

OATH OF OFFICE

Deputy Clerk Etzel administered the Oath of Office to commissioners Karen Fuller and Justin Hensley. Fuller's term is from will expire on December 31, 2012 and Hensley's term expires on December 31, 2013.

Call to Order

Chair Buoy called the regular meeting of the City of Rockford Planning and Zoning Commission to order on **September 8, 2011** at 7:00 p.m. The meeting was held in the Council Chambers of City Hall, 6031 Main Street, Rockford, MN.

ROLL CALL

Roll call was taken. The following members were present: Buoy, Fuller, Hensley and Pederson. The following members were absent: Werman. Also in attendance were Deputy Clerk Etzel and Council Member Martinson.

PUBLIC HEARING – SWIMMING POOLS

Staff reviewed the memo in regards to swimming pool regulations and information from the city council. During the annual swimming pool CUP inspections staff found that there were a few swimming pools in the city that do not have a conditional use permit. Staff then sent those homeowners a letter regarding swimming pool regulations noting that a CUP was required. A few of those homeowners attended the August 9th city council meeting where the council discussed the height of the height of fencing, 2,000 gallons and depth of the pools. The existing ordinance requires any pool having 2,000 gallons or a depth of 3.5 feet or more shall apply for a conditional use permit. The ordinance also requires fences of five feet in height or pool safety covers.

Property owners that were sent a letter by staff attended the city council meeting complaining about the outdated regulations, stating that a fence should not have to be 5' high but 4' should be adequate. The requirement for 2,000 gallons seems too strict the property owners stated. The council also discussed that maybe it would be better to have a height on the pool and not a requirement for the number of gallons or to have one requirement or the other.

Public Hearing opened at 7:03 p.m.

John Baney – 7010 Kettenacker Drive stated his concerns about the height restriction and fence requirement of 5'. Mr. Baney suggests a 4' requirement on fencing would be adequate.

Nate Korn – 5261 Meadow Lakes Trail – expressed concerns with the requirement of a 5' high fence, stating the cost is not feasible and may prohibit the use of the pool.

Camie Stivers - 4016 Aspen Circle South stated she has a pool that is 25" above ground and a 4' deck with a gate and noted that this was part of the property when she purchased it and was aware of the conditional use permit requirement. Ms. Stivers feels that the fencing requirement is a safety issue and should be required.

John Baney – 7010 Kettenacker Drive agrees that children do come through the yards and he feels that the requirement for a 4' fence would be sufficient.

Chair Buoy closed the public hearing at 7:18 p.m.

Commission member Hensley stated that there are no federal or state requirements as far as fencing is concerned. Wright County requires a pool with 5,000 gallons should have a 4' fence with a locking gate.

US Consumer guidelines 362. Pool guide: states that a 4' height for a fence is the standard and any pool 24" or more should have a fence.

The commission reviewed the city ordinance and other samples of pool ordinance regulations from Delano and Wright county. There was discussion about an administrative review and no longer requiring a CUP for pools. Discuss size to define pools that would require a review:

Permanent requires a building permit and administrative review

No pool definition in the ordinance, which should be added.

The commission reviewed samples and suggested the pool gallons should be changed from 3,000 to 5,000 gallons. The commission favored the planner's suggestion of the administrative review for swimming pools.

Council Member Martinson excused himself from the meeting at 8:23 pm.

Small swimming pools from 100-5,000 gallons were discussed. No permit, no administrative review.

Ordinance items were discussed as follows:

- c. 10' from lot line, *maybe 6' would be adequate*
- d. All
- e. All
- f. delete
- g. yes but fill water through the meter
- h same
- i. same, but add ladder rule when not in use
- J remain the same
- k. fence – no
- l. yes – shall meet state requirements
- m. delete
- n. same

Motion was made by Buoy, seconded by Pedersen to continue the public hearing to October 13, 2011.

Motion carried-voting in favor: Buoy, Fuller, Hensley and Pedersen.

***CONSENT AGENDA/SET AGENDA**

Motion was made by Buoy, seconded by Pederson to approve all items on the consent agenda.

MOTION CARRIED – VOTING IN FAVOR – BUOY and PEDERSON. Abstained – FULLER and HENSLEY

***Approve Regular Planning and Zoning Minutes/July 14, 2011**

Motion was made by Buoy, seconded by Pederson to approve the minutes of the July 14, 2011 Regular Planning and Zoning Meeting.

MOTION CARRIED – VOTING IN FAVOR – BUOY and PEDERSON. Abstained – FULLER and HENSLEY

Annual Review of Conditional Use Permits

Staff inspected the April, May, June, July, August and September Conditional Use Permits (CUP). Planning Commission reviewed staffs report.

Manufactured Homes

The Planning Commission and staff reviewed Ordinance #1001.06 on March 10, 2011 and had questions regarding the following:

1. 1001.06, Subd. 4. A. Inspections 1, 2 and 3 – who is responsible for scheduling the inspections and making sure they are completed annually? See answers below.
 - 4.A.1 (Ordinances are being observed) - Manufactured Home Owner will schedule with Metro West for a fee.
 - 4.A.2 (Fire Inspection) - Manufactured Home Owner will schedule with Metro West for a fee.

- 4.A.3 (Water System Inspection) - Staff will need to get Request for Proposal (RFP) to select a qualified company to perform the water system inspection for the Manufactured Home Owner.
2. 1001.06, Subd. 5. A. 1 Manager – is there a manager on site? There is a manager on site in Hometown America and the manager of Tower Terrace lives in the area and is available by phone at all times.
 3. 1001.06, Subd. 5. A. 2 Office – is there a central office at each location and is it marked OFFICE. This will be part of Metro West’s inspection (with 4.A.1).
 4. 1001.06, Subd. 5. F. 1 Fire Extinguisher Required – who makes sure every mobile home has an extinguisher? Metro West Inspections will verify when homes are installed.

Inspection requirements are being sent to the owners of the manufactured homes and they will be sent updated information once the city has completed the RFP for the water system inspection. Follow-up on the annual inspections will be completed by the deputy clerk to make sure the inspections are being completed.

Accessory Buildings

The Planning Commission and staff reviewed Ordinance #1001.07 on July 14, 2011 and had questions regarding the definition of an Accessory building. The following was provided by the City Planner – Dan Licht:

- § Any separate structure not attached to the principal building is defined as an “accessory building” including detached garages, garden sheds, Rubbermaid containers, play sets, above ground pools, gazebos, etc.
- § Most Zoning Ordinances will regulate accessory buildings by area, number and height to ensure that the structure remains secondary to the principal residential dwelling. Rockford currently controls this by locations (setbacks), area, height and overall impervious surface on lot but not number. To this end, the following language could be added to the Zoning Ordinance:

There shall be no more than one (1) detached accessory structure with a gross floor area larger than one hundred fifty (150) square feet and no more than two (2) detached accessory structures per lot.

Deputy Clerk’s Report

The Deputy Clerk’s report included: LMC webinar land use training, new vacant registration code, and farmers market on Wednesdays.

Adjournment

MOTION TO ADJOURN was made by Buoy, seconded by Fuller.

MOTION CARRIED – VOTING IN FAVOR – BUOY, FULLER, HENSLEY, and PEDERSON.

Chair Buoy adjourned the meeting at 9:09 p.m.

Submitted by, Audra Etzel, Deputy Clerk