

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
JULY 25, 2016**

**CHAIR**

**STAN KOLASA**

**COUNCIL LIAISON**

**DOUG HAMMERSENG**

**BOARD MEMBERS**

**JIM SCHENDEL**

**MICHELLE ARMSTRONG**

**DEAN KUITUNEN**

**MICHAEL CHRISTENSON**

- 1. Call to Order and Pledge of Allegiance: 7:00 p.m.**
- 2. Approval of Agenda**
- 3. Approval of Minutes from the June 27, 2016, Planning Commission Meeting and the July 14, 2016, Planning Commission Workshop**
- 4. Citizen's Forum**
- 5. Public Hearings**
- 6. Unfinished Business**
  - a. 11103 River Road NE – Amendment to Conditional Use Permit for Outdoor Storage**
  - b. Consideration of Amendments to the Performance Standards for Construction of Single Family Dwellings**
- 7. New Business**
  - a. Ordinance 2016-5 Amending Chapter 10, Opting-Out of the Requirements of Minnesota Statutes, Section 462.3593**
- 8. Reports and Announcements**
  - a. Planning Commission Reports**
  - b. Liaison Report**
  - c. Staff Reports**
- 9. Adjournment**

**CITY OF HANOVER  
PLANNING COMMISSION MEETING  
JUNE 27, 2016  
DRAFT MINUTES**

**Call to Order/Pledge of Allegiance**

Stan Kolasa called the June 27, 2016, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present were Council Liaison Doug Hammerseng, City Planner Cindy Nash, and Administrative Assistant Amy Biren. Absent: City Engineer Justin Messner. Guests present: Dan Bowman, Clark Lee, David Phillips, Mike Straub, Robb Norling, Stephanie Gleason, Joe Kaul, Dr. Dave and Nancy Sibley, Tim Brown, and Bob Pink.

**Approval of Agenda**

**MOTION** by Armstrong to approve the agenda as presented, seconded by Schendel. **Motion carried unanimously.**

**Approval of Minutes from the May 23, 2016, Joint Meeting of Council and Planning Commission**

**MOTION** by Armstrong to approve the May 23, 2016, minutes as presented, seconded by Christenson. **Motion carried unanimously.**

**Citizen's Forum**

None.

**Public Hearing**

None

**Unfinished Business**

**11103 River Road NE – Amendment to Conditional Use Permit for Outdoor Storage**

Nash stated that this matter was tabled at the March meeting due to the request for further requirements. A survey needed to be done of the property as well as a more detailed site plan. An extension was also granted at that time in order to meet legal requirements.

Nash recommended approval of application with the following conditions: the previous Conditional Use Permit is revoked; no outside storage is permitted; the expanded parking is permitted in the location shown, but must be paved instead of gravel; vehicles parked outside must be operable and have current license plates; shall maintain compliance with all noise and nuisance related ordinances; shall be in compliance with any Federal, State, or County law or regulation; shall remain in substantial conformance with all performance standards (zoning and City Code); and the owner shall provide City staff and/or its agents with access to the property for inspection of compliance.

Armstrong asked if this addresses the number of vehicles that would be allowed on the property. Nash responded that it is not addressing the number of vehicles, but rather addresses whether or not the vehicles are operable versus non-operable.

Armstrong wanted clarification on having a fence screening the property as well as storing the forklift outside. Nash stated that the forklift would be considered outside storage as it is not licensed. Armstrong asked if there was a definition of a forklift and that it was considered to be a non-licensed vehicle. Nash

said that one could be added. Regarding the fence, the Planning Commission could recommend one, but that would prohibit a visual compliance check of the vehicles parked on the property.

Armstrong wanted to know if there was an option of leaving the existing CUP in place. Nash said that the existing CUP could remain in place. Typically, the previous CUP is revoked and a new one is put in place. The recommendation is to put a new CUP in place and gain the approved parking spaces. The Planning Commission can recommend changes if desired.

David Phillips, the architect of the submitted plans, stated that this recommendation is not acceptable to Mike Straub and Rhino Imported Auto Parts. Part of the understanding coming into this was the maximum number of vehicles allowed and we thought that number was six (6). Also, the forklift is a necessary tool for hauling away the cars and shouldn't be considered outdoor storage. Straub would like to modify the recommendations to allow for six cars and strike the operable versus non-operable section. Once a car is stripped of its parts, it goes away. The cars parked are waiting for disassembly. The flatbed truck and forklift are needed. They could be parked behind the building so as not to be seen from the road. The gravel could be freshened. They would prefer not to pave it and add to the impervious surface.

Phillips said that they would be withdrawing the request for a fence. Outdoor storage would not be needed after October of this year as Straub was able to rent more space in the current warehouse. Plans were being made to move parts stored outdoors to the warehouse.

Phillips stated again that the conditions as presented would not be workable. They would be willing to agree to six cars and removal of the existing storage.

Hammerseng asked if the original CUP designated the number of vehicles. Nash said that the application form and the minutes from the original Public Hearing reflect that the disassembling the vehicles was not taking place outside. Further, the Planning Commission at that time wouldn't have known if they should have asked that question based on the application.

Hammerseng also asked about fencing the property. Nash said that a fence would be too close to the river.

Hammerseng asked that the total of items outdoors would be six cars, the flatbed truck and the forklift. This was confirmed by Phillips.

Nash asked if the forklift could be stored inside the building. Phillips said no, there are two cars inside that would need to be moved.

Straub said the building size doesn't really allow for the forklift to be stored inside as it is too tall. He uses either the forklift or a winch on his truck to get the cars onto the flatbed truck. The forklift currently sits in the back corner of the property behind the property.

Nash said that the conditions could be worded to include the location of the forklift and where the cars could be located. Armstrong suggested that it would be helpful to designate an area or have a pad for the forklift or cars.

Armstrong asked Phillips and Straub what their feelings were for a fence in the front of the property. Phillips answered that they were fine either with or without a fence—whatever the City wanted.

Kuitunen asked Straub what is the current inventory. Straub replied that he has 12 cars right now. Hammerseng asked why the number of six cars was desired. Straub said that seems the right number and

that it regulates the number there and it prevents it from looking messy. He also said that he is slowing down and works differently from when he was younger.

Hammerseng asked where the new storage/warehouse was located. Straub said that he has always rented space in a warehouse in Somerset, WI, and when more space became available for this September, he rented it. He also said that he has figured out how to rerack the inside of the building to make it more efficient. Hammerseng asked if cars would be stored in the warehouse in Somerset. Straub replied no, that it would not be practical or cost effective.

Christenson asked if he could live with four (4) cars instead of six. Straub said he would really like to keep it at six. Hammerseng said that he was up to seven with the flatbed truck being there. Phillips said they want to have a finite number in order to know how to comply. Hammerseng said that he believes that the Board can be reasonable and acknowledged that Straub has agreed to remove the outdoor storage condition and has made plans to move the existing outdoor storage to Wisconsin.

Armstrong asked for clarification on the condition of the cars currently on the property. Phillips said that typically the vehicles may be licensed, but usually had been sitting somewhere for a period of time waiting for the owner to fix them up, so they may not be currently licensed. Generally, the outside cars are and would be complete cars, but sometimes would have a part like the hood or door missing.

Armstrong asked why the objection against paving the parking area. Phillips said that the gravel provides more of a filter for runoff and not as fast as pavement. Nash said that direction was needed from the Planning Commission as the current ordinance requires pavement of parking areas. She went on to say that if you asked a planner or an engineer, they would treat gravel like pavement. Phillips pointed out that they share the driveway with their neighbor and that the neighbor's half would not be paved. Kuitunen added that pavement would be soon broken up with all of the hauling taking place. Hammerseng asked about gravel being closer to the river. Nash said that the proposed area showing gravel meets the setbacks to the river. Armstrong asked if gravel had to be part of the conditions to the CUP. Nash stated that was correct and that change would need to be added. Kuitunen said that he didn't think the area should be paved, and that a good base of gravel would satisfy. Schendel concurred stating that gravel can be dug out and replaced when repairs are needed. Nash said that all of this needs to be clearly spelled out, and still recommends revoking the old CUP.

Phillips requested that if a new CUP is written to please allow them enough time to have their attorney review it. Nash replied that would be planned and it will still meet the timeframe. Nash then went on to recommend tabling the matter and drafting a new CUP and allowing time for Straub's attorney to review it.

Christenson said that he would like to have language added to the effect that the cars would be stored in an orderly fashion.

Nash said that the only thing she is not clear on is the other type of equipment allowed such as the trailer. Kuitunen asked how many trailers did Straub have and Straub replied that he only has one trailer and that it is not always on-site.

Nash also said that she would like to draft if so that if Council asks for a fence at a later date, that they may do so. Phillips said that they would like a time limit on that requirement.

**MOTION** by Schendel to table the matter until a new CUP can be drafted, seconded by Armstrong.  
**Motions carried unanimously.**

## **Old Business continued**

### **Consideration of Amendments to the Performance Standards for Construction of Single Family Dwellings**

Biren started the consideration by giving a presentation of homes that were currently for sale in nearby cities. The homes were grouped in sets of four and showed the square footage, asking price, and location as stated on the realtor.com webpage. It also showed whether or not the house would be acceptable to build in Hanover based on the moratorium requirements. Half of the twenty homes would be able to be built in Hanover and the others would not be allowed.

As directed by Council, information was provided on lot standards and design standards for single family dwellings was provided by Biren. The cities being compared were Albertville, Corcoran, Medina-Hamel, Orono, Rockford, Rogers, and St. Michael. The information was provided as part of the agenda packet and gone through for each city.

Nash clarified that many developers would apply for a PUD, a Planned Unit Development, that would allow them to have different standards than those in the ordinances. The PUD would have to be approved by the Council in the city where it was occurring.

Lee wanted clarification on why the information was being provided. Biren explained that a moratorium dictates research and study be done in order to make an informed decision. The Planning Commission needed to have the information from each of the cities in order to be able to compare and contrast the requirements in each, as well as apply them to what is happening or could happen in Hanover.

Armstrong had collected information regarding two story homes for sale in Hanover. She explained that the price per square foot in new construction is going to be higher than the price per square foot in previously owned. The information included direct links to the homes as well as the square footage, price paid or the price being asked. All of the eight homes were either sold or pending with the exception of one. All of the homes would not be allowed to be built during the moratorium although they had been previously approved. She feels that the Planning Commission needs to reconsider the size of the foundations for the two story homes. Christenson said that he would be willing to consider reducing the size required for a two story home.

Armstrong inquired whether or not the Planning Commission wanted to use floor area/foundation size or the total finished square footage. She mentioned that many of the newly constructed homes still need to finish the basement.

Nash said that before defining all of the design standards, the Planning Commission first needs to define what the problem is. She said that most of the cities don't have a minimum size and they are doing fine with new construction.

Armstrong asked whether the standards are left as is or are changes needed. Nash asked if this was a design issue or a size issue.

Robb Norling, a builder for JP Brooks, said that a general rule, he does not find a minimum size standard in the cities in which he builds. He suggested thinking about what would be attractive to developers. He believes that restrictions such as this will scare people off.

Hammerseng asked Lee what he is trying to accomplish and Lee responded that a builder could come in and build a small house and a large garage with just a small portion of the front house façade showing. Lee also thinks that the minimum building size requirement was not dropped off. He said he heard Council say

they were concerned about housing sizes. He would also like the City Attorney to look into this. Nash responded that nothing dropped off the books during the recodification. Planning Commission and Council spent years doing the recodification and looked at each page of the City Code and Zoning. The City Attorney was involved in the entire process.

