



**Regular Meeting of the Planning Commission**

Tuesday, July 12, 2016

7 pm Regular Meeting

1307 Cloquet Ave, Cloquet, MN 55720

**AGENDA**

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the June 14, 2016 Planning Commission meeting

5. Zoning Case 16-09: Gary & Janice Southerton, Variance

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6. Zoning Case 16-10: John Graham, Variance

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7. Zoning Case 16-11: City of Cloquet, Text Amendment

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8. Commissioner's Questions/Comments

9. Adjourn

**NEXT MEETING:**

**August 9<sup>th</sup> @ 7 pm**



**Regular Meeting of the Planning Commission**

Tuesday June 14, 2016

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

**CALL TO ORDER**

Chairperson Berglund called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Michael Haubner, Bryan Bosto, Jesse Berglund, John Sanders and Uriah Wilkinson; City: Al Cottingham.

**Absent:** Commission members: Chuck Buscher and Kelly Johnson.

**Others Present:** Ken Martin.

**ADDITIONS/CHANGES TO THE AGENDA**

Cottingham requested to add item 6.5 Pet Crematory to the agenda.

**Motion:** Commissioner Wilkinson made a motion to add item 6.5 Pet Crematory to the agenda, Commissioner Haubner seconded. (Motion was approved 5-0).

**AGENDA ITEMS**

**May 24, 2016 Meeting Minutes**

Chairperson Berglund asked for any corrections or additions.

**Motion:** Commissioner Bosto made a motion to approve the Planning Commission meeting minutes from May 24, 2016, Commissioner Wilkinson seconded. (Motion was approved 5-0).

**Temporary Health Care Dwellings**

Chairperson Berglund asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted with the 2016 Legislative Session a bill was introduced and passed allowing a property owner to place a mobile residential dwelling on their property to serve as a temporary family health care dwelling. This would allow for the caring for a mentally or physically impaired person, limited the dwelling to be occupied by one individual. The caregiver must be a relative, legal guardian or health care agent of the person.

The law will take effect on September 1, 2016 and does allow cities to opt out of the requirements by passing an Ordinance to do so. He had had discussions on this with other



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planners and not too many would be moving forward with this but would be looking to opt out of the law.

The Commission discussed the law and did not feel that it was appropriate at this time. If there was a need in the future they could review it then. They felt the city should take the opt out option.

Cottingham stated he would discuss this with City Administrator Fritsinger and if this needed to come back for a public hearing on the Ordinance it would be placed on a future agenda otherwise he would keep them updated on it.

### **Airport Zoning District and Safety Zones**

Chairperson Berglund asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted the land at the airport and surrounding properties were zoned AIR – Airport District a number of years ago. This was not really accurate in that private parcels with homes on them are now a non-conforming use. The parcels that are not owned by Carlton County and not associated with the airport should be zoned FR – Farm Residential or possibly FM – Forest Management and Research District.

He noted that in 1974 Carlton County adopted a Zoning Ordinance for Carlton County Airports and there were amendments made to it in 1996. The Ordinance contains three safety zones (A, B and C) on land outside the Airport District. The problem is that this Ordinance is made reference to in the Airport District and not the zoning districts around the airport. He would suggest creating an airport safety zone overlay district to be sure these areas are not overlooked in the future by current or future staff.

The Commission discussed the airport and the need for the city to have specific requirements in our Ordinance since the airport and most of the safety zones are located within the city. The agreed the airport zoning district should only involve the land that the airport is on.

### **Pet Crematory**

Chairperson Berglund asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted he was asked to discuss the possibility of allowing a pet crematory in the OM – Office/Manufacturing District in conjunction with the Friends of Animals facility. He didn't know a lot about a pet crematory but learned that they were separate from ones that did humans. If the Commission desired he could do some research on the topic and bring this back at a future meeting to discuss.

The Commission determined that they would not be interested in allowing this in the OM District and felt the HI – Heavy Industry District was the appropriate place for this.



