

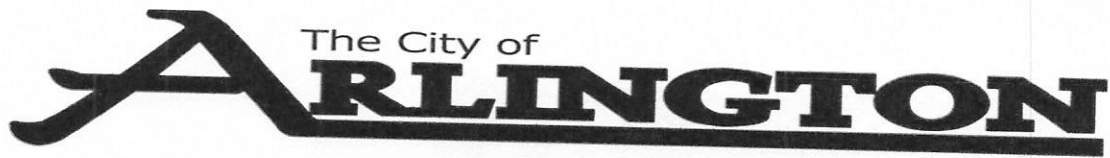
PLANNING AND ZONING COMMITTEE

Meeting Agenda

July 7th, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Public Hearings at 7pm —
 - a. Rezoning a proportion of Amba Homes property from a B-1 Service Business District to R-2 One & Two Family Residential District and to approve the proposed preliminary plat - Amba Homes
 - b. Changes to Chapter 17 (Fence) of the City Code, - City of Arlington
4. Approve Agenda
5. Approve the Minutes
 - a. June 2nd, 2022
6. Resolution 19-2022 APPROVING/DENYING AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT PARCEL NO. 31.0881.000 THE SOUTHERN QUADRANT OFF POLAR CIRCLE (“AMBA HOMES ARLINGTON LLC PROPERTY”)
7. Resolution 20-2022 APPROVING/DENYING AN AMENDMENT TO CHAPTER 17 OF THE CITY CODE
8. Discussion on the finalization of the Arlington Zoning Code
9. New Business
 - a. Final Draft of Tiny Homes Policy
10. Other/Updates
 - a. Planning Commission Fact/Information of the Public Hearing Process
11. Adjournment



Planning & Zoning
Phil Mangis, Planning & Zoning Administrator

204 Shamrock Drive
Arlington, MN 55307
Phone: (507)964-2378 ext 3
pmangis@arlingtonmn.com

MEMORANDUM -

To: City of Arlington P&Z Commission
CC:
From: Phil Mangis, Planning and Zoning Administrator
Date: July 1, 2022
Request: Zoning History of Parcel 31.0881.000 (Amba Homes Arlington LLC)

OVERVIEW & GENERAL INFORMATION

I. Overview.

Amba Homes Arlington LLC is looking to development 22 homes on parcel 31.0881.00. A portion of the property is zoned B-1 Service District. Amba Homes is requesting to rezone the portion of the parcel that is B-1 Service District to R-2 One- & Two-Family Residential District.

2. General Information.

Applicant/Owner: Amba Homes Arlington LLC
Location: Southwest Quadrant of town
Existing Zoning: R-2 One & Two Family Residential District and B-1 Service District

Surrounding Zoning: North: R-2 One & Two Family Residential District and B-1 Service District
East: I-2 General Industrial District & I-1 Limited Industrial District
South: Beyond of City Boundary & I-1 Limited Industrial District
West: R-1 One Family Residential District

HISTORY

The Committee should be aware of some fact I discovered during my research concerning the rezoning request made by Amba Homes Arlington LLC Development.

1. During a meeting on August 5, 2004, the Planning & Zoning Committee held a public hearing addressing rezoning of certain areas in Arlington see Exhibit A. One area was all properties that abut State Hwy 5 to B-1 Service District. The City Administrator at the time stated, "the taxes for those properties along Hwy 5 that are being rezoned to B-1 Service District will not change. The rezoning is just to have a business district corridor along the Hwy for those people that want to run a business out of their home and eliminate the need to obtain a Conditional Use Permit." One committee member expressed concern about allowing potential businesses to come into residential areas. The City Administrator stated, "just because the property is being rezoned to a business district, did not mean that a business would ever be placed there." Based on my research this proposed rezoning was not brought up again until 2010.
2. On August 19, 2010, the Planning & Zoning Committee discussed amending the City of Arlington's Zoning Map. This amendment included all properties that abut State Hwy 5 to B-1 Service District and other certain areas that were proposed in 2004, see Exhibit B.
3. On October 7, 2010, the Planning & Zoning Committee held a public hearing and approved the changes to the official zoning map, see Exhibit C. This changed the portion of parcel 31.0881.000 to the B-1 Service District.

FINDINGS

Based on my research, rezoning this portion of parcel 31.0881.000 to R-2 One- & Two-Family Residential District will not have a negative impact on the City of Arlington and the Comprehensive Plan goals. Given the high demand for housing in the City this rezoning will help move toward satisfying this need.

Exhibit A

ARLINGTON CITY PLANNING & ZONING MEETING MINUTES AUGUST 5, 2004

This was not an official meeting. There were not enough Planning & Zoning members present to hold the regular meeting.

Members Present: Kramer, Grabitske, Hislop
Members Absent: Chairman Nagel, Kreft, Geib, Scharping, Councilmember Reetz
Also Present: Mayor Czech, City Administrator Krueger, Alan & Jayne Ihrke, Ray Meffert

At 7:10 p.m. City Administrator Krueger called the public hearing to order for the rezoning of the following areas:

- | | | |
|--|----|------------------------------------|
| a) Fairgrounds, Racetrack and 11.3 Acres North of Race Track (Current Pit Area) | to | I-2 General Industrial District |
| b) Sibley Medical Center, Sibley Medical Clinic, & Arlington Good Samaritan Center | to | B-1 Service Business District |
| c) 3.6 Acres North of Olive Street (West of Arlington Meadows' Development) | to | R-1 1-2 Family Residence District |
| d) 8.5 Acres South of Olive Street (North of 11.3 Acres of Fair Board's Property & West of Arlington Meadows' Development) | to | R-2 Multifamily Residence District |
| e) All Properties that Abut State Hwy 5 | to | B-1 Service Business District. |

Administrator Krueger explained why these properties were being rezoned. He stated that the taxes for those properties along Hwy 5 that are being rezoned to B-1 Service Business District will not change. The rezoning is just to have a business district corridor along the Hwy for those people that want to run a business out of their home and eliminate the need to obtain a Conditional Use Permit. Alan Ihrke expressed his concern about allowing potential businesses to come into residential areas. Administrator Krueger commented that just because the property is being rezoned to a business district, did not mean that a business would ever be placed there.

Administrator Krueger adjourned the public hearing at 7:31 p.m.

Administrator Krueger reviewed why Dan Wegge was given a fine on his building permit and explained why the double permit fee was being cut in half.

Administrator Krueger talked about the Variance request from Darrell Hamblin. He stated that a public hearing is scheduled during the Council meeting on August 16th. He stated that there is a guide wire on the property, which prohibits Mr. Hamblin from putting in a private driveway and that is why he was asking to cement out the entrance to the alley that he currently uses to access his property.

Administrator Krueger updated the members present on the property owned by Ken Custer (green house on West Adams Street). He stated that the project had been delayed do to Mr. Custer having to move his business to another location. He fully intends to complete this project and is hopeful to get back to it by September.

Administrator Krueger talked briefly about the swimming pool ordinance. He stated that more information keeps coming in that he is going through.

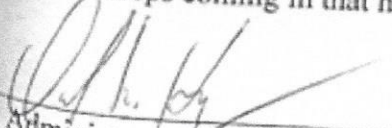

City Administrator David L. Krueger

Exhibit B

ARLINGTON PLANNING & ZONING BOARD MEETING MINUTES AUGUST 19, 2010

The meeting was called to order at 7:00 p.m. by Vice Chairperson Kreft.

Members Present: Haggenmiller, Kreft, Mielke, Pinske, Councilmember Reetz

Members Absent: Grabitske, Nagel

Also Present: PZ Adm. Smith-Strack, Warren & Ann Dressen

Motion by Reetz, seconded by Mielke, and passed by unanimous vote to approve the agenda as presented.

Motion by Pinske, seconded by Mielke, and passed by unanimous vote to approve the minutes from the June 3rd meeting as presented.

It was noted that there was no unfinished business.

Smith-Strack introduced Warren & Ann Dressen of Dressen Transportation (Cologne). She stated that Dressen is interested in moving his business to Arlington and has entered into a Purchase Agreement for the Mid-County Cooperative property in the Industrial Park. She explained that the business use concept was to operate a transportation terminal and store heavy duty construction equipment on the property. Dressen stated that he was proposing to use the property primarily for outdoor storage as a materials yard, equipment facility and trucking facility (at most 3 trucks). He added that he would also like to work with the rail line operator (TC&W) about establishing a freight terminal for the exchange of goods from truck to rail transportation and vice versa. Kreft questioned what 'outdoor' storage was and how long it would be stored on site. Dressen commented that he considered the property to be a 'contractor's yard' and his trucks, equipment, power poles and material goods would be stored onsite. He commented that eventually he would build a facility on the high ground portion of the property that abuts Circle Drive. Haggenmiller expressed concern about keeping the 'entrance' to Arlington clean and orderly in appearance. Dressen stated that he keeps his property organized. Smith-Strack had pictures to verify this and was impressed with how the site looked.

Smith-Strack explained that the property is currently zoned I-1 Light Industrial District. Due to interpretation of the zoning ordinance, she questioned if the use is allowed, permitted or conditional to the property. Reetz commented that a CUP would be hard to put together as there are a lot of unknowns. Mielke commented that the intersection of State Hwy 5 and Cty Rd 12 will be getting realigned next year. Dressen explained that he had some safety concerns with the entrance/access being on Cty Rd 12 and being so close to the railroad crossing. He would prefer the access to be on Circle Drive. Smith-Strack commented that either a MOU or IUP could be issued. The IUP would provide some flexibility and it could be renewed annually; then at the time a building is constructed or use of the property changes a CUP could be issued. Smith-Strack questioned if there would be a need to have the property fenced off (keep vandals out, etc.). Dressen felt that eventually one would be needed.

Dressen expressed some concerns about the current trench/drainage ditch running through the middle of the property. He stated that he would like to put in a big tile line, back fill the ditch and then re-level and/or tier the landscape, which would make the property look nicer and be more useful to him. Smith-Strack stated that he would need a building permit for this and she would also put him in touch with the City's Engineer. Mielke stated that the County would work with him on this also in conjunction with the realignment of Cty Rd 12 project.

Motion by Reetz, seconded by Haggenmiller, and passed by unanimous vote to authorize PZ Administrator Smith-Strack to work with the Dressen's on drafting a MOU for the use of the property in question with the City Council having final approval of same.