Dave and Nancy Sibley: They purchased land on Kadler Avenue, addressed as 500 and 520, that has wetlands located on it. Prior to purchase, they came in and talked with City staff about the retirement home they would like to build. Nancy Sibley passed out surveys about their properties. They are asking that the requirements not be put in place and expressed their hope that the restrictions would be eliminated.

Dan Boman, realtor for Drake Construction, had expressed his concerns regarding the moratorium in a letter addressed to Council and City staff that was included as part of the agenda packet. He explained that he has clients that do not understand why they are unable to build a home that had been previously built in Hanover. As a realtor, he does not believe that houses built differently than those in the past will decrease existing home values. The consumer and the market are demanding different things than in the past and the consumer should be allowed to have more choice. He reiterated Armstrong's comment about reconsidering the size of a two story home and said that 960 square feet is a good size for that style of home. He also said that the Planning Commission needs to look at the above ground finished size rather than the foundation size.

Christenson asked is there an option for a home to be granted a variance. Nash replied that in order for a variance to be granted, undue hardship must be proven. That would not be the case in this situation.

Armstrong stated that research has been done and the Planning Commission has seen a variety of houses, so the decision needs to be made whether to change the standards or recommend no changes. Christenson said he would like to add the design standards back and change the minimum sizes to something reasonable. Kuitunen said that having different minimum sizes per housing style is confusing and would like to see one minimum size for all styles. Armstrong reminded the Commission that not only does the new homeowner have the cost of building, but also the purchasing of the land. She went on to suggest Albertville's requirement of minimum size being above grade.

Norling said that it is the trend to build more space up because foundations are expensive. There are opportunities to do a lot with a similar foundation. He suggests keeping the minimums low.

Nash said that many cities use above ground square footage that is finished as their guideline. Kuitunen agreed that above grade made sense.

Norling said that standards are based on styles or number of bedrooms and are above grade. He would like to see the City lift the moratorium so homes under contract can move ahead.

Nash said the Planning Commission has these options to consider:

- Recommend that minimum sizes are not needed and lift the moratorium.
- Recommend that the Planning Commission believes that minimum sizes are needed but that more time is needed before what is specifically needed. After the research and draft is done within the next couple of months, the drafted ordinance will be brought to Council for action and then the moratorium will be lifted.
- Recommend that the Planning Commission thinks there is a need to do something, but that a moratorium is not needed while figuring what is needed regarding minimum sizes. Lift the moratorium while directing Planning Commission and staff to draft an ordinance addressing minimum sizes.

- Don't make a recommendation tonight and table it until the next meeting.

Kuitunen asked if the moratorium is really needed with the lots left in Hanover. He felt like the City was holding these people hostage and preventing them from building their home.

**MOTION** by Armstrong to recommend to Council that the moratorium be lifted at this point and direct Planning Commission and staff to further consider whether minimum building standards are needed and what they would be or leaving the standards as they were previous to the moratorium, seconded by Schendel.

**Motion carried unanimously.**

Nash cautioned that Planning Commission needs to commit to doing the working this issue through so that people are not held in limbo in the future. Also, this addresses single family dwellings and there are other types that may also need to be addressed. Armstrong agreed and wants the Commission to commit to resolving this at the next meeting. She inquired if a workshop could be put in place to discuss this issue. Staff answered that a workshop would be possible with a motion from the Commission.

**MOTION** by Schendel to have a workshop meeting on Thursday, July 14<sup>th</sup>, 2016, at 6 pm in City Hall, seconded by Christenson.

**Motion carried unanimously.**

#### **New Business**

None

#### **Reports and Announcements**

Biren informed the Commission that the groundbreaking for the GreenHouse Assisted Living and Memory Care facility will take place on Friday, July 1<sup>st</sup>, at 10 am. The members are welcome to attend and it is open to the public.

Grass letters have been sent to a few properties that are noncompliant. Results have been fifty-fifty.

#### **Adjournment**

**MOTION** by Schendel to adjourn, seconded by Armstrong. **Motion carried unanimously.**

Meeting adjourned at 9:31 pm.

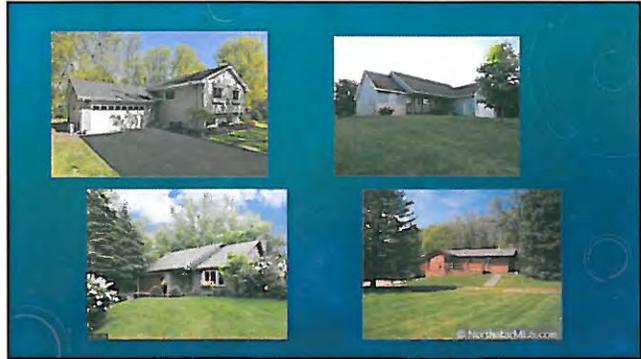
#### **ATTEST:**

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Amy L. Biren  
Administrative Assistant

# DOES IT MEET HOUSING DESIGN STANDARDS?

COMPARING HOUSING IN ALBERTVILLE, CORCORAN, MEDINA/HAMEL, ORONO, ROCKFORD, ROGERS AND ST. MICHAEL




480 Linden Avenue, Orono, MN  
 \$405,000  
 Split Entry Style  
 2,125 square feet on 0.63 acres  
 Foundation size: 1055 square feet  
 Above ground: 1167 square feet  
 Below ground: 985 square feet (finished basement)

**Meets requirement of 987 square feet per moratorium\***



609 Fourth Street SW, St. Michael, MN  
 \$215,000  
 Single Level  
 1,360 square feet on 0.28 acres  
 Foundation size: 1360 square feet  
 Above ground: 1360 square feet

**Meets requirement of 1260 square feet per moratorium**



3245 Lafayette Ridge Court, Orono, MN  
 \$389,000  
 Three level Split Style  
 2,147 square feet on 0.27 acres  
 Foundation size: 1263 square feet  
 Above ground: 1263 square feet  
 Below ground: 884 square feet

**Meets requirement of 1248 square feet per moratorium**



3365 Hwy 55, Medina, MN  
\$425,000  
Single level - Rambler  
1,366 square feet on 22.96 acres  
Foundation size: 1060 square feet  
Above ground: 1030 square feet  
Below ground: 336 square feet (partially finished basement)

DOES NOT meets requirement of 1260 square feet per moratorium





3422 Livingston Avenue, Orono, MN  
\$239,900  
Single level  
1,450 square feet on 0.20 acres  
Foundation size: 900 square feet  
Above ground: 900 square feet  
Below ground: 550 square feet (finished basement)

DOES NOT meets requirement of 1260 square feet per moratorium



3430 Kalenda Avenue NE, St. Michael, MN  
\$259,900  
Split Entry Style  
2,287 square feet on 0.26 acres  
Foundation size: 1174 square feet  
Above ground: 1241 square feet  
Below ground: 1043 square feet

Meets requirement of 987 square feet per moratorium\*



3590 N Shore Drive, Orono, MN  
\$799,900  
Single level  
2,111 square feet on 0.37 acres  
Foundation size: 1019 square feet  
Above ground: 1092 square feet  
Below ground: 1019 square feet

DOES NOT meets requirement of 1260 square feet per moratorium



4061 Jana Avenue NE, St. Michael, MN  
\$220,000  
Split Entry Style  
2,270 square feet on 0.39 acres  
Foundation size: 1100 square feet  
Above ground: 1370 square feet  
Below ground: 900 square feet

Meets requirement of 987 square feet per moratorium\*



Meets requirement of 987 square feet per moratorium\*



Meets requirement of 1040 square feet per moratorium



4123 Prairie View Trail, Medina, MN  
\$415,000  
Two Story  
2,221 square feet on 0.20 acres  
Foundation size: 1082 square feet  
Above ground: 2221 square feet  
Below ground: Not given

Meets requirement of 1040 square feet per moratorium



4174 Highwood Road, Orono, MN  
\$449,900  
Two Story  
2,220 square feet on 0.27 acres  
Foundation size: 884 square feet  
Above ground: 2200 square feet  
Below ground: Not given

DOES NOT meets requirement of 1040 square feet per moratorium



7745 Corcoran Trail, Corcoran, MN  
\$229,900  
Split Entry Style  
1,496 square feet on 1.5 acres  
Foundation size: 896 square feet  
Above ground: 896 square feet  
Below ground: 600 square feet

DOES NOT meets requirement of 987 square feet per moratorium

7900 10<sup>th</sup> Street SE, Rockford, MN  
 \$305,700  
 Two Story  
 2,242 square feet on 2.49 acres  
 Foundation size: 970 square feet  
 Above ground: 1978 square feet  
 Below ground: 264 square feet



**DOES NOT** meets requirement of 1040 square feet per moratorium




9001 Tamarack Lane, Rockford, MN  
 \$169,900  
 Split Entry Style  
 1,624 square feet on 0.28 acres  
 Foundation size: 575 square feet  
 Above ground: 1050 square feet  
 Below ground: 575 square feet



**DOES NOT** meets requirement of 987 square feet per moratorium\*

10500 51<sup>st</sup> Street NE, Albertville, MN  
 \$249,900  
 Split Entry Style  
 2,158 square feet on 0.41 acres  
 Foundation size: 1124 square feet  
 Above ground: 1130 square feet  
 Below ground: 1028 square feet



Meets requirement of 987 square feet per moratorium\*

10917 51<sup>st</sup> Street NE, Albertville, MN  
 \$263,590  
 Two Story  
 1,444 square feet on 0.25 acres  
 Foundation size: 676 square feet  
 Above ground: 1444 square feet  
 Below ground: Not given



**DOES NOT** meets requirement of 1040 square feet per moratorium



12129 Madison Circle, Rogers, MN  
\$349,900  
Two Story  
2,250 square feet on 0.09 acres  
(3920 square feet)  
Foundation size: 1060 square feet  
Above ground: 2250 square feet  
Below ground: Not given

Meets requirement of 1040 square feet per moratorium





13863 Bluewing Drive, Rogers, MN  
\$250,000  
Split Entry Style  
1,429 square feet on 0.58 acres  
Foundation size: 1404 square feet  
Above ground: 1429 square feet  
Below ground: Not given

Meets requirement of 987 square feet per moratorium\*



XXX Bridal Path, Corcoran, MN  
\$428,025  
Two Story  
2,148 square feet on 0.20 acres  
Foundation size: 1062 square feet  
Above ground: 2148 square feet  
Below ground: Not given

Meets requirement of 1040 square feet per moratorium



545 Kayla Lane, Hanover, MN  
\$331,082  
Two Story  
2,018 square feet on 0.33 acres  
Foundation size: 996 square feet  
Above ground: 2018 square feet  
Below ground: Not given

DOES NOT meet requirement of 1040 square feet per moratorium



1035 Emerald Street, Hanover, MN

\$266,989

Three Level Split Style  
1,853 square feet on 0.28 acres

Foundation size: 653 square feet  
Above ground: 1449 square feet  
Below ground: 404 square feet