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**Commissioner's Questions/Comment**

Chairperson Berglund asked Mr. Cottingham for an update on upcoming meetings and SKB landfill. Mr. Cottingham noted there would be a meeting on July 12<sup>th</sup> with at this time a variance application for the height of an accessory structure. There is currently scheduled for July 19<sup>th</sup> at the City Council work session discussion with SKB on the MSW landfill. He would let the Commission know for sure if that is happening as the date gets closer.

**Next Meeting**

July 12, 2016

Meeting adjourned 7:36 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator



**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: July 6, 2016

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**ITEM DESCRIPTION: ZONING CASE 16-09: VARIANCE – GARY & JANICE SOUTHERTON, MAXIMUM HEIGHT OF AN ACCESSORY STRUCTURE**

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**Background**

Gary & Janice Southerton are proposing a variance to the maximum height of an accessory structure in order to construct a 40 ft. x 60 ft. pole building. The variance if approved would allow for the structure to be constructed with an approximate 18 foot 6 inch height versus the Ordinance maximum of 15 feet. The property is located at 1300 Sahlman Avenue West (PIN 06-735-0382).

The Southerton's are proposing to construct a 40 ft. by 60 ft. pole barn on their property in conjunction with their new home. The building would have a side wall height of 14 ft 8 in. in order to allow them to store their 5<sup>th</sup> wheel camper inside. With a 4:12 pitch roof this would create a building height of 18ft. 6 in. versus the Ordinance maximum of 15 feet.

A public hearing will be held on Tuesday, July 12, 2016 to consider a possible variance from the maximum height for accessory structures (Section 17.6.04 Subd. 5 D. (3)). A legal notice was published in the Pine Journal on June 30, 2016 and property owners within 350 feet were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:

1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.



## **Community Development Department**

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### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Recommendation**

Staff has reviewed the variance requirements and would recommend denial of a variance as submitted. The height could be reduced by approximately 2 feet by using a scissor truss and would still be able to have the 13 foot door. This would decrease the height to 16 ft. 6 in. rather than the requested 18 ft. 6 in.

### **Supporting Documents Attachments**

- Resolution No. 16-09 Deny
- Resolution No. 16-09 Approve
- Location Map
- Building Elevations

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-09 DENY**

**A RESOLUTION DENYING A VARIANCE FROM THE MAXIMUM HEIGHT FOR AN ACCESSORY STRUCTURE IN THE SR – SUBURBAN RESIDENCE DISTRICT FOR GARY AND JANICE SOUTHERTON**

**WHEREAS**, Gary and Janice Southerton are proposing a Variance from the maximum height for an accessory structure in the SR – Suburban Residence District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on July 12, 2016 at which time Zoning Case / Development Review No. 16-09 was heard and discussed; and

**WHEREAS**, the property of the proposed Variance is located at 1300 Sahlman Avenue West (PIN 06-735-0382) and is legally described as follows:

The west 233 feet of the east 659 feet of Outlot A, Block 11, Pinewood Addition, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and denies the variance from the maximum height for an accessory structure.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission denies Zoning Case 16-09 for a variance from the maximum height for an accessory structure to allow a 18 foot 6 inch accessory structure.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

JESSE BERGLUND	_____	BRYAN BOSTO	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

Passed and adopted this 12<sup>th</sup> day of July 2016.

CITY OF CLOQUET

\_\_\_\_\_  
JESSE BERGLUND  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator



**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-09 APPROVE**

**A RESOLUTION APPROVING A VARIANCE FROM THE MAXIMUM HEIGHT FOR AN ACCESSORY STRUCTURE IN THE SR – SUBURBAN RESIDENCE DISTRICT FOR GARY AND JANICE SOUTHERTON**

**WHEREAS**, Gary and Janice Southerton are proposing a Variance from the maximum height for an accessory structure in the SR – Suburban Residence District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on July 12, 2016 at which time Zoning Case / Development Review No. 16-09 was heard and discussed; and

**WHEREAS**, the property of the proposed Variance is located at 1300 Sahlman Avenue West (PIN 06-735-0382) and is legally described as follows:

The west 233 feet of the east 659 feet of Outlot A, Block 11, Pinewood Addition, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and approves the variance from the maximum height for an accessory structure.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission approves Zoning Case 16-09 for a variance from the maximum height for an accessory structure to allow a 16 foot 6 inch accessory structure.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

JESSE BERGLUND	_____	BRYAN BOSTO	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

Passed and adopted this 12<sup>th</sup> day of July 2016.