Discussion was held on upgrading the official zoning map. Smith-Strack commented that there are many inconsistencies on the current map that need to be addressed, including boundary issues and annexed areas that need to be rezoned. She stated that individual property owners will not have to be notified as the whole map is being considered. Smith-Strack reviewed the various zoning districts and pointed out several areas of the map need to be adjusted, including, but not limited to the following:

- 1) High Island Creek Development – rezoned to R-1 One and Two Family Residential;
- 2) Fairgrounds, Race Track and 11.3 acres north of track (pit area) – rezoned to I-1 Light Industrial;
- 3) Sibley Medical Center – rezoned to P/I Public Institutional;
- 4) Seneca – rezoned to I-2 General Industrial;
- 5) Arlington Industrial Park – rezoned to I-1 Light Industrial;
- 6) VonEschen property adjacent to Hwy 5 – rezoned to R-1 One and Two Family Residential;
- 7) Flood Plain Overlay District – Is an overlay vs. a stand-alone district, need to rezone property throughout the area included in the flood plain district;
- 8) Non-platted areas illustrated as R-1/Ag or R-2/Ag rezoned to R1/AG-R2/AG Residence and Agricultural District;
- 9) Several business establishments in the downtown are zoned I-1 Limited Industry, should zoning designation be changed;
- 10) Manufactured home park is not represented as mobile home park district, should this be changed;
- 11) Planning Commission meeting minutes from August 5, 2004 contain the following that potentially warrant reconsideration:
 - a. Arlington Good Samaritan Center rezone to B-1 Business Service District
 - b. 3.6 acres north of Olive Street (west of Arlington Meadow's Development) rezoned to R-1 One and Two Family Residential
 - c. 8.5 acres south of Olive Street (north of 11.3 acres of fairgrounds and west of Arlington Meadows) rezoned to R-2 Multiple Family Residential
 - d. All properties that abut State Hwy 5 rezoned to B-1 Service Business District.

Smith-Strack will make the revisions to the map and present it at the next meeting.

Discussion was held on substandard building options. It was noted that the structure located behind After Burner Auto Body in the vicinity of Four Seasons Park qualifies. It was also noted that the buildings on the Cemstone property qualify. The old sawmill buildings were also mentioned. Smith-Strack reviewed the process for condemning a property.

Motion by Reetz, seconded by Mielke, and passed by unanimous vote to recommend to the City Council to condemn the structure behind After Burner Auto Body.

Kreft questioned if anything is being done about getting the (baseball) signs moved out of Memorial Park. Smith-Strack commented that she had talked with someone about them and will revisit her notes and report back.

Discussion was held on the Woehler Building/property and the 'junk' yard/vehicles or race cars around it. It was suggested to place a CUP on the property, which would help with controlling the overall appearance of the property. Smith-Strack commented that she would rather the property be handled as a 'nuisance' property and work with the owner versus running it through zoning.

Brief discussion was held on the property with the rabbits. It was noted that the Police Department is handling the situation and have issued citations.

Haggenmiller reported that a TV antenna has gone up on the backside of the Neisen property.

Exhibit C

The City of
ARLINGTON

PLANNING & ZONING COMMITTEE

Reetz introduced the following resolution and moved for its adoption:

RESOLUTION NO. 6-2010

A RESOLUTION APPROVING ORDINANCE 255, AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE, BY REPEALING AND REPLACING THE OFFICIAL ZONING MAP UNDER SECTION 4, SUBDIVISION 1

WHEREAS, the City of placed Ordinance 169 into effect several years ago; and

WHEREAS, the Arlington Planning Commission finds a need to update portions of Ordinance 169 relating to the Official Zoning Map to attain consistency with previous zoning amendments, annexations, and the Arlington Comprehensive Plan; and

WHEREAS, the City of Arlington initiated a amendment Ordinance 169, the Arlington Zoning Ordinance to provide for consistency with previous actions; and

WHEREAS, the Arlington Planning Commission has reviewed and studied the issue and developed a new Official Zoning Map as attached to Ordinance 255; and,

WHEREAS, a public hearing was properly noticed and held on October 7, 2010 by the City of Arlington Planning Commission; and

WHEREAS, the proposed ordinance is itemized in Exhibit A which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning Commission recommends the City Council approve Ordinance 255, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Grabitske and upon poll being taken thereon the following voted in favor thereof: Grabitske, Kreft, Mielke, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Haggemiller, Nagel.

Adopted by the Planning & Zoning Committee of the City of Arlington this 7th day of October, 2010.

Signed: _____

Arden Kreft
Vice Chairperson Arden Kreft

Attested: _____

Cynthia Smith-Strack
Planning/Zoning Adm. Cynthia Smith-Strack

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A

ORDINANCE 255

AN ORDINANCE AMENDING ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE,
BY REPEALING AND REPLACING THE OFFICIAL ZONING MAP UNDER SECTION 4,
SUBDIVISION 1.

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS SECTION 4, SUBDIVISION 1 OF ORDINANCE 169, THE OFFICIAL ZONING MAP SHALL BE REPEALED AND REPLACED WITH THE ATTACHED MAP.
- II. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the ____ day of _____, 2010.

Attest:

James R. Kreft, Mayor

Matthew Jaunich, City Administrator



Legend

- Zoning**
- R/A Residence/Agriculture District
 - R-1 One & Two Family Residential District
 - R-2 Multiple Family Residential District
 - R-MH Manufactured Home Residential District
 - P/I Public-Institutional District
 - B-1 Service Business District
 - B-2 Central Business District
 - I-1 Limited Industrial District
 - I-2 General Industrial District
 - 100 Year FEMA Floodway
- Other Features**
- Lot Lines
 - Railroad Right of Way
 - Street Right of Way
 - Right of Way - Vacated
 - Railroad
 - City Limits
 - Section Lines
 - Bridges

Source: MINDOT, MINDIR, FEMA

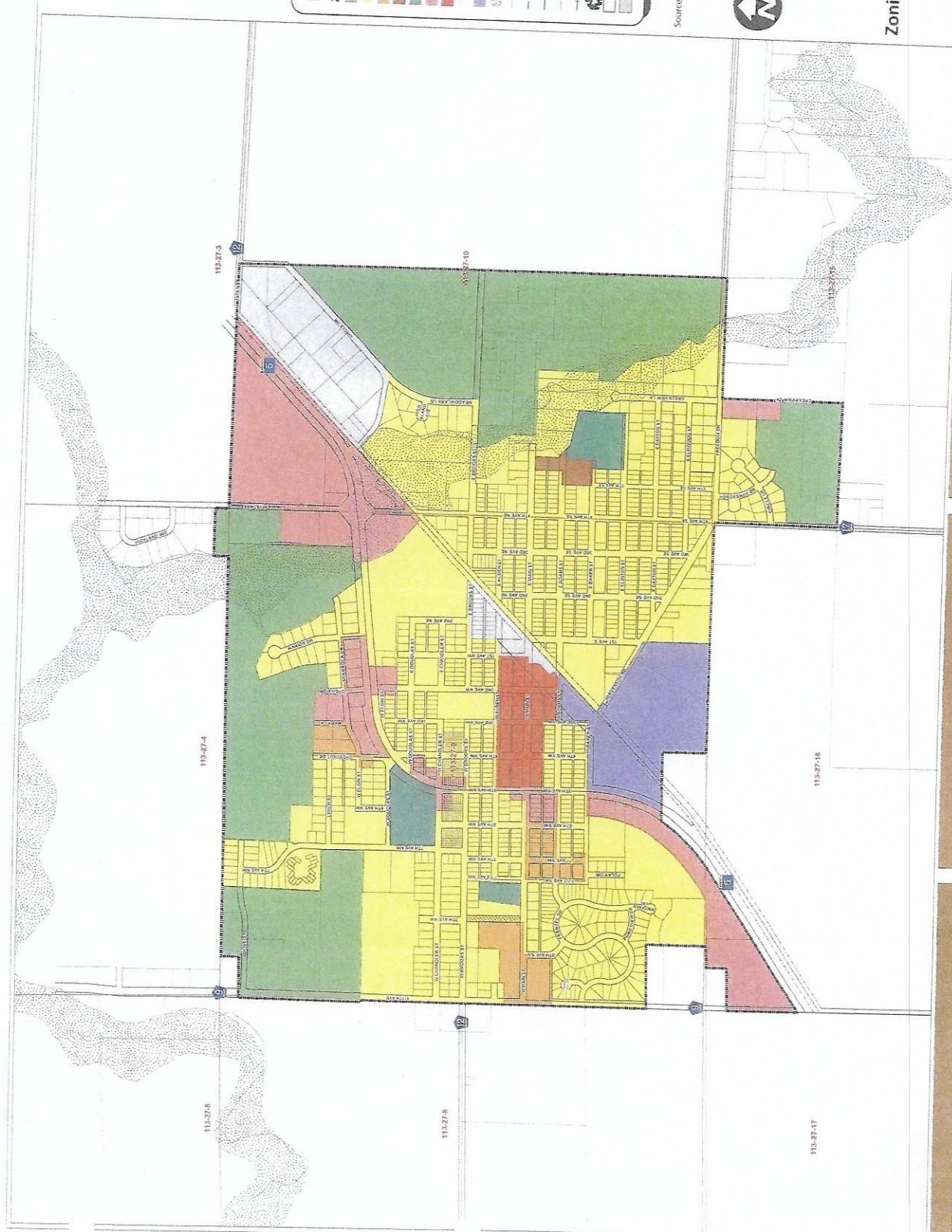


0 1,000 Feet



Zoning Map

September, 2010



6/24/2022

To: Planning & Zoning Commission

Re: B-1 to R-2 rezoning

Even though I was not aware of the actual plan that was in place back in 2010 when I purchased our home on 305 Polar Circle, I understand the need for additional homes/rentals to be built. The problem I have is Polar Circle isn't very wide and so with a car parked on either side of the street for the current houses there and now with heavy traffic that will travel through Polar Circle to get to the new addition, this will become a one way road just like it already is on Baker street from the Highway 5 down Baker to Polar Circle.

At times, Baker Street is considered a safety issue with cars parked on both sides of the street, children at the park, soccer being played in the field and all the many multiple cars that reside at each residential house, you can barely get down the road let alone now add this as the only way to get to the new addition.

The intersection of Baker and Polar Circle is also where the school bus picks up children, so many times you cant get through with children in the middle of the road waiting, parents cars waiting until they get on the bus, you can't even turn off Polar Circle because there are many additional cars that are for the Highland Estates apartments as well as the 300 Polar Circle house looks as if they made that into a rental as there are at times 5 cars at all times. Nowhere does this say a One Way Road but many times it is!

Now start thinking about how many units will be built and at minimum add 2 cars per unit-that is a lot of unnecessary traffic on a small street that is already tight and has safety concerns.

Solution: Why can't the city or development put a inlet/outlet road east end of the park-between the park and Kreft cabinets- this way it will avoid directing traffic west on Baker street.

At this time I am not able to attend the meeting but I am opposed for an inlet/outlet to be at the south end of Polar Circle for many safety and noise reasons.

Sincerely,

Tiffany Brockhoff

RE: question about street for Amba Homes Development

Jason Femrite <Jason.Femrite@bolton-menk.com>

Mon 6/27/2022 9:23 AM

To:

- Philip Mangis <Pmangis@arlingtonmn.com>

Cc:

- Amy Newsom <anewsom@arlingtonmn.com>

Philip and Amy,

I am not available on July 7th for the P&Z meeting, as I have a Public Works Advisory meeting in another community that night.

Regarding the traffic and streets ability to handle the proposed development, I would say that Polar Circle width is 36-feet wide and sized to handle residential traffic. This would allow two 8-foot wide parking lanes on each side of the street and two 10-foot wide driving lanes. This is the width of the other residential streets we have been reconstructing.