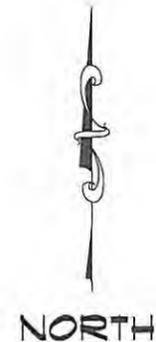
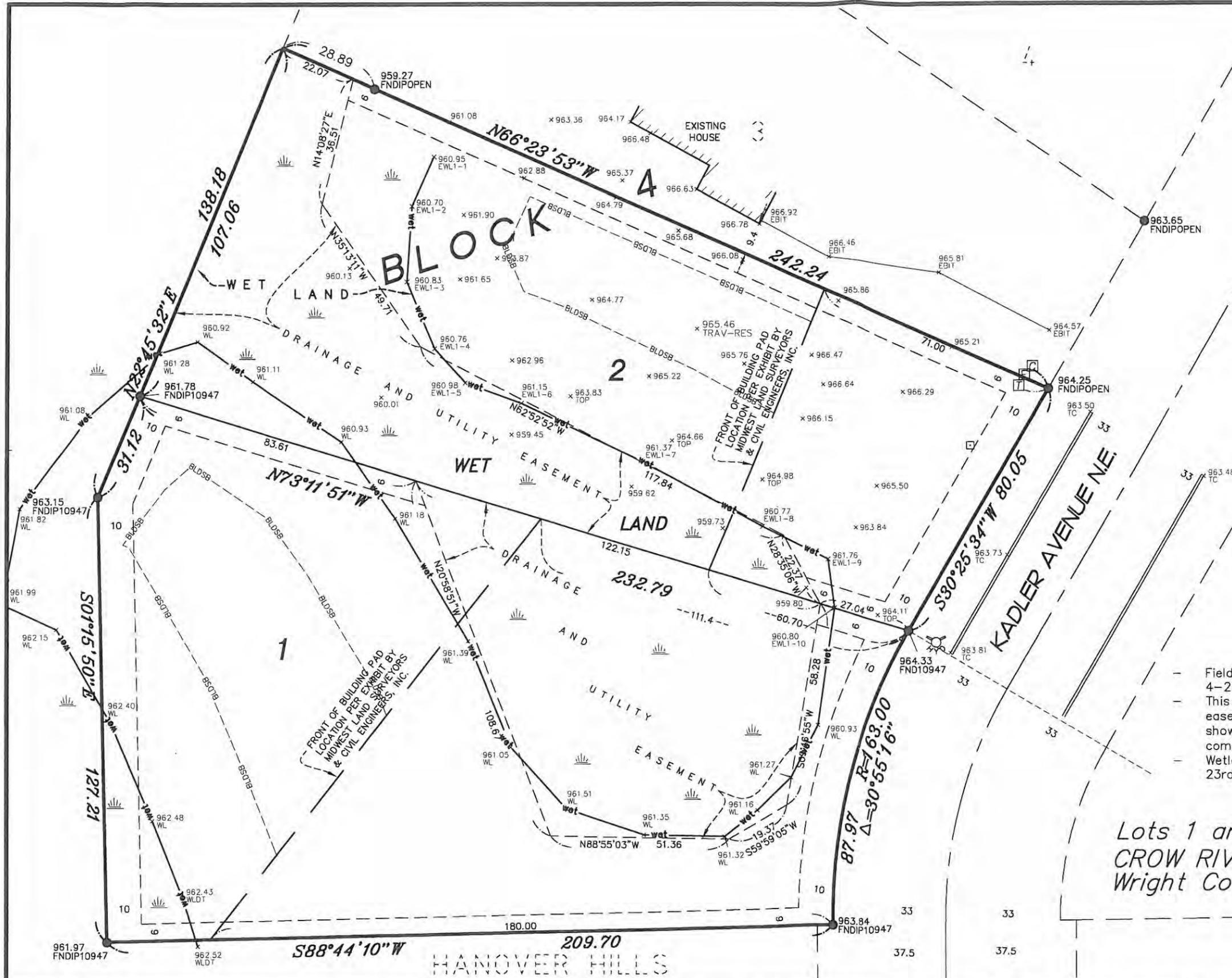
**DOES NOT** meet requirement of 1248 square feet per moratorium

**Summary of Housing Comparisons:**

- Five homes meet both the 2011 and 2016 amended size requirements.
- Five homes meet the size requirements due to the 2016 amendment.
- Ten homes do not meet the size requirements and at this time would not be allowed to be constructed without modifications to the plans.
- Two of the ten not meeting size requirements have been previously built in Hanover.

# CERTIFICATE OF SURVEY

~for~ DAVE & Nancy SIBLEY



## LEGEND

- DENOTES HYDRANT
- DENOTES EXISTING SPOT ELEVATION
- DENOTES TELEPHONE PEDESTAL
- DENOTES CABLE PEDESTAL
- DENOTES ELECTRICAL BOX
- DENOTES BITUMINOUS SURFACE

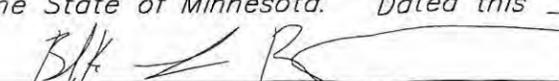
## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10-20-15 and 4-28-16.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Wetland delineation done by Kjolhaug Environmental Services Company July 23rd, 2015 and again on March 17, 2016.

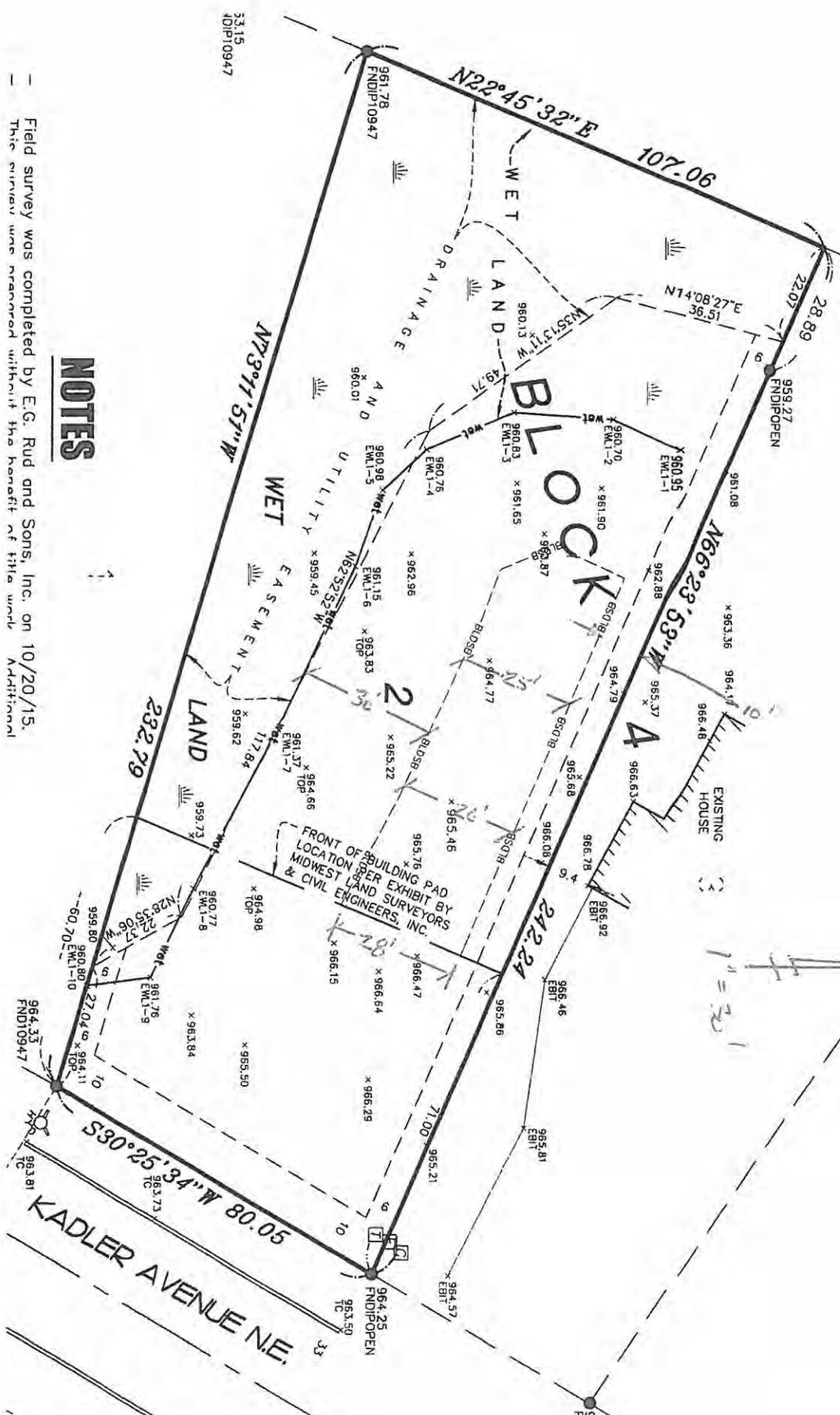
*Lots 1 and 2, Block 4,  
CROW RIVER HEIGHTS EAST THIRD ADDITION,  
Wright County, Minnesota.*

○ Denotes Iron Set  
● Denotes Iron Found  
Scale 1" = 30'  
Job No.: 16278LS

Bearings shown are on  
an assumed datum.  
Drawn By: JEN  
Project Manager: BLR

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota. Dated this 29th day of April, 2016.  
  
License No. 19421

 **E.G. RUD & SONS, INC.**  
EST. 1977  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
Lino Lakes, MN 55014  
Tel. (651) 361-8200 Fax (651) 361-8701  
www.egrud.com



- Field survey was completed by E.G. Rud and Sons, Inc. on 10/20/15.
- This survey was prepared without the benefit of title work. Additional

**NOTES**

FRONT OF BUILDING PAD  
LOCATION PER EXHIBIT BY  
MIDWEST LAND SURVEYORS  
& CIVIL ENGINEERS, INC.

1" = 30'

KADLER AVENUE N.E.



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MINNESOTA 55101-1678

05/16/2016

REPLY TO  
ATTENTION OF  
Operations  
Regulatory (MVP-2015-03248-MLV)

**THIS IS NOT A PERMIT**

Nancy & David Sibley  
6005 Goldenrod Lane  
Plymouth, MN 55442

Dear Ms. & Mr. Sibley:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2015-03248-MLV

Applicant: Nancy & David Sibley

Project Name: Village Bank / Crow River Heights Delineation

Received Date: 05/04/2016

Project Manager: Marissa Vine  
651-290-5362

Additional information about the St. Paul District Regulatory Program, including the new Clean Water Rule, can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers  
St. Paul District  
Regulatory Branch

**CITY OF HANOVER  
PLANNING COMMISSION  
JULY 14, 2016  
WORKSHOP – DRAFT MINUTES**

Members present: Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present: Doug Hammerseng, Council Liaison (arrived at 6:10 pm), City Planner Cindy Nash, and Administrative Assistant Amy L. Biren. Guests present: Thomas Jones, Clark Lee, Steve and Lynn Beise, Dr. Dave and Nancy Sibley, and John Vajda.

The workshop began at 6:05 pm. Biren reviewed the goals and format of the workshop meeting as sent out earlier in the week. Kolasa stated that there was not a Public Forum in the workshop, but that at some point may take comments from the guests present.

Armstrong had additional two story homes listed for sale in the area from the cities of Hanover, St. Michael, Albertville and Otsego. She stated that the members needed to look at what other cities are doing, what is realistic and what is the future of building. She suggested that the members look at total finished square footage above grade rather than foundation size. Builders are created more finished square footage above grade and having a smaller foundation size. She referenced the national builders following this format and that if Hanover requires a larger foundation size, many of the national builders will not see Hanover as a desirable place to build. Armstrong also said to keep in mind that homeowners have the cost of the lot in addition to the cost of the home, so that if a larger foundation is required, the overall cost of building in Hanover will become too great and future residents may not be able to afford it.

Christenson asked what the smallest foundation size of the two story home presented was and Armstrong said that it was 765 square feet as that particular builder was trying to keep the home price under \$400,000. She also mentioned DR Horton and the homes by the St. Michael Elementary School where the homes were built too big and prices had to be reduced.

Christenson brought to the discussion the idea of having a minimum length in addition to the already required minimum width of the house. He wondered if this was a way to ensure that smaller homes and larger garages would not be built. Kuitunen said that we needed to be careful with length as lots are not always designed as a rectangle and if there was a length requirement, some homes would not be able to be built. Nash also said that the minimum width and length requirement harkens back to the past when cities may not have had ordinances regarding manufactured homes. Christenson wanted to know if variances were an option if the length did not allow a house to be built on a lot. Nash said that is not a good practice since there would be costs incurred by the homeowner (additional expense to building a home) and also additional staff time required.

