



NOTICE OF AGENDA

PLANNING COMMISSION

[City of Forest Lake - Livestream and Recorded Meetings](#)

Forest Lake City Center – Council Chambers
Forest Lake, Minnesota

February 8, 2023 – 7:00 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve the Agenda
5. Consent Agenda Considerations (Action Items)*
 - a) Approve Planning Commission Meeting Minutes from January 11, 2023

**Planning Commission may remove any item from the consent agenda for specific consideration*

6. Regular Agenda (Action Items)
7. Discussion
 - a) Electronic Billboards Discussion
 - b) Zoning Ordinance Rewrite Discussion
 - c) Wetland Banking Discussion (*Under Separate Cover*)
8. Other
9. Adjourn



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Karin Derauf, Deputy City Clerk

Wednesday, January 11, 2023 7:00 PM City Center - Council Chamber

[City of Forest Lake - Livestream and Recorded Meetings](#)

1. Call to Order

2. Roll Call

Attendee Name	Title	Status	Arrived
Paul Girard	Commission Chair	Present	
Susan Young	Commission Vice-Chair	Present	
Kevin Miller	Planning Commissioner	Present	
Justin Brink	Planning Commissioner	Present	
Geneva Kubal	Planning Commissioner	Present	
Don Stehler	Planning Commissioner	Present	

3. Pledge of Allegiance

4. Approve the Agenda

Comments:

Motion to: Approve the Agenda

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Stehler, Commissioner
SECONDER:	Kevin Miller, Commissioner
AYES:	Girard, Young, Miller, Brink, Kubal, Stehler
NAYS:	
ABSTAIN:	
ABSENT:	

5. Consent Agenda

a. Approve Planning Commission Meeting Minutes from December 14, 2022

Comments:

Motion to: Approve Consent Agenda Items 5. a.



Planning Commission

Regular Meeting

~ Minutes ~

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City Center - Council Chamber

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kevin Miller, Commissioner
SECONDER: Justin Brink, Commissioner
AYES: Girard, Young, Miller, Brink, Kubal, Stehler
NAYS:
ABSTAIN:
ABSENT:

6. Regular Agenda

a. Resolution 01-11-23-01 - Variances for XXXX 240th Street North (Between 5293 and 5295 240th St N – PID 06.032.21.14.0002)

Comments: City Planner Roberts presented information for a property located on 240th St N and a request for variances for setbacks. One is for the septic system components less than 10 feet from the property line and the other is for the secondary system elements to be 60 feet from the wetlands. He noted that the topography and wetlands limit choices for septic system location on the property. He noted that the shape of the property, wetlands, and topography presents a practical difficulty and meets additional conditions of variance criteria.

Commissioner Young commented on adding a 7th condition that the applicant comply with the rules of Washington County for septic system construction and maintenance. Chair Girard commented on the 60 foot distance from the wetland noting the condition states “of the wetland”. City Planner Roberts clarified it should say 60 feet “from” the wetland.

Dan Middlestadt, applicant, commented that it has been a great amount of work to come up with configuration for the home and septic on the property. He noted that he grew up in Forest Lake and has wanted to move back to the area.

Commissioner Miller commented on lenders needing maintenance agreements on the property as the location is on a private road.

Public Hearing opened at 7:16 p.m.

Public Hearing closed at 7:17 p.m.

Commissioner Miller asked if the City will require any type of maintenance or shared driveway agreement on this private road. City Planner Roberts indicated the City would not require that. He noted that the road is really a long private driveway. The applicant indicated that their closing documents stipulated that they had to agree to an easement with the other properties to access the road.



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City Center - Council Chamber

Commissioner Stehler commented on maintenance of the septic system. City Planner Roberts indicated the County has standards but doesn't see any harm in including them in the City records.

