



AGENDA OF THE PLANNING  
COMMISSION  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
June 6, 2017  
7:00 P.M.

**CALL TO ORDER**

**APPROVE AGENDA**

**REGULAR AGENDA**

- A. Discuss City's Comprehensive Plan\* (pp. 2-11)
- B. Discuss City Code 303 Amendment\* (pp. 12-24)
- C. Discuss Expectations of Commission Secretary Role\* (p. 25)

**ADJOURN**

# MEMORANDUM

**DATE:** June 6, 2017

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**TO:** Birchwood City Planning Commission  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Comprehensive Plan



**Birchwood Village**

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Dear Commissioners,

As you know, the City Council appointed City staff Dennis Sonnek and Birchwood resident Bridget Sperl to assist the Commission in updating the Comprehensive Plan.

Since their appointments, Dennis and Bridget have started meeting with people from Rice Creek Watershed District, staff from surrounding communities, and have scheduled upcoming meetings with County officials to learn more about the requirements for the Comp Plan and the Local Water Plan.

Additionally, with the Commission's recommendation, staff contacted a Planner to review Birchwood's existing Comp Plan for review and feedback.

Staff is now prepared to update the Commission on progress made and request recommendations for moving forward.

Attached is a memo from Dennis Sonnek, the existing water plan, and the feedback provided by Jennifer Haskamp (Grant's Planner). Additionally, Dennis Sonnek is present at the meeting to provide a verbal update and answer questions.

Thanks!

Regards,  
Tobin Lay

Planning Commission - Birchwood Village

June 6, 2017

This is to request support from the Planning Commission (“Commission”) to engage a professional organization to assist in compiling and writing a Water Management Plan (“Water Plan”) for the City. The Water Management Plan is a critical component of the Comprehensive Plan, 2040. The support would be in the form of a recommendation by the Commission to approve the expenditure of funds covering the cost of such services.

**Background**

Current Water Plan was adopted in the summer of 2009. Since 2009 the Met Council has strengthened reporting requirements from all municipal entities. Met Council has published guidelines. The City is working with the Rice Creek Watershed District to ensure the reporting will meet these requirements.

**Land Use Consultants**

There are many land use consultants, in Minnesota, who specialize in assisting smaller communities devise usage plans, and work through the reporting requirements related to those plans. A request for an estimation of cost, has been forwarded to Swanson Hascamp (“SH”). SH has been recommended by area communities such as Lake Elmo and Grant. SH is currently working Grant’s water plan.

**Vision**

Per the Commission’s recommendation, City staff has already had Jennifer Hascamp review Birchwood’s Comp Plan for feedback (feedback attached). One of the many things Jennifer noticed with the existing Comp Plan is the absence of a vision. Staff requests Commissioner’s input on what the vision should be for inclusion in the Comp Plan. Staff will also be asking City Council for their input as well.

**Timeline**

The Comprehensive Plan is to be adopted and delivered to the Met Council by December 31, 2018. Completing a draft of the Water Plan in the next 60 is necessary because the Water Plan must be reviewed by the County of Washington, The Rice Creek Watershed District and the Met Council before it can be incorporated in the Comprehensive Plan. Each of these groups will independently review the plan. This process will take about 60 days. Comments will be used to create a final document, which will become part of the Comprehensive Plan.

**Conclusion**

This effort is in its initial stages. Suggestions or comments by the Planning Commission are encouraged. The City's staff will keep the Commission apprised of progress. For now, staff is requesting your support to move forward with the engagement of a professional organization to assist in the compiling and writing of a water plan.

Thanks,

Dennis Sonnek

**Water Management Plan Amendment  
City of Birchwood Village  
May 13, 2008**

**Executive Summary**

The Metropolitan Council has adopted a water management goal for the region as part of the Council's *2030 Regional Development Framework*, which states "the quality of water leaving the metropolitan area is as good as the water quality entering the metropolitan area, and in compliance with federal and state regulations." To meet this goal, the Council has linked control of pollution from point and nonpoint sources. In order to comply with the Met Council's initiative this document has been prepared and will serve as an amendment to the Water Management Plan dated December 1992 and prepared by Maier Stewart & Associates, Inc. The amendment was prepared in accordance with Minnesota Statute 103B.235 and Minnesota Rules Chapter 8410.