Nash referred the members to the 2000 letter from McCombs Frank Roos Associates, Inc. which spoke to the design of the Crow River Heights development. In the letter, Michael Gain explains the new design of “coving” or a variable front yard depth, which provides variable lot sizes and prices, in addition to variable housing styles, size and market opportunity. Nash also mentioned that the City’s Comprehensive Plan speaks to life cycle housing: renting to first home buyers to

luxury homes. If too strict of design standards are adopted, it would go against the Comprehensive Plan.

Christenson played devil's advocate and asked if a \$100,000 home could be built. Armstrong replied that the price of the lot is usually included, so a builder wouldn't typically build a house for \$60,000 or under that was left after purchasing the lot. It isn't economically feasible.

Christenson asked if what would prevent someone from building a big garage and a little home attached to it. Nash replied that builders or developers wouldn't do this as there are costs attached to building in addition to the building materials such as water and sewer hook-up that would not make this cost effective.

Hammerseng restated the goal that the members need to come up with simple regulations that would protect both existing and future homeowners. Nash's suggestion based on the discussion was to set simple above grade minimums without getting into housing styles. Armstrong agreed adding that the minimums decided need to take into consideration that with a split level style, the basement is not considered above grade. Kuitunen said that at the last meeting, Albertville's design standards seemed the most favorable to the members. Nash replied that if the members included minimums based on number of bedrooms, this would also apply to townhomes and apartments and that a one bedroom minimum would need to be added. She added that the members need to also look at the "definitions" section and make sure any redefinitions are not exclusionary.

Schendel said that he believes the simpler the minimums are, the better. Kolasa said that he has toured the different developments and they look good and do not appear to have "problem areas".

Christenson agreed with having variety, but that there should be something included to prevent building a house too small. He said that he doesn't know anyone that regulates building a bigger house and that sometimes pushing for a bigger house is a good thing. He stated that his builder pushed him to a bigger house and now he wishes that he had been pushed for even bigger.

Schendel replied that members need to also consider people's budgets and that pushing them to a bigger house with bigger payments may lead to foreclosure. The City has seen that in the past with the recession. He also said that it is dependent on what the homeowner wants to put in the house—building smaller but having a higher quality inside or upgrades is not a bad thing.

Hammerseng said that members know what we currently have for design standards and what was in the past, and wondered if there was any reason to go back and look at those. Nash said that the past design standards were cumbersome and had poorly crafted definitions with multiple interpretations. She would recommend not using the past minimums and coming up with a new above ground minimum finished and not do a minimum foundation. Hammerseng asked if the new minimums would be applied to new subdivisions or if that would be handled separately. Nash replied that the new minimums would be applicable to future subdivisions. Developers could do a master plan, but tend to shy away from PUDs when there hasn't been any for a long period of time. The last development was Quail Pass Second Addition in 2006 and the last house is being built this summer. A city needs to size the minimums so that it is affordable to build, there is a

variety of sizes, it meets the needs of residents in various stages of life, and that will not chase away potential developers.

Hammerseng said that since there are only a few lots left in Hanover, the City is “built out” and the members need to look at the future. Schendel added that it needs to be feasible for a developer and that Hanover is attractive to builders. Nash added that if there are too many rules and variances away from the standard that, too, makes developers nervous. She recommends doing reasonable minimums and suggested doing either based on number of bedrooms or above grade finished footage.

Hammerseng requested that the guests explain why they were attending this workshop.

Thomas Jones, 540 Kadler Avenue, said that when he purchased his home, he had the understanding that similar homes to his would be built on the empty lots. He understands that the lots left have unique characteristics and lives next to such a lot.

Steve and Lynn Beise, 505 Kadler Avenue, both spoke. Steve said that he is trying to gain understanding what is going to be built in their neighborhood on the vacant lots and get educated on the process the City goes through when approving homes to be built. He also mentioned his concern about the value of his home and what impact future home would have on it when he goes to sell it. He is concerned about what is going to be built and believes they should fit in with the neighborhood. Lynn also said she was here to learn and asked if lots planned in the beginning were workable, why are they not now? Nash responded by explaining that after the Crow River Heights plat was approved, the City created a wetland setback that would be applied to existing or new lots. Those lots were buildable, and now the City has to look at the lot after the wetland is defined and decide whether or not a variance is needed. Lynn also referred back to the remarks about building too big and foreclosures happening, saying that she knows of people that had to foreclose because they were moving for work and couldn't sell their home because the value had dropped. Nash also responded to the concern regarding home value and said that everyone's home values have dropped, hers included, and have not recovered their value. It is a universal thing and doesn't believe that the depression in value is related to the lots remaining in Crow River Heights. Armstrong added that now people look at the price per square foot, not necessarily the assessed value, and also desire to upgrade within the neighborhood. She gave the example of a homeowner that came into the neighborhood as a first-time home owner and has lived here for a period of time and now the house they always wanted in the neighborhood is up for sale.

Clark Lee, 525 Kadler Avenue, said he is here about the rest of Crow River Heights that is waiting development because he wants to build another home in Hanover, a rambler, and wants to make sure that standards are in place.

Dr. Dave and Nancy Sibley, 6005 Goldenrod Lane, Plymouth, are the owners of lots 500-520 Kadler Avenue to which the other guests have referred. This will be their third home they have built and are thrilled with the lots. They want to move closer to family and live in a city that has a small town feeling. Both lots have been surveyed and the wetlands delineated. They visited with Brian Hagen, City Administrator, and Biren prior to purchasing the lots to ask whether or not they would be able to build on the lot. At that time, prior to the moratorium, they were told that they would be able to build on it, but that a wetland delineation would need to be done prior to that. Armstrong asked what size home was going to be built and the Sibleys answered that it would be a rambler with a basement and that the plan was for 1248 square feet. They have not had house plans drawn since the moratorium was in place.

Hammerseng thanked the guests for speaking.

Nash asked for direction from the Planning Commission and would bring a draft ordinance to the July meeting and advertise for a Public Hearing of the ordinance at the August meeting. The deadline for publishing the Public Hearing Notice had passed. This would all be dependent on Council's actions at the July 19<sup>th</sup> meeting.

The direction given to Nash was to draft an ordinance related to single family dwellings with a minimum size of between 1000-1100 square feet finished above grade. Definitions would also be reviewed and updated as part of the ordinance amendment.

Hammerseng said that Council was going to wait on Planning Commission's recommendation to terminate the moratorium until after this meeting to make their decision. He confirmed that he is hearing from Planning Commission that Council should end the moratorium and the members agreed with that statement.

The meeting ended at 7:36 pm.

Attest:

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Amy L. Biren  
Administrative Assistant

12075 68th Circle NE, Otsego, MN 55330



List #: 4697957 Status: Active Map Page/Coord: 47/A1  
 List Price: \$336,825 DOM: 100 List Date: 4/5/16  
 Year Built: 2016  
 County: Wright Style: (SF) Two Stories  
 Bedrooms: 4 Total Baths: 3 Garage: 3 Acres: 0.24 Total Fin SqFt: 2,340  
 Listing Office: D.R. Horton, Inc. Appt Phone:  
 Listing Agent: Jeremiah J. Norton 651-319-6774 Office Phone: 952-985-7272  
 Directions: I94 to 60th St NE (CTY 37), East to Maciver Ave, North to 70th St  
 Agt Rmrks: Plan Features A Desirable, Open Feel With Great Kitchen  
 Layout, Walk-In Pantry, Granite, And Stainless Appliances. 4 Nicely  
 Sized Bedrooms Up Which Includes An Incredible Master Suite With  
 Huge Walk-In Closet And Private Bath With Separate Shower And

12081 68th Circle NE, Otsego, MN 55330



List #: 4724960 Status: Active Map Page/Coord: 47/A1  
 List Price: \$337,240 DOM: 38 List Date: 6/6/16  
 Year Built: 2016  
 County: Wright Style: (SF) Two Stories  
 Bedrooms: 4 Total Baths: 3 Garage: 3 Acres: 0.25 Total Fin SqFt: 2,308  
 Listing Office: D.R. Horton, Inc. Appt Phone: 651-319-6774  
 Listing Agent: Jeremiah J. Norton 651-319-6774 Office Phone: 952-985-7272  
 Directions: I94 to 60th St NE (CTY 37), East to Maciver Ave, North to 70th St  
 Agt Rmrks: 3 Car, Walk Out. Kitchen With Super Walk-In Pantry, Large  
 Island, Granite Counters, Stainless Appliances, A Kitchen Window  
 Along With An Expansive Great Room. Superior Owners Suite(20X15)  
 Which Boasts Two Walk In Closets, Vaulted Ceilings. Luxury Bath With

3531 NE Kadler Avenue, Saint Michael, MN 55376



List #: 4715522 Status: Active Map Page/Coord: 46/D4  
 List Price: \$329,900 DOM: 61 List Date: 5/14/16  
 Year Built: 2016  
 County: Wright Style: (SF) Two Stories  
 Bedrooms: 4 Total Baths: 3 Garage: 3 Acres: 0.23 Total Fin SqFt: 1,877  
 Listing Office: D.R. Horton, Inc. Appt Phone:  
 Listing Agent: Amy Battis 612-503-6311 Office Phone: 952-985-7272  
 Directions: From I-94 head west 4 miles on County road 241, going throug  
 Agt Rmrks: Dr Horton'S Newest Community!! 9 Amazing Floor Plans To  
 Choose From! Large Home Sites And A Neighborhood Park! All  
 Agent/Client Relations Respected. Open For Viewing Daily Friday  
 Through Tuesday. Awesome Incentives And Great Pricing!

3528 Kadler Avenue NE, Saint Michael, MN 55374



List #: 4725724 Status: Active Map Page/Coord: 60/D2  
 List Price: \$339,900 DOM: 36 List Date: 6/8/16  
 Year Built: 2016  
 County: Wright Style: (SF) Two Stories  
 Bedrooms: 4 Total Baths: 3 Garage: 3 Acres: 0.32 Total Fin SqFt: 2,340  
 Listing Office: D.R. Horton, Inc. Appt Phone:  
 Listing Agent: Amy Battis 612-503-6311 Office Phone: 952-985-7272  
 Directions: From I-94 head west 4 miles on County Road 241, going throug  
 Agt Rmrks: Dr Hortons Newest Community!! New Model Home!! 9  
 Amazing Floor Plans To Choose From. Large Home Sites And  
 Neighborhood Park! All Agent/Client Relationships Respected. Open For  
 Viewing Daily From 12:00-6:00 Pm. Awesome Incentives And Great

10901 51st Street NE, Albertville, MN 55301



List #: **4722142** Status: **Active** Map Page/Coord: **46/E3**  
 List Price: **\$280,060** DOM: **44** List Date: **5/31/16**  
 Year Built: **2016**  
 County: **Wright** Style: **(SF) Two Stories**  
 Bedrooms: **3** Total Baths: **3** Garage: **3** Acres: **0.25** Total Fin SqFt: **1,793**  
 Listing Office: **Four Sale Real Estate, Inc.** Appt Phone: **Use BookAShowing**  
 Listing Agent: **Tim Minnick 651-334-8300** Office Phone: **952-985-7253**  
 Directions: **I-94 to Cty Rd 19. South to Cty Rd 18 (Jason Ave). Turn right on**  
 Agt Rmrks: **Let Fieldstone Family Homes Build Your Client'S Dream Home! Can Purchase With3.5% Down! Builder Allows 'Sweat Equity'!**

