

**CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
PLANNING COMMISSION MINUTES  
September 19, 2012**

1. **Call to Order:** The Planning Commission meeting was called to order at 7:00 pm by Chairman Rich Skordahl.
2. **Roll Call:** Present were Chairman Rich Skordahl, Commission Members , Ray Steinke, Todd Gardner, William Murray, Greg Zutz, Roni Ronyak, City Council Member Tim Brown, City Planner Nate Sparks (Northwest Associated Consultants), and Planning Commission Secretary Kathy Lind.
3. **Adopt Agenda:** MOTION BY STEINKE, SECOND BY ZUTZ TO ADOPT THE SEPTEMBER 19, 2012 PLANNING COMMISSION AGENDA. MOTION CARRIED 6-0
4. **Approve Minutes:** MOTION BY MURRAY, SECOND BY RONYAK TO APPROVE THE AUGUST 15, 2012 PLANNING COMMISSION MINUTES. MOTION CARRIED 6-0
5. **Public Comments:** None
6. **Public Hearing – Temporary Structure Ordinance Amendment:**

**BACKGROUND**

The City Ordinance regarding habitation in temporary structures during construction activities is in need of review. The City has had some issues in the past with getting the temporary structures removed from the site after the building permit has been closed. Also, some potential applicants have expressed that the procedure is unclear and confusing. Thus, this amendment is seeking to create clearer expectations procedurally and for financial securities.

**PROPOSED ORDINANCE AMENDMENTS**

The practice of the City is to have temporary occupancies in temporary structures reviewed by the Council prior to being permitted. Therefore, the ordinance is proposed to be amended to clearly state this procedure and provide the Council with some general review criteria. The role of Staff will be to advise the Council on this review. It is currently not proposed to go to the Planning Commission as these uses are generally based on emergency conditions; however such a process may be considered. Also included in the proposed amendments is to require access to the temporary dwelling unit to be provided by a permitted drive and that an escrow for removal is required and set by the fee schedule and reviewed by the Council on a case-by-case basis.

**10-17-11: TEMPORARY STRUCTURES HABITATION:**

A. **Purpose:** The purpose of this Section is to provide for the erection of ~~or~~ and habitation in temporary structures (not including model homes/temporary real estate offices or temporary classroom structures for use by a public or private institution) needed for emergency purposes or for temporary use during the construction of a permanent structure.

~~B. **Procedure:** The Building Official City Council may approve a temporary occupancy in a temporary structure if a building permit is issued for the repair or construction of a permanent structure. A fee and deposit shall be submitted by an applicant as set by the City's fee schedule. The deposit shall be returned upon affirmation by the Building Official that the temporarily occupied structure has been removed. Non-compliance shall result in forfeiture of the deposit and shall in no way grant any rights to the violator to keep said temporary~~

~~structure on said property, nor shall any violator be immune to punishment under the terms of this Ordinance.~~

**Application.** The property owner and present or potential occupants of a single family property may apply for a permit allowing for habitation in a temporary structure during the construction or repair of a single family dwelling unit when a valid building permit has been issued for such work on the site by supplying the following information:

1. Properly filled out application form accompanied by the fee established in the fee schedule.
2. Site and Building Plan that includes the following information:
  - a. Proposed Location of the temporary structure in relation to all existing buildings on the site, property lines, and right-of-ways.
  - b. Utility plan depicting the provision of water and sewer services to the proposed temporary dwelling unit.
  - c. Structural floor plan depicting the size and location of rooms and facilities within the temporary dwelling unit.

**C. Special Requirements:**

1. Site Plan Required: No permit shall be issued for a temporary structure unless a site plan pursuant to Chapter 9 of this Ordinance has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property that includes a site plan depicting the location of the temporary dwelling unit.
- ~~2. Termination of Permit: The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. If circumstances exist to warrant an extension, the permit may be extended for an additional ninety (90) days by the Building Official~~

The Council may grant temporary occupancy for a period not to exceed 90 days. Upon finding by the Building Official of substantial progress, the Building Official may administratively extend this period of time an additional 90 days. Any extensions beyond this time period may only be approved by Council action if sufficient conditions warrant such an extension.