**Purpose**

The City of Birchwood's Plan must be in conformance with the Rice Creek Watershed District (RCWD) Plan. The Watershed is currently in the process of updating their Water Management Plan, which is expected to be completed in winter of 2009. The goals and polices of the RCWD to date have been incorporated into the plan. At such a time when the RCWD plan is updated, the City of Birchwood will revise and amend the city's document as necessary.

**Water Resource Management Agreements**

Birchwood Village currently does not have any Water Resource Management Agreements in place.

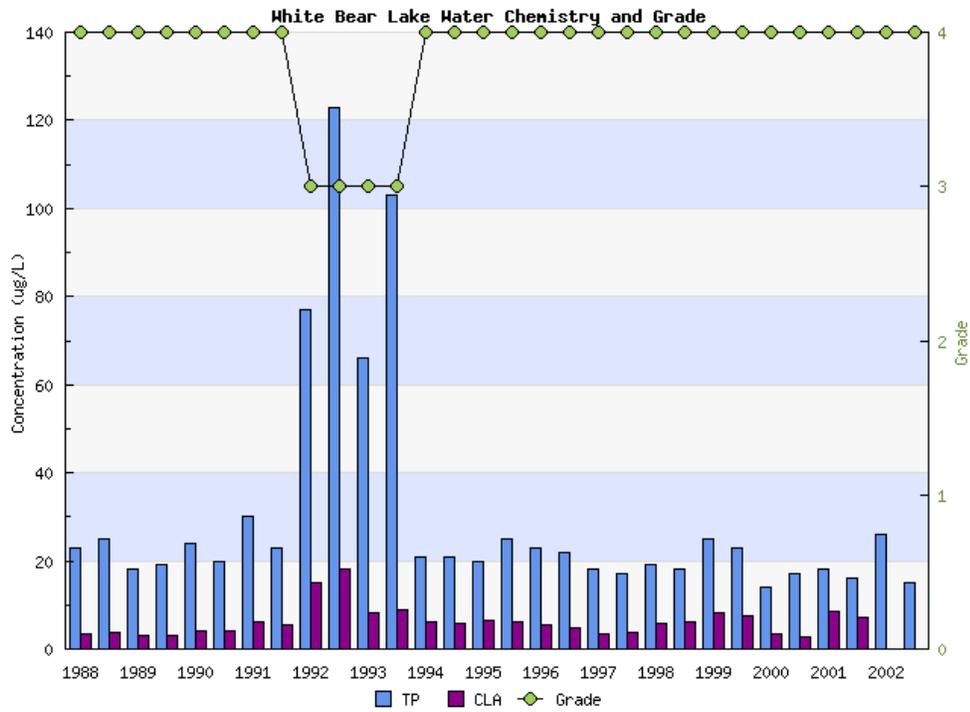
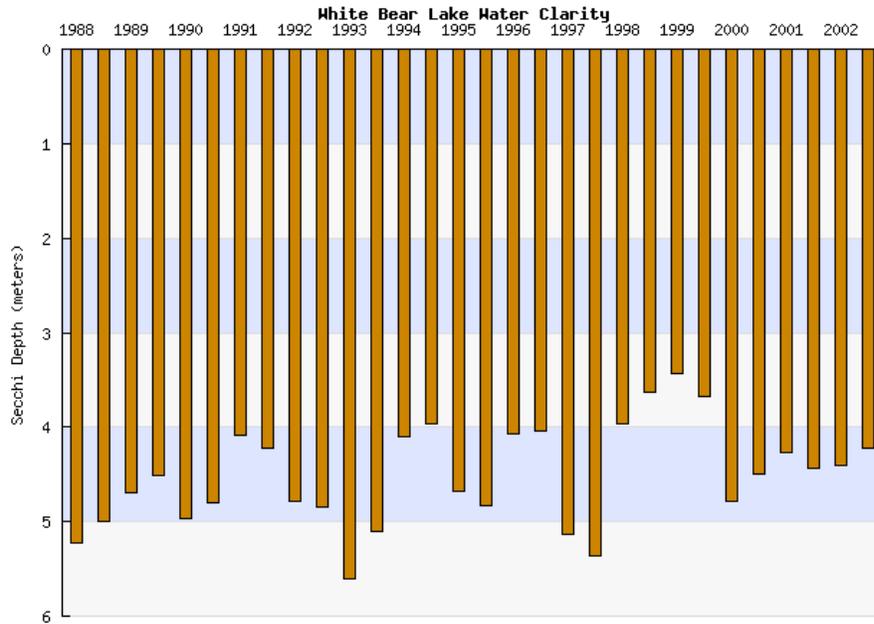
**Land and Water Resources Inventory**