10789 51st Street NE, Albertville, MN 55301



List #: **4667233** Status: **Active** Map Page/Coord: **46/E2**  
 List Price: **\$306,640** DOM: **211** List Date: **12/16/15**  
 Year Built: **2016**  
 County: **Wright** Style: **(SF) Two Stories**  
 Bedrooms: **4** Total Baths: **3** Garage: **3** Acres: **0.24** Total Fin SqFt: **2,333**  
 Listing Office: **Four Sale Real Estate, Inc.** Appt Phone: **612-963-5675**  
 Listing Agent: **Daryl B. Bonderson 612-963-5675** Office Phone: **952-985-7253**  
 Directions: **I-94 to Cty Rd 19. South to Cty Rd 18 (Jason Ave). Turn right on**  
 Agt Rmrks: **Let Fieldstone Family Homes Build Your Clients Dream Home That Fits Their Budget! Can Purchase With 3.5% Down And The Builder Does Allow Sweat Equity.**

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675 Kadler Circle , Hanover, MN 55341



List #: **4704441** Status: **Active** Map Page/Coord: **60/D3**  
 List Price: **\$270,900** DOM: **85** List Date: **4/20/16**  
 Year Built: **2016**  
 County: **Wright** Style: **(SF) Two Stories**  
 Bedrooms: **3** Total Baths: **3** Garage: **3** Acres: **0.72** Total Fin SqFt: **1,743**  
 Listing Office: **Keller Williams Classic Rlty** Appt Phone:  
 Listing Agent: **Pomerleau Team 763-463-7580** Office Phone: **763-463-7500**  
 Directions: **Beebe Lake (R) to Kadler (L) to Kadler Circle**  
 Agt Rmrks: **This Is A To Be Built Home. Model Home: 21457 Lena Trail Big Lake. For Questions Call Amelia 763-227-8493. Pricing Is Established On Standard Finishes. Meet With Builder For Upgrades Amounts. Pics From Previous Model.**

© RMLS MN

7805 Marlowe Avenue NE, Otsego, MN 55330



List #: **4711837** Status: **Active** Map Page/Coord: **33/A4**  
 List Price: **\$316,300** DOM: **69** List Date: **5/6/16**  
 Year Built: **2016**  
 County: **Wright** Style: **(SF) Two Stories**  
 Bedrooms: **4** Total Baths: **3** Garage: **3** Acres: **0.42** Total Fin SqFt: **2,357**  
 Listing Office: **Centra Homes, LLC** Appt Phone: **651-900-1909**  
 Listing Agent: **Tammy L. Brown 651-900-1909** Office Phone: **763-772-1000**  
 Directions: **Take I 94 to East on 60th to North on Maciver.**  
 Agt Rmrks: **Home Is A To Be Built. Call Co-Listing Agent For Details. Other Floor Plans And Lots Available. Selections/Colors Shown In Photo May Vary From Model Selections.**

10651 38th Circle NE, Saint Michael, MN 55376



List #: **4736488** Status: **Active** Map Page/Coord: **46/E4**  
List Price: **\$340,785** DOM: **8** List Date: **7/6/16**  
Year Built: **2016**  
County: **Wright** Style: **(SF) Two Stories**  
Bedrooms: **4** Total Baths: **3** Garage: **3** Acres: **0.20** Total Fin SqFt: **1,877**  
Listing Office: **D.R. Horton, Inc.** Appt Phone: **612-503-6311**  
Listing Agent: **Amy Battis 612-503-6311** Office Phone: **952-985-7272**  
Directions: **From I-94 head west 4 miles on County Road 241, going through**  
Agt Rmrks: **Quaint New Construction Neighborhood In Desirable St. Michael School District. Surrounded By Woods And Walking Paths And Schools. Just Four Miles Off I-94!**

3564 Kadler Avenue NE, Saint Michael, MN 55376



List #: **4735648** Status: **Active** Map Page/Coord: **47/A3**  
List Price: **\$359,000** DOM: **11** List Date: **7/3/16**  
Year Built: **2016**  
County: **Wright** Style: **(SF) Two Stories**  
Bedrooms: **3** Total Baths: **3** Garage: **3** Acres: **0.31** Total Fin SqFt: **2,340**  
Listing Office: **D.R. Horton, Inc.** Appt Phone:  
Listing Agent: **Amy Battis 612-503-6311** Office Phone: **952-985-7272**  
Directions: **From I-94 head west 4 miles on County Road 241, going through**  
Agt Rmrks: **Dr Hortons Newest Community!! New Model Home!! 9 Amazing Floor Plans To Choose From. Large Home Sites And Neighborhood Park! All Agent/Client Relationships Respected. Open For Viewing Daily. Awesome Incentives And Great Pricing!**

**SEARCH CRITERIA:**

This search was narrowed to a specific set of listings.



January 20, 2000

Ms. Susan Vergin, City Clerk/Administrator  
City of Hanover  
P.O. Box 278  
Hanover, Minnesota 53341

SUBJECT: Crow River Heights  
Planned Residential Development,  
Preliminary Development Plans and Rezoning  
MFRA # 12724

Dear Ms. Vergin:

With this letter, a planning request application, filing fee and supportive documentation is provided on behalf of Gold Nugget Development, Inc. (GND) and Semler Construction, Inc. (SCI).

Crow River Heights West and Crow River Heights East (CRH) combined are the subject of this letter and planning application for city review. The applicants, GND and SCI developer/builders and property owners are requesting Preliminary Development Plan Review and Planned Development Overlay District rezoning for the combined project consisting of 212.5 acres.

Ms. Susan Vergin  
January 20, 2000  
Page 2

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The CRH planned residential development is unique with respect to plat design, (lot layout and configuration), wetland protection, variety of housing lot opportunities, and the general "neighborhood" ambiance of the composite residential plan. These attributes and other features of the CRH proposal are discussed in the attached report.

We look forward to city review of these requests. Feel free to contact me for any needed materials or clarifications deemed appropriate to facilitate proper review.

Kindest regards,

McCOMBS FRANK ROOS ASSOCIATES, INC.



Michael J. Gair, ASLA

MJG:rth

cc: John Jackels, Project Manager  
Tony Emmerich Construction, Inc.  
Larry Olson, P.E.  
LSJ Engineering, Inc.

CROW RIVER HEIGHTS (CRH)  
PLANNED RESIDENTIAL DEVELOPMENT  
212.5 ACRES  
463 RESIDENTIAL HOMES

**1. BACKGROUND:**

CRH was the subject of sketch plan review on May 10, 1999 and July 7, 1999 by Hanover City Planning Commission. Since these reviews and pursuant to input received, several important activities have been completed including:

- CRH sketch plan revisions
- Publication of Final Wetland Delineation Report by Kjolhaug Environmental Services Company dated 12-20-99
- Completion and satisfaction of environmental review pursuant to Minnesota Environmental Quality Board rules.
- City adoption of Ordinance Number 99-03 Planned Development (PD) Overlay District.
- Comprehensive storm water systems and management plan and Preliminary Plat and engineering design have been completed

Results from the above work activities include important changes in the proposed Plan, most notably:

1. Confirmation of the potential number of housing units
2. Configuration location and design of proposed storm water ponding
3. Central circular park storm pond removed and relocated
4. Additional street connections provided to property boundaries and,
5. East/West trail connectivity improved

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## **2. REQUESTED CITY ACTIONS:**

The developer/applicants respectfully request city review and approval for rezoning the approximate 212.5 acre property from RA to R-1A (PD) and consideration of the preliminary plat and engineering plans for the development of 463 residential housing units.

Based in part on past city Planning Commission review and in consideration of comments offered by the city's planning and engineering consultants dated May 6, 1999, July 7, 1999 and July 8, 1999 and the completed environmental review, we find that the proposed plan offers intrinsic value to Hanover, consistent with the city's Comprehensive Plan, growth management, zoning and is environmentally responsible.

## **3. BASIS FOR THE REQUEST:**

The proposed plan includes 212.5 acres; land area of sufficient size to support a Residential Plan of Distinction. In this context the phrase "Residential plan of distinction" has specific meaning. The property could alternatively be developed as a typical suburban plat utilizing standard lot design with a predictable rectilinear street pattern. The result of this approach would be a plat similar to those replicated throughout our Metro region in virtually every developing suburb.

The Developers of Crow River Heights however has chosen to design a plat that offers distinctly unique curvilinear road alignment. The result of this approach is a residential plan that exhibits extraordinary streetscape interest/adventure. The curvilinear streetscape aesthetic is further enhanced by the concept of "coving"; (variable front yard depth) at strategic locations, typically in street curves and at street intersections.

The combined effects of these two innovative plat layout concepts is land subdivision that offers the following user experiences:

- More interesting streetscape
- Views terminating on homes

- 
- Short vistas vs. long unbroken monotonous views
  - Heightens viewer curiosity
  - Varying and changing views
  - Dynamic streetscape
  - Engaging site aesthetics

Additionally, this approach to plat design encourages the potential for neighborhood socializations. More traditional suburban land subdivision tends to be rigid, monotonous, and rectilinear. Typically blocks and lots adhere to specific standards, resulting in a pattern of parallel and perpendicular lot lines assembled into blocks that are 300 feet deep and 640-800 feet long.

The plat layout in CRH provides a sense of “sub-neighborhoods”. Each sub-neighborhood is partially defined by view corridors, open spaces, street curves and street intersections. Future residences will identify their sub-neighborhood as being a specific segment of street defined by curves, intersections and individual home color and styles. (Home owners will for instance, instruct guests to take two left turns, go to the first house with brown trim and then four houses beyond the second street curve).

One axiom in marketing residential real estate is that cul-de-sac properties are highly desirable and typically sustain higher property values. The CRH plat layout consisting of short curved street segments provides a similar market advantage and consumer bias toward desirability and higher probable lot value. The short curved street segments present market favorability similar to a cul-de-sac street.

One final and very important feature of the CRH plan layout is variable lot size (9,533 to 58,192 square feet with an average lot size of 16,694 square feet). Curved streets necessitate lot size variability. This feature provides lot and home price variation; contributing to housing style variation, size, and market opportunity.

In conclusion the Planned Development Overlay District allows flexibility from standard “suburban-like” plat design.

#### **4. PLANNED DEVELOPMENT (PD) ATTRIBUTES:**

As eluded to in the above sections, the PD ordinance provides opportunity to create distinction in residential plat design.

The PD potentially achieves a higher quality and more interesting residential community. In the case of CRH it is certain that the results of employing the provisions of the PD ordinance will achieve these desirable objectives:

- Diversity in lot layout and configuration
- More interesting and engaging plan
- More desirable overall residential development
- Greater probability of market acceptance
- More variety in housing product/price
- Layout maneuvers successfully around wetlands
- Storm ponding design is integral with lot layout and street pattern
- Plan will be a source of pride for future residents and Hanover

#### **5. GENERAL PD LAND USE COMPONENTS:**

The Crow River Heights Planned Development includes the following land use elements:

- Single Family lots ranging in size from 9,533 to 58,192 feet square.
- Single Family average lot size 16,694 feet square.
- Single Family zero-lot line lots are shown to be generally 3,718 square feet (refer to details and development summary as noted on the plat and site plan documents.)
- Average site area per zero-lot line Dwelling Unit B 12,190 feet square.
- Storm water ponds and drainage facilities.
- Wetland preservation.
- Peripheral tree preservation and greater new home construction setback.
- Curvilinear street pattern.

- Front yard and street intersection “coving”.
- Primary trail segment extending to the property’s west and east boundary.
- A central neighborhood park of approximately 5 acres. The circular park is approximately 530 feet in diameter with useable recreation terrain. The park is contained within a public street affording convenient access and street parking. The park is visually highly accessible as well.
- The central circular park is a key neighborhood gathering spot. The park will become a focal for neighborhood and family celebration and for general passive and active recreation.
- Storm water ponding has been provided based on a comprehensive overall project engineering design. Storm water ponding provides open space area and housing separation (“breathing-space”). The ponding will provide down-stream storm water quality and will provide a variety of ecology and potential animal habitat.
- These aspects of the storm water design system add to the general positive ambience of the neighborhood and most importantly environmental quality of the proposed residential development.