Let me know if you have any other specific questions on this topic. Also, I will have you the review of the preliminary plans later this week.

Highest Regards,

Jason L Femrite P.E.

Principal Engineer

Bolton & Menk, Inc.

1960 Premier Drive

Mankato, MN 56001-5900

Phone: 507-625-4171 ext. 2288

Mobile: 507-380-2464

Bolton-Menk.com



From: Philip Mangis <Pmangis@arlingtonmn.com>

Sent: Friday, June 24, 2022 2:33 PM

To: Jason Femrite <Jason.Femrite@bolton-menk.com>

Cc: Amy Newsom <anewsom@arlingtonmn.com>

Subject: question about street for Amba Homes Development

Hello,

I hope you are doing well and staying safe. I had a resident that was concerned about the streets and traffic for the new Amba Homes development and would like your input. I have attached a copy of there letter. I also was wondering if you can come to the July 7th Planning Committee at 7:00pm. I know residents are going to have questions concerning the engineering and I would like you their to help answer those questions.

Thank you,

Philip D Mangis III

Planning & Zoning Administrator



204 Shamrock Drive

Arlington, MN 55307

Office: 507-964-2378 ext 3

Cell: 412-770-6074

Email: pmanigs@arlingtonmn.com

www.arlingtonmn.com www.arlingtonmn.com



Real People. Real Solutions.

1960 Premier Drive
Mankato, MN 56001-5900

Ph: (507) 625-4171
Fax: (507) 625-4177
Bolton-Menk.com

MEMORANDUM

Date: June 28th, 2022
To: Phil Magnis, City of Arlington Planner
From: Jason L. Femrite, P.E., City of Arlington Engineer
Subject: Plan Review and Recommendations
Patel Villas – Residential Development
Arlington, Minnesota

Preliminary Plat Documents from SEH were received via email on June 23rd & 24th that Proposed Street, Utilities and Grading. Also received was Preliminary Drainage Analysis for Patel Villas dated June 22nd, 2022.

After our review of the plans, we have the following comments with issues listed below that will need to be revised prior to approval. To allow for a more efficient review in future drawings, it is requested that the resubmittal shall isolate or "cloud" each individual revision item.

1. The existing sanitary sewer manholes that are proposed for connection should be core & booted with trough modifications.
2. Proposed sanitary sewer invert elevations should be reviewed in final design, it appears that SN 5 inverts are the same as the receiving manhole.
3. Pipe conflicts should be reviewed and addressed at the drainage ditch crossing.
4. The proposed watermain looping outside of the right-of-way should be secured with a 20-foot-wide utility easement.
5. The proposed storm sewer pipes outside of the right-of-way or outlots should be secured with a 10-foot-wide utility easement.
6. The proposed emergency overflow of Polar Circle will be crucial along with the proposed storm sewer in this area to insure ponding upstream is not increased. This is discussed in the draft drainage report and will be required in the final design.
7. An approved wetland delineation should be provided. Any disturbed wetlands should also be addressed/permited.
8. MPCA and MDH permits for the sanitary sewer extension and watermain construction should be secured prior to construction.
9. NPDES permit from the MPCA should be completed before ground disturbance is started. Contractor secured for managing the SWPPP and the NPDES permit must be certified by the MPCA.

Please feel free to contact me with any questions or comments to the above items. I can be reached at 507-625-4171 ext. 2288 or via email at jasonfe@bolton-menk.com.



Building a Better World
for All of Us®

Draft Print

06/23/2022 1:20:08 PM

MEMORANDUM

TO: Amy Newsom, Arlington City Administrator

FROM: Riley Mondloch, P.E. (Lic. MN, WI)

DATE: June 22, 2022

RE: Preliminary Drainage Analysis for Patel Villas, Arlington, Mn
SEH No. 166742 14.00

BACKGROUND

A development is proposed in the southwest corner of the City of Arlington on the south end of Polar Circle. This development will add 22 residential lots to an area currently used for agriculture. Two wet ponds are proposed to meet the stormwater management regulatory requirements. SEH Inc has been tasked with completing a hydrology and hydraulics analysis to ensure the design meets stormwater regulatory requirements and functions effectively with existing drainage conditions.

It is our understanding that this memorandum is currently being used to inform the City of preliminary design intentions specific to drainage design. Information provided herein is subject to change and may be revised as part of final design.

REGULATORY REQUIREMENTS

The requirements relevant to the stormwater design of this project are listed below.

Arlington City Code: Chapters 30.70 and 30.71

The following items are required to be submitted to the City as components of a stormwater design report:

- Erosion and sediment control checklist – will be included in final plan set
- Narrative description of the project – this report is intended to satisfy the hydrology and hydraulics aspects of this requirement. Other aspects are included in the construction plans
- Watershed map and soil type maps are included in this report. Soil borings were collected at the north and south pond locations.
 - The south pond location boring indicates that the groundwater depth is 987.0 ft NAVD with silty sand below that extending to an elevation of 981.0 ft NAVD. The NWL was planned to be 987.0 in this wet pond.
 - The north pond location boring indicates that the groundwater elevation is at 991.4 ft NAVD. The NWL of this wet pond is planned to be 993.0 ft NAVD.
- Calculations showing the following criteria are met:
 - Hydrologic calculations for the 2-year, 10-year, and 100-year, 24-hour storm events are included in this document for existing and proposed conditions.
 - Stormwater must be discharged in a manner that does not cause nuisance conditions, erosion, or adverse impacts to wetlands.
 - First half inch of runoff from a 24-hour storm shall be infiltrated

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-3507

651.490.2000 | 800.325.2055 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

- Peak rates should be maintained for the 2, and 10-year events, with the 100-year event safely conveyed.
- Runoff treatment required due to project creating greater than 1 acre of impervious.
- Pond slopes with 1:4 or flatter slopes. Bench at NWL of 1:10 required. See construction plans for pond grading plans.
- Lowest floor and low opening elevation of structures in developments should be at least three (3) feet above the 100-year 24-hour elevation of the pond. See preliminary grading plan showing building elevations meet this requirement.

NPDES Permit

- Permittees must design and construct a permanent stormwater treatment system to treat the water quality volume if the project's ultimate development replaces vegetation and/or other pervious surfaces creating a net increase of one (1) or more acres of cumulative impervious surface.
- Permittees must first consider volume reduction practices on-site (e.g., infiltration or other) when designing the permanent stormwater treatment system. If this permit prohibits infiltration as described in item 16.14 through item 16.21, permittees may consider a wet sedimentation basin, filtration basin or regional pond. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. – **Due to high groundwater elevations, infiltration and filtration treatment systems will not be possible at this site, so wet detention will be utilized.**
- Permittees must design the basin to have a permanent volume of 1,800 cubic feet of storage below the outlet pipe for each acre that drains to the basin. The basin's permanent volume must reach a minimum depth of at least three (3) feet and must have no depth greater than 10 feet. Permittees must configure the basin to minimize scour or resuspension of solids.
- Permittees must design the basin to provide live storage for a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase in impervious surfaces created by the project.
- Permittees must design basin outlets so the water quality volume discharges at no more than 5.66 cubic feet per second (cfs) per acre of surface area of the basin.

High Island Watershed District

- Any excavations, grading or filling near any natural drainageway, lake or marsh shall be done in such a manner as to minimize any detrimental effect to them. A permit is required from the managers. – Proposed grading is not planned to impact the wetland at this site, but is adjacent so will require a permit.
- The construction plans will address additional requirements specific to site work.

Wetland Permitting

-Wetland/404 permit - to be completed by a separate consultant.

HYDROLOGY (HYDROCAD)

Watersheds were delineated using MnTOPO LiDAR data for all areas flowing from the project site. Additional drainage areas were delineated for the storm sewer system passing through the site from the north and the ditch west of the project site, as these offsite flows needed to be considered for the design. **Figure 1** shows the offsite and site drainage areas to the project site under existing conditions. **Figure 2**

shows the drainage areas from the project site under proposed conditions. The proposed drainage areas change due to grading changes and planned storm sewer routing. Two ponds are proposed for the site. The north pond will take flows from the northeast part of the development, provide stormwater treatment and rate control, and discharge to the existing wetland to preserve the drainage patterns to it. The south pond will take flows from the majority of the site for water quality treatment.

HydroCAD was used to develop a hydrologic model of project site runoff. Atlas 14 rainfall depths were used with the MSE3 rainfall distribution. SCS curve number (CN) methodology was used with CN values calculated using the USGS Web Soil Survey (WSS) soils data and aerial data for land use. The WSS report is included as **Attachment 1**. The soils in the area are C/D, so were assumed to be D (undrained). Existing conditions are a mix of residential, grass, and agricultural field. Proposed conditions will remove the agricultural land use and replace it with a residential land use. CN for proposed conditions was recalculated assumed grass for the entire residential area with impervious area being calculated from the proposed road and structure layout, with driveways assumed to be 25 feet wide as they are not yet finalized. Time of Concentration was calculated using TR-55 methodology within HydroCAD. The drainage area figures also show the existing and proposed CN and Tc values used in the HydroCAD model.

Live and Dead Storage

Table 1 below shows the water quality volumes calculated per the NPDES requirements above and the actual volumes provided by the design. Note that impervious area is based on preliminary plans and was increased by 20% to account for uncertainty in final home and driveway size.

Table 1 – Water Quality Requirements

	North Pond	South Pond
Area Draining to Pond (ac)	2.07	6.14
Dead Storage Requirement (ac-ft)	0.09	0.2
Dead Storage Provided (ac-ft)	0.86	1.15
Impervious Area Draining to Pond (ac)	1.22	2.81
Water Quality Vol. Requirement (ac-ft)	0.10	0.23
Water Quality Vol. Provided (ac-ft)	0.80 @ elev. 994.5	2.10 @ elev. 990.0

The north pond is currently modeled with an 8-inch orifice. The pond holds the 100-year event with a max discharge of 1.56 cfs, and at that peak elevation the surface area of the pond is 0.58 acres, resulting in a discharge of 2.69 cfs/acre. Therefore, the entire 100-year volume of the north pond (0.603 ac-ft) meets the water quality discharge rate requirement.

The south pond is currently modeled with an 8-inch orifice. The pond holds the 100-year event with a max discharge of 2.61 cfs, and at that peak elevation the surface area of the pond is ~0.81 acres, resulting in a discharge of 3.18 cfs/acre. Therefore, the entire 100-year volume of the north pond (1.874 ac-ft) meets the water quality discharge rate requirement.

There is 0.44 acres of additional impervious area that is at this time assumed to drain offsite directly. This includes portions of homes where the back yard is assumed to slope offsite rather than towards the road. However, the ponds as sized are still well above the requirements if this impervious were included: the total proposed impervious is 3.14 acres (+0.54 wet pond area), has an associated water quality treatment volume requirement of 0.31 ac-ft, and the proposed ponds provide a total water quality volume of 2.9 ac-ft

below the overflow elevations. Final grading may be able to direct more stormwater runoff to the ponds. The ponds have been made larger than necessary due to extra available space and to meet rate control.