Two rain water gardens were installed on City owned property in 2004. They are located within Tighe Schmitz Park and the Birch Easement. These rain water gardens aid in groundwater infiltration and collection of sediment from storm water runoff. The facilities also filter pollutant loaded runoff.

The City of Birchwood Village borders White Bear Lake along the northwest boundary of the City. Updated information has been obtained regarding water quality and water chemistry and grade for the lake. The ordinary high water level for the lake is 924.89. The updated STORET water quality data is as follows:

Total Phosphorus Mean: 18 ppb (parts per billion)  
Total Phosphorus Standard Error: 1 ppb  
Chlorophyll-a Mean: 5 ppb  
Chlorophyll-a Standard Error: 0.2 ppb  
Secchi Disk Mean: 3.8 meters  
Secchi Disk Standard Error: 0.1 meters  
Alkalinity Mean: 89.462395 ppm (parts per million)

The following charts provide data from 1988 to 2002:



## **Polices and Goals**

Birchwood Village City Council modified the City Ordinances in 2000 and 2003 to address Land Disturbance Activities and require the use of Best Management Practices to minimize impervious surfaces and increase settlement of material in storm water runoff. Section 302.055 "Land Disturbance Activity Standards" was adopted to address this issue. In addition, Section 308.095 "Land Disturbance Activity" was adopted to provide design standards on the management, inspection, and maintenance of permanent storm water management facilities.

### *Stormwater Pollution Prevention Plan*

The City has developed a Storm Water Pollution Prevention Plan (SWPPP) to comply with the NPDES MS4 permit requirements. The plan outlines the six minimum control measures and associated best management practices. The plan has been adopted by the City Council and will serve as complement to this document.

## **Implementation Program**

### *Assessment of Problems*

As noted, the City is located adjacent to White Bear Lake. White Bear Lake has been listed on the MPCA 303d Impaired Waters list for mercury. There are currently state laws that require households to recycle fluorescent lamps, ban items that contain mercury in toys, games, apparel, and thermometers, and require removal prior to demolition of homes. Birchwood Village will promote the proper disposal of items that contain mercury.

Birchwood Village directly discharges storm water runoff to White Bear Lake at several points along the northwest side of the City. At most of these points sediment in the storm water runoff enters the lake without any prior treatment. A program was begun in 2007 to install storm sewer structures with sumps prior to the outlet point. The storm sewer outlets located at the Birch Easement and Elm Easement have had structures installed.

### *Capital Improvement Plan*

The City of Birchwood Village has identified a capital improvement plan that replaces three storm sewer structures a year with structures that contain sumps. The program will be in place from 2008 to 2011. The sumps will remove larger sediment particles prior to discharge to White Bear Lake and Halls Marsh. Funding for the program will come from the Capital Improvement fund. In addition, the structures are scheduled to be inspected and if necessary cleaned twice a year.

## **Wetland Management Plan**

The City of Birchwood Village currently does not have a Wetland Management Plan. The City intends to develop a plan within one year of the Rice Creek Watershed Management Plan being finalized in order to ensure that the document is consistent with the Watersheds plan.

### **Amendment Procedures**

This amendment and the original document shall remain in effect until required to be updated. The document shall be reviewed for compliance with the Rice Creek Watershed District when updates are approved by the organization.

