for preparing grant applications and



Job Opportunities and RFPs (Cont.)

administering grant funds and County committees governing; Jointly develops and implements public information, education and technical assistance programs on planning and development issues with the County Resource Agent; provides data, information, policy interpretations and technical assistance related to Department programs and projects to professional clients, local officials and the general public.

Education/Experience:

1. Bachelor's degree (from four-year College or university in Planning, Geography, Resource Management or related field. Master degree preferred.
2. Minimum of two (2) years work experience in local government planning.

When applicable: Combination of work experience and education may be considered.

Application Instructions

Interested applicants must complete our on-line application to be eligible. On-line application can be found on our website at: <http://www.co.polk.wi.us>.

Job Title: Planning & Environmental Services Director

Hiring Agency: Winona County

Web Link: <http://www.co.winona.mn.us>

Deadline: November 15, 2016

Salary Range: \$2,943.39-\$4,073.43 bi-weekly

Job Description

Under administrative direction of the County Administrator, an employee in this classification directs and coordinates the activities of the Planning and Environmental Services Department, which is responsible for developing a program to provide information, technical service, basic data, and long-range projections as a basis for consistent area-wide planning. Reviews study designs and technical aspects of local and area functional planning programs and directs the development of the countywide planning framework. An employee in this classification works closely with the Planning Commission, Board of Adjustment, and County Board to maintain and implement the Comprehensive Land Use Plan, Water Management Plan, and all associated ordinances and regulations. He/she also maintains and enforces subdivision regulations, flood-

plain, shoreland, wetland, and weed and seed laws for lands outside incorporated areas.

Application Instructions

Please attach your resume, cover letter, salary history and work-related references to your online application at www.governmentjobs.com/careers/winonamn.

Job Title: Comprehensive Plan Update: Request for Proposals (RFP)

Hiring Agency: City of Columbia Heights

Web Link: <http://www.ci.columbia-heights.mn.us/>

Deadline: Friday, December 2nd, 2016

Salary Range: NA

Job Description

The City of Columbia Heights is seeking written proposals from qualified consultants to assist in updating the City's Comprehensive Plan. The consultant will work with City staff, a group of elected and appointed officials, and residents to update the plan. The consultant will take the primary responsibility for completion of the plan and ensuring that the plan meets the requirements of the Metropolitan Council and the State of Minnesota. The consultant will ensure that the updated Comprehensive Plan complies with the Metropolitan Council's requirements for Columbia Heights, including the Thrive MSP 2040 System Statement and Local Planning Handbook.

Application Instructions

Please submit proposals no later than 4:00pm Friday, December 2nd, 2016. You can find the RFP at: <http://www.ci.columbia-heights.mn.us/jobs.aspx>. For questions please contact Elizabeth Holmbeck, City Planner at eholmbeck@columbiaheightsmn.gov.

Job Title: Planner

Hiring Agency: Hoisington Koegler Group Inc

Web Link: <http://www.hkgi.com>

Deadline: Open until filled

Salary Range: based on qualifications

Job Opportunities and RFPs (Cont.)

Job Description

The Opportunity: Hoisington Koegler Group is looking to expand our team of planners. HKGi's sole focus on planning, landscape architecture and urban design allows staff to have access to a broad range of work, exposure to all aspects of projects, significant task responsibilities and to contribute to the successful completion of award winning, leading edge projects. The firm's culture emphasizes collaboration, creativity and openness to new ideas. Located in the Downtown Minneapolis Warehouse District, HKGi has convenient access to transit and is bike friendly.

The Position: HKGi is seeking a creative, energetic planner with 3 to 5 years of experience. Candidates should possess strong written (technical and creative), graphic and verbal communication skills including experience preparing technical and general planning related reports. Applicants should have a working knowledge of software programs including ArcGIS, Microsoft Office Suite, and the Adobe Creative Suite. Advanced knowledge in GIS, spreadsheets, database development, experience working with community engagement and public process is desired. The candidate will contribute to a large variety of project types including general community planning, stakeholder engagement, comprehensive planning, zoning ordinances, redevelopment planning/studies, grant writing, park system planning, corridor studies, and other related projects. The position interacts regularly with project managers and principals on key planning and landscape architecture projects. The position initially will involve project management for smaller scale projects with the opportunity to grow into a larger project management assignments over time. Qualifications: Required qualifications include a four-year degree or master's degree in community planning or related field and a minimum of 3 years of experience. Desired additional qualifications include AICP certification and direct experience preparing land use application staff reports for planning agencies and facilitating creative approaches to community involvement.

