

CITY OF GRANT
MINUTES

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DATE : May 4, 2021
TIME STARTED : 7:02 p.m.
TIME ENDED : 8:18 p.m.
MEMBERS PRESENT : Councilmember Carr, Rog, Giefer,
Schafer and Mayor Huber
MEMBERS ABSENT : None

Staff members present: City Attorney, Dave Snyder; City Planner, Jennifer Swanson, City Treasurer, Sharon Schwarze; and Administrator/Clerk, Kim Points

CALL TO ORDER

The meeting was called to order at 7:02 p.m.

PUBLIC INPUT

(1) Ms. Cecilia Wirth, (no address provided) thanked the Council for their endorsement to the Watershed District. She stated she was sworn in last night and will stay in her lane.

PLEDGE OF ALLEGIANCE

SETTING THE AGENDA

Council Member Rog moved to approve the agenda, as presented. Council Member Schafer seconded the motion. Motion carried unanimously with a roll call vote.

CONSENT AGENDA

March 30, 2021 City Council Meeting Minutes	Approved
April 2021 Bill List, \$63,390.65	Approved
City of Mahtomedi, 1 st Quarter Fire Contract, \$37,499.25	Approved
Kline Bros. Excavating, Road Maintenance, \$25,270.25	Approved
ARC Paving, Potholing, \$20,241.99	Approved
Resolution No. 2021-17, Abatement of City Property	Approved

1 **Council Member Giefer moved to approve the consent agenda, as presented. Council Member**
2 **Rog seconded the motion. Motion carried unanimously with a roll call vote.**

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4 **STAFF AGENDA ITEMS**

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6 **City Engineer, Brad Reifsteck (no action items)**

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8 **City Planner, Jennifer Swanson**

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10 **Consideration of Interim Use Permit**– City Planner Swanson advised at the regular City Council
11 meeting on March 30, 2021 a memo and draft ordinance was presented for consideration to add
12 Interim Uses to Chapter 32 Zoning. Generally, the City Council was supportive of the draft ordinance
13 but needed additional time to research, consider and discuss some components of the ordinance.
14 Based on discussion, staff understand the key outstanding issues to include:

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 - Management/enforcement of Interim Use Permits
 - Understanding the difference between Interim and Conditional Uses.
 - Classification of uses on the Table of Uses (32-246) as proposed in the draft ordinance.
 - Accessory building construction prior to principal structure as an Interim Use.
 - Accessory Dwelling Units (ADUs) as a new use, and proposed Interim Use.

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22 Because there are many unanswered questions and lack of specific direction provided in March, Staff
23 did not update the draft ordinance presented on March 30th to minimize confusion. Upon feedback at
24 the May meeting, staff will update and revise the ordinance per your direction and bring the
25 ordinance back to your regular June meeting.

26
27 To assist in your discussion, staff provides the following additional information for each outstanding
28 issue:

29
30 **Management/enforcement of Interim Use Permits**

31 While not explicitly stated during the discussion, the issue of management and/or enforcement was an
32 underlying theme of the conversation. To assist you with discussion in May, staff provides some
33 additional information on management and enforcement for your consideration:

- 34
 - Similar to the Conditional Use Permit (CUP) process, staff will begin tracking Interim Use
35 Permits on a spreadsheet which will include the termination date of the IUP. During the City’s
36 annual CUP review process, IUPs will also be reviewed and any investigation and/or follow-
37 up conducted. This process has proven to be effective and is directly applicable to the IUP
38 process.
 - All IUPs will be drafted with a set of conditions that must be followed. This process will look,
39 feel and act just like the CUP process except the conditions will include an expiration or
40 termination date of the use.
 - Most Interim Uses will not “renew” and will simply exist for the duration that they are
41 permitted by the permit (e.g. a road construction project may have an IUP for the 2-year
42 construction period, and then it is done.) The benefit of the IUP simply terminating is that it
43 reduces the administration required to vacate a CUP when the use is no longer applicable.
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- 1 ▪ For those Interim Uses that “renew” the conditions will address how the renewal process for
2 that use will be implemented. As with CUPs, the time period and termination trigger will be
3 dependent on the proposed use and should be considered on a case-by-case basis.
- 4 ▪ From an enforcement perspective, an Interim Use Permit is easier to revoke if a user is in
5 violation because it does not run with the land. This means that the entitlement is given to the
6 user and therefore does not hold the same entitlement as a CUP which runs with the land and
7 can be passed from owner to owner. This is one of the reasons why most landowners will still
8 prefer a CUP over an IUP.