On Fri, May 5, 2017 at 10:21 AM, Jennifer Haskamp <[jhaskamp@swansonhaskamp.com](mailto:jhaskamp@swansonhaskamp.com)> wrote:

Hi Dennis,

I took some time this morning to review the City's 2030 Comprehensive Plan, and the 2015 System Statement issued by the Metropolitan Council for preparation of the 2040 Comprehensive Plan. Generally, I think your existing plan can be used as the starting point, and a full re-write is not necessary which is good news. However, the bad news is that nearly every section/component will need some updating to comply with the System Statement. A summary of items that must be updated per the the System Statement (briefly) are:

- Updated Population, Households, Employment Projections - The numbers in the System Statement are quite different than reflected in the current plan. Given the size of the community, and the challenges a decreasing population presents, you may want to look into these projections to ensure they are accurate. If so, this might warrant some significant discussion during the Plan Update process to identify ways to maintain the City's population long-term.
- Regional Bicycle Transportation Network (new item in System Statement): The Metropolitan Council has identified Tier 1 and Tier 2 corridors for development of a regional bicycle transportation network (RBTN) and there is a corridor identified in Birchwood. This should be studied, and addressed in conjunction with any trail discussion that might occur in the Plan Update process.
- The System statement identifies specifically that the City must address the SSTS in the community. The current plan does not identify any unsewered areas; is everything sewerred in Birchwood?
- Water Supply Plan must be fully updated and include/discuss information regarding adjacent communities also served. This was to be initiated by the DNR - have you heard from them already regarding this portion of the plan?
- Local Water Plan - This must be included in the 2040 Plan Update, and should be updated to reflect applicable rules and regulations.

Beyond the items in the System Statement, after reading the 2030 Plan I would have the following suggestions in updating your Plan:

- The 2030 Plan lacks a clear vision for the future of Birchwood Village. There is some issue identification within the Plan, but no clear sense of what Birchwood hopes to become. Even if the vision is to essentially stay the same - you have to plan for that. As evidenced by the decreasing population - to stay the same - you might have to figure out how to get families back into the community, etc.
- I would recommend that you spend some time evaluating the projections contained in the System Statement and determine how the decrease in population and households will affect the long-term financial viability of the community. If you are approaching a red-line, you should spend some time in this Plan Update identifying ways to stabilize (or potentially even increase) the population. This effort could include studying and conducting a detailed land use analysis (ie. identifying areas that may support redevelopment), policy and zoning review, etc.

- To study some of the more complex issues like land use patterns, redevelopment, etc., I would recommend that you appoint a working group to assist through the process to help with resident buy-in and goal setting.
- It seems from the current plan that there was some desire to expand the trail network in the city at one time. This would be a perfect time to look at supporting/creating a trail plan that could then eventually lead to opportunities for grant money, etc. (Generally, opportunities are easier to capitalize on when they're on a map). The long-range trail plan could then be coordinated into the RBTN.
- I am not sure if the plan you sent me includes everything, but if it does, I would suggest updating all of the mapping in the Plan. Mapping helps paint the picture, and lets you get a better handle on the issues.
- Overall, the document could be laid out better to improve readability and usability. Graphics and updated tables would help improve the document.

This is my first blush of the issues and requirements to update your Plan. Obviously, it is a bit general and I am making some assumptions based on the language in the 2030 Plan, which obviously could be inaccurate if the political climate has changed since it was adopted in 2010.

Please feel free to give me a call if you'd like to talk through anything in my email. I hope this was helpful.

Have a great weekend - it seems like it is going to be absolutely lovely!

**Jennifer Haskamp**  
SHC, LLC  
(d) [651.341.4193](tel:651.341.4193)

To: Tobin Lay Birchwood City Administrator

From: Bryan McGinnis  
194 Wildwood Avenue

Date: March 20, 2017

Subject: Candidate for Permanent City Planner

I recommend that you look at Jennifer Haskamp of Swanson Haskamp Consulting as a candidate for the position of contracted Birchwood Village Planner:

Website: [www.swansonhaskamp.com](http://www.swansonhaskamp.com)  
Contact: [info@swansonhaskamp.com](mailto:info@swansonhaskamp.com)  
651-321-2012

On March 15 I was flipping TV channels and came across the City of Grant Council Meeting on channel 98. Jennifer Haskamp, as City Planner, gave presentations for a Variance and a Conditional Use permit, both of which had previously been reviewed by the Planning Commission, and a change to an ordinance dealing with the Planning Commission. She gave a top-notch review of the facts and situations for each issue. She demonstrated good knowledge of Grant ordinances covering the applicants' request, and she well answered questions from the Councilmembers.