Motion to: Approve the Two (2) Variance Requests to Allow the Installation of a Primary and Secondary Septic System on the Property Located at XXXX 240th Street North (PID: 06-032-21-14-0002) with Six (6) Conditions as Cited and the Addition of a 7th Condition Stating the Applicant Shall Fully Comply with All Rules and Conditions Promulgated by Washington County Regarding Septic System Construction and Operation.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Susan Young, Commissioner
SECONDER: Geneva Kubal, Commissioner
AYES: Girard, Young, Miller, Brink, Kubal, Stehler
NAYS:
ABSTAIN:
ABSENT:

b. Accessory Dwelling Units Discussion

Comments: Community Development Director Wittman commented on the draft ordinance on accessory dwelling units that was heard at the last Planning Commission Meeting. She noted the feedback from the Commission and cited the changes she made to the ordinance as presented tonight. She commented on consistency with the Comprehensive Plan and the public benefit.

Commissioner Young asked for clarification on sentence structure in section 1. She also commented on the shared water / sewer system of the ADU with the primary dwelling unit. Commissioner Miller commented on the capacity of an existing septic and the addition of another unit. Commissioner Young commented on section 6. d. pertaining to the area of the structure.

Motion to: Recommend to City Council to Approve the Ordinance Amending Title XV, Land Usage, Chapter 153, Zoning Code, Related to the Inclusion of Accessory Dwelling Units in the Agricultural (A) Zoning District



Planning Commission

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Miller, Commissioner
SECONDER: Justin Brink, Commissioner
AYES: Girard, Young, Miller, Brink, Kubal, Stehler
NAYS:
ABSTAIN:
ABSENT:

7. Other

Comments: Community Development Director Wittman thanked Commissioner Brink, Commissioner Kubal, and Chair Girard for continuing on with the Commission. She also noted that Councilmember Roberts has been appointed as the Council Liaison to the Planning Commission. There was discussion regarding the next meeting and the electronic billboard ordinance.

8. Adjourn

Motion to: Adjourn

RESULT: ADOPTED [UNANIMOUS]
MOVER: Susan Young, Commissioner
SECONDER: Geneva Kubal, Commissioner
AYES: Girard, Young, Miller, Brink, Kubal, Stehler
ABSENT:



Date: February 2, 2023

To: Chair Girard and Planning Commissioners

From: Abbi Wittman, Community Development Director
Ken Roberts, City Planner

Re: Zoning Ordinance Text Amendment – Electronic (“Dynamic Display”) Billboard Standards

Applicant: Charles Bolkcom/City of Forest Lake

Owner: N/A

Location, Base Zoning District, Future Land Use Designation: Citywide

Neighborhood Meeting Date: N/A

120-Day Deadline: 03/14/2023

Introduction

In December, 2022 the Planning Commission held a public hearing to consider zoning code amendments proposed by Charles Bolkcom which would change the existing billboard regulations to:

1. Restrict the size of a *Billboard* Changeable Electronic Copy Signs to 672 square feet per face with no greater 48’ in width. His narrative notes a maximum sign height of 40’ though this language was not intended to alter the City’s existing requirement that limits billboards to 40’ in height as measured from ground grade; and
2. Allow Changeable Electronic Copy Signs to change at an interval of once every 8 seconds opposed to the existing interval of once every 15 second; and
3. Require a 2,600 (approximately ½ mile) buffer distance between Changeable Electronic Copy Signs in excess of 200 square feet in size.

At that meeting, staff advised the Commission the request made is not in conflict with the Comprehensive Plan nor the Zoning Code. However, inconsistencies (and gaps) within the Sign Regulations necessitated a thorough review of existing billboard section and that it was not in the public’s best interest to take action on the matter. The Commission elected to table consideration of any ordinance amendment.

Since that time staff has discussed the potential code amendment with the City Council. Based on discussion of the Commission and Council, staff has drafted the enclosed ordinance amendment for discussion.