Application Instructions

In PDF format, please submit the following: cover letter, resume, references, and writing/graphic design samples via email to jobs@hkgi.com.

Job Title: Urban Designer and Planner

Hiring Agency: Cuningham Group Architecture, Inc.

Web Link: <http://www.cuningham.com>

Deadline: N/A

Salary Range: N/A

Job Description

Cuningham Group is seeking a motivated urban designer to join our Urban Design and Landscape Architecture Studio. We are an interdisciplinary studio that works on a range of projects for both private and public clients - in the Twin Cities and around the country. Projects include master planning, campus planning, neighborhood plans, redevelopment plans, comprehensive plans, competition entries, and small area plans in the Twin Cities region and around the country.

The ideal candidate will focus on urban design, and will have the flexibility and ability to support planning, architecture, or landscape architecture projects as needed.

Requirements

Undergraduate and/or Graduate Degree in Architecture, Urban planning, or Landscape Architecture

2-10 years of professional experience

Knowledge of and interest in urban design

Strong graphic, technical, writing, and verbal skills

Knowledge of Adobe Suite, Sketchup, GIS

Application Instructions

Please forward resume and portfolio to hr@cuningham.com.

Job Title: Part-Time Planner

Hiring Agency: Sambatek, Inc.

Web Link: <http://www.sambatek.com>

Deadline: NA

Salary Range: DOQ

Job Description

Job Opportunities and RFPs (cont.)

Position Description Sambatek, Inc. is an Award Winning Twin Cities-based professional services firm that specializes in engineering, planning, surveying, and environmental services. Since 1966, we have served public and private clients throughout Minnesota, North Dakota, and across the country. Sambatek, Inc. was recently named to the prestigious 2014 Zweig-White Hot Firm list. Sambatek ranks 48th on the list recognizing the top 100 fastest-growing architecture, engineering, planning and environmental consulting firms in the United States and Canada. Sambatek supports a dynamic, collaborative work environment and we embrace challenging projects and work hard to help our clients find success. We are a vibrant organization that believes integrity, value, and outstanding service are the foundations of a great company. We are seeking one or more part-time Planners to support community planning and land use studies. These individuals will serve on a team of planner consultants for Sambatek's municipal client cities by providing application reviews, zoning code interpretation, city code updates, staff reports and public presentations with Commissions or Councils. Experienced candidates will also be given the opportunity to lead land use studies and comprehensive planning efforts that fit their background and time availability. Specific Requirements:

College graduate with degree in planning, urban studies, geography or related coursework

2+ years of experience with city planning or relevant work/education

2+ experience

Knowledge of city planning process related to zoning codes and comprehensive plans plus experience administering planning applications such as variances, conditional use permits and site plan reviews Excellent communication skills - both verbal and in writing - an absolute must!

Application Instructions

Sambatek is an EEO/AA/Vet/Disable Employer Application Instructions: Please apply on the Sambatek website: <https://www.jobsinminneapolis.com/j/18777279>.

Job Title: Transportation/Community Development Planner

Hiring Agency: Upper MN Valley Regional Development Commission

Web Link: <http://www.umvrdc.org/>

Deadline: open until filled

Salary Range: MA

Job Description

The Upper Minnesota Valley Regional Development Commission in Appleton, MN is looking for a planner to develop and manage projects for local governments in the five-county area. Background in community development, transportation planning, urban studies, GIS, public administration or related field required. Primary responsibilities will be in transportation planning and working with MnDOT, cities, and counties with road, bridge, rail, trail planning and funding. Other work areas will be assigned and may include the following areas:

Community strategic planning

Capital improvement planning

GIS

Safe Routes to School Plans

Active transportation initiatives

Park and trail planning and development

Grant writing

Comprehensive planning and plan updates

Zoning ordinance development

Telecommunication/broadband planning

Application Instructions

Job description, agency profile, application, and instructions for applying can be found online at www.umvrdc.org.

Job Title: Community Development Planner

Job Opportunities and RFPs (cont.)

Hiring Agency: Upper MN Valley Regional Development Commission

Web Link: <http://www.umvrdc.org>

Deadline: open until filled

Salary Range: \$42,000-60,000 DOE

Job Description

The Upper Minnesota Valley Regional Development Commission (UMVRDC) is looking for TWO community development planners to develop and manage projects with cities, counties and other organizations in the five-county UMVRDC region of Big Stone, Swift, Lac qui Parle, Chippewa and Yellow Medicine Counties.

