



**NOTICE for Meeting pursuant to Minn. Stat. § 13D.021**

**City of Dundas, Minnesota**

**Planning Commission/Annexation Reserve District Meeting  
Notice of Meeting by Telephone or Other Electronic Means**

NOTICE IS HEREBY GIVEN that the Planning Commission/Annexation Reserve District of the City of Dundas will hold a regular Planning Commission/Annexation Reserve District meeting on Thursday, November 19, 2020 at 7 p.m.

In accordance with the requirements of Minn. Stat. Section 13D.021, Chair Grant Modory the presiding officer has determined that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12 of the Minnesota Statutes.

Because of the COVID-19 health pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the COVID-19 health pandemic, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the Planning Commission members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting by following these directions:

PC/ARD

Thu, Nov 19, 2020 7:00 PM - 9:00 PM (CST)

**Please join my meeting from your computer, tablet or smartphone.**

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Alternate methods of public input for this meeting:

- Send an email no later than 4 p.m. on the day of the meeting to City Administrator Jenelle Teppen at [jteppen@dundas.us](mailto:jteppen@dundas.us) noting meeting item in the subject line and type

your comment in the body of the email or attach a document of necessary. These comments will be sent to the entire City Council. Please note that these comments will be read at the meeting by the Mayor, unless you specifically request that they not be read.

- Send a letter containing your input to Jenelle Teppen, 216 Railway, PO Box 70, Dundas, MN 55019.
- As always, members of the public can contact council members directly via phone or email to provide input. This input will not be read publicly during the meeting.

THIS NOTICE OF REGULAR MEETING BY TELEPHONE OR OTHER ELECTRONIC MEANS IS GIVEN PURSUANT TO MINN. STAT. §13D.04.

Dated April 9, 2020

Glenn Switzer, Mayor

**DUNDAS PLANNING COMMISSION  
ACTING AS THE PLANNING AND ZONING AUTHORITY  
FOR THE ANNEXATION RESERVE DISTRICT  
MEETING AGENDA  
THURSDAY, NOVEMBER 19, 2020  
7:00 PM.  
CITY OF DUNDAS - ONLINE/PHONE**

1. CALL TO ORDER
  - a. Roll Call
  
2. APPROVAL OF AGENDA  
**Motion by \_\_\_\_\_, second by \_\_\_\_\_**
  
3. Approval of Minutes of the July 16, 2020 Meeting  
**Motion by \_\_\_\_\_, second by \_\_\_\_\_**
  
4. PUBLIC HEARING
  - a. Consider Proposed ARD Ordinance Amendment\*
    - I. Public Hearing at \_\_\_\_\_ p.m.
    - II. Staff Presentation\*
    - III. Public Comment
    - IV. Closed Public Hearing \_\_\_\_ p.m.
  
5. NEW BUSINESS  
Consider Proposed ARD Ordinance Amendment  
**Motion by \_\_\_\_\_, second by \_\_\_\_\_**
  
6. ADJOURNMENT  
**Motion by \_\_\_\_\_, second by \_\_\_\_\_ to adjourn at \_\_\_\_\_ p.m.**

**DUNDAS PLANNING COMMISSION  
ACTING AS THE PLANNING AND ZONING AUTHORITY  
FOR THE ANNEXATION RESERVE DISTRICT  
MINUTES  
THURSDAY, JULY 16, 2020  
CITY OF DUNDAS - ONLINE/PHONE**

**UNOFFICIAL MINUTES**

Present: Vice Chair Bruce Morlan; Commissioners Larry Alderks, John Cruz, Frances Boehning, Glenn Switzer

Absent:

Staff Present: Attorney Paula Callies, City Planner Nate Sparks, City Administrator Jenelle Teppen

**CALL TO ORDER**

Vice Chair Morlan called the meeting to order at 7:24 p.m. A quorum was present.