Rate Control

Peak flows from the project site were compared. Note that these only include runoff from the project site itself and do not account for offsite flow passing through the site as that is not expected to change. **Table 2** shows the peak rates compared between existing and proposed conditions. Due to the high pond volume added, proposed peak rates are significantly reduced compared to existing conditions.

Table 2 - Project Site Peak Rates

Return Period	Existing (cfs)		Proposed (cfs)	
	To Wetland	To West Ditch	To Wetland	To West Ditch
2-year	11.6	22.5	9.6	7.2
10-year	20.1	40.3	16.9	13.9
100-year	37.9	77.4	31.9	28.1

Volume to Wetland

It was requested that the hydrology to the wetland east of the project site not be changed. Due to the grading, there is a slight increase to the drainage area that ultimately reaches this wetland, so the volume to it is not expected to decrease. The north pond discharges to this wetland after treating the highest amount of the area that could be routed to it. Right now it is assumed that portions of several lots will drain directly to the wetland, however this may be possible to reduce with final grading. **Table 3** shows the peak inflow, peak storage, and peak elevation of ponded water in the wetland compared between existing and proposed conditions. Peak flow to the wetland is decreased due to the proposed pond immediately upstream of the wetland, but the total storage volume is higher due to the increase in drainage area. The peak water elevations within the wetland are expected to be essentially maintained with the proposed conditions.

Table 3 - Wetland Hydrology

To Wetland	Existing			Proposed		
	Peak Inflow (cfs)	Peak Storage (af)	Peak Elev (ft NAVD)	Peak Inflow (cfs)	Peak Storage (af)	Peak Elev (ft NAVD)
Return Period						
2-year	11.6	0.634	993.07	9.6	0.660	993.10
10-year	20.1	0.765	993.20	16.9	0.746	993.19
100-year	37.9	0.994	993.41	31.9	0.936	993.36
Inflow Area (ac)	5.26			6.32		

XPSWMM MODEL DEVELOPMENT

Due to the complex area, the HydroCAD model could not accurately represent tailwater conditions and other flooding known to occur adjacent to 312 Polar Circle. A two-dimensional (2D) XPSWMM model was developed of the project site and offsite flows to ensure that the design could properly account for the more complex flooding in the area. XPSWMM 2D represents culverts and pipes as 1D structures, and surface flows using a 2D grid. The 2D grid takes elevations from the topographic data (LiDAR, survey,

and proposed surface) and calculate how flow moves through the area in any vertically averaged X – Y direction.

An existing and proposed condition model was made using the existing and proposed topographic surfaces developed from LiDAR, survey, and CAD. The hydrologic inputs were the same as calculated in the HydroCAD model, but offsite flows were also included. There is a 36-inch CMP culvert under Highway 5 south of the project site that was included in the model as this culvert is expected to create a significant tailwater effect during larger storm events.

XPSWMM MODEL RESULTS

Minimum Home Elevations

The drainage ditch running along the west side of the proposed development discharges under Highway 5 through a 36-inch CMP culvert. This culvert and the downstream drainageway are undersized for the amount of flow draining to it, and as a result causes a high tailwater condition for stormwater discharging from the proposed development site. The 2D model was set up to include this culvert so the tailwater impact could be analyzed. The model indicates that the 100-year peak water surface elevation along the west border of the property is relatively constant at 991.7 ft NAVD due to the tailwater. Therefore, the proposed homes will need to be on fill that is raised above this. Per the City Requirements, three feet of freeboard above the 100-year flood elevation should be maintained where possible. The proposed grading for these homes was increased to 995.0 or above based on this requirement.

Due to the high ground water elevation apparent from the standing water in the ditch west of the property, the homes 1, 2, and 10-20 may experience seepage into basements if basements are to be included.

Table 4 below shows proposed pond peak elevations from HydroCAD compared to adjacent home pad elevations. This demonstrates that several home building pads near the north pond should be raised during final design to meet the 3 foot of freeboard requirement.

Table 4 - Pond Freeboard

Storm	North Pond		South Pond	
	Peak Elevation	Lowest Adjacent Pad Elevation	Peak Elevation	Lowest Adjacent Pad Elevation
	(ft. NAVD)	(ft. NAVD)	(ft. NAVD)	(ft. NAVD)
2-year	993.41	996.10	987.82	995.10
10-year	993.67		988.45	
100-year	994.20		989.74	

South Pond

The berm for the south pond should be raised to 991.0 to be one foot above the overflow elevation. Due to the undersized culvert under Highway 5, events larger than the 10-year may overtop into the pond, however the intent of the water quality pond is to treat smaller events, so rare events backing up into it should not affect the intended design.

The pond will need an outlet at the NWL of 987.00. This should consist of an outlet structure with orifice at 987.0 and an overflow grate/weir at the top of the intended storage, currently 990.0. This structure can then discharge into a 12-inch outlet pipe starting at an invert around 986.90. However, the adjacent

ground is a foot above that, so the outlet pipe would need to be buried and discharge further west in the ditch, or a small swale will need to be graded to the ditch. It is expected that this pipe may be submerged some of the time due to the apparent high groundwater in the area. A check valve in the orifice or pipe will be needed to prevent backflows for flood events below the 10-year. Due to the high volume available in the pond, a smaller orifice will be preferred.

Culvert Under Access Road

Under existing conditions a 30-inch storm sewer runs south along the east side of the 300, 304, 308, and 312 Polar Circle properties. After it passes the southeast most property, 312 Polar Circle, the storm sewer travels under a swale and discharges to an open channel. There are two beehive catch basins in the swale to drain water into this pipe, and the swale has a rise at the end of it that would retain some water in the swale if it were not for these drains.

312 Polar Circle has a low backyard with walkout first level. SEH has been informed by a nearby resident that this home experiences flooding due to the low elevation of its back yard and first floor relative to the drainage swale and the surrounding topography. The proposed development will require Polar Circle to be extended south for access, which will cross this existing swale. The existing 30-inch storm sewer will remain in place. It is critical to develop this road crossing in such a way that the peak flood elevations are not increased at 312 Polar Circle or other areas upstream. To address this, a 36-inch RCP pipe is proposed parallel to the existing pipe located just south of it. The new pipe will have three beehive catch basins (currently planned as Neenah R-2561 structures, so that inlet capacity matches pipe capacity) located in the swale east/upstream of the road crossing. Additionally, the overtopping elevation of the road is approximately the same elevation as the overtopping elevation of the berm at the end of the existing swale, this is intended to avoid causing a flood elevation increase upstream. **Table 5** shows the existing vs proposed peak water surface elevations adjacent to the home on the southeast corner of Polar Circle.

Table 5 - Peak Water Surface Elevations Adjacent to 312 Polar Cir

Return Period	Existing	Proposed 3ft Pipe (3x) R-2561	Difference
2-year	992.43	991.68	-0.75
10-year	993.21	992.79	-0.42
100-year	993.88	993.67	-0.21

Note that building pad number 1 currently has an elevation of 995.1, this should be raised to 996.7 in final design if possible to be 3 feet above the 100-year flood elevations adjacent to this lot.

OTHER DESIGN CRITERIA TO MEET REGULATIONS

Riprap and Erosion Control

Riprap for the 36-inch pipe under the main entrance road may not be necessary due to the low slope and high tailwater. However, a standard riprap layout at the culvert outlet is still recommended to be safe.

For the outlet pipe for the two ponds, velocities are expected to be around 2.0 ft/s based on the HydroCAD model. These velocities are low due to the orifice and large size of the ponds relative to drainage area, so standard riprap design with MnDOT CL II would be more than sufficient.

First Half-inch of 24-hour Storm Infiltration

The proposed conditions HydroCAD model shows that all subwatersheds have runoff depths that are more than 0.5 inches less than the total rainfall depth due to initial abstraction for the pervious areas. Impervious areas are routed to wet ponds. This demonstrates that there is greater than a half inch of infiltration for 24-hour storms.

SUMMARY

At this time, the preliminary design meets the requirements listed above. Several small grading changes are expected to be made. The outlet structure for the south pond also needs to have final design completed. Impervious area will also be rechecked during the next phase of design, however the pond volumes are oversized so should not need modification.

R.M.

x:\ae\alambahl\166742\5-final-dsgn\50-final-dsgn\50-hydro\memo\preliminarydrainagememo_6_22_2022.docx

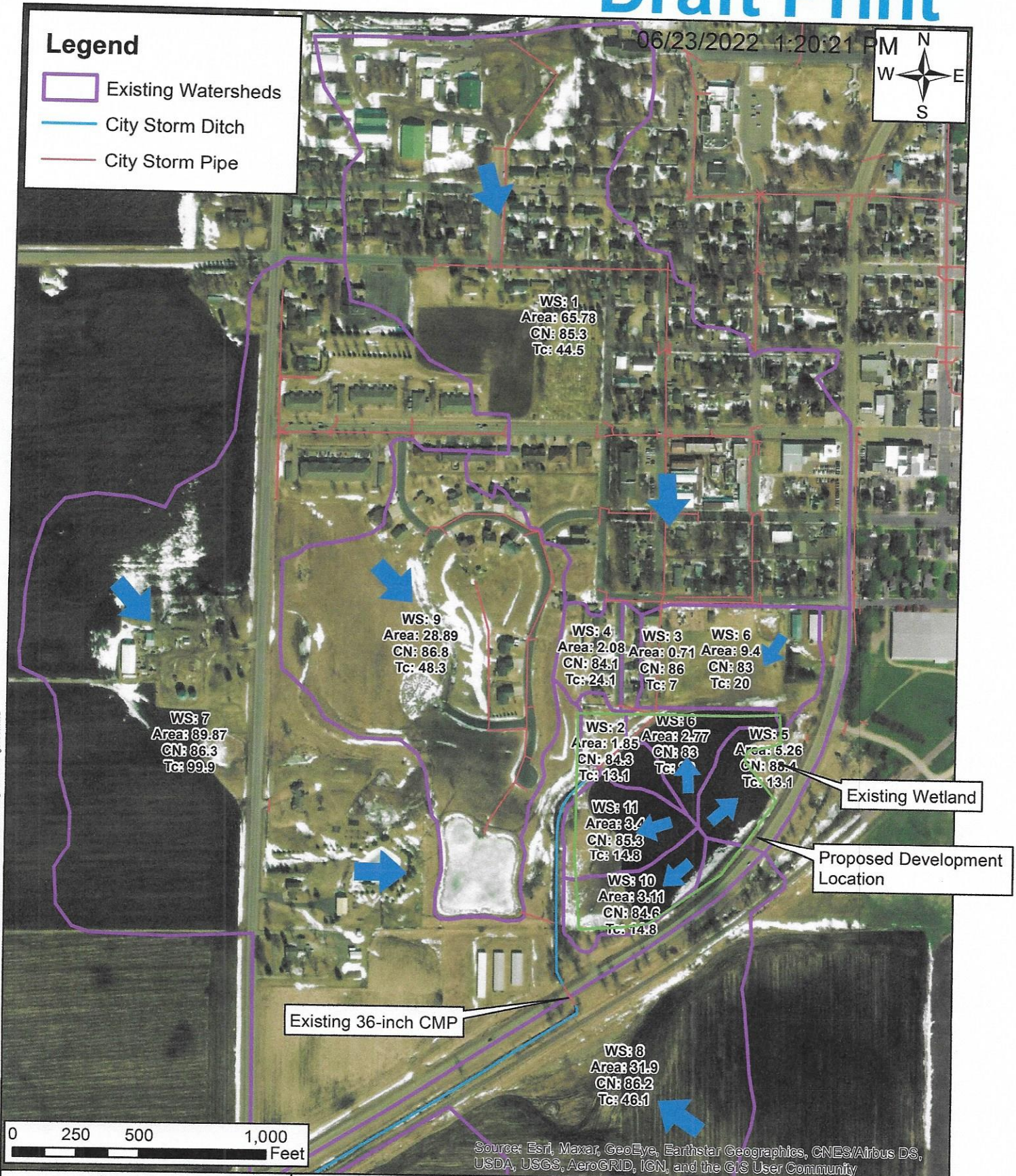
06/23/2022 1:20:21 PM



Legend

- Existing Watersheds
- City Storm Ditch
- City Storm Pipe

Path: C:\Users\mondloch\OneDrive - Short Elliott Hendrickson\OneDrive\GIS\Projects\Arlington\GIS\Figure1.mxd