- ~~3. Setbacks: Temporary structures may not be placed in a required building setback area, provided that no such structure may be placed within thirty (30) feet of a public right-of-way or obstruct the traffic visibility triangle required by Section 10-16-7 of this Ordinance.~~
4. State Building Code: All applicable requirements of the State Building Code shall be met.
5. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Official and City Council.
6. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator.

7. Off-Street Parking. Off-street parking shall be provided subject to the provisions of Chapter 19 of this Ordinance.
8. Signage. Any signage shall conform to the provisions of Chapter 23 of this Ordinance.
9. Escrow. The property owner shall submit a financial guarantee to ensure the structure will be removed upon termination of the permit. The amount of the guarantee shall be established by the City's fee schedule and as may be modified by the City Council.
10. Access. The temporary structure shall only be accessed through permitted access driveways.

**D. Review Procedure.** Upon acceptance and review of the application by the Building Official and/or the Zoning Administrator, the application shall be placed on the agenda of the next available Council meeting for review. The Council shall review the application and review the request based on the following:

1. The applicant has the sufficient space available on site for locating the temporary structure.
2. The applicant is providing adequate financial guarantees to ensure the removal of the temporary structure.
3. The temporary structure has adequate utilities and sanitary facilities.
4. The temporary structure is suitable for the purpose intended.
5. The structure will not negatively impact public health and safety on neighboring properties.

The Public Hearing opened at 7:16 pm and with no public comments closed a 7:17 pm

Todd Gardner suggested that we might want to change the language in the staff proposed ordinance amendment to read “temporary habitation” rather than “temporary structure” throughout the entire ordinance amendment.

A MOTION BY STEINKE, SECOND BY RONYAK TO RECOMMEND APPROVAL OF THE ABOVE ORDINANCE AMENDMENT AS PRESENTED BY STAFF AND ALSO RECOMMEND REMOVING IT FROM THE ZONING ORDINANCE AND ADDING IT TO THE BUILDING CODE. MOTION CARRIED 6-0

## **7. Rules of Order Discussion:**

At a previous Planning Commission meeting, the Commissioners requested a future discussion on the procedure regarding the rules of order for the distribution of materials at public meetings.

### **RULES OF ORDER**

The “rules of order” are the general rules of conduct by which the Planning Commission follows during meetings. These are the rules that state the chair runs the meeting and that those who wish to speak are to be recognized by the chair and so forth. These rules also extend to situations involving public comment whether it is oral or written.

### **DISTRIBUTION OF MATERIALS**

In the public hearing notice published in the paper, it states that testimony may be given at the Planning Commission meeting. It also states that the public may send in written testimony and

gives the address of City Hall for such purposes. If a letter is received before the Planning Commission packet goes out, it will most likely be placed in the packet. If it is received afterwards, City Staff will generally bring it to the Planning Commission meeting.

If the testimony is received verbally by a Planning Commissioner, the Commissioner can discuss the information at the meeting with the other Commissioners. If a Commissioner receives written testimony, then the Commissioner should contact City Staff to see if it has been received in time to go out in the packet. If the Commissioner is bringing the materials to the meeting, the materials should be given to the Chair and then distributed at the discretion of the Chair. A Commissioner may also motion to have the Chair distribute the materials. This keeps the flow of information on the record.

In many cases, a citizen may bring information to the meeting to pass out to the Commissioners. This information should be taken in by City Staff and given to the Chair following the same procedure as stated above. In some cases, the information may be too much to review at the meeting or not germane to the proceedings and the Chair would be in charge of deciding how to handle this information with Commissioners being able to make motions regarding possible actions.

After a brief discussion, the Planning Commission felt that the “rules of order” should be the general rules of conduct by which the Planning Commission follows during meetings with regards to distribution of material.

8. **General Discussion Items by Planning Commission:** None
9. **Adjournment:** MOTION BY STEINKE, SECOND BY MURRAY TO ADJOURN MEETING AT 7:45 P.M. MOTION CARRIED 6-0

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Kathy Lind, Zoning Secretary

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Date