**PUBLIC FORUM/PRESENTATIONS** – Nothing brought before Commissioners

**APPROVAL OF AGENDA**

**Motion by Boehning, second by Alderks, to approve the agenda. Motion Carried.**

Roll Call: Alderks Yes; Boehning Yes; Cruz Yes; Morlan Yes; Switzer Yes

**APPROVAL OF MINUTES**

**Motion by Boehning, second by Alderks, to approve the minutes from the June 18, 2020 meeting. Motion Carried.**

Roll Call: Alderks Yes; Boehning Yes; Cruz Yes; Morlan Yes; Switzer Yes

**OLD BUSINESS**

Consider rescinding denial motion and approving revised plan for a setback variance for a garage at 10331 Decker Avenue, Northfield, MN.

*Staff Presentation:* The applicant, Adam Mingo is seeking to build a 25' x 45' (1,125 square feet) garage on the property.

At the PCARD meeting in June the PCARD voted to deny the application for a setback variance.

The applicant has modified his proposal for possible reconsideration. The applicant is now proposing to attach the garage to the existing garage and extend it to the rear of the property. The site plan showed that there was 45 feet from the north property line to the existing garage. The applicant is now proposing a 24' x 45' garage. This would leave 21 feet to the north property line, which meets the 20 foot required setback. The front of the garage is 100 feet from the right-of-way and 133 feet from the centerline of Decker Avenue, which also meets setbacks.

The rear of the existing garage is about 55 feet from the rear property line. An attached garage is part of the principal structure for the purposes of calculating setbacks. The zoning ordinance requires a 100 foot rear yard setback. The addition would extend 23 feet behind the existing garage, which means the rear yard setback is now 32 feet, which would still require a variance.

*Applicant Presentation:* Mr. Mingo was not in attendance.

*Public Comment:* There was no public comment offered.

**Motion by Switzer, second by Cruz to rescind PCARD motion denying the variance request. Motion Carried.**

Roll Call: Alderks No; Boehning Yes; Cruz Yes; Morlan Yes; Switzer Yes

**Motion by Switzer, second by Cruz to approve PCARD Resolution 2020-01 approving the setback variance request. Motion Carried.**

Roll Call: Alderks No; Boehning Yes; Cruz Yes; Morlan Yes; Switzer Yes

ADJOURNMENT

**Motion by Cruz, second by Boehning to adjourn at 7:49 p.m. Motion Carried.**

Roll Call: Alderks Yes; Boehning Yes; Cruz Yes; Morlan Yes; Switzer Yes

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Bruce Morlan, Vice Chair



# **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
Telephone: 763.957.1100 Website: [www.nacplanning.com](http://www.nacplanning.com)

## **PLANNING MEMO**

TO: Annexation Reserve District Planning Commission  
FROM: Nate Sparks  
REPORT DATE: November 16, 2020  
RE: ARD Ordinance – Proposed Amendments

### **Background**

Certain property owners and other interested parties have made inquiries into allowed uses within the Annexation Reserve District. Through these discussions, it has been noted that the ARD references “zoning districts” and there is an adopted reference to the land use map. However, there is no formal delineation of uses by district within the ARD. An ordinance amendment has been prepared assigning uses to three “subdistricts” that match the land uses in the land use map. The Planning Commission should review this amendment and decide how to proceed.

### **Current Ordinance – Subdistricts/Use Chart**

Section 155.05 states the “establishment of districts.” It states that the “is intended to develop over time as areas within the ARD are annexed into the City. As such, permitted uses in the chart in the following section are intended to allow a transition of current uses to the future desired uses as established within the annexation agreement.”

Subsection C of this section references a zoning map with “districts” and also references the Comprehensive Plan land use map and incorporates this map in Section 155.14.

The Comprehensive Plan land use map incorporated into the ordinance has three categories of use: Residential, Commercial, and Industrial.

Since this is the only map adopted with the ordinance, it has been assumed that this is the Zoning Map, as well. This would make the three land use categories as the three subdistricts.