CITY OF CLOQUET

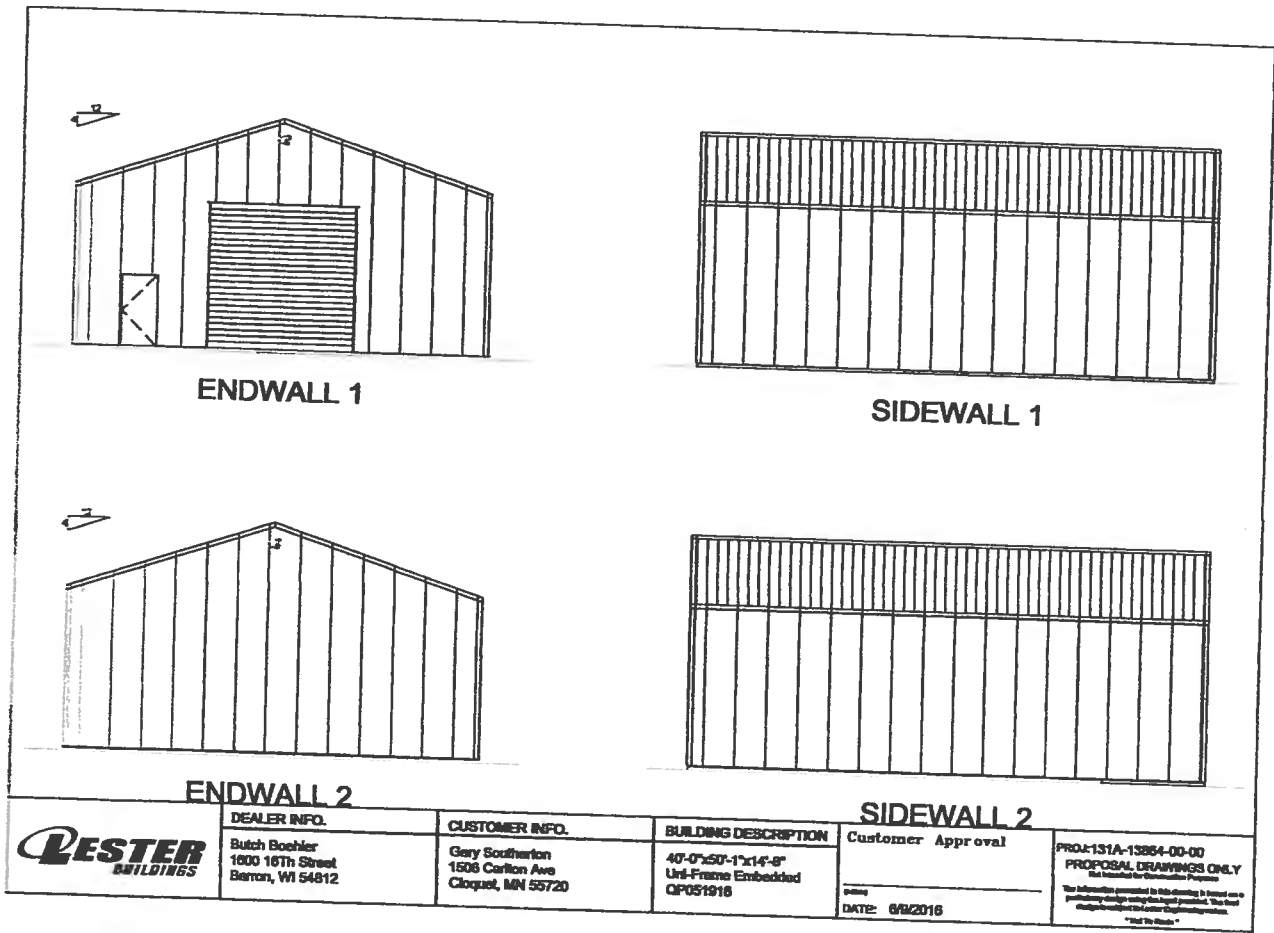
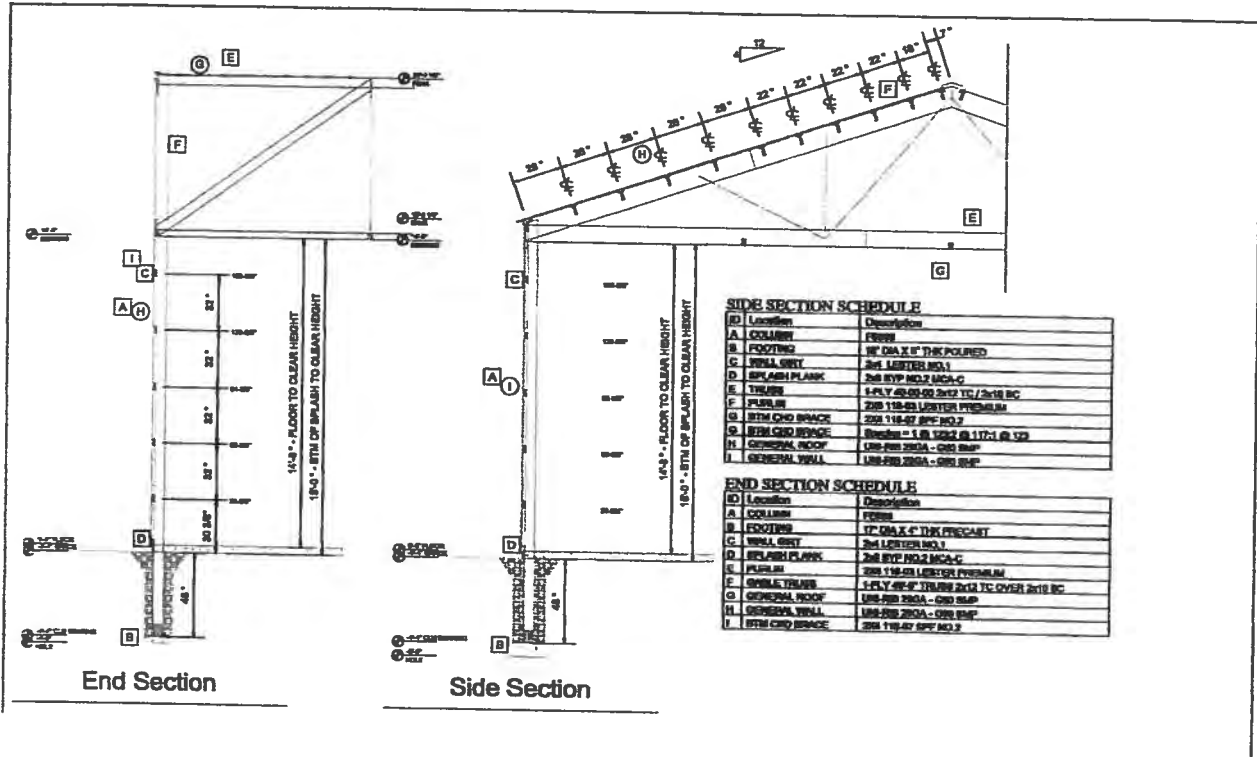
\_\_\_\_\_  
JESSE BERGLUND  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