This position will work on a variety of projects including:

Grant writing

GIS mapping and analysis

Facilitating strategic planning meetings

Capital improvement planning

Environmental reviews

Comprehensive plan development

Telecommunication/broadband planning

Business retention and expansion processes

Researching and implementing community finance methods

MN DEED Small Cities Development Program grant writing and administration

USDA Rural Development grant writing and administration

Survey development and analysis

Renewable energy project development

Transportation planning

Development of County Hazard Mitigation Plans

Transportation Planning

Safe Routes to School Plans

Zoning ordinances

Application Instructions

Job description and application available online at www.umvrdc.org

Job Title: Economic Development Planner (Senior Planner)

Hiring Agency: Vierbicher

Web Link: <http://www.vierbicher.com/careers/>

Deadline: Open until filled

Salary Range: Salary and benefits are commensurate with experience.

Job Description

Vierbicher is looking for a talented individual to join its Planning & Community Development (PCD) team in our Madison or Milwaukee Metro office. Vierbicher, located in four offices throughout Wisconsin, is a leading community planning and civil engineering firm that maintains a growing portfolio of planning and community development projects with well known private and public clients.

In the role, you will:

Report to the PCD Manager and be responsible for economic, market, and real estate analysis.

Work with PCD team and clients to prepare grant applications, tax increment district plans, economic development packages, financing strategies, and other community development documents that provide a strong basis from which communities can create positive change.

Prepare development strategies and implementation actions appropriate to a particular context (downtown, business park, urban, rural, small & large populations, high/low income).

Job Opportunities and RFPs (cont.)

Manage projects and maintain direct client relationships responsibilities, such as the preparation and maintenance of project scope, budget, and schedule.

Utilize quantitative and qualitative data analysis (primary and secondary sources) to understand the dynamics of local and regional economies (i.e. commercial, retail, housing and industrial real estate markets).

Demonstrate a strong understanding of the philosophies, principles, practices, and techniques of economic development planning.

Actively build your professional network and seek opportunities to present at regional conferences.

Provide high-quality planning and community development consulting services to public and private sector clients in ways that impress the clients and build the Vierbicher reputation.

Maintain a professional presence in the economic development and planning community in the Midwest. We want you to build your career and reputation by demonstrating the work being done by Vierbicher.

About you and your skills:

Master's degree in Economics, Urban and Regional Planning, Business, or Public Policy from an accredited university and at least five years of planning and community development experience or a bachelor's degree from an accredited university and two additional years of project experience.

Professional certification in economic development, real estate, planning or other related profession.

Excellent oral and written communication skills for preparing and presenting project reports.

Some relevant project experience in other planning specializations, such as municipal planning, zoning administration, urban design, transportation plan-

ning, community workshop facilitation, etc.

Basic understanding of ArcGIS mapping applications and/or the Adobe Creative Suite (InDesign, Illustrator, and/or Photoshop).

Motivated self-starter that can work independently, while proficiently working within a collective team environment.

You work effectively and efficiently to deliver high-quality engagements to your clients.

Application Instructions

Send your cover letter, resume, and relevant work samples to hr@vierbicher.com or apply online at <http://www.vierbicher.com/careers/>.

Job Title: Assistant Planning, Development & Sustainability Director

Hiring Agency: Johnson County, IA

Web Link: <http://www.johnson-county.com>

Deadline: Open until filled

Salary Range: \$69,039.23-\$81,222.20

Job Description

Johnson County Planning, Development and Sustainability (PD&S) department currently seeks a Assistant Planning, Development & Sustainability Director to provide administrative and technical services to the County's PD&S department and to the general public. Manage the Planning division and supervise staff. Serve as Senior Planner. Assist in administering and enforcing the County's Zoning Ordinance and Comprehensive Plan. Analyze policy alternatives and prepare and present policy proposals and implementation measures. Provide staff assistance to various County boards and commissions. Support sustainability initiatives to include sustainable land use policies. Manage the investigation of and respond to alleged violations of Unified Development Ordinance to include zoning code, subdivision regulations, and building code. Man-

Job Opportunities and RFPs (cont.)

age the Department during the absence of the Director.

Master's degree in Urban and Regional Planning or related field AND three years of related work experience with progressively responsible tasks and one year supervisory experience.

Special requirements: Valid driver's license. May also require use of personal vehicle for official business. Obtain American Institute of Certified Planners (AICP), Certified Floodplain Manager (CFM), and Leadership in Energy and Environmental Design (LEED) Green Associate professional credentials within 2 years of hire.