Then in Section 155.06, the following is stated (emphasis added):

#### **“§ 155.06 USE CHART.**

The following chart describes permitted, accessory, conditional and interim uses in the Annexation Reserve District.

(A) Permitted uses. Uses permitted with a “P” are permitted as of right *in the district designated*; provided, the use complies with all other applicable provisions of this chapter.

(B) Conditional uses. Uses permitted with a “C” are allowed as a conditional use *in the district designated*; provided, the property owner has obtained a conditional use permit.

(C) Interim uses. Uses permitted with a “I” are allowed as an interim use *in the district designated*; provided, the property owner has obtained an interim use permit.

(D) Prohibited uses. Uses not listed are prohibited.”

The language that states “in the district designated” would seem to imply that there are subdistricts.

The use chart then just has one column and is not separated by subdistrict. There is no reference to the R, C, and I as found on the land use map within the table.

### **Proposed Amendment**

The above information would lead to two possible conclusions:

1. The Zoning Map and the Land Use Map are the same map with the R, C, and I subdistricts. The Use Chart is missing subdistricts.
2. The Zoning Map is different than the land use map and the uses in the Use Chart are permitted throughout the entirety of the ARD. This would make the reference to the land use map difficult to enforce.

The first position would suggest that certain uses are permitted within the areas identified on the Land Use Map as being consistent with those areas. Certain uses would be permitted in the Residential, Commercial, and Industrial areas. For example, a contractor’s yard would be allowed likely in the Industrial subdistrict (as identified on the land use map). This would mean that if the area near it developed, this use would already have been deemed to be compatible with that area.

The second position would mean that the reference to the land use map and subdistricts are incorrect in the ordinance. The uses are all permitted throughout the ARD. This would imply that incompatible uses may be established in areas (an industrial use in a residential area) pending urbanization. Otherwise, the Commission would need to deny uses deemed incompatible with the Comprehensive Plan without the benefit of a Zoning Map. This would be a difficult position.

In order to more clearly identify which uses are allowed within which subdistrict, a revised use chart has been prepared showing the uses being permitted in subdistricts identified as Residential, Commercial, and Industrial. This would use the land use map as a zoning map. It would prevent the establishment of incompatible uses within areas to be utilized for other uses upon urbanization.

### **Additional Discussion**

The ARD Ordinance allows for a wide range of uses. In some cases, an “urban reserve” type area would only allow residential and agricultural type uses. This makes for a more true holding zone type arrangement.

Many of the uses identified are established as “home based” businesses. Motor sports, paintball courses, horse riding and boarding, cabinet/carpenter shop, contractor’s office, contractor’s yard, small appliance repair, furniture repair, and veterinary clinic are all listed with standards that say that the operator must reside on the site.

Greenhouse and nursery sales state that “in areas previously zoned agricultural” that the operator must reside on the site. The meaning of this is unclear and would be recommended that it be similar to those listed above.

There are also uses like convenience fuel stations and day care centers which would be odd as rural/urban reserve uses and would likely be uses for urban lots after annexation. An in-home day care is permitted by statute in all residences.

Additionally, there are uses identified as having additional standards which do not. For example, auto repair is listed but no standards were found in the code. This is another use which might be incompatible as a stand alone use in a rural area. It is unclear if this was intended as a home-based business.

Then the ordinance is also somewhat unclear on what requires a “site plan review” and what does not. This has been interpreted as meaning only actions that would otherwise be in front of the Planning Commission receive site plan reviews. Otherwise, the Zoning Administrator is responsible for reviewing the request. This means that site plans related to CUPs, IUPs, or variances, and other such land use requests are reviewed by the Planning Commission.

### **Fee Schedule**

Fees are referenced to the City’s fee schedule. This requires an amendment due to the fact that the City’s fee schedule is based on the assumption that the City is receiving the building permit fees associated with reviews. The ARD PC needs to recoup fees borne to cover these costs.

### **Requested Action**

The Planning Commission should review the draft ordinance amendments and provide comments and direction. A public hearing was posted to allow for public comment.