**LOCATION MAP**  
**GARY AND JANICE SOUTHERTON**



**NO SCALE**





**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: July 6, 2016

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**ITEM DESCRIPTION: ZONING CASE 16-10: VARIANCE – MINIMUM LOT WIDTH ON A PUBLIC ROAD**

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**Background**

John Graham is proposing a variance to the minimum lot width on a public road. The property is located at 322 West St. Louis River Road. There would be two parcels involved both proposed to be approximately 5 acres in size and over 200 feet in width. If the variance is approved they would be subdividing the existing 40 acre parcel into 6 parcels with two parcels not having frontage on a public road.

Staff has discussed the issue of allowing parcels to be created without frontage on a public road and have come up with the following proposal. All easements shall be a minimum width of 66 feet and should continue through the original parcel to one of the other property lines if feasible. This would allow the easement to become public in the future with a public road being constructed if requested by the owners. It also would allow for a through street rather than a long dead end. This easement would need to run from the existing east propertyline to the west or south property line. There should also be some discussion with Carlton County as to the location of the easement with it's access off of Crosby Road since that is a County Road.

In order for these lots to be created the property would need to be platted along with the wetlands delineated. If the variances is granted this can be done as a minor subdivision plat (no new public roads) versus a preliminary and final plat process.

A public hearing will be held on Tuesday, July 12, 2016 to consider a variance from the minimum lot width on a public road. A legal notice was published in the Pine Journal on June 30, 2016 and property owners within 350 feet along with Thompson Township were sent notices of the public hearing.

**Policy Objectives**

The Zoning Ordinance states Variances may be granted when they are in harmony with the general purpose and intent of the ordinance, are consistent with the Comprehensive Plan, and when the applicant for the variances establishes that there are practical difficulties in complying with the official control. No variance may be granted unless **all** of the following conditions exist:



## **Community Development Department**

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1. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. The variance, if granted, will not alter the essential character of the locality.

### **Financial Impacts**

The Variance fee is \$350. The applicant has paid this fee to cover the cost associated with the application process.

### **Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing for the variance. Following this testimony the Planning Commission should review the variance criteria and either approve or deny the variance as submitted. The Planning Commission may impose conditions in the granting of variances; those conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Recommendation**

Staff has reviewed the variance requirements and would recommend approval of the variance subject to the conditions in the draft resolution. The easement should be expanded to be 66 feet in width and extend from the east property line to the west or south property line.

### **Supporting Documents Attachments**

- Resolution No. 16-10
- Location Map
- Lot Drawing

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-10**

**A RESOLUTION APPROVING A LOT FRONTAGE VARIANCE IN THE FR – FARM RESIDENTIAL DISTRICT FOR JOHN GRAHAM**

**WHEREAS**, John Graham is proposing a Variance from the minimum lot frontage on a public road requirements in the FR – Farm Residential District; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal and property owners within 350 feet and Thompson Township have been notified. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on July 12, 2016 at which time Zoning Case / Development Review No. 16-10 was heard and discussed; and

**WHEREAS**, the property of the proposed Variance is located at 322 West St. Louis River Road (PIN 06-510-0010) and is legally described as follows:

The Northeast Quarter of the Northeast Quarter of Lot 1 except the south 330 feet of the east 660 feet, Section 1, Township 49, Range 17, Carlton County, Minnesota. And,

**WHEREAS**, the Planning Commission reviewed the staff report and approves the minimum lot frontage variance to allow for the creation of two lots with no frontage on a public road versus the Ordinance minimum of 200 feet.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission approves Zoning Case 16-10 for a minimum lot frontage variance subject to the following condition:

- 1) A minimum easement width of 66 feet shall be established to access the parcels.
- 2) The easement must extend from the east property line to the west or south property line of the existing parcel.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_ NAY: \_\_\_\_ ABSENT: \_\_\_\_

JESSE BERGLUND	_____	BRYAN BOSTO	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

Passed and adopted this 12<sup>th</sup> day of July 2016.