These land use components of the CRH Planned Residential Development have been thoughtfully organized so as to achieve a rational and logical plan and will provide lasting residential value as a **“GREAT PLACE TO LIVE”**.

The Crow River Heights PD will set a standard of residential development in Hanover and without a doubt will become a source of pride for the city, its developers and future residences of Crow River Heights.

Based on the positive attributes and benefits of the proposed Crow River Heights PD I respectfully request favorable review and approval of the requested R-1A (PD) zoning change and the preliminary plat and plan documents as provided.

***Collaborative Planning, LLC***

PO Box 251  
Medina, MN 55340  
763-473-0569

## Memorandum

Date: July 25, 2016  
To: Planning Commission  
From: Cindy Nash, City Planner  
RE: Rhino Imported Auto Conditional Use Permit

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### **Overview of Request**

The subject property is currently zoned B-1 (Downtown River Business District) and an application has been received for an amendment to the existing Conditional Use Permit. The property is located at 11103 River Road.

The application is included in your packets and contains their proposed request. A copy of the minutes from the 1991 public hearing and the Special Use Permit are also included in the packet.

### **Evaluation of Request**

The applicant is seeking permission to change the existing permit to allow for a 25' x 95' fenced exterior storage area at the south side of the building. That area will store larger auto parts and business equipment such as the forklift.

Open and outdoor storage is not permitted in the B-1 District.

The shoreland management overlay district requires a 75-foot setback. The existing building does not meet that setback, but is grandfathered in. New structures or additions to existing structures would be required to meet the setback.

Parking areas in the shoreland management overlay district should meet the 75-foot setback when feasible and practical, but shall not be less than 50 feet from the ordinary high water level. The proposed parking area meets the 50-foot requirement. The Zoning Ordinance requires that parking areas shall be of a durable and dustless surface such as asphalt or cement. However, this area has been gravel at various points and used for parking and based on discussion at the June Planning Commission meeting it was determined that gravel is a more suitable surface in this location provided that it is maintained.

Portions of the property are within both the existing floodplain and the new proposed floodplain. Parts of this property are located within the Special Flood Hazard Area.



The applicant provided an extension for the review time frame to August 31, 2016 as per the attached letter.

**Recommendation**

It is recommended that the Planning Commission recommended approval of the draft resolution amending a Conditional Use Permit to the City Council. The applicant has reviewed it and found the conditions acceptable. In addition, the City Attorney has reviewed the draft amended Conditional Use Permit.

May 19, 2016

Cindy Nash, AICP  
Collaborative Planning, LLC  
City Planner for Hanover, MN  
PO Box 251  
Medina, MN 55340

Brian Hagen  
City of Hanover  
11250 5<sup>th</sup> Street NE  
Hanover, MN 55431

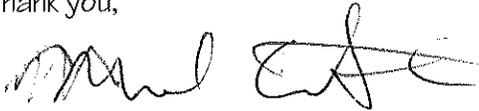
RE: Conditional Use Permit Application  
Case # 2015-1, Submitted March 4, 2016  
11103 River Road NE

Ms. Nash & Mr. Hagen:

As the owner of the property at 11103 River Road NE and as the applicant for an amended Conditional Use Permit submitted March 4, 2016, I request that the City of Hanover extend the review period until **August 31, 2016**.

The surveyor finally was out to complete the field work last Tuesday. I expect to see the survey drawings sometime next week. This extension will allow me to complete the additional submittals as requested at the planning commission on March 28, 2016. I appreciate your consideration in extending the deadline per my request.

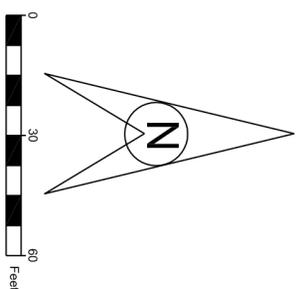
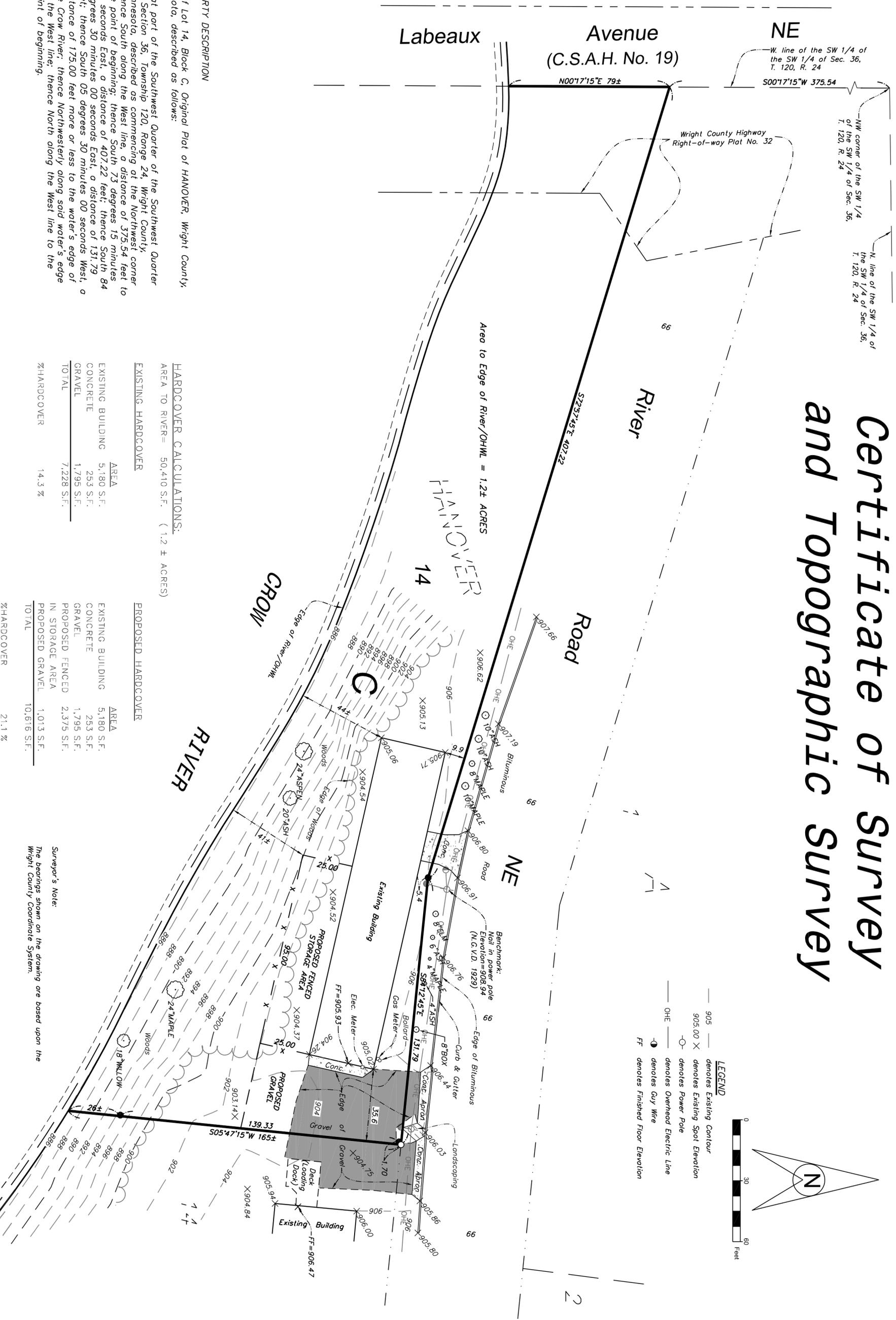
Thank you,



Michael A. Straub  
2330 Chalet Drive  
Columbia Heights, MN 55421

763-572-0272  
763-498-6544  
Mstraub592@aol.com

# Certificate of Survey and Topographic Survey



- LEGEND**
- 905 — denotes Existing Contour
  - 905.00 X denotes Existing Spot Elevation
  - denotes Power Pole
  - OHE — denotes Overhead Electric Line
  - denotes Guy Wire
  - FF denotes Finished Floor Elevation

**HARDCOVER CALCULATIONS:**  
 AREA TO RIVER = 50,410 S.F. ( 1.2 ± ACRES)

EXISTING HARDCOVER		PROPOSED HARDCOVER	
AREA	AREA	EXISTING BUILDING	AREA
EXISTING BUILDING	5,180 S.F.	CONCRETE	253 S.F.
CONCRETE	253 S.F.	GRAVEL	1,795 S.F.
GRAVEL	1,795 S.F.	PROPOSED FENCED IN STORAGE AREA	2,375 S.F.
<b>TOTAL</b>	<b>7,228 S.F.</b>	<b>PROPOSED GRAVEL</b>	<b>1,013 S.F.</b>
%HARDCOVER	14.3 %	<b>TOTAL</b>	<b>10,616 S.F.</b>
		%HARDCOVER	21.1 %

**Surveyor's Note:**  
 The bearings shown on the drawing are based upon the Wright County Coordinate System.

**PROPERTY DESCRIPTION**  
 Part of Lot 14, Block C, Original Plat of HANOVER, Wright County, Minnesota, described as follows:  
 That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 120, Range 24, Wright County, Minnesota, described as commencing at the Northwest corner thence South along the West line, a distance of 375.54 feet to the point of beginning; thence South 73 degrees 15 minutes 00 seconds East, a distance of 407.22 feet; thence South 84 degrees 30 minutes 00 seconds East, a distance of 131.79 feet; thence South 05 degrees 30 minutes 00 seconds West, a distance of 175.00 feet more or less to the water's edge of the Crow River; thence Northwesterly along said water's edge to the West line; thence North along the West line to the point of beginning.

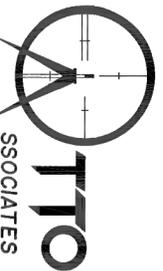
**Certificate of Survey and Topographic Survey on part of the SW 1/4 of the SW 1/4 of Section 36, Township 120, Range 24, Wright County, Minnesota.**

Revised: \_\_\_\_\_  
 I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Paul E. Otto  
 License #440062 Date: 5-25-16

Requested By:

**PHILLIPS Architects & Contractors, Ltd.**

Date: 5-16-16  
 Drawn By: T.J.B.  
 Scale: 1"=30'  
 Checked By: P.E.O.



www.ottoassociates.com  
 9 West Division Street  
 Buffalo, MN 55313  
 (763)882-4727  
 Fax: (763)882-3522

● denotes iron monument found  
 ○ denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #440062  
 Project No. 16-0249

**CITY OF HANOVER  
COUNTIES OF WRIGHT AND HENNEPIN  
STATE OF MINNESOTA**

A meeting of the City Council of the City of Hanover, Minnesota, was called to order by Mayor Kauffman at [redacted] p.m. in the Council Chambers of the City Hall, in the City of Hanover, Minnesota, on the 2<sup>nd</sup> day of August, 2016.

The following Council Members were present:

The following Council Members were absent:

A motion to adopt the following resolution was made by [redacted] and seconded by [redacted]

.....