9

10 **Difference between Interim and Conditional Uses – Use Classification**

11 There was some confusion at the March 30, 2021 City Council meeting about Interim Uses and how
12 they differ from an entitlement perspective from a Conditional Use. Generally, Interim Uses are
13 granted for a specific user and can be time delimited based on a specific event occurring. This
14 entitlement is less permanent than a Conditional Use that runs with the land into perpetuity. Uses that
15 are more permanent, and are expected to be acceptable into the future, should be classified as a
16 Conditional Use. Uses that are temporary, may be user specific or that you want to have a time
17 limit/sunset should be classified as an Interim Use.

18

19 **Classification of uses on Table of Uses (32-246)**

20 Using the information in the previous section, please review the draft ordinance which identifies
21 Staff’s proposed Interim Use classifications and the full table in 32-246. Please come to the meeting
22 with your list of additional Conditional Uses for consideration/discussion as Interim Uses (if any).

23

24 While reviewing the table please consider that if a large capital investment is needed for a particular
25 use that banks do not generally like and/or support IUPs and will not give financing. Uses that require
26 capital investment and are thus more permanent in nature should remain as Conditional Uses, unless
27 there is some compelling reason to reclassify the use.

28

29 **Accessory building construction prior to Principal Structure**

30 No specific discussion occurred with respect to allowing accessory buildings on parcels prior to the
31 principal structure being constructed. Over the past 10+ years we have had several requests to build
32 an accessory building prior to the principal structure and staff believes the Interim Use Permit would
33 be an effective way to manage this request. Staff requests discussion from the City Council regarding
34 this recommendation.

35

36 **Accessory Dwelling Units (ADUs)**

37 The City Council’s discussion in March focused on whether ADUs should be added as a “use” to the
38 City’s Table of Uses. As staff understands it, there are a few overarching concerns. Staff provides the
39 following additional information for your consideration:

- 40 ▪ *Council Concern:* We do not want ADUs to become rental units all over Grant.

41

42 *Staff Response:* There are a couple provisions within the draft ordinance that would help to
43 limit units becoming “renter-occupied” such as the requirement that all ADUs must be owned
44 by the same owner of the principal building. Since March, staff performed some additional
45 research and found a couple examples of cities that have limited the occupancy of the ADU to
46 members of a “family” who are occupying the principal structure as defined within the city’s

1 ordinances. For example, the city of Saint Paul's ordinance is particularly restrictive stating
2 that "The total occupancy of the principal dwelling unit and accessory dwelling unit shall not
3 exceed the definition of family...allowed in a single housekeeping unit." Language similar to
4 this may be an option to further reduce the likelihood that someone would rent the ADU on an
5 open market. However, we would need to make sure that our definition of "family" is up to
6 date and consistent with state law. Additionally, the Council should note that Grant does not
7 have a rental ordinance, and that current property owners can rent their single-family homes
8 without any permits or licenses from the city. As such, limiting the ADU occupancy to a
9 "family" would apply to the family renting the principal structure.

10
11 Also, it should be noted that there are additional ways to limit the occupancy of an ADU
12 through the IUP process and the conditions applied. For example, the city of Saint Paul
13 requires property owners with an ADU to file an annual affidavit with the Zoning
14 Administrator to verify the continued owner-occupancy of the property as their permanent and
15 principal residence and identifying the owner-occupied dwelling unit. The City charges a fee
16 for the "annual" check. This is the type of condition that could be included in all IUPs. While
17 this increases administrative time nominally, it puts the primary responsibility on the owner to
18 remain compliant and demonstrate compliance on a regular basis.