3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
www.sehinc.com

Project: AMBAH 166742
Print Date: 6/22/2022

Map by: mondloch
Projection: Sibley County Coordinates
Source: Esri, SEH

Project Location and Watersheds

Patell Villas Preliminary Drainage

Arlington

Figure
1

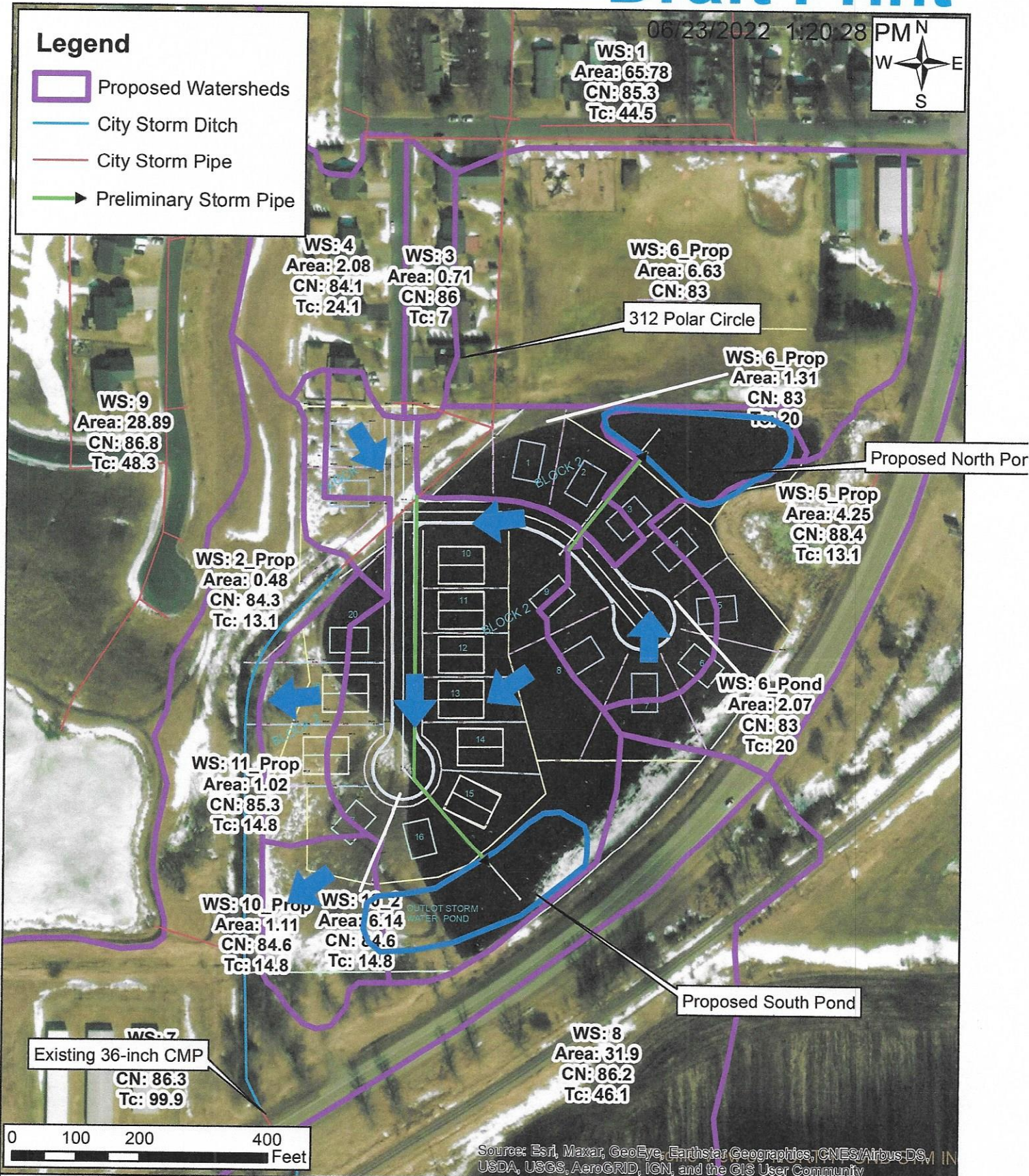
This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

06/23/2022 1:20:28 PM



Legend

- Proposed Watersheds
- City Storm Ditch
- City Storm Pipe
- ➔ Preliminary Storm Pipe



Path: C:\Users\rmondloch\OneDrive - Short Elliott Hendrickson\OneDrive\Local\Projects\Arlington\GIS\Figure2.mxd



3535 VADNAIS CENTER DR.
ST. PAUL, MN 55110
PHONE: (651) 490-2000
FAX: (888) 908-8166
TF: (800) 325-2055
www.sehinc.com

Project: AMBAH 166742
Print Date: 6/22/2022
Map by: rmondloch
Projection: Sibley County Coordinates
Source: Esri, SEH

Proposed Layout
Patel Villas Preliminary Drainage
Arlington

Figure
2

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.

Hydrologic Soil Group—Sibley County, Minnesota



Soil Map may not be valid at this scale.

Map Scale: 1:7,770 if printed on A portrait (8.5" x 11") sheet.

0 100 200 400 600 Meters

0 350 700 1400 2100 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84
































Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/5/2022
Page 1 of 4

MAP LEGEND

Area of Interest (AOI)		C
 Area of Interest (AOI)		C/D
Soils		D
Soil Rating Polygons		 Not rated or not available
 A	Water Features	
 A/D	 Streams and Canals	
 B	Transportation	
 B/D	 Rails	
 C	 Interstate Highways	
 C/D	 US Routes	
 D	 Major Roads	
 Not rated or not available	 Local Roads	
Soil Rating Lines	Background	
 A	 Aerial Photography	
 A/D		
 B		
 B/D		
 C		
 C/D		
 D		
 Not rated or not available		
Soil Rating Points		
 A		
 A/D		
 B		
 B/D		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sibley County, Minnesota
Survey Area Data: Version 18, Sep 10, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 5, 2013—Oct 6, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
86	Canisteo clay loam, 0 to 2 percent slopes	C/D	73.9	22.6%
102B	Clarion loam, 2 to 6 percent slopes	C	9.0	2.7%
386	Okoboji mucky silty clay loam	C/D	37.5	11.4%
L13A	Klossner muck, 0 to 1 percent slopes	C/D	7.9	2.4%
L83A	Webster clay loam, 0 to 2 percent slopes	C/D	75.9	23.2%
L85A	Nicollet clay loam, 1 to 3 percent slopes	C/D	44.7	13.6%
L107A	Canisteo-Glencoe complex, 0 to 2 percent slopes	C/D	78.7	24.0%
Totals for Area of Interest			327.5	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

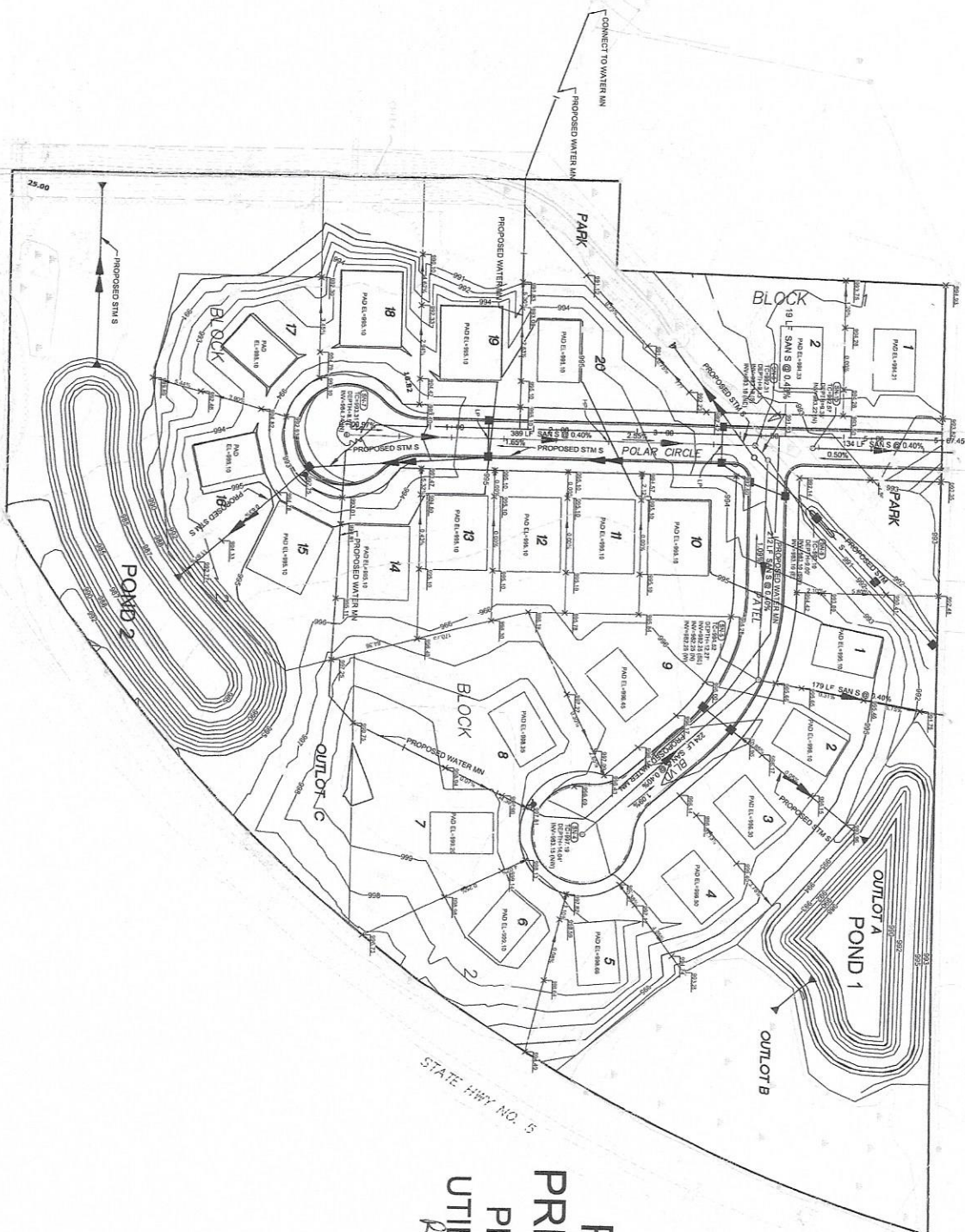
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



PATEL VILLAS
PRELIMINARY PLAT
PROPOSED STREET,
UTILITIES AND GRADING
Revised copy

CHAPTER 17: FENCES

17.00	Definitions
17.01	Purpose
17.02	Mixed Zone Fence
17.03	Residential Zone Fence
17.04	Commercial / Industrial Zone Fence
17.05	Temporary Fencing
17.06	Violation Notice
17.07	Penalty

17.00 Definitions

Abut. To physically touch or border upon.