I further recommend that the Planning Commission be given the opportunity to review the qualifications of any candidate(s) that you believe are worthy of consideration, and that the Planning Commission forward a recommendation to the City Council.

Sincerely,



Bryan McGinnis  
651-426-3972  
[bjmcginnis@cpinternet.com](mailto:bjmcginnis@cpinternet.com)

cc: Doug Danks Chairman, Birchwood Village Planning Commission

# MEMORANDUM

DATE: June 6, 2017

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TO: Birchwood City Planning Commission  
FROM: Tobin Lay, City Administrator  
SUBJECT: City Code 303 Amendments



**Birchwood Village**

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Dear Commissioners,

During the last Commission meeting, Commissioners voted on a new meeting schedule for Commission meetings. Since that time, it has been brought to Council's attention that City Code 303 mandates a fixed meeting time that cannot be changed without amendment to the ordinance.

City Council has request the Commission review City Code 303 (attached) and make recommendations to the Council of amendments that should be made to this code. The Council particularly asked that Commissioners remove as much of the regulations from the code and create Commission Bylaws to govern such topics.

Birchwood resident Al Mitchell has offered the attached model code from the League of MN Cities and a copy of Mahtomedi's Planning Commission ordinance.

Additionally, City Attorney Alan Kantrud has offered his assistance to the Commission during this amendment process.

Thanks!

Regards,  
Tobin Lay

## 303. ZONING CODE; ADMINISTRATION

303.010. GENERAL. A Planning Commission is hereby established in and for the City of Birchwood consisting of at least five and no more than seven members, who are residents of Birchwood, appointed by the Mayor and approved by the City Council. No member of the Planning Commission shall hold any elected public office in the City.

All members shall be appointed for a one year term; however, said term may be terminated earlier by the Council. Said terms are to commence on the day of appointment. Vacancies during the term shall be filled by the Mayor with approval by the City Council for the unexpired portion of the term.

ORGANIZATION AND MEETINGS: The Commission shall elect a chairman from among its appointed members for a term of one year and the Commission may create and fill such other offices as it may determine.

The Commission shall hold at least one regular meeting each month. These meetings shall be held on the first Tuesday of the month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record.

JURISDICTION: The Commission shall study land use, proposed plats, rezoning, applications for conditional uses, and special uses, hold public hearings when necessary, and act as the Board of Appeals.

303.020. ENFORCEMENT. It is unlawful for any person to violate any of the terms and provisions of this Code. Violation shall be a misdemeanor. Each period of two weeks that the violation is permitted to exist will constitute a separate offense. In addition, the City Attorney may require the person to take actions to prevent, restrain, correct or abate such violations.

The City will ensure that all construction activity is in compliance with land use ordinances through periodic inspections and issuance of a Certificate of Compliance. The building inspector will assume all inspection responsibilities including but not limited to land use standards as specified on the use permit.

The contractor or owner shall be informed immediately when a violation occurs, and shall be given an opportunity to make the necessary corrections. If the corrections are not made within a reasonable period of time, the owner shall be sent a written notice and the contractor issued a stop work order. The building inspector shall, when necessary, call upon the police for enforcement assistance.

303.030. GENERAL ADMINISTRATION OF THE ZONING CODE. The City Clerk, in consultation with the Chairman of the Planning Commission, shall make all administrative determinations as to compliance with the Zoning Code, at the time when a building permit is sought. The Clerk may also forward a request for an administrative decision on interpretation of the Code to the entire Planning Commission. When making such administrative decisions, the

Planning Commission cannot grant variances, which require hearings as described in Section 304. VARIANCES AND APPEALS.

303.040. OTHER GOVERNMENTAL UNITS. It is recognized that measures beyond those outlined in this Code may be required by other Governmental units. No permit (including grading and filling) shall be approved until the requester shall have obtained all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, the Army Corps of Engineers, the Pollution Control Agency, or any other Group, Department, Agency or Government entity which has jurisdiction over the project.