Regulatory Framework and Staff Analysis

The purpose of this Planning Commission meeting is to review the ordinance amendment and advise staff on proposed changes. These changes will be incorporated in a final ordinance draft which will be considered by the Planning Commission in a new public hearing at the February 22, 2023 meeting. Regulatory framework will be provided as part of that meeting packet materials.

The enclosed ordinance encompasses the requests of the original applicant while also addressing those items discussed by the Planning Commission and City Council. While billboard permits will still be required for new and altered billboards, staff is proposing to remove some application-specific information; this is not necessary in the City Code. The proposed language also restricts non-conforming billboards from modernizing, which will prohibit their ability to convert to a dynamic display. This provision eliminates the ability for billboards not located along HWY 35 (the only permitted location for new billboards) from conversion. Additionally, billboards will be permitted to be 672 square feet in size, as directed by the City Council and consistent with neighboring communities. Lastly, the following standards will apply for all dynamic display billboards:

- (1) Billboards may contain a single dynamic sign image that has no animation or moving parts.
- (2) The minimum duration of the image can be no less than 8 (eight) seconds. No portion of the image may flash, scroll, change color, imitate movement in any manner or otherwise meet the characteristics of a flashing sign.
- (3) The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or by which depicts actions or a special effect to initiate movement (eliminating fading between messages).
- (4) The image must contain a complete message and not be continued to a subsequent image.
- (5) All dynamic display billboards shall be equipped and operated with an ambient light monitor or a mechanism that automatically adjusts the brightness level of the sign in response to light conditions.
- (6) All dynamic display billboards shall be equipped with a means to immediately turn off the display or lighting in the event of a sign malfunction. The owner or operator of the dynamic display billboard sign shall turn off the sign and all associated lighting within one hour or as soon as reasonable possible after receiving notification that the sign does not meet the standards of this Section.
- (7) The dynamic display billboard sign shall not exceed a maximum brightness level of .3 foot-candles above ambient light, as measure using a foot-candle meter.
- (8) The owner or operator of a dynamic display billboard sign much provide to the City at no cost a minimum of five hours (2,250 eight-second spots) per month per enhanced dynamic display billboard sign in the City for community and public service and safety

messages at such times as shall be equitably scheduled throughout the date as determined by the City.

- a. Dynamic display billboard signs shall display messages created as part of applicable state and national Integrated Public Alert and Warning Systems. Public Alerts and Warning shall override commercial content.

There are a few policy-related items staff is seeking direction on from the Planning Commission and City Council. Those are noted below.

Findings

Formal findings of the zoning amendment will be made at a later date.

Recommendation

Staff recommends the Planning Commission discuss and provide some high-level direction to staff regarding:

- The City currently requires a separation distance of 500' between billboards. However, concern has been expressed that there are too many billboards within the City limits. By increasing the distance, it can help reduce the overall number that could be installed along the corridor. Additionally, the original applicant is proposing a 2600' separation distance between dynamic display billboards. If permitted, the City could have three dynamic display billboards. Area ordinances indicate the following minimum separation distances between billboards:

Community	Static Display Distance	Dynamic Display Distance
Columbus	750'	3,750'
Vadnais Heights	1,500'	1,500'
White Bear Lake	800'	800'
White Bear Township	1,300'	1,300'

- Would the City like to increase the minimum separation distance between billboards?
 - Is the City comfortable with a (approximately) ½ mile buffer between dynamic display billboards?
- Some communities allow for extensions (of 15-20%) beyond maximum size limitations (i.e. a certain realtor's arms, the top of a head, etc.).
 - Does the City want to allow for extensions on billboards?

- As written, the City will require automatic dimmers on all dynamic display billboards. However, there is no unit of measurement. Therefore, staff is proposing brightness may not exceed .3 foot-candles above ambient light. This is an industry standard for many area municipalities though research shows some municipalities are more strict, requiring no greater than .1 foot-candles above ambient light.
 - Does the City want to include a specific foot-candle maximum? If so, does the City want to use an increase consistent with local municipalities (.3 foot-candles above ambient light) or be more restrictive (such as .1-.2 foot-candles above ambient light)?