Fence. A barrier intended to prevent escape, intrusion or to mark a boundary.

Ornamental Fence. Any open fence, other than those comprised of barbed wire or chain link, used to frame, accent, or decorate a landscape or architectural feature.

Open Fence. A fence that is constructed so that a majority of the total area of the fence permits visibility.

Line of Sight. A straight line along which an observer has unobstructed vision.

Portable Security Barriers. A set of barricades that help direct pedestrian traffic and block access to hazardous areas such as worksites or events. Portable sets can be set up and moved to other locations as needed.

Snow Fence. A temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where accumulation and drifts of snow are not desirable. A snow fence must be a perforated plastic sheeting that can be attached to metal "T" posts or "U" posts at regular intervals. The term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached.

Temporary Fence. A fence that is installed for a certain period of time.

Screening. A type of buffer that is designed to block or obscure a particular element or use from view.

17.01 Purpose

This Ordinance shall regulate the placement of fences within the City of Arlington. No fence shall be erected without first obtaining a land use permit from the City of Arlington. Land use permits shall be issued for fences only if all provisions of this Ordinance are complied with. If the fence does not comply with this Ordinance, the applicant will be required to file for a variance, except for fences that are in the line of sight on a corner lot. No fence shall be allowed within the line of sight on a corner lot.

17.02 Mixed Zone Fence

Any fence that is proposed to be placed in an area that would abut both a residential and commercial or residential and industrial zone must first be reviewed at a public hearing to determine the type of fence and fence material that would be acceptable to the property owners, but with the city having final discretionary authority to determine this issue.

17.03 Residential Zone Fence

Fences proposed in a residential zone shall be subject to the following rules:

- A. ~~No fences shall be erected in the front yard of any property in a residential zone.~~ Fences in the front yard of any property in a residential zone that extend closer to a street than the primary structure, shall be no taller than four (4) feet in height and must be an open or ornamental fence. The front yard for purpose of this Ordinance is defined as all that portion of the yard between the front wall of the dwelling structure and the public street fronting the dwelling.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a residential zone, a fence shall be allowed in the yard facing the public street and portion of the yard facing the side street of the property extending closer to the street than the primary structure, as long as the fence is no taller than four (4) feet in height and must be an open or ornamental fence. Any fence higher than four (4) feet in height but no more than six (6) feet in height is permitted in back yard as long as the fence is in line with the extension of the side wall of the home facing said side street. A fence may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets or intersecting streets and alleys, and a line joining points on said property lines twenty-five (25) feet distant from said intersection point. In this area there shall be no fence. ~~no fence shall be erected in the yard facing the public street fronting the property. No fence shall be erected on the portion of the yard facing the side street of the property any closer to the side street than a line which is the extension of the side wall of the home facing said side street.~~
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height and shall use construction material and methods approved by the City as part of the land use permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the city, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as

to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep in concrete and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.04 Commercial / Industrial Zone Fence

Fences proposed in a commercial or industrial zone shall be subject to the following rules:

- A. No fences shall be erected in the front yard of any property in a commercial or industrial zone unless the fencing is being used as some form of screening. The front yard for the purpose of this Ordinance is defined as all the portion of the yard between the front wall of the commercial or industrial structure and the public street fronting the property.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a commercial or industrial zone, no fence shall be erected in the yard facing the public street fronting the property. A fifteen (15) foot setback is required on the portion of the yard facing the side street of the property. If the fencing is being used as some form of screening, then the fencing is exempt of this requirement, however the fencing can not impair the line of sight to the intersecting streets on the corner lots.
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet from the bottom line of said fence, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height with an additional eighteen (18) inch allowance for barbed wire. The barbed wire addition, if any, shall be restricted to straight wire lines, held by bracket extensions from the main fence and slanted inward toward the property of the owner constructing the fence. The fence shall be of construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the City, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.05 Temporary Fencing

A. Temporary fencing includes, but is not limited to snow fences, and portable security barriers.

1. Snow fences may be installed and maintained from mid fall to early spring, weather pending. Snow fences require proper maintenance and must be properly anchored to avoid any part of the fence from being blown over and onto adjacent roads and properties. They also shall not be erected in such a manner to cause snow to accumulate on neighboring properties or on any roads or highways. Snow fences, including posts, that are erected prior to mid fall, weather pending or that are not removed by early spring, weather pending, will be in violation of this ordinance. Snow fencing may be erected on private property in the City of Arlington without a permit but may be subjected to a zoning review based on the discretion of the Planning and Zoning Administrator.
2. Portable security barriers will need to be reviewed by City Council and based on the Council decision might require a permit. If a permit is required, then the applicant will need to file for a land use permit with the terms determined by the City. At minimum, the permit will address the intended purposes and function of the fencing, its location, and the period of time the fencing will be allowed to exist on the designated site.

B. All other temporary fencing needs to clearly specify the time frame the fence will be in place. If the fence is in place longer than the time specified, the applicant will need to re-apply for a new land use permit. Any Temporary fencing that is in place longer than 90 days will be required to submit for an interim use permit.

17.06 Violation Notice

If any fence is found to be in violation of this Ordinance, the City shall notify the property owner by written notice served on the property owner personally or by U.S. Mail to the property owner's last known address, stating that the property owner has 30 days to bring the fence in compliance with this Ordinance. If the property owner fails to bring the fence in compliance with this Ordinance within said 30-day notice term, then the fence permit shall be considered void and said fence must be immediately removed by the property owner.

17.07 Penalty

Any violation of this ordinance by the property owner or any other person or entity shall be considered a misdemeanor, punishable by the fines and other penalties established under state law for misdemeanors in effect on the date the violation occurs. Each day that a violation is allowed to exist shall be considered a separate misdemeanor violation, to be punishable by a separate fine and other penalties for each such day.

27.13 Subdivision Design Standards

G. Public Land Dedication.

(1) Findings.

(a) The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City, and it also finds that the value and attractiveness of residential, commercial and industrial developments to land owners, developers, purchasers, employers and employees is significantly enhanced by the presence of such park and open space amenities.

(b) Minnesota Statutes Section 462.358 Subd. 2b, as may be amended provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash.

(c) The City Council finds that it is appropriate that each development within the City contribute toward the City's park system in proportion to the benefit provided and the burden it will place upon that system. Therefore, these park donation regulations are established to require new developments or resubdivisions that create additional lots at the time of subdivision contribute toward the City's park system in rough proportion to the relative burden they will place upon that system.

(d) The City Council finds it is appropriate to further the goals of the City's Comprehensive Plan and provide a means to assist developers and landowners in protecting and preserving open space, preserving/providing/connecting wildlife corridors, scenic vistas, historic sites, water resources and environmentally sensitive lands, and the county's rural character through the reasonable establishment of buffers adjacent to wetlands, the Boerner Wildlife Management Area, and High Island Creek.

(2) Dedication of Land.

(a) Pursuant to Minnesota Statutes, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Arlington, to dedicate ten percent (10%) of the buildable area of all residential property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.

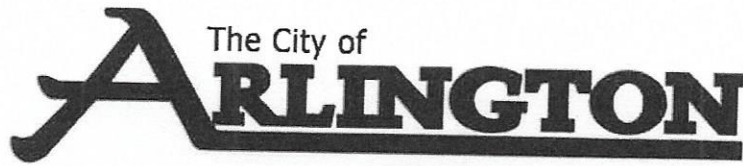
(b) Furthermore, the City shall require all Applicants requesting platting, or replatting which results in the creation of additional lots, of all lands in the City of Arlington, to dedicate five percent (5%) percent of the buildable area of all commercial or industrial property being platted, subdivided or replatted for parks, playgrounds, public open space or to contribute an amount of cash, based on the fee schedule as set by the City Council, no later than at the time of final approval.

(c) The City shall give due consideration to the public open space, trails, pathways, and recreational areas/facilities the Applicant proposed for the subdivision. The City need not, but at its discretion may, consider sidewalks or protection/preservation of natural features required as part of the subdivision approval process under this standard relating to public land dedication.

(d) The land to be dedicated for this purpose shall be in addition to the property dedicated for streets, alleys, waterways, storm water management, pedestrian ways or other public ways.

(e) The City Council of the City of Arlington shall have the right to determine the geographic location and configuration of said land dedication. No area may be dedicated as parks, playgrounds or public lands until such areas have been approved by the City Council for the purpose to which they are to be dedicated. The Applicant shall leave such dedicated land in a condition suitable to the City Council.

(f) The City shall not require parkland dedication for re-subdivision, unless new lots are created, and then, said parkland dedication requirements shall only be applied to the new lots created.