The Minnesota Department of Natural Resources has the authority to regulate any proposed dredging, filling, or changes of the shoreland of all navigable waters in the state. A permit to alter the shoreline is required. It also has the authority to establish minimum standards for land use controls within the shoreland areas of the state.

The Rice Creek Watershed District has the authority to control or alleviate damage by floodwaters and to improve stream channels for drainage, navigation and other purposes.

The White Bear Lake Conservation District has the authority to manage water quality and regulate activity on White Bear Lake.

The Washington Conservation District administers a program of cost sharing with land occupiers for installing soil and water conservation practices (those structural and vegetative practices applied to the land to control erosion, sediment and other water pollutants). The District also prepares erosion control plans for developments that have erosion or sediment hazards.

The Army Corps of Engineers manages navigable waterways and adjacent wetlands.

303.050. RELATED CHAPTERS.

1. Chapter 202 - Plumbing and Sewage System
2. Chapter 203 - Building Regulations
3. Chapter 308 - Sub-Division of Land
4. Chapter 404 - Housing
5. Chapter 405 - National Flood Insurance Program

## **LEAGUE OF MINNESOTA CITIES SAMPLE CITY PLANNING COMMISSION ORDINANCE (January 2012)**

**Before adopting this ordinance, a city should be familiar with the contents of the League information memo, [Planning Commission Guide](#) LMC 430A.8 (January 2012).**

### **INTRODUCTION AND INSTRUCTIONS:**

This sample ordinance establishing a city planning commission contains a number of provisions a city may want to adopt. A city wishing to adopt this ordinance should review it with the city attorney to determine which provisions are best suited to the city's circumstances. A city can modify these ordinances by eliminating provisions that apply to activities it does not seek to regulate. Because provisions within this ordinance implicate state statutes and involve state and federal constitutional rights, the city attorney should review any modifications to ensure they conform to current law.

This sample ordinance is drafted in the form prescribed by [Minn. Stat. § 412.191, subd. 4](#), for statutory cities. Home rule charters often contain provisions concerning how the city may enact ordinances. Home rule charter cities should consult their charter and city attorney to ensure that the city complies with all charter requirements.

If your city has codified its ordinances, a copy of any nuisance ordinance must be furnished to the county law library or its designated depository pursuant to [Minn. Stat. § 415.021](#).

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A**  
**CITY PLANNING COMMISSION**  
**WITHIN THE CITY OF \_\_\_\_\_, MINNESOTA**

THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA DOES ORDAIN:

**SECTION 1. ESTABLISHMENT OF THE PLANNING COMMISSION**

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Accept as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

**SECTION 2. COMPOSITION AND TERMS**

**(A) Composition, Number.** Such Planning Commission shall consist of seven members, who are residents of the city. Members shall be appointed by the City Council. In addition, the City Council shall select an ex officio member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The ex officio member shall be a non-voting member who is not counted for quorum purposes.

**(B) Terms.** Of the members of the Commission first appointed, one shall be appointed for the term of one (1) year, two for the term of two (2) years, two for the term of three (3) years, and two for the term of four (4) years. Their successors shall be appointed for terms of four (4) years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire each year on December 31.

**(C) Compensation.** All members shall be compensated at a fixed rate of \_\_\_\_\_ per meeting attended (regular and special).

**(D) Removal.** Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.

**(E) Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

**(F) Oath.** Every appointed member shall, before exercising any of his or her duties, take an oath that he or she will faithfully discharge the duties of the office.

**SECTION 3. ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES**

- (A) **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson and a Secretary from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.
  
- (B) **Meeting.** The Planning Commission may hold at least one meeting each month as needed at the time and place as they may fix by resolution, subject to City Council approval and file with the City Clerk. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.
  
- (C) **Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission shall adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.
  
- (D) **Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to approval at the next Planning Commission meeting.
  