After all discussion has occurred, staff recommends the Commission **move to table consideration of the electronic billboard zoning ordinance text amendment.**

Attachments: Zoning Ordinance Text Amendment (3 Pages)
I35 Billboard Locations Map

Proposed Forest Lake (Electronic) Billboard Revisions (February 1, 2023)

Deleted language shown with ~~strike through~~ and proposed language underlined.

§ 153.209 BILLBOARD SIGNS.

BILLBOARDS are off-premise signs that direct attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located, or to which it is affixed. ~~Billboards shall be permitted only on those properties in the B-2 and B-3 Districts with direct frontage on Interstate Highway 35.~~

~~(A)~~ Billboard permits. No billboard sign as permitted by this section shall be erected, altered, or relocated without first securing a permit from the city. ~~Within 90 days from the effective date of this section, applications for permits shall be made for all signs described within this division that are presently erected, whether or not a permit had been previously issued. The application shall be submitted in the same form as that required for a new sign under this subchapter. In the event a permit had previously been issued, no additional fee shall be collected for the new permit.~~

(B) New Billboards. The City may allow new billboard signs proposed after the effective date of this Section on properties in the B-2 and B-3 Zoning Districts with direct frontage on Interstate 35, subject to the requirements of this Section.

~~(A)(C)~~ With the exception of non-conforming billboards, owners or operators may upgrade and modernize existing billboard signs to the most current technology for either a static or dynamic sign face(s) subject to the requirements of this Section.

~~(B)(D)~~ Applications for permits.

(1) The billboard sign permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, the owner of the property shall also sign ~~the application form~~.

~~(1)(2)~~ The In addition to the City's billboard sign permit application form, submittal shall contain the following information:

~~(a) Name, address, and telephone number of the property owner, sign owner, and erector;~~

~~(b) Location of the sign structure;~~

~~(c) Scaled drawing showing position of the sign or advertising structure in relation to the nearest buildings, structures, public streets, right-of-way, and property lines;~~

(d)(a) Plans and specifications and method of construction or attachment to the building or the ground, including all dimensions, all construction materials, a description of all light sources, wattage, types and color of lights, and details of any light shields or shades;

(e)(b) If required by the city, a copy of stress sheets and calculations, showing the structures as designed for dead load and wind velocity, in the amount required by this section and all other sections of the City Code, will be furnished;

(f)(c) Any electrical permit required for any sign;

~~(g)~~(d) Other information as may be required by the city.

~~(2)~~(3) In addition to the above application, an agreement must be entered into with the city which will authorize and direct the city to:

- (a) Remove and dispose of, at the owner's expense, any sign and sign structure on which a permit has been issued but not renewed by the owner, and not removed by the owner within a 30-day period following the expiration of the permit; and/or
- (b) Remove, at the expense of the owner, the sign and sign structure, where maintenance is required but not furnished after a hearing and a 10-day notice to the owner specifying the maintenance required by the city.

~~(3)~~(4) The following operations shall not be considered as creating a sign and shall not require a billboard permit:

- (a) The changing of the advertising copy or message;
- (b) Painting, repainting, cleaning, and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

~~(4)~~(5) The issuance of a permit may also be subject to conditions imposed by the city in order to promote a more reasonable combination of signs and to promote conformity with the character and uses of adjoining property.

~~(C)~~(E) Size and distance limitations.

- (1) The maximum sign per ~~face~~ ~~face~~ of a freestanding advertising sign permitted under this section shall be ~~600~~ ~~672~~ square feet. Two facings per structure shall be the maximum permitted, and double-faced signs shall be attached back-to-back or V-shape.
- (2) A maximum height of 40 feet above lot grade measured by the vertical distance from the elevation at the centerline of Interstate Highway 35, measured to the top of the sign structure or from the elevation of the ground surface at the base of the sign to the top of the sign.
- (3) The minimum lineal distance between advertising signs permitted under this section on the same side of the highway shall be 500 feet.