PLANNING AND ZONING COMMITTEE

Meeting Agenda

June 2nd, 2022 at 7:00 PM

Arlington Community Center — Council Chambers

1. Call to Order- meeting was called to order at 7:00pm

Members Present

Jeanne Bearson
Tom Hatlestad
Michelle Battcher
Brandon Brinkman
Dave Meyer

Member Absent

Joe Prasad

Staff Present

Amy Newsom
Phil Mangis

Staff Absent

None

Guest Present

Cassidy Vanderlinde
Domonick Engquist
Andy Ecclestan
Angie Brau
Rich Nagel

2. Pledge of Allegiance
3. Approve Agenda- Some changes were made to the agenda. Discussion of 505 W Adams St was added under number 5 to the agenda and Discussion on moving forward with the updates to the fence code was moved to number 6. Motion made by Battcher to approve the agenda with the changes, seconded by Hatlestad. Motion was carried.
4. Approve the Minutes- Motion by Meyer to approve the May 5th, 2022 minutes, seconded by Hatlestad. Motion was carried.
 - a. May 5th, 2022
5. Discussion of 505 W Adams St-The Planning and Zoning Administrator started off the discussion by reaffirming information they stated in emails to the committee. The Administrator explained that based on the zoning code the animal shelter located at 505 W Adams St would be considered a home occupancy. Under the home occupancy requirements this shelter would be a permitted use, therefore would not have needed a public hearing. The reason why this was brought to the Committee attention

was due to the growing concern of residents. The residents are concerned about the amount of dogs, especially larger breeds located at the property. Given the shelter is close to a school the residents are concerned about the dogs getting out and hurting someone. The principal of the school created a boiler plate letter that was opposed to the animal shelter and sent it to all the parents of the school and residents of the church tied to the school. The parents and residents of school signed the letter and submitted them to Planning and Zoning Administrator. The Planning and Zoning Administrator passed around a few letters to the Committee members to show them what the boiler plate letter stated. After reading the letter one Committee member stated it seems the resident's safety concerns revolved around proper fencing for the animals. The Administrator stated based on the letters it seems so. The owner of the property did speak about the animal shelter. They stated that the shelter is a non-profit and confirmed that they have three of their own dogs, plus two foster dogs and one adult cat and their litter of kittens. They did mention that they were housing around 8 Great Danes, but this was an emergency, and it is not a consistent occurrence. They are looking to expand and improve the fencing around the home given the dogs have escaped before and wants to prevent this from happening again. They also stated that they are looking to install a sign for the shelter. Domonick Engqnis was in support of the shelter, stated that they believe this shelter should continue.

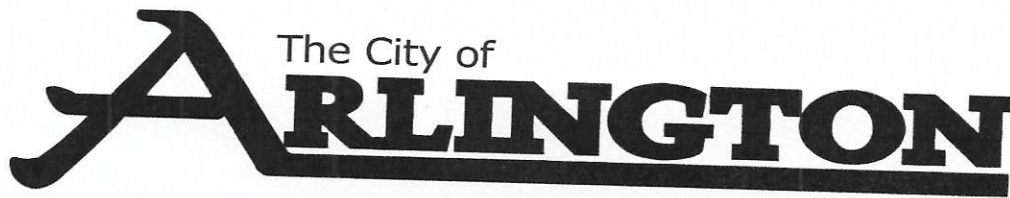
The Committee discussed the situation. Some members believed that the town should have an animal shelter and this type of business would be good for the City of Arlington. Others believed that this should not be allowed given that the City Animal Code only allows for a resident to have three mature animals at a time. The Planning and Zoning Administrator asked the Committee for director on the matter.

A Motion was made by Brinkman to Retract the Home Occupancy for 505 W Adams St and have them reply with clearer guidelines set in place, second by Meyer. Motion was carried (3 in favor, 2 not in favor). The resident has 60-days to reply, or the home occupancy will officially revoke.

6. Discussion on moving forward with the updates to the fence code- The Committee looked over the changes made by the Administrator. Overall, had not objections to the changes. The Committee however did have a few changes they wanted to add. They want language added to not allow fences in the line of sight on corner lots even through a variance. They also want to change corner lots of height from 30'' to 4'. They Committee will have a public hearing on these changes next meeting on July 7th.

All other things on the agenda were tabled until next meeting.

7. Discussion on the finalization of the Arlington Zoning Code/addressing Nonconformities
8. New Business
 - a. Final Draft of Tiny Homes Policy
9. Other/Updates
 - a. Planning Commission Fact/Information of the Public Hearing Process
10. Adjournment- Motion by Meyer to adjourn meeting at 8:29pm, seconded by Hatlestad. Motion was carried.



Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION 19-2022

RESOLUTION APPROVING/DENYING AN AMENDMENT TO THE 2014 ARLINGTON COMPREHENSIVE PLAN FUTURE LAND USE MAP PERTAINING TO PROPERTY AT PARCEL NO. 31.0881.000 THE SOUTHERN QUADRANT OFF POLAR CIRCLE ("AMBA HOMES ARLINGTON LLC PROPERTY")

WHEREAS, the City of Arlington placed the 2014 Comprehensive Plan into effect under Ordinance 292; and,

WHEREAS, Chapter 31, Section 4, Subd. 1 of the City Code establishes an official zoning map for the City of Arlington; and,

WHEREAS, Amba Homes Arlington LLC has submitted a request to amend the future land use map and the official zoning map related the property legally described as, 14.86A OF LOT 1, BLK 1 SURV 844 and identified as Parcel No. 31.0881.000; and,

WHEREAS, the Planning and Zoning Commission on July 7th, 2022 held a public hearing on the request; and,

WHEREAS, following the public hearing the Planning and Zoning Commission discussed the request and established the following fact;

- That Parcel No. 31.0881.000 will rezone a portion of the land from B-1 Service Business District to R-2 One & Two Family Residential District and the property will be used for Resident Housing

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Arlington City Planning & Zoning Committee approving/denying Resolution 19-2022, attached hereto, Amending the Future Land Use Map in the 2014 Comprehensive Plan and the Official Zoning Map applicable to the subject property to provide for residential future use and Rezoning a portion of the parcel from B-1 Service Business District to R-2 One & Two Family Residential District, provided the "Use" of the property is subject to all applicable codes, regulations and ordinances currently in effect.

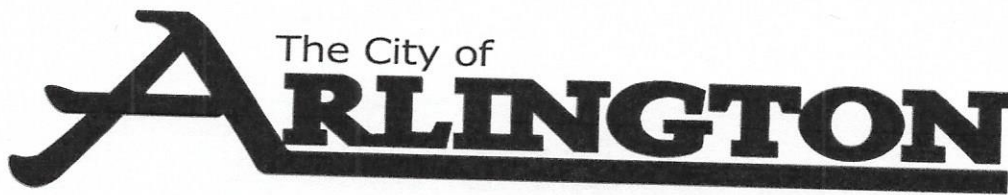
The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ and upon poll being taken thereon the following voted in favor thereof: _____; and the following voted against the same: _____; and the following abstained from voting: _____; and the following were absent: _____.

The foregoing resolution was adopted by the Planning and Zoning Committee of the City of Arlington this 7th day of July, 2022.

Signed: _____
P & Z Chair

Attest: _____
P & Z Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the P & Z Chair whose signature was attested by the P & Z Administrator.



Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION 20-2022
RESOLUTION APPROVING/DENYING AMENDMENTS OF CITY CODE CHAPTER 17:
FENCE

WHEREAS, the City of Arlington established City Code Chapter 17, Arlington Fence Code; and,

WHEREAS, the Planning and Zoning Committee has identified a need to add, clarify, and reorganize certain terms and sections of City Code Chapter 17 to better accommodate the City of Arlington,

WHEREAS, the Planning and Zoning Committee has restructured City Code Chapter 17 to help better clarify the current City of Arlington Fence Code; and,

WHEREAS, a public hearing was properly noticed and held on July 7th, 2022 by City of Arlington Planning and Zoning Committee; and,

WHEREAS, the proposed edits to City Code Chapter 17 are itemized in Exhibit A which are attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ARLINGTON THAT: The Arlington City Planning & Zoning Committee approves/denies Resolution 20-2021, attached hereto, Amending the City Code Chapter 17: Fence, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ and upon poll being taken thereon the following voted in favor thereof: _____; and the following voted against the same: _____; and the following abstained from voting: _____; and the following were absent: _____.

The foregoing resolution was adopted by the Planning and Zoning Committee of the City of Arlington this 7th day of July, 2022.

Signed: _____
P & Z Chair

Attest: _____
P & Z Administrator

Whereupon the resolution was declared duly passed and adopted and was signed by the P & Z Chair whose signature was attested by the P & Z Administrator.

Exhibit A

CHAPTER 17: FENCES

17.00	Definitions
17.01	Purpose
17.02	Mixed Zone Fence
17.03	Residential Zone Fence
17.04	Commercial / Industrial Zone Fence
17.05	Temporary Fencing
17.06	Violation Notice
17.07	Penalty

17.00 Definitions

Abut. To physically touch or border upon.

Fence. A barrier intended to prevent escape, intrusion or to mark a boundary.

Ornamental Fence. Any open fence, other than those comprised of barbed wire or chain link, used to frame, accent, or decorate a landscape or architectural feature.

Open Fence. A fence that is constructed so that a majority of the total area of the fence permits visibility.

Line of Sight. A straight line along which an observer has unobstructed vision.

Portable Security Barriers. A set of barricades that help direct pedestrian traffic and block access to hazardous areas such as worksites or events. Portable sets can be set up and moved to other locations as needed.

Snow Fence. A temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where accumulation and drifts of snow are not desirable. A snow fence must be a perforated plastic sheeting that can be attached to metal "T" posts or "U" posts at regular intervals. The term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached.

Temporary Fence. A fence that is installed for a certain period of time.

Screening. A type of buffer that is designed to block or obscure a particular element or use from view.

17.01 Purpose

This Ordinance shall regulate the placement of fences within the City of Arlington. No fence shall be erected without first obtaining a land use permit from the City of Arlington. Land use permits shall be issued for fences only if all provisions of this Ordinance are complied with. If the fence does not comply

with this Ordinance, the applicant will be required to file for a variance, except for fences that are in the line of sight on a corner lot. No fence shall be allowed within the line of sight on a corner lot.

17.02 Mixed Zone Fence

Any fence that is proposed to be placed in an area that would abut both a residential and commercial or residential and industrial zone must first be reviewed at a public hearing to determine the type of fence and fence material that would be acceptable to the property owners, but with the city having final discretionary authority to determine this issue.

17.03 Residential Zone Fence

Fences proposed in a residential zone shall be subject to the following rules:

- A. ~~No fences shall be erected in the front yard of any property in a residential zone.~~ Fences in the front yard of any property in a residential zone that extend closer to a street than the primary structure, shall be no taller than four (4) feet in height and must be an open or ornamental fence. The front yard for purpose of this Ordinance is defined as all that portion of the yard between the front wall of the dwelling structure and the public street fronting the dwelling.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a residential zone, a fence shall be allowed in the yard facing the public street and portion of the yard facing the side street of the property extending closer to the street than the primary structure, as long as the fence is no taller than four (4) feet in height and must be an open or ornamental fence. Any fence higher than four (4) feet in height is permitted as long as the fence is in line with the extension of the side wall of the home facing said side street. A fence may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets, intersecting streets and alleys, and a line joining points on said lines twenty-five (25) feet distant from said intersection. In this area there shall be no fence. ~~no fence shall be erected in the yard facing the public street fronting the property. No fence shall be erected on the portion of the yard facing the side street of the property any closer to the side street than a line which is the extension of the side wall of the home facing said side street.~~
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height and shall use construction material and methods approved by the City as part of the land use permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the city, but a minimum

requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep in concrete and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.04 Commercial / Industrial Zone Fence

Fences proposed in a commercial or industrial zone shall be subject to the following rules:

- A. No fences shall be erected in the front yard of any property in a commercial or industrial zone unless the fencing is being used as some form of screening. The front yard for the purpose of this Ordinance is defined as all the portion of the yard between the front wall of the commercial or industrial structure and the public street fronting the property.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a commercial or industrial zone, no fence shall be erected in the yard facing the public street fronting the property. A fifteen (15) foot setback is required on the portion of the yard facing the side street of the property. If the fencing is being used as some form of screening, then the fencing is exempt of this requirement, however the fencing can not impair the line of sight on the corner lots.
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet from the bottom line of said fence, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height with an additional eighteen (18) inch allowance for barbed wire. The barbed wire addition, if any, shall be restricted to straight wire lines, held by bracket extensions from the main fence and slanted inward toward the property of the owner constructing the fence. The fence shall be of construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the City, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.05 Temporary Fencing

A. Temporary fencing includes, but is not limited to snow fences, and portable security barriers.

1. Snow fences may be installed and maintained from mid fall to early spring, weather pending. Snow fences require proper maintenance and must be properly anchored to avoid any part of the fence from being blown over and onto adjacent roads and properties. They also shall not be erected in such a manner to cause snow to accumulate on neighboring properties or on any roads or highways. Snow fences, including posts, that are erected prior to mid fall, weather pending or that are not removed by early spring, weather pending, will be in violation of this ordinance. Snow fencing shall be erected on private property in the City of Arlington without a permit but will be subjected to a zoning review based on the digression of the Planning and Zoning Administrator.
2. Portable security barriers will need to be reviewed by City Council and based on the Council decision might require a permit. If a permit is required, then the applicant will need to file for a land use permit with the terms determined by the City. At minimum, the permit will address the intended purposes and function of the fencing, its location, and the period of time the fencing will be allowed to exist on the designated site.