Compensation: \$69,039.23 - \$81,222.20 plus outstanding benefits.

Application Instructions

To apply and learn more about this position please visit our website, <http://www.johnson-county.com>. Applications are accepted until the position is filled. *Cover letter and resume required.*

AA/EOE

Job Title: Assistant Planner

Hiring Agency: Hometown Planning

Web Link: <http://www.hometownplanning.com/>

Deadline: December 18, 2015 or until filled

Salary Range: \$18-20/hour or higher depending on experience

Job Description

Hometown Planning, a private company providing contract land use planning and zoning administration services throughout Central Minnesota, is accepting applications for a full-time Assistant Planner (minimum 32-40 hours/week). Responsibilities include assisting in the development of comprehensive plans and ordinance updates, reviewing permit applications, preparing monthly staff reports for Planning Commission and other meetings, responding to public inquiries, assisting in ordinance enforcement, conducting site inspections and other duties as assigned. Some work may be conducted remotely, upon approval. A complete job descrip-

tion can be found at www.hometownplanning.com.

Qualifications: Bachelor's degree or significant coursework in community planning, urban studies, public administration, geography or related field and demonstrated oral and written communication skills. Preferred candidates will have a Master's degree/coursework and/or AICP certification.

Application Instructions

Please send resume/job history and cover letter explaining interest and qualifications to: Hometown Planning, 324 Broadway Street, Suite 101, Alexandria, MN 56308. Interviews will begin after December 18 and continue until filled.

We wish to recognize the following cities for their Municipal Membership in APA Minnesota.

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City of Fergus Falls
City of Frazee
City of Glyndon
City of Hawley
City of Moorhead
City of Perham
City of Ramsey
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City of Vergas
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What Happens When Golf Carts Hit the Streets?

Hundreds of cities now allow golf carts to be driven on some public roads. But are they safe?

This article was originally published at Stateline, an initiative of The Pew Charitable Trusts, and was written by Jenni Bergal.

At retirement communities from California to Florida, golf carts have become a way of life. They're energy-efficient, cheaper to buy and maintain than regular cars, and, seniors say, fun to drive. For many, they're the main way to get from doctor's appointments and dance classes to restaurants and shopping centers.

But as the bare-bones buggies move from the back nine to the blacktop, safety experts and advocates for seniors say they're worried about them sharing the road with larger, faster cars and trucks.

"People in these vehicles are at as much risk as someone on a bicycle," said Jana Lynott, a senior policy adviser at AARP who specializes in transportation. "There's very little protection. It doesn't make a lot of sense to throw them onto roads where traffic is 45, or even 35, miles an hour."

At least two dozen states have passed laws authorizing local governments to allow golf carts on public roads and regulate their use, said Amanda Essex, a policy associate at the National Conference of State Legislatures. Many states prohibit them from being driven at night, limit them to roads with slower speed limits, or require their drivers to have a license.

At least four states — California, Louisiana, Nebraska and South Carolina — enacted legislation related to golf carts last year and at least nine others considered it, Essex said.

And it's not just a Sun Belt thing. Cities in states such as Minnesota and Illinois permit golf carts on some local streets. In all, more than 350 cities and counties have adopted laws that allow golf carts on their roads, many in the last few years, according to the International Light Transportation Vehicle Association, a trade group that represents golf cart manufacturers.

“They’re simple to operate and maintain, they’re less costly, and they’re a boon to the environment,” said Fred Somers, the trade association’s general counsel. “As the years go by, people want the freedom of making short runs in a vehicle that doesn’t cost an arm and a leg.”

State Laws Vary

Golf carts traversing the roadways aren’t all alike, and states have different ways of dealing with them. And they’re not just driven by seniors: While golf carts have long been common on college campuses and in vacation areas, some people are hopping on them to get to work and families are using them for short trips.

An article in the Harvard Business Review last year suggested that it’s golf carts and vehicles like them, rather than the pricier Tesla, that represent the real potential for growth in the global electric vehicle market.

Personal golf carts have a top speed of less than 20 mph. They may be gas powered or electric, and they aren’t required to meet any federal safety standards. Some states require drivers to be licensed; others don’t.

Low-speed vehicles (LSVs) are similar, but their top speed is 25 mph and they’re often electric. Because of their higher speed, they must meet certain federal safety

standards, such as being equipped with seat belts, windshields, mirrors and turn signals.