The Planning Commission should state whether the use chart or ordinance text should be amended to provide clarity on the implementation of uses within the district. This is included in the draft ordinance language provided.

Additionally, the Planning Commission should comment on the uses in general and discuss if any uses (i.e. day care center, convenience store) should be removed from the list. The Commission should also discuss the greenhouse and nursery sales and auto repair uses and provide some guidance on how to handle these uses. Clarification on the site plan review process may also be discussed. These topics may warrant amendments to the draft ordinance.

**Amendment Process**

Amendments to the ARD Ordinance are required to be reviewed and approved by the Planning Commission with a process that includes the Town Board and City Council. A public hearing is required. At this meeting, the Planning Commission is reviewing the materials and taking public comment. Then the ordinance would be forwarded to the Bridgewater Town Board for review and comment. After an opportunity for comment from the Town Board, the Planning Commission would decide whether to adopt any amendments and forward the amendments to the Dundas City Council. Then the City Council would consider the amendments for formal inclusion into the adopted ARD Ordinance.

## ORDINANCE 2020-XX

### CITY OF DUNDAS COUNTY OF RICE, MINNESOTA

#### *An Ordinance Amending Chapter 155: Annexation Reserve District Sections 155.04, 155.05 and 155.06*

#### **THE CITY COUNCIL OF THE CITY OF DUNDAS DOES HEREBY ORDAIN:**

**Section 1.** Section 155.04 (C)(1) is amended by adding the underlined language and deleting the language in ~~strikeout~~ to read as follows:

(C) *Cost recovery.*

(1) *Purpose.* The costs to the City for receiving, analyzing, processing, hearing and final processing of requests for changes, modifications or special consideration under this chapter such as requests for an amendment (map or text), site plan review, conditional use permits, interim use permits and variances are considered to be unique to the applicant requesting the consideration, and it is the intent of this chapter to provide that all costs of the City occasioned by the requests shall be borne by the applicant. All costs for administrative review of development or building permit applications shall also be borne by the applicant. Actual costs shall include all engineering, legal, planning or other consultant fees or costs paid by the City for other consultants for expert review of a development application.

**Section 2.** Section 155.05(D) is amended by adding the underlined language and deleting the language in ~~strikeout~~ to read as follows:

(D) *Establishment of official zoning map.* The zoning districts established by this chapter correspond to the future land uses are set forth shown on the zoning future land use map attached to this chapter as §155.14, which is hereby incorporated as part of this chapter as the zoning map.

**Section 3.** Section 155.06 (E) “Use Chart” is deleted in its entirety and is replaced by a new Use Chart as follows:

(E) Use chart. Chart follows on next page.

	<i>District</i>	<b>Type</b>	
	<i>R = Residential</i>	<i>P = Permitted</i>	
<i>Uses</i>	<i>C = Commercial</i>	<i>C = Conditional Use</i>	<i>Standards *</i>
	<i>I = Industrial</i>	<i>I = Interim Use</i>	

**Agricultural and Related Uses**

Agriculture supply, product sales and the like	R, C, I	I	X
Commercial storage in existing agriculture building	R, C, I	I	X
Farm Buildings	R, C, I	P	
Farm Production	R, C, I	P	X
Feedlot, animal manure composting site, aquaculture	R, C, I	I	X
Forest and game management areas	R, C, I	P	
General Repair and machinery setup	R, C, I	I	X
Greenhouse and nursery sales	R, C, I	I	X
<b>Commercial Recreation</b>			
Golf course, country club, driving range	R, C, I	C	X
Organized motor sports: off-road only	C, I	I	X
Paintball course	C, I	I	X
Riding and boarding stable	R, C, I	C	X
Ski slope, snowboarding, tubing or sledding hills: private	C	C	X
<b>Civic, Educational, Institutional</b>			
Campground (public)	C	C	X
Cemetery	C	C	
Day care center	C	C	
Parks and recreation areas, walking and biking trails	R, C, I	P	