~~(4)~~ The minimum setbacks for signs shall be twice the height from all property lines.

~~(F)~~ Additional requirements for dynamic billboard signs.

- ~~(1) Billboards may contain a single dynamic sign image that has no animation or moving parts.~~
- ~~(2) The minimum duration of the image can be no less than 8 (eight) seconds. No portion of the image may flash, scroll, change color, imitate movement in any manner or otherwise meet the characteristics of a flashing sign.~~
- ~~(3) The image must have a change sequence accomplished by means of instantaneous re-pixelization. The image may not change in a manner or by a method characterized by motion or by which depicts actions or a special effect to initiate movement (eliminating fading between messages).~~
- ~~(4) The image must contain a complete message and not be continued to a subsequent image.~~
- ~~(5) All dynamic display billboards shall be equipped and operated with an ambient light monitor or a mechanism that automatically adjusts the brightness level of the sign in response to light conditions.~~

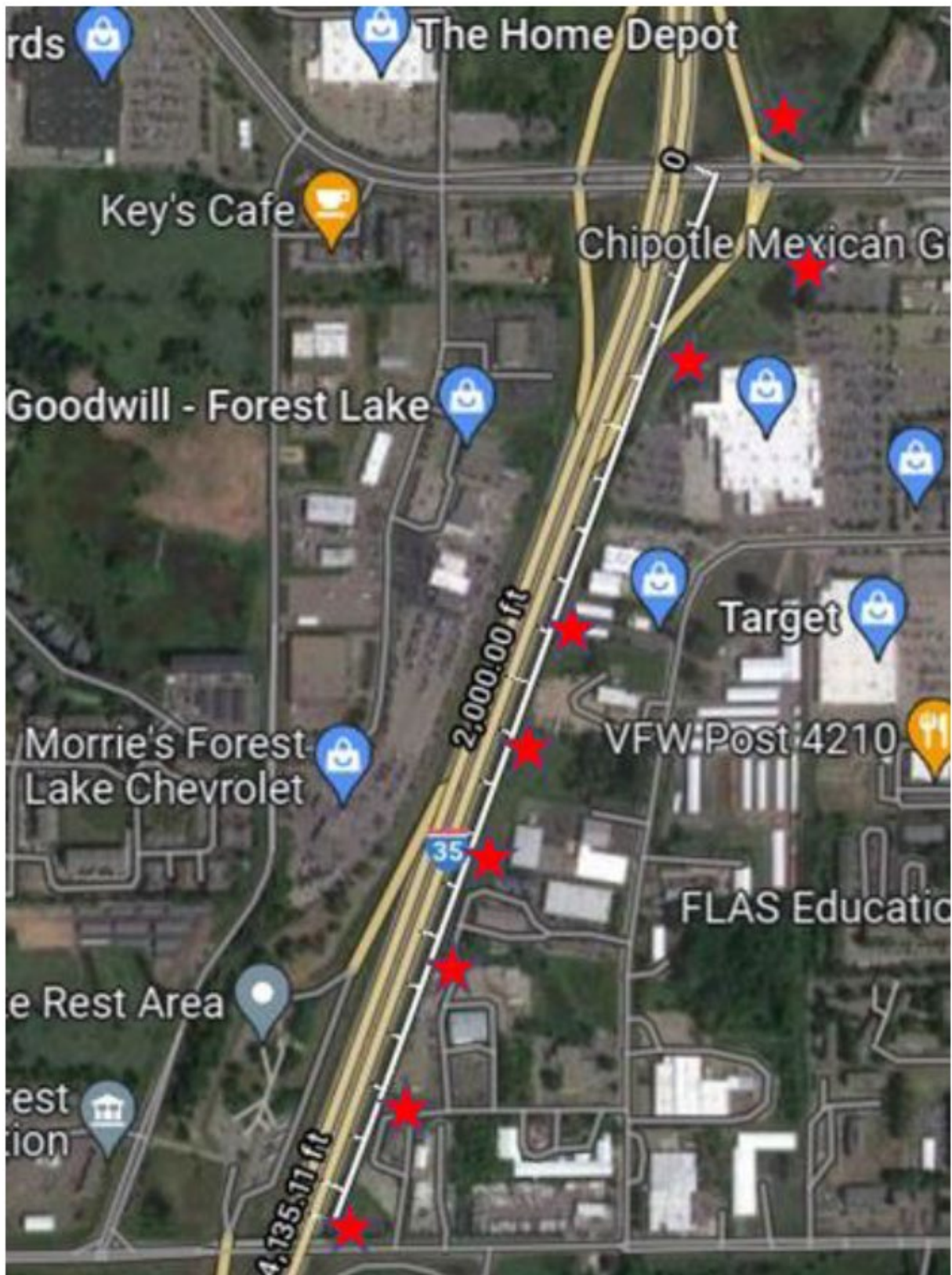
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- (6) All dynamic display billboards shall be equipped with a means to immediately turn off the display or lighting in the event of a sign malfunction. The owner or operator of the dynamic display billboard sign shall turn off the sign and all associated lighting within one hour or as soon as reasonable possible after receiving notification that the sign does not meet the standards of this Section.
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- (4)(a) Dynamic display billboard signs shall display messages created as part of applicable state and national Integrated Public Alert and Warning Systems. Public Alerts and Warning shall override commercial content.