CITY OF CLOQUET

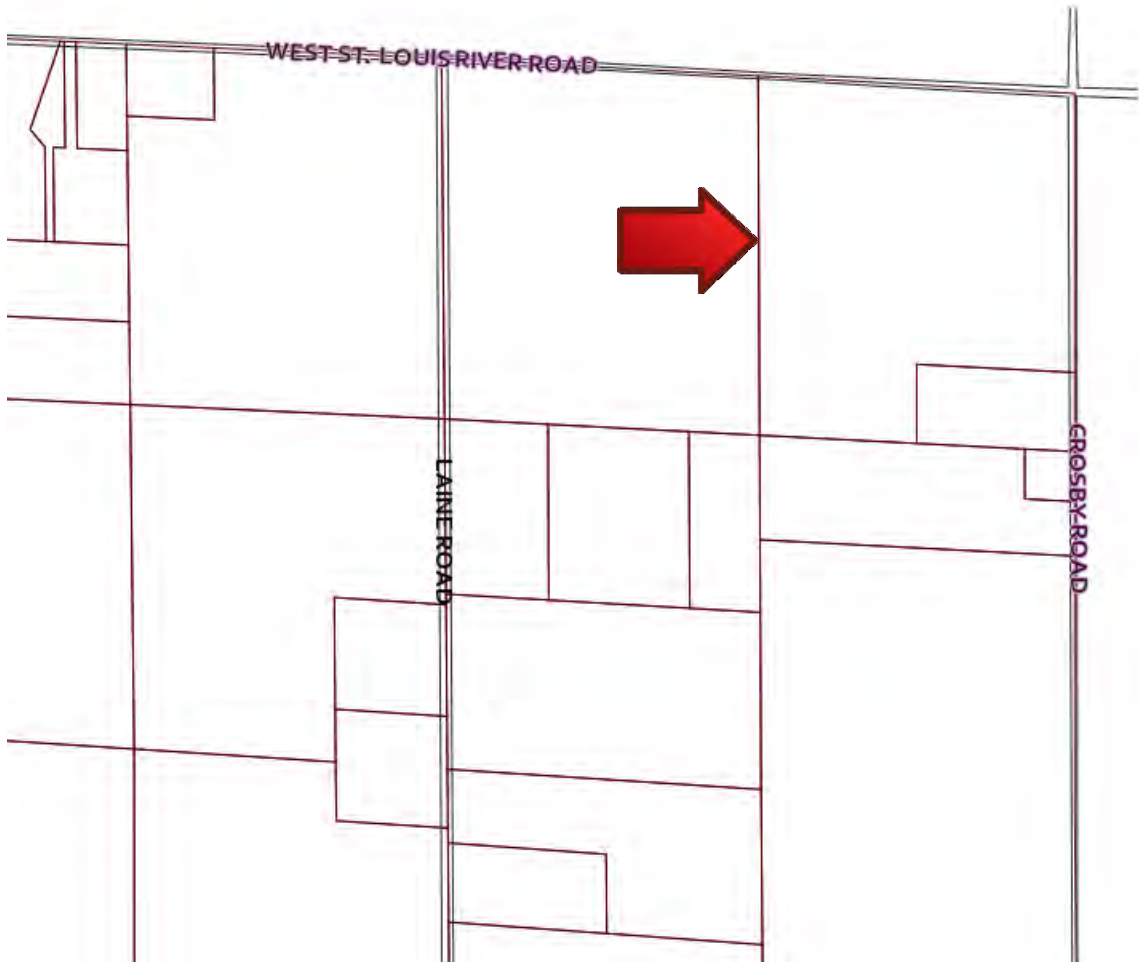
\_\_\_\_\_  
JESSE BERGLUND  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator



# LOCATION MAP

## 322 W. ST. LOUIS RIVER ROAD



**NO SCALE**

SURVEY FOR: JOHN GRAHAM  
7210 MORRIS THOMAS ROAD WEST  
CLOQUET, MN 55720

SURVEY OF: TWO TRACTS LOCATED IN THE NORTHEAST  
QUARTER OF THE NORTHEAST QUARTER,  
SECTION 1, TOWNSHIP 49, RANGE 17,  
CARLTON COUNTY, MINNESOTA.