Religious Institution	C, R	C	X
School, public or private	C, R	C	X
<b>Commercial and Industrial</b>			
Auto repair, auto body repair	C, I	C	X
Bed and breakfast facility	C	I	X
Cabinet, carpentry shops	I	I	X
Contractor's Office	C, I	I	X
Contractor's yard w. outdoor storage	I	I	X
Convenience fuel and goods	C	C	X
Kennel, Commercial	C, I	C	X
Small appliance repair	C, I	I	X
Temporary asphalt plant or highway construction yard and equipment placement	I	I	X
Upholstering, furniture repair or restoration	C, I	I	X
Veterinary clinic	C, I	I	X
<b>Public Service and Utility Uses</b>			
Communications tower	R, C, I	C	X
Essential public service towers and transmission lines	R, C, I	P	X
Essential public service without towers and transmission lines	R, C, I	P	X
Government buildings	C, I	P	
Wind energy generation facilities and towers 40 KW or greater	R, C, I	C	X
<b>Residential and Related Uses</b>			
Facility for supervised residential program (up to 6 residents)	R, C, I	P	
Single-family residential	R, C, I	P	X
<b>Structures Accessory to Permitted Uses</b>			
Antennas and satellite dishes	R, C, I	P	
Detached garages, storage sheds, outbuildings	R, C, I	P	X
Farm drainage systems, flood control and watershed structures, erosion control structures	R, C, I	P	X
Farm storage, containerized or bulk for onsite and under 1,000 gallons	R, C, I	P	

Other structures typically incidental and clearly subordinate to permitted use	R, C, I	P	
Private swimming pool, tennis court, recreational facilities accessory to a dwelling	R, C, I	P	
Seasonal roadside stands for sales of farm products primarily produced on the premises	R, C, I	I	X
Signs meeting the chapter standards	R, C, I	P	X
Solar equipment	R, C, I	P	X
Temporary farm dwelling (mobile home)	R, C, I	I	X
Wind generation facilities and towers, less than 40 KW for household or business use	R, C, I	P	X
<b>Uses Accessory and Temporary to Permitted Uses</b>			
Domestic pets, up to 6 animals	R, C, I	P	
Home occupation, permitted	R, C, I	P	X
Home occupation, interim	R, C, I	I	X
Licensed day care for up to 12 children	R, C, I	P	
Other temporary uses: yard sales, sale of one vehicle	R, C, I	P	X
Room and board facility, max 2 persons	R, C, I	I	X

**NOTES TO TABLE:**

\*Specific standards for this use are included in this chapter.

**Section 4.** This Ordinance is effective upon its passage and publication in accordance with law.

**ADOPTED** by the Dundas City Council, of Dundas, Minnesota, on this \_\_\_ day of \_\_\_, 2020.

CITY OF DUNDAS BY:

ATTEST BY:

\_\_\_\_\_  
Glenn Switzer, Mayor

\_\_\_\_\_  
Jenelle Teppen, Administrator/Clerk

Ordinance 2020-

\_\_\_\_Switzer \_\_\_\_\_Cruz \_\_\_\_\_Fowler \_\_\_\_\_Modory \_\_\_\_\_Pribyl

**SUMMARY OF ORDINANCE NO. 2020-**

CITY OF DUNDAS  
COUNTY OF RICE  
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 155: ANNEXATION RESERVE  
DISTRICT, SECTIONS 155.04, 155.05 AND 155.06

Ordinance 2020-07 amended Chapter 155: Annexation Reserve District Sections 155.04, 155.05 and 155.06 to add cost recovery for administrative review of permits, clarify that the zoning map is the future land use plan and adding zoning districts to the Use Chart.

ADOPTED BY THE DUNDAS CITY COUNCIL on the \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Glenn Switzer, Mayor

ATTEST:

\_\_\_\_\_  
Jenelle Teppen, City Clerk/Administrator

\_\_\_\_ Switzer, \_\_\_\_ Cruz, \_\_\_\_ Zander, \_\_\_\_ Ryan, \_\_\_\_ Pribyl

Publication in *Faribault Daily News* on \_\_\_\_\_

**§ 155.06 USE CHART.**

The following chart describes permitted, accessory, conditional and interim uses in the Annexation Reserve District.