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20 ■ *Council Concern:* If permitted, we need to regulate the intensity (size, area, etc.) of ADUs
21 because we do not want two Principal Structures on a single lot.

22
23 *Staff Response:* The current draft ordinance includes language to regulate intensity including:
24 1) limiting each lot to no more than one ADU; 2) limiting the size of an ADU to 1,000 SF;
25 and 3) requiring the ADU be accessed from the same curb-cut as the Principal Structure.
26 After the City Council meeting, staff performed some additional research and found some
27 municipalities limiting the size of ADUs to no more than 750 square feet. Staff also found
28 examples limiting the size of ADUs based on a percent (30% was most frequently identified)
29 of the principal structure square footage. Any combination of these standards could be
30 adopted as part of the ordinance and as long as they are clearly stated will help control the
31 intensity of the use. Staff also believes that by incorporating these standards into the ordinance
32 we will be able to perform a more thorough review than today because owners/applicants can
33 be honest about their plans for their accessory buildings. As it stands today, we regularly have
34 requests for bathrooms, kitchens, and other improvements in accessory building but there are
35 few standards to apply except "no walls" are permitted to separate spaces. Allowing ADUs
36 with appropriate regulations will help staff when these types of requests moving forward.

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38 ■ *Council Concern:* If an ADU is an Interim Use, how do we regulate and manage the zoning
39 enforcement.

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41 *Staff Response:* The process for an IUP will be very similar to the current CUP process and
42 will include the establishment of conditions for the ADU. Staff recommends that all IUPs be
43 tracked using the same methodology as the CUP process which requires an annual review. As
44 referenced above, if a condition is placed on all IUPs for ADUs that the owner must submit an
45 annual confirmation of the status of the ADU, this could be reviewed as part of that annual
46 review process. With respect to enforcement, the enforcement process will generally be the

1 same as it is for the CUP process except the revocation process is slightly less cumbersome
2 since the IUP is given to the user rather than running with the land into perpetuity. For
3 example, if a condition is placed in all ADU IUPs that if the ADU does not meet the
4 conditions of the permit that the IUP may be revoked. Upon revocation the Owner shall be
5 responsible for removing the kitchen from the ADU.

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7 **▪ Council Concern:** Perhaps ADUs should remain not permitted in the City.

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9 *Staff Response:* This is a viable option. If the City Council is not supportive of this use, the
10 Council can direct staff to remove it from the draft IUP ordinance.

11
12 Council directed staff to bring back Consideration of Interim Use Permit, final draft of Ordinance and
13 enforcement procedures to the June, 2021 City Council meeting.

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15 **City Attorney, Dave Snyder (no action items)**

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17 **NEW BUSINESS**

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19 **UNFINISHED BUSINESS**

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21 There was no unfinished business.

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23 **DISCUSSION ITEMS (no action taken)**

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25 **Staff Updates (updates from Staff, no action taken)**

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27 **City Council Reports/Future Agenda Items**

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29 No items were placed on a future agenda.

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31 **COMMUNITY CALENDAR MAY 5 THROUGH THROUGH MAY 31, 2021:**

32 **Mahtomedi Public Schools Board Meeting, Thursday, May 13th and May 27th, Mahtomedi
33 District Education Center, 7:00 p.m.**

34 **Stillwater Public Schools Board Meeting, Thursday, May 13th, Stillwater City Hall, 7:00 p.m.**

35 **Annual City Clean Up Day, Saturday, May 22, 9:00 am to Noon, Town Hall**

36 **Washington County Commissioners Meeting, Tuesdays, Government Center, 9:00 a.m.**

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38 **ADJOURNMENT**

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40 **Council Member Giefer moved to adjourn the meeting at 8:18 p.m. Council Member Schafer
41 seconded the motion. Motion carried unanimously.**

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43 These minutes were considered and approved at the regular Council Meeting June 1, 2021.

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Kim Points, Administrator/Clerk

Jeff Huber, Mayor

APPROVED