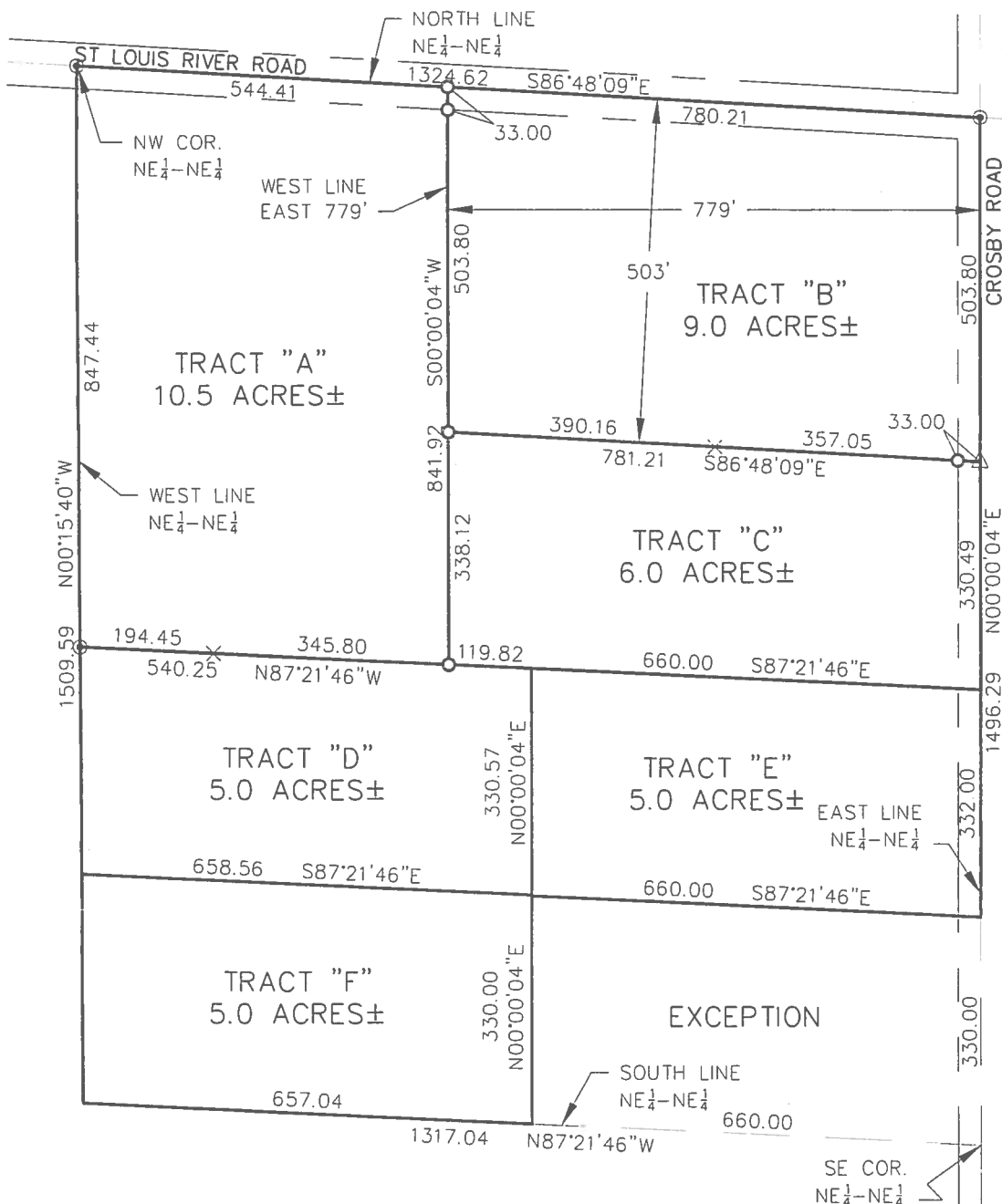
# STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Falz Blvd  
Moose Lake, MN 55767

Telephone: (218)-485-4811  
Fax: (218)-485-4811

E-MAIL: [banderson@straightlinesurveying.com](mailto:banderson@straightlinesurveying.com)

- ⊙ DENOTES FOUND IRON MONUMENT
- DENOTES 1/2" IRON REBAR MONUMENT SET AND CAPPED "ANDERSON 45498"
- × DENOTES 60d SPIKE SET
- △ DENOTES "MAG" NAIL SET



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.