**RESOLUTION NO [redacted]  
APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE SALES AND  
WAREHOUSING OF AUTOMOTIVE PARTS**

**WHEREAS** Michael Straub (“Applicant”) owns property located at 11103 River Road N.E; and

**WHEREAS**, the Subject Property is zoned B-1, Downtown River Business District; and

**WHEREAS**, the applicant submitted an application to amend an existing Special Use Permit to operate a Warehouse/Retail Sales operation which was approved on April 16, 1991 as Resolution No. 07-91-04; and

**WHEREAS** the public hearing was properly noticed and scheduled for the March 28, 2016 Planning Commission meeting; and

**WHEREAS** the application was reviewed by the Planning Commission at meetings on March 28, June 27 and July 25, 2016 and recommended approval of the request; and

**WHEREAS** the City Council reviewed the request in regards to this property at a meeting on August 2, 2016; and

**WHEREAS** the City Council concurred with the recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby approve the Conditional Use Permit for this property subject to the following conditions:

1. This Conditional Use Permit repeals and replaces Resolution #07-91-04 and any and all other prior approvals pertaining to the Subject Property.
2. The only use permitted for the Subject Property is the sales and warehousing of new, used and rebuilt automotive parts, and the associated deconstruction of used automobiles for processing into used auto parts. No other use of the property is permitted except those as permitted in the Hanover Zoning Ordinance as amended from time to time.

3. The property shall operate in conformance with the Site Plan prepared by Otto Associates dated May 16, 2016 attached hereto as Exhibit "A" except that the "Proposed Fenced Storage Area" is not permitted.
4. No outside storage is permitted. The area shown on the Site Plan as "Proposed Fenced Storage Area" is not allowed.
5. Up to six vehicles that are substantially intact (not more than one body component such as a door or hood missing) but awaiting processing may be parked outside the building. All of said vehicles shall be stored in the location shown as "Proposed Gravel" and must be parked in an orderly fashion and not stacked. This area must be a maintained gravel surface. No vehicles that have been partially dismantled or any automotive components may be stored outside the building.
6. A forklift and a flatbed and trailer are the only other items that may be stored outside the building.
7. Operating hours are allowed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 7:00 a.m. and 6:00 p.m. Saturday.
8. The use shall maintain compliance with all noise and nuisance related ordinances of the City Code, as may be amended from time to time.
9. The use and site shall be in compliance with any Federal, State or County law or regulation that is applicable and any related permits shall be obtained and documented to the City.
10. The site (exterior) must be free of items contributing to blighting conditions including, but not limited to, dilapidated machinery, equipment and tools, used tires, automotive parts, and other similar items.
11. The property shall remain in substantial conformance with all performance standards contained within the City Zoning Ordinance and City Code.
12. The use must be in compliance with all applicable noise regulations.
13. The use must be in compliance with all other federal, state and local regulations, as may be amended from time to time.
14. The owner shall, upon reasonable advance notice, provide City staff and/or its agents with access to the property for inspection for compliance with this Conditional Use Permit and other relevant codes.
15. A lapse of one year during which the premises are not used for the purposes provided for in this permit shall cause the permit to expire and be of no further consequence.

Council members voting in favor:

Opposed or abstained:

Adopted by the City Council this 2<sup>nd</sup> day of August, 2016.

APPROVED BY:

\_\_\_\_\_  
Chris Kauffman, Mayor

ATTEST:

\_\_\_\_\_  
Brian Hagen, City Administrator

\*\*\*\*\*

STATE OF MINNESOTA

COUNTIES OF WRIGHT AND HENNEPIN

I, Brian Hagen, duly appointed, qualified, and acting clerk to the Council for the City of Hanover, Counties of Wright and Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Hanover City Council, at their session held on the 2<sup>nd</sup> day of August, 2016 now on file in my office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Hanover, Minnesota, the \_\_\_\_ day of August, 2016.

\_\_\_\_\_  
Brian Hagen, City Administrator

**Hanover Single Family Home Size Ordinance**

**Proposed Changed Items**

Floor Area: The sum of the gross horizontal areas of several floors of the building or portion thereof devoted to a particular use, including accessory storage area located within selling or working space such as retailing activities, the production or processing of goods, or to business or professional offices. When measuring for single-family residences, floor area shall include only those portions above grade that contain above grade that are finished space and shall not include the garage, basement or cellar. When measuring for non-residential uses, floor area shall not include the basement or cellar floor area other than areas devoted to retailing activities, the production or processing of goods, or to office spaces.

Sec. 10.26. Add a line on the performance standards use chart:

Performance Standard	R-A	R-1	R1-A	R-2
Minimum Single Family Detached Home Floor Area	1000	1000	1000	1000

## ***Collaborative Planning, LLC***

PO Box 251  
Medina, MN 55340  
763-473-0569

### Memorandum

Date: July 12, 2016  
To: Honorable Mayor and Council  
Planning Commission  
From: Cindy Nash, City Planner  
RE: Ordinance Amendment related to Opting Out of the Requirements of Minnesota Statute 462.3593 related to Temporary Family Health Care Dwellings

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A bill was signed into law in May 2016 creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. A FAQ sheet on the new law prepared by the League of Minnesota Cities is attached for your review.

Unless the City chooses to adopt an ordinance "opting out" that is in place by September 1, 2016, qualifying applications under the statute would be required to be approved by the City. This would mean that the City would need to be prepared with a permit process in place, and that existing City regulations pertaining to accessory uses under the zoning ordinance and recreational vehicles would not apply to these applications.

An example of the type of housing that would be permitted under this statute can be reviewed at [www.nextdoorhousing.com](http://www.nextdoorhousing.com).

A code fact sheet from the Minnesota Department of Labor and Industry pertaining to tiny houses is also attached. This is a separate but related issue (the new statute is specifically related to tiny houses that are used for temporary health care). This fact sheet discusses the various manners in which dwelling spaces are permitted under various laws and codes. The statute related to temporary health care dwellings specifically requires that they be built to either Minnesota Rules chapter 1360 or 1361 and contain an Industrialized Building Commission seal and data plate or to American National Standards Institute Code 119.2. However, it also specifically requires that they not be attached to a permanent foundation.

The options that the City has are the following:

1. **Do nothing, which is a choice to allow temporary family healthcare dwellings in the manner prescribed in the statute.** Under this option the City would be required to start processing applications for temporary family healthcare dwellings on September 1<sup>st</sup>.

2. **Adopt an ordinance opting out.** Under this option, there is no effect on the City's current regulations and these types of uses would not be permitted. If an opt-out ordinance is not in effect by September 1<sup>st</sup>, then there would be a gap in time during which the City would be required to permit a temporary family health care dwelling if someone chose to apply for a permit under the new statute. Opting out at this time also does not mean that the Council cannot choose at a later time to adopt its own regulations regarding temporary healthcare dwellings.
3. **Adopt an ordinance opting out, but then also request that staff and the Planning Commission study the issue more.** This is the option that would be most suitable if the Council was interested in considering allowing temporary health care dwellings, but was interested in setting the terms and conditions under which they are permitted.

Attachments:

- 1) SF 2555
- 2) LMC Guidance Temporary Family Healthcare
- 3) DOLI Tiny Houses Code Fact Sheet
- 4) Ordinance Opting Out

**CITY OF HANOVER  
COUNTIES OF WRIGHT AND HENNEPIN  
STATE OF MINNESOTA**

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 10,  
OPTING-OUT OF THE REQUIREMENTS OF  
MINNESOTA STATUTES, SECTION 462.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

**THE CITY COUNCIL OF THE CITY OF HANOVER ORDAINS as follows:**

**Section 1.** Hanover City Code, Section 10.70 is added as follows:

**SEC. 10.70 OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593**

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Hanover opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**Section 2.** This Ordinance shall be effective immediately upon its passage and publication.

Adopted by the Hanover City Council this 2<sup>nd</sup> day of August, 2016.

APPROVED BY:

\_\_\_\_\_  
Chris Kauffman, Mayor

ATTEST:

\_\_\_\_\_  
Brian Hagen, City Administrator

# 2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

---

## CHAPTER 111--S.F.No. 2555

*An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

**Subd. 4. Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; ~~or~~

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. **[394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

**Subd. 2. Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family

health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

**Subd. 4. Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

**Subd. 5. Inspection.** The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

**Subd. 6. Revocation of permit.** The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

### Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.



## Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

### **Introduction:**

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.<sup>1</sup> Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.<sup>2</sup>

### **Where can I read the new law?**

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

### **Does the law require cities to follow and implement the new temporary family health care dwelling law?**

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

### **Considerations for cities regarding the opt-out?**

These new temporary dwellings address an emerging community need to provide more convenient temporary care. When analyzing whether or not to opt out, cities may want to consider that:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

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<sup>1</sup> [2016 Laws, Chapter 111](#).

<sup>2</sup> Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that individual's power of attorney sign the permit application or a consent to release his or her data.
- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties<sup>3</sup>. Cities should consider whether there is an interplay between these two statutes.

### **Do cities need to do anything to have the new law apply in their city?**

**No**, the law goes into effect Sept. 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances.

### **Do cities lose the option to opt out after the Sept. 1, 2016 effective date?**

**No**, the law does not set a deadline for opting out, so cities can opt out after Sept. 1, 2016. However, if the city has not opted out by Sept. 1, 2016, then the city must not only have determined a permit fee amount<sup>4</sup> before that date (if the city wants to have an amount different than the law's default amount), but also must be ready on that date to accept applications and process the permits in accordance with the short timeline required by the law. Cities should consult their city attorney to analyze how to handle applications submitted after Sept. 1, 2016, but still pending at the time of a later opt out.

### **What if a city already allows a temporary family health care dwelling as a permitted use?**

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

### **What process should the city follow if it chooses to opt out of this statute?**

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.<sup>5</sup>

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<sup>3</sup> See Minn. Stat. §394.307

<sup>4</sup> Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

<sup>5</sup> For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the

## **Does the League have a model ordinance for opting out of this program?**

**Yes.** Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

## **Can cities partially opt out of the temporary family health care dwelling law?**

**Not likely.** The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

## **Can a city adopt pieces of this program or change the requirements listed in the statute?**

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

## **What is required in an application for a temporary family health care dwelling permit?**

The mandatory application requests very specific information including, but not limited to:<sup>6</sup>

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”<sup>7</sup>

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statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

<sup>6</sup> New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

<sup>7</sup> This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

### **Who can host a temporary family health care dwelling?**

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

### **Is this program just for the elderly?**

**No.** The legislature did not include an age requirement for the mentally or physically impaired dweller.<sup>8</sup>

### **Who can live in a temporary family health care dwelling and for how long?**

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

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<sup>8</sup> The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

## **What structures qualify as temporary family health care dwellings under the new law?**

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;
- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means<sup>9</sup>);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”<sup>10</sup>; and
- Must contain a backflow check valve.<sup>11</sup>

## **Does the State Building Code apply to the construction of a temporary family health care dwelling?**

**Mostly, no.** These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

## **What health, safety and welfare requirements does this new law include?**

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

## **What local ordinances and zoning apply to a temporary health care dwelling?**

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings.

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<sup>9</sup> The Legislature did not provide guidance on what represents “other comparable means”.

<sup>10</sup> ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

<sup>11</sup> New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city's other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

### **What permit process should cities follow for these permits?**

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame within which the local governmental unit can make a decision on the permit. Due to the time sensitive nature of issuing a temporary dwelling permit, the city does not have to hold a public hearing on the application and has only 15 days (rather than 60 days) to either issue or deny a permit. For those councils that regularly meet only once a month, the law provides for a 30-day decision. The law specifically prohibits cities from extending the time for making a decision on the permit application. The new law allows the clock to restart if a city deems an application incomplete, but the city must provide the applicant written notice within five business days of receipt of the application identifying the missing information.

### **Can cities collect fees for these permits?**

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

### **Can cities inspect, enforce and ultimately revoke these permits?**

**Yes**, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

### **How should cities handle data it acquires from these permits?**

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

### **Should the city consult its city attorney?**

**Yes.** As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

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**Where can cities get additional information or ask other questions.**

For more information, contact Staff Attorney Pamela Whitmore at [pwhitmore@lmc.org](mailto:pwhitmore@lmc.org) or LMC General Counsel Tom Grundhoefer at [tgrundho@lmc.org](mailto:tgrundho@lmc.org). If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.