The number of states that allow LSVs on public roads has skyrocketed from 15 in 2001 to 47 today, according to the Insurance Institute for Highway Safety, a nonprofit research group funded by auto insurance companies. Most states restrict them to roads with speed limits of 35 mph or less; in Texas and Alaska, the speed limit is 45 mph. Only Connecticut, Mississippi and Montana don't allow them.

Safety experts say there's not much of a difference between golf carts and LSVs when they share the road with bigger and heavier cars.

"If they get hit by a much larger vehicle, they aren't going to hold up," said Jessica Cicchino, a vice president at the highway safety institute, which doesn't think LSVs and golf carts should be permitted on roads with cars, especially roads with higher speed limits.

Cicchino said her group did a crash test in 2010 between an LSV and a Smart car. The driver in the LSV would have suffered serious or fatal injuries, she said. A driver in a regular golf cart would likely be even more at risk.

"They are not crashworthy," Cicchino said. "An SUV can weigh three or four times as much as a golf cart or an LSV."

Cicchino said it's particularly worrisome when older people are involved. "They're more fragile and more susceptible to injuries in a crash, so it can be especially dangerous."

Somers, of the golf cart industry group, disputes the insurance institute's position. "We've done our own studies that tell us these vehicles are very safe when they're used properly," he said. "They are engineered very carefully."

Many golf cart accidents or fatalities involve driver negligence, distraction, or drug or alcohol abuse, he said.

Somers said his industry agrees that golf carts shouldn't be allowed to mix with traffic on roads with speed limits that exceed 25 mph. And, he said, golf cart operators driving on public roads should be required to have a driver's license or be at least 16 and have completed driver's education.

"You shouldn't allow people who can't qualify for a driver's license, whether because of age or sight, to operate them," he said. "It's too dangerous."

Golf Cart Love

In Laguna Woods Village, a gated adults-only community in Southern California, more than 2,000 of the 18,000 residents use golf carts, mostly electric, to get around inside the community and on some public roads outside, spokeswoman Heather Rasmussen said. Their popularity grew when gas prices were high and has continued because of increased environmental awareness, she said.

At Sun City, a retirement community outside Phoenix, about a third of the 40,000 residents drive LSVs on public local streets, said Joelyn Higgins, of Sun City Recreation Centers. More seniors have been using them since public transit in the area was eliminated several years ago, she said.

At The Villages in Florida, tunnels and bridges designed for golf carts run throughout the community's 40 square miles. In some areas, the carts share paths with bicyclists and walkers; in others they share the road with cars.

Christopher Laufersky, sales manager for The Villages Golf Cars, said his dealership, the largest in the area, sold 3,459 conventional golf carts last year, 147 more than in 2013.

New golf carts cost from about \$8,000 to \$11,000, less than the \$12,000 to \$15,000 price tag for LSVs, Laufersky said. Used ones run from \$1,500 to \$10,000. Many customers spend even more putting in accessories, such as upgraded lumbar seats.

Many residents customize their carts, getting their names painted on them as well as their favorite sports teams' colors and logos.

"They're just fun to ride around in. I love it," said resident Mark Gallo, 58, who runs golf cart operations and teaches safety classes for Villages Homeowners Advocates, an elected group of volunteers that represent residents. His golf cart is painted the orange and blue colors of Auburn University, his alma mater. And his and his wife's names are painted on the side.

Gallo said some residents soup up their carts by adjusting engine capacity so they can go faster. It's a fairly common practice, and it's illegal. Souped up carts are considered unlicensed vehicles when driven on a public roadway. Violators can be fined and charged with a misdemeanor.

In the first quarter of 2016, Sumter County Sheriff's Office Lt. Robert Siemer said there were 35 crashes involving golf carts at The Villages. And his agency issued 25 tickets for everything from driving on the wrong road to DUI to driving with an open container of alcohol.

The Florida Highway Patrol, which tracks LSV crashes, reported 10 deaths and 286 injuries statewide last year.

Florida prohibits people from driving golf carts on public roads if their driver's license has been revoked, suspended or canceled. But some seniors decide to hang up their car keys on their own because of failing eyesight, dementia or other medical issues, said AARP's Lynott.

"Those same reasons would make them not really fit to drive an LSV or golf cart," she said.

Lynott said state and local officials need to enact golf cart laws that protect the public. But they also need to design and build roads that are safe for golf carts, such as providing marked golf cart lanes on roads with higher speed limits, using medians and landscaping to slow down traffic, and posting signs to make sure car drivers know to watch out for golf carts.

“Golf carts raise questions about safety, but they’re obviously popular,” she said. “So we need to be thinking about how to make it safer to use them on our streets.”