**Community Development Department**

1307 Cloquet Avenue • Cloquet MN 55720  
Phone: 218-879-2507 • Fax: 218-879-6555

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To: Planning Commission  
From: Al Cottingham, City Planner/Zoning Administrator  
Date: July 6, 2016

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**ITEM DESCRIPTION: ZONING CASE 16-11: ZONING ORDINANCE TEXT  
AMENDMENT – TEMPORARY FAMILY HEALTH CARE  
DWELLINGS**

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**Background**

The City of Cloquet is proposing to amend the Section 17 of the City Code (Zoning Ordinance).

The proposed amendment is to Opt-Out of the requirements of Minnesota Statutes, Section 462.3593, which permit and regulate temporary family health care dwellings.

During the 2016 Legislative Session a bill was introduced to allow for a temporary dwelling to be placed on a parcel for health care purposes. This bill then became a new law allowing landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. Governor Dayton signed this legislation into law on May 12<sup>th</sup>. Community desire for transitional housing for those with mental and physical disabilities, and the increased need for short-term care for aging family members served as the catalyst behind this initiative. The resulting law allows for a family to more easily care for these individuals by using a temporary dwelling on the property.

Given the September 1, 2016, effective date of the new permit system, cities will need to start planning quickly on how to approach dealing with the temporary health care dwelling issue. The new law allows cities to avoid being subject to the new permit system and its requirements if they either pass an opt-out ordinance or if these structures are a permitted use in the city.

A “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. The dwelling must meet certain specifications spelled out in the law. The dwelling is limited to one occupant who is a mentally or physically impaired person. The caregiver must be a relative, legal guardian or health care agent of the mentally or physically impaired person for whom the individual is caring.

I am attaching a copy of the appropriate pages from the State Statute pertaining to the law

A public hearing will be held on Tuesday, July 12, 2016 to consider a possible amendment to Section 17. A legal notice was published in the Pine Journal on June 30, 2016, Property owners were **not** sent a notice of the hearing since this is a textual amendment.



**Community Development Department**

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**Policy Objectives**

As times change amendments to the Ordinance are made to try to stay current with things.

**Financial Impacts**

The Zoning Ordinance Text Amendment fee is \$300. These fees have been waived since the City is the applicant.

**Advisory Committee Action Requested**

The Planning Commission should listen to the testimony that is presented at the public hearing and review the proposed language changes. Following this review the Planning Commission can recommend approval of the request, recommend denial of the request or table the request for some additional information.

**Staff Recommendation**

Staff would recommend approval of the Zoning Ordinance Text Amendment as identified in the attached pages.

**Supporting Documents Attachments**

- Resolution No. 16-11
- MN Statute 462.3593

**STATE OF MINNESOTA**

**COUNTY OF CARLTON**

**CITY OF CLOQUET**

Commissioner \_\_\_\_\_ offered the following Resolution and moved its adoption.

**RESOLUTION NO. 16-11**

**A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE  
THE ATTACHED ORDINANCE RELATING TO TEMPORARY FAMILY HEALTH  
CARE DWELLINGS**

**WHEREAS**, The City of Cloquet is proposing to amend the Zoning Ordinance regarding temporary family health care dwellings; and

**WHEREAS**, As required by ordinance, notification was advertised in the Pine Journal. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on July 12, 2016 at which time Zoning Case / Development Review No. 16-11 was heard and discussed; and

**WHEREAS**, the Planning Commission reviewed the staff report and recommends approval of the attached Ordinance.

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA**, that the Planning Commission recommends approval of Zoning Case 16-11 to the Cloquet City Council.

The foregoing motion was duly seconded by Commissioner \_\_\_\_\_ and being put to vote members voted: AYE: \_\_\_\_\_ NAY: \_\_\_\_\_ ABSENT: \_\_\_\_\_

JESSE BERGLUND	_____	BRYAN BOSTA	_____
CHUCK BUSCHER	_____	MICHAEL HAUBNER	_____
KELLY JOHNSON	_____	JOHN SANDERS	_____
URIAH WILKINSON	_____		

Passed and adopted this 12<sup>th</sup> day of July 2016.

CITY OF CLOQUET

\_\