B. All other temporary fencing needs to clearly specify the time frame the fence will be erected. If the fence is erected longer than the time specified, the applicant will need to re-apply for a new land use permit. Any Temporary fencing that is erected longer than 90 days will be required to submit for an interim use permit.

17.06 Violation Notice

If any fence is found to be in violation of this Ordinance, the City shall notify the property owner by written notice served on the property owner personally or by U.S. Mail to the property owner's last known address, stating that the property owner has 30 days to bring the fence in compliance with this Ordinance. If the property owner fails to bring the fence in compliance with this Ordinance within said 30-day notice term, then the fence permit shall be considered void and said fence must be immediately removed by the property owner.

17.07 Penalty

Any violation of this ordinance by the property owner or any other person or entity shall be considered a misdemeanor, punishable by the fines and other penalties established under state law for misdemeanors in effect on the date the violation occurs. Each day that a violation is allowed to exist shall be considered a separate misdemeanor violation, to be punishable by a separate fine and other penalties for each such day.

Tiny Home's Policy

Purpose

The City of Arlington seeks to take steps to pursue innovative housing types and creative housing programs to help meet existing and future housing needs.

Definitions

Tiny Home- A dwelling that is 400 square feet or less.

Fixed in Place- Permanent structures built on a foundation, either as site-built or as prefabricated modular.

Tiny Houses on Wheels- Structure that may be assembled on a chassis with wheels and lack permanent foundations.

Regulations

The following are tiny home regulations in accordance with the standards of this section:

- (a) must be between 120 sq ft to 400 sq ft to qualify as a tiny home;
- (b) minimum width of 8ft;
- (c) minimum height of 13ft;
- (d) tiny homes must be at minimum 10ft apart from each other;
- (e) Fixed in Place shall be placed on a permanent foundation which is defined as a floating slab with a rodent inhibiting barrier extending to a depth of at least one (1) foot below the average grade.

Standards

The applicant shall establish, by submittal of a plot plan, photograph(s), and other pertinent data that:

- (a) The establishment, maintenance, location, and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (c) The proposed tiny homes will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood.
- (d) The establishment of the proposed homes will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district.
- (e) Any illumination or drainage shall be contained on site and directed away from abutting properties.
- (f) Tiny Homes used as dwelling units must comply with the Minnesota Building Code.
- (g) No home shall encroach or be built into an easement.
- (h) Tiny Houses on Wheels that are self-propelled vehicles or trailers equipped as temporary human living quarters need a license and title issued by the Department of Transportation.
- (i) Tiny Homes that are fixed in place and on wheels, are permitted in R-1 One Family Residential, R-2 One & Two Family Residential District, R-3 Multiple Family Residential and R-MH Manufactured Home Residential Zoning Districts and are required to meet the setback and parking regulations of each Zoning District.

Administrator Action

Before approving an application, the City of Arlington shall recommend reasonable adjustments including, but not limited to, items concerning utilities, drainage, noise, landscaping, and maintenance thereof, lighting, access, egress, screening of accessways to ensure that authorization of the proposed exception is consistent with the standards found.

PLANNING COMMISSION

FACT SHEET

ARLINGTON MN

OVERVIEW

The Arlington Planning is the City's designated "Planning Agency" authorized by Minn. Stats. 462.354. The City has assigned the Arlington Planning Commission powers and duties given municipal planning agencies generally by law. The Planning Commission operates in an advisory capacity to the City Council. Therefore, it may hold hearings, prepare ordinances, hear application requests, and hear appeals, but its role is to make recommendations to the Council. The Commission consists of seven members, six members who are non-elected citizens of the City and the seventh who is a member of the City Council. Officers of the Commission are elected by members on annual basis. Meetings must follow Robert's Rules of Order.

FUNCTION

The Planning Commission operates in three distinct capacities:

- **Planning:** In its planning capacity the Planning Commission administers the Arlington Comprehensive Plan and proposes updates to the Plan. The Comprehensive Plan guides the overall growth, development, and redevelopment of the City. The Plan establishes a vision and policy framework for achieving the vision.
- **Legislative:** In its legislative capacity the Planning Commission reviews existing sections of the City Code relating to land use (zoning), platting of property (subdivision), and other Code sections if requested by the City Council. The Commission, with the assistance of staff, prepares Code amendments as warranted.
- **Regulatory:** In its regulatory capacity the Planning Commission reviews requests for conditional use permits, variances, rezoning (an amendment of the official zoning map), text amendment (an amendment to text of the Code), site plan approval, and appeals relating to interpretation of the Code language.

DISCRETION

The Planning Commission and the City in general have varying levels of discretion when making decisions:

- The Planning Commission and City may exercise broad discretion when operating in a planning capacity and establishing/updating the Comprehensive Plan and associated documents such as park plans, capital improvement plans, housing plans, etc.
- The Planning Commission and City may exercise discretion when creating ordinances and policies. In certain situations, federal or state law supersedes local discretionary authority.

- The Planning Commission and City have less discretion when administering and implementing local laws (ordinances) they have previously approved. As such it is important to follow the process prescribed in the City Code.
- The Planning Commission and City have no discretion to vary from building codes (where adopted).

TOOLS OF THE TRADE

Each Planning Commissioner should be familiar with the following resources:

- The Arlington Comprehensive Plan, as may be amended. In every issue, a Commissioner's first thought should be: "Is this action consistent with the Comprehensive Plan"? If not the first action is to remedy the inconsistency.
- The Arlington Zoning Ordinance (Chapter 31) establishes standards relating to land use (zoning), including the official zoning map.
- The Arlington Subdivision Ordinance (Chapter 27) establishes standards relating to platting (subdivision) of property.

A CLOSER LOOK

COMMON TOPICS

As a Planning Commissioner you will most likely become very familiar with the following items:

- **Conditional Use Permits:** Under the zoning code the City is divided into various zoning districts (residential, commercial, industrial) and within each zoning district certain uses are 'permitted' and certain uses are 'conditional uses'. Conditional uses require a public hearing and approval by the City Council before the use is allowed. The public hearing allows for comment from adjacent property owners and the general public who could be impacted by the proposed use. Occasionally you may encounter an 'interim use permit'. The difference between conditional and interim use permits is that conditional use permits run with the property (not the owner), but interim use permits can have a specific ending date established in the permit.
- **Variances:** A variance from existing established standards may be requested by owners of property. A variance to a use of property is not lawful. The Planning Commission and City Council must carefully review variance requests and consider state law relating thereto. The City must establish facts that illustrate a 'practical difficulty' as defined by Minn. stat. 462.357.
- **Non-Conformance:** When the code changes, occasionally properties become out-of-compliance due to the code/law adoption. Oftentimes such properties are said to be 'grand-fathered' which points to legal non-conforming status. An undeveloped lot, a structure on a lot, or a use of property may have legal non-conforming rights.
- **Spot Zoning:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive zoning plan. Spot zoning per se may not be illegal; it may only

be descriptive of a certain set of facts and consequently neutral with respect to whether it is valid or invalid. Spot zoning should be considered invalid only when all the following factors are present

- A small parcel of land is singled out for special and privileged treatment
 - The singling out is not in the public interest but only for the benefit of the landowner
 - The action is not in accord with the comprehensive plan
- The 60-Day Rule: Under Minn. Stat. cities have 60 days to process requests following an application being accepted as complete. The City of Arlington requires applications be submitted on specific forms and accompanied by a fee. Specific process items apply, and extensions are possible.

HELPFUL TIPS

A few tips:

- Every request the Commission reviews is unique — carefully review what is being proposed and how it relates to relevant standards including the Comprehensive Plan, zoning code, and other codes.
- While there is not a singular approach to preparing findings of fact on which decisions are based, in general, findings should be specific and relate to the related application and current code standards.
- Build a record for each request. The record should include application materials, citations to relevant standards, staff memos, any/all correspondence relating to the request, written comments relating to the request, minutes of the hearing (including references to oral testimony provided during the hearing), records of mailed and published hearing notices, resolutions or orders stating specific action and findings. If an issue is litigated the litigation is based on the record — did you follow the prescribed process is key to favorable outcomes.
- Ask questions —to staff, to the applicant, to other members —just ASK.
- Listen — physically and mentally.
- Public hearings are for presenting facts. Public hearings are not debates.
- Remember reasonable people can disagree separate people from the problem, get to the facts, use a fair process, remain open to being persuaded, recognize the 'good' along with the 'bad', and avoid 'us vs. them' mentality.
- Dealing with irate citizens or packed hearings: The Chair should inform all present of the process. You may limit comment period for each person to a reasonable time period (five minutes). Also, remember the purpose of the hearing is not to debate but adjudicate based on facts. PC members should listen to public comment and wait to discuss the issue until the public has been heard.
- Diffuse conflict by active listening (ask questions to clarify the issue), avoid being defensive, restate the issue to show understanding, don't make promises you can't honor or that rely on actions of others, and, if you agree to take action do so in a timely manner. Remember, you don't need to tolerate threats or improper behavior, call it what it is and leave the room.

PUBLIC HEARING PROCESS/PROTOCOL

1. Recess regular meeting (Chairperson)
2. Open the public hearing regarding the proposed scope of work (Chairperson)
3. Invite staff to present information on the proposed scope of work (Chairperson)
4. Accept statements from the public (minimum of five minutes per statement) (Chairperson)
5. If received, acknowledge receipt of written comments received (Chairperson or other member of Commission)
6. Close public hearing (Chairperson)
7. Reconvene the regular meeting (Chairperson)
8. Planning Commission discusses the draft proposed scope of work (Chairperson presides, all invited to participate)
9. Following discussion, the attached resolution is available for consideration.