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(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 608, passed 5-23-2011; Am. Ord. 616, passed 7-9-2012)

I35 Billboard Locations Map





Date: February 2, 2023

To: Chair Girard and Planning Commissioners

From: Abbi Wittman, Community Development Director

Re: Zoning and Subdivision Ordinance Rewrite

Applicant: City of Forest Lake

Owner: N/A

Location, Base Zoning District, Future Land Use Designation: Citywide

Neighborhood Meeting Date: N/A

60/120-Day Deadline: N/A

As Commissioners may be aware, the City's zoning and subdivision ordinances are in need of major rewrite. There are a variety of factors that have contributed to this. First, it appears that when the City annexed the Township, the ordinances were married together. This, coupled with patchwork amendments, produced many regulatory overlaps causing administration difficulty. Next, it appears much of the regulatory framework in the zoning and subdivision ordinances were created at a time when the City did not have fulltime staff. Thus, many of the regulatory processes are over-engineered. While this helped ensure thorough review processes and procedures, in some cases this has created an overly burdensome regulatory framework – sometimes inconsistent with other local, state and national regulations. Lastly, many areas of the zoning and subdivision ordinances are not consistent with neither the Comprehensive nor current community values.

The City Council has determined it is a priority to rewrite the zoning and subdivision ordinances, budgeting (approximately) half of the project budget in 2023. As staff begins to scope the rewrite project, staff thought it best to brainstorm with the Commission project priority areas. This will help staff better determine how to undertake this process, what areas of the ordinances should be reviewed sooner than later, as well as areas of the ordinances that might need greater analysis than others. At the next meeting, staff will guide the Commission in a brainstorming session to determine:

- Which processes and procedures does the Planning Commission think are good and which do the Commission think need more or less oversight?
- Are there an abundance of certain kinds of variances, types of uses, etc. the Commission has reviewed in the past?
- Are there areas of the zoning and subdivision ordinances that, when presented to Commissioner, have caused alarm, confusion, etc.?

- In general, what are some areas of the zoning and subdivision ordinances that Commissioners would like the opportunity have greater discussion on opposed to others?

Staff anticipates having a working project scope and timeline for discussion near the beginning of the 2nd quarter of 2023. However, as the project scope develops, staff will be in discussions with the Commission about opportunities for Commission and community involvement.