# TINY HOUSES

## CODE FACT SHEET

Minnesota Department of Labor and Industry

### OVERVIEW

"Tiny houses" have received a lot of attention and interest in recent years. The following information is provided to clarify how these small structures are regulated by the Minnesota State Building Code. The Minnesota State Building Code is the standard of construction that applies statewide for the construction of buildings (MS § 326B.121) including tiny houses.

Some tiny houses are designed as trailers and referred to as park models or recreational park trailers that are on a chassis with wheels. Tiny houses built like park models but without the chassis and wheels are often referred to as industrialized/modular buildings and regulated accordingly.

Loosely defined, tiny houses range from about 100 to 400 square feet. The following describes how these houses are regulated by building codes, zoning codes and the Department of Housing and Urban Development (HUD).

### Zoning requirements

Municipalities establish zoning ordinances to regulate land use, location, height, width, type of foundation, number of stories and size of buildings. These zoning ordinances vary by municipality.

Minimum building size varies from areas of 500 to 2,000 square feet. Jurisdictions may also require minimum lot sizes related to the house size. Sometimes there are minimum house size requirements such as 24 feet by 24 feet or a minimum dimension of 20 feet. Because of these varying requirements, the jurisdiction must be consulted for specifics.

### Building codes

Tiny houses, like all other houses, are required to comply with building codes. Minnesota adopts the 2012 International Residential Code (IRC) by reference with amendments. It is known as the 2015 Minnesota Residential Code. The "code," for the purpose of constructing houses, means the 2015 Minnesota Residential Code. It is the standard that applies statewide.

The 2015 Minnesota Residential Code defines a dwelling as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. By definition, a tiny house is a dwelling unit and



The trend of tiny houses has received a lot of attention in recent years. This handout is provided to clarify how these small structures are regulated by the Minnesota State Building code.

### Other codes related to house construction include:

- 2015 Minnesota Energy Code
- 2015 Minnesota Mechanical Code
- 2015 Minnesota Electrical Code
- 2015 Minnesota Rules Chapter 1303
- Minnesota Plumbing Code

regulated by the code. The code includes requirements for light, ventilation, heating, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms.

## RECREATIONAL PARK TRAILER

Recreational park trailers, or park models, are tiny houses built on a chassis with wheels. These trailers are primarily designed as temporary living quarters for recreational, camping or seasonal use but not a year-round dwelling. These trailers are often constructed to ANSI standard (A119.5) and are self-certified by the manufacturer with the Recreational Vehicle Industry Association (RVIA).

The gross floor area for park models must not exceed 400 square feet when set up. Recreational park trailers exceeding 400 square feet must comply with HUD's manufactured housing program as a manufactured home. HUD defines the gross square footage as encompassing the full width and full length of the unit, including

porches.

A data plate must be attached to the recreational park trailers that includes:

- name and address of the manufacturer
- serial number or vehicle identification number (VIN) of the unit
- date of manufacture
- a statement that the unit is designed to ANSI A119.5.

Recreational park trailers or park models intended as permanent living dwelling units must be designed, constructed and installed in accordance with the 2015 Minnesota Residential Code.

## PREFABRICATED BUILDINGS

### Minnesota Rules, Chapter 1360

Dwellings constructed as prefabricated buildings must comply with the requirements of Minnesota Rules Chapter 1360 and be designed and constructed in accordance with the 2015 Minnesota Residential Code. Review of building plans and inspections are performed by the Minnesota Department of Labor and Industry. The completed building requires a Minnesota prefabricated building label.

Prefabricated building manufacturers are permitted to build three or fewer buildings per year. Construction of more than three buildings is regulated by Minnesota Rules Chapter 1361 for industrialized/modular buildings.

A data plate must be attached to the dwelling that includes the following minimum information:

- design loads
- codes
- IBC label numbers
- serial numbers
- model designation
- date of manufacture
- name and address of manufacture
- occupancy and type of construction.



**Example prefab construction label -**  
located under kitchen sink.

All on-site work is subject to local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

## INDUSTRIALIZED/MODULAR BUILDINGS

### Minnesota Rules, Chapter 1361; Industrialized Modular Building Commission (IMBC)

Dwellings constructed as modular buildings must comply with Minnesota Rules Chapter 1361 and the Industrialized Modular Buildings Commission (IMBC). These modular dwellings must be designed and constructed in accordance with the 2015 Minnesota Residential Code. Review of dwelling plans and in-plant inspections are performed by a certified IMBC third-party agency.

Modular buildings must have IMBC construction labels on each building section or every 600 square feet of closed panels.

A data plate must be attached to the dwelling that includes the following minimum information:

- design loads
- codes

## Continued: Minnesota Rules, Chapter 1361; Industrialized Modular Building Commission (IMBC)

- serial numbers
- IBC label numbers
- model designation
- date of manufacture
- name and address of manufacture
- occupancy and type of construction.



**Example IMBC label - located inside each home section.**

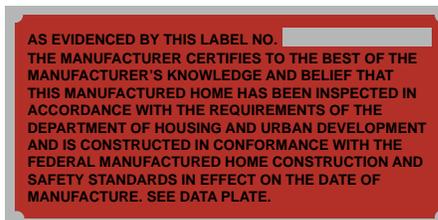
All on-site work is subject to local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

## HUD MANUFACTURED HOMES

"Manufactured home" means a single family dwelling in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

A data plate must be attached to the dwelling unit to include the following as a minimum:

- design loads
- codes
- label numbers
- serial numbers
- model designation,
- date of manufacture
- name and address of manufacturer



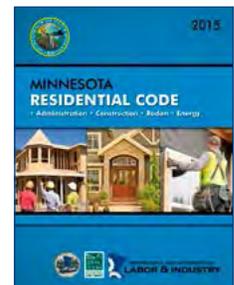
**Example HUD construction label - located on exterior of each section.**

Review of dwelling plans and in-plant inspections are performed by HUD-certified third-party agencies. All on-site work is subject to the local jurisdiction and inspections according to the 2015 Minnesota Residential Code.

## SITE-BUILT STRUCTURES

Tiny homes constructed on site are regulated by the Minnesota State Building Code. The dwelling construction must comply with all the requirements of the 2015 Minnesota Residential Code.

The 2015 Minnesota Residential Code can be viewed at <http://codes.iccsafe.org/app/book/toc/2015/Minnesota/Residential/index.html>.



## SUMMARY

If the tiny house does not:

- have a chassis and axles, or
- have a HUD manufactured home label, or
- have a RVIA park model label, then
- it is either a prefabricated or industrialized modular building subject to Minnesota Rules Chapters 1360 or 1361 or site-built subject to Minnesota Rules Chapter 1309.

NOTE: Any modular unit of closed construction built away from the site of occupancy must be labeled (Minnesota Rules, chapters 1360 or 1361).

Closed construction means any building manufactured so that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof (Minnesota Rules, Chapter 1360.0200 Subp. 5).

## 2015 MINNESOTA RESIDENTIAL CODE

The following code references provide general code requirements related to dwelling construction. Knowledge of the entire state code is necessary to obtain compliance.

### General requirements

#### R202 – Definition of dwelling unit and habitable space.

Dwelling unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Habitable space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

#### R301.1 Application.

Buildings and structures shall be constructed to safely support all loads, including dead loads, live loads, roof loads, flood loads, snow loads, wind loads and seismic loads prescribed in this code. The construction of buildings and structures in this code shall result in a structure that transfers all loads from their point of origin to the foundation.

#### R303 – Light, ventilation and heating

R303.1 – Habitable rooms shall have 8 percent of the floor area as natural light and 4 percent of the floor area as natural ventilation (see exceptions).

R303.3 – Bathrooms shall have 3 square feet of natural light and 1.5 square feet of natural ventilation (see exception).

R303.4 – Mechanical ventilation (see Minnesota Rules 1322 and 1346) requirements.

R303.5 – Intake and exhaust openings (see Minnesota Rules 1346) requirements.

R303.9 – Dwelling must be capable of maintaining a minimum room temperature of 68 degrees at three feet above the floor and two feet from the exterior walls (excludes use of portable heaters).

#### R304 – Minimum room areas

R304.1 – Every dwelling unit shall have at least one habitable room of 120 square feet.

R304.2 – Other habitable rooms (except kitchens) 70 square feet. R304.3 – Habitable rooms (except kitchens) must have a minimum dimension of 7 feet.

#### R305 – Ceiling height

R305.1 – Habitable space (hallways,

bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces) must have a ceiling height of 7 feet (see exceptions for measuring sloped ceilings).

R305.1.1 – Basements without habitable space (hallways, bathrooms, toilet rooms, laundry rooms and portions of basements containing these spaces) must have a minimum ceiling height of 6 feet, 8 inches (see exceptions for beams and girders).

#### R306 – Sanitation

R306.1 – Every dwelling unit must have a water closet, lavatory and a tub or shower.

R306.2 – Each kitchen must have a sink.

R306.3 – All plumbing fixtures must be connected to a sanitary sewer or approved private sewage system.

R306.4 – All plumbing fixtures must be connected to an approved water supply. Kitchen sinks, lavatories, bathtubs, showers, bidets, laundry tubs, and washing machines must have hot and cold water.

#### R307 – Toilet, bath and shower spaces

R307.1 – Space required, see Minnesota plumbing code for required plumbing fixture clearances.

R307.2 – Bathtub and shower floors and walls (bathtubs installed with shower heads and in shower compartments) must have a nonabsorbent surface a minimum of six feet above the floor.

#### R310 – Emergency escape and rescue openings

R310.1 – Basements, habitable attics and every sleeping room must at least one operable emergency escape and rescue opening (door or window).

R310.1.1 – Minimum opening area must be 5.7 square feet (see full code text for minimum height and width dimensions).

#### R311 – Means of egress

R311.1 – All dwellings must have a means of egress.

R311.2 – The egress door must have a clear width of 32 inches and a clear height of 78 inches.

R311.3 – A floor or landing is required on each side of exterior doors (see R311.3.1

through R311.3.3).

R311.5.1 – Exterior landings must be positively attached to the primary structure.

R311.6 – Hallway must have a minimum width of 36 inches. R311.7 – Stairways must have a minimum width of 36 inches. R311.7.5 – Stair treads must be 10 inch minimum and stair risers 7.75 inch maximum.

R311.7.5.3 – Stair nosings must be provided and compliant with this section.

R311.7.5.4 – Composite wood or plastic stair treads must comply with R507.3.

R311.7.6 – A floor or landing is required at the top and bottom of each stairway.

R311.7.8 – A handrail is required at stairs having four or more risers (see all railing requirements).

#### R314 – Smoke alarms

R314.3 – Smoke alarms are required in each sleeping room, in the immediate vicinity of the bedrooms and on each additional story of the dwelling including basements and habitable attics.

#### R315 – Carbon monoxide alarms

R315.1 – A carbon monoxide alarm is required in every dwelling unit having fuel fired appliances or attached garage.

#### MR 1322 – 2015 Minnesota Residential Energy Code

The dwelling must comply with the Minnesota Energy Code.

#### MR 1346 – 2015 Minnesota Mechanical Code

The dwelling must comply with the Minnesota Mechanical Code.

#### MR 1303 – Radon requirements

The dwelling must comply with Minnesota Rules Chapter 1303 for either passive or active radon control systems.

#### MR 1315 – Minnesota Electrical Code

All electrical service, wiring and fixtures for the structure must comply with the 2014 National Electrical Code.

#### MR 4715 – Minnesota Plumbing Code

The dwelling must comply with the Minnesota Plumbing code.