- (E) **Expenditures.** No expenditures by the city on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

#### **SECTION 4. ATTENDANCE**

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

#### **SECTION 5. STAFF FOR THE COMMISSION**

The City Clerk or Administrator, Building Inspector, City Planner, City Engineer and City Attorney may act as staff for the Planning Commission and may be required at times to attend commission meetings. City Staff may provide the Commission with information as requested by the Commission. The City Clerk or Administrator may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

## SECTION 6. POWERS AND DUTIES

- (A) **Generally.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this ordinance.
- (B) **Comprehensive Plan.** It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission may periodically, but at least every five years, review the comprehensive plan and any ordinances or programs implementing the plan.
- (C) **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.
- (D) **Zoning Ordinance.** Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.
- (E) **Conditional Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- (F) **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- (G) **Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by

City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

**(H) Zoning Variances.** All applications for variances may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.357, subd. 6, as it may be amended from time to time for its decision.

**(I) Official Map.** Pursuant to M.S. 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor.

**(J) Appeals to Denials of Zoning, Land Use or Building Permits Based on the Official Map.** All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, subd. 4, as it may be amended from time to time for its decision.

**(M) Purchase and Sale of Real Property.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

**(N) Capital Improvements.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

**(O) Comprehensive Plan Amendments.** Pursuant to M.S. 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

**SECTION 7. EFFECTIVE DATE**

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Passed by the Council this \_\_\_\_\_, day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
Clerk

2.11 PLANNING COMMISSION.1. Purpose. The City Council finds it necessary to guide the future development of land within the City through comprehensive planning for the purposes of (1)ensuring a safer, more pleasant, and more economical environment for residential, commercial, industrial, and public activities; (2) promoting the public health safety, and general welfare; (3) preparing for anticipated changes in land use, thereby causing significant savings in both private and public expenditures; and (4) providing for necessary public services on the lowest possible cost basis and achieving the maximum secured tax base for the community.

2. Definitions. The following words and phrases when used in this Section shall have the following meanings:

A. “Commission” means the Planning Commission.

B. “Land Use Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire City, as well as a specialized plan showing specific areas or specific types of land uses such as residential, commercial, industrial, public, or semi-public uses or any combination thereof.

C. “Transportation Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the various modes of transportation in the City such as streets and highways, mass transit, railroads, trucking, and includes a major thoroughfare plan.

D. “Community Facilities Plan” means a compilation of policy statements, goals, standards, maps, and use programs for guiding the future development of the public or semi-public facilities of the City such as recreational, educational, and cultural facilities.

E. “Capital Improvements Program” means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the City, and such other information as the Commission deems relevant.

F. “Official Map” means a map adopted in accordance with Minnesota Statutes Section 462.359, showing existing streets, proposed future streets, and the area needed for widening existing streets of the City. The map may also show the location of existing and future public land and facilities within the City.

3. Planning Commission Established.

A. Creation. There is hereby created a Planning Commission for the City of Mahtomedi to be comprised of seven (7) members appointed by the City Council.

B. Term. The term of each member shall be for three (3) years. Members may be removed at the discretion of the City Council.

C. Vacancies. If a Commission member is absent from three (3) meetings during a one (1) year period, unless excused in advance by the Chairperson, that commission member will be considered to have abandoned their position, creating a vacancy. In the event of a vacancy, the City Council shall appoint a successor to fill the vacant position for the remainder of the unexpired term.

D. Qualifications. Each member shall be a resident of the City of Mahtomedi. All members shall serve without compensation.

E. Chairperson. At its first meeting every April, the members of the Planning Commission shall appoint from among their membership a chairperson to serve for a term of one (1) year. The chairperson shall preside at all meetings of the Commission if present and shall perform all other duties and functions assigned by the Commission or by the City Council. The members of the Commission may appoint from among the membership a vice-chairperson to act for the chairperson during his or her absence.

4. Meetings. The Commission shall meet on the second Wednesday of every month. A majority of all members of the Commission shall constitute a quorum. A quorum is required for any action to be taken by the Commission.. Unless otherwise provided, any action taken by the Commission shall be by the affirmative vote of a majority of the members present. The Commission may adopt such rules and regulations governing its proceedings as it deems necessary for the proper conduct of its business. The Commission shall keep a public record of its meetings, resolutions, findings, and reports.