(A) *Permitted uses.* Uses permitted with a “P” are permitted as of right in the district designated; provided, the use complies with all other applicable provisions of this chapter.

(B) *Conditional uses.* Uses permitted with a “C” are allowed as a conditional use in the district designated; provided, the property owner has obtained a conditional use permit.

(C) *Interim uses.* Uses permitted with a “I” are allowed as an interim use in the district designated; provided, the property owner has obtained an interim use permit.

(D) *Prohibited uses.* Uses not listed are prohibited.

(E) *Use chart.* Chart follows on next page.

<i>Use Type</i>	<i>P = Permitted Use</i> <i>C = Conditional Use</i> <i>I = Interim Use</i>	<i>Standards*</i>
<b>Agricultural and Related Uses</b>		
Agriculture supply, product sales and the like	I	X
Commercial storage in existing agriculture building	I	X
Farm buildings	P	
Farm production	P	X
Feedlot, animal manure composing site, aquaculture	I	X
Forest and game management areas	P	
General repair and machinery setup	I	X
Greenhouse and nursery sales	I	X
<b>Commercial Recreation</b>		
Golf course, country club, driving range	C	X
Organized motor sports: off-road only	I	X
Paintball course	I	X
Riding and boarding stable	C	X
Ski slope, snowboarding, tubing or sledding hills: private	C	X
<b>Civic, Educational and Institutional</b>		
Campground (public)	C	X
Cemetery	C	
Day care center	P	
Parks and recreation areas; walking and bicycle trails	P	
Religious institution	C	X
School, public or private	C	X
<b>Commercial and Industrial</b>		
Auto repair, auto body repair	C	X
Bed and breakfast facility	I	X
Cabinet, carpentry shops	I	X
Contractor’s office	I	X
Contractor’s yard with outdoor storage	I	X
Convenience fuel and goods	C	X
Federally-mandated rail facilities	P	
Kennel, commercial	C	X
Small appliance repair	I	X
Temporary asphalt plant or highway construction yard and equipment placement	I	X
Upholstering, furniture repair or restoration	I	X
Veterinary clinic	I	X

<b>Public Service and Utility Uses</b>		
Communications tower	C	X
Essential public service towers and transmission lines	C	
Essential public service without towers and transmission lines	P	X
Government buildings	P	
Wind energy generation facilities and towers 40 KW or greater	C	X
<b>Residential and Related Uses</b>		
Facility for supervised residential program (up to 6 residents)	P	
Single-family detached dwelling	P	X
<b>Structures Accessory to Permitted Uses</b>		
Antennas, including satellite dishes	P	
Detached garages, storage sheds, outbuildings	P	X
Farm drainage systems, flood control and watershed structures, erosion control structures	P	X
Fuel storage, containerized or bulk for use onsite and under 1,000 gallons	P	
Other structures typically incidental and clearly subordinate to permitted use	P	
Private swimming pool, tennis court, recreational facilities accessory to a dwelling	P	
Seasonal roadside stands for sales of farm products primarily produces upon the premises	I	X
Signs meeting the chapter standards	P	X
Solar equipment	P	X
Temporary farm dwelling (mobile home)	I	X
Wind energy generation facilities and towers, less than 40 KW for household or business use	P	X
<b>Uses Accessory and Temporary to Permitted Uses</b>		
Domestic pets up to 6 animals	P	
Home occupation, permitted	P	X
Home occupation, interim	I	X
Licensed day care for up to 12 children	P	
Other temporary uses: yard sales, sale of one personal vehicle	P	X
Room and board facility, max. 2 persons	I	X
<b>NOTES TO TABLE:</b>		
*Specific standards for this use are included in this chapter.		