5. General Powers and Duties. The Commission shall have the powers and duties given to city planning agencies generally by law. The Planning Commission shall also exercise the duties conferred upon it by this Code and the Zoning Ordinance, including those related to Zoning Ordinance Amendments, Conditional Use Permits, Variances, and Site Plan Review.

6. Comprehensive Plan. The Commission shall prepare and recommend to the City Council a comprehensive municipal plan for the City of Mahtomedi. Such plan shall include a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City and shall include a statement of policies, goals, and standards for (a) a land use plan; (b) a community facilities plan; (c) a transportation plan; (d) a capital improvements program; and (e) an official map. The comprehensive plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the City.

A. Plan Adoption and Amendment. The Commission may adopt and amend a comprehensive municipal plan as its recommendation to the City Council. The plan may be adopted in sections,

each of which shall relate to a major subject of the plan or to a major geographical section of the City. Before adopting the comprehensive plan or any section or amendment thereto, the Commission shall hold at least one (1) public hearing thereon. A notice of the time, place, and purpose of the hearing shall be published once in the official newspaper of the City at least ten (10) days before the day of the hearing. Adoption and amendment of the comprehensive plan or of any section thereof shall be by resolution adopted by a majority of all the members of the Commission. When adopted, a copy of the plan or of any section or amendment thereof shall be certified to the City Council.

B. Adoption of Plan by City Council. Upon receiving a certified copy of the plan or of any section or amendment thereof from the Commission, the City Council may, by resolution of the majority of its members, adopt or amend the comprehensive plan or portion thereof so recommended as the official comprehensive plan of the City. After a public hearing upon such recommendation, notice of the time and place of which shall be given by publication once in the official newspaper of the City at least ten (10) days before the day of the hearing, until so adopted by the City Council, the plan or any section, or amendment thereof shall constitute only the recommendation of the Commission.

C. Recommendations for Plan Execution. Upon recommendation by the Commission, the comprehensive plan or any section or amendment thereof, may be studied and the Commission may propose to the City Council reasonable and practicable means for putting the plan, section or amendment into effect. Such means may include zoning regulations, regulations for the subdivision of land, official map, a program for coordination of normal public improvements and services, and a capital improvement program.

D. Plan Compliance. After a comprehensive plan, section, or amendment thereof has been certified to the City Council, no publicly owned interest in real property within the City shall be acquired or disposed of or any capital improvement authorized by the City, or any other agency or political subdivision having jurisdiction within the City, until after the Commission has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the City Council its findings as to compliance with the comprehensive plan. If the Commission fails to report on the proposal within forty-five (45) days after such reference, such failure to report shall be deemed to have satisfied the requirements of this section. If the City Council determines that the proposed acquisition or disposal of real property or capital improvement bears no relationship to the comprehensive plan, it may dispense with the requirements of this section by resolution adopted by two-thirds vote.

E. Studies. In exercising the powers granted under this Section, the Commission, with prior approval of the City Council, may collect and analyze data, maps, charts, tables, and other illustrations and displays and conduct necessary studies. The City Council may publicize findings and suggestions on planning matters within the scope and objectives of this Section.

F. Appropriation. The City Council may appropriate moneys from any fund not dedicated to other purposes in order to finance planning activities authorized by this Section. The City Council may receive and expend grants and gifts for such planning purposes and may enter into contracts with other governmental units or private agencies in furtherance of the planning activities authorized herein.

G. Plan Effectuation. Upon prior approval of the City Council and its finding that such action will promote the public health, safety, and general welfare, the Commission may prepare additional procedures for plan effectuation, including (a) zoning ordinances, (b) subdivision regulations, (c) official maps, and (d) such other means of plan execution as will accomplish the purposes of this Section. Such procedures shall be prepared in accordance with the provisions of Minnesota Statutes Chapter 462 and shall be certified to the City Council for its review and consideration.

# MEMORANDUM

**DATE:** June 6, 2017

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**TO:** Birchwood City Planning Commission  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Expectations of Commission Secretary Role



**Birchwood Village**

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Dear Commissioners,

Please welcome Andy Sorenson, a fellow Birchwood resident who has offered to volunteer as the Commission's Secretary.

Staff requests Commissioners discuss what expectations they have for Andy in this role.

Thanks!

Regards,  
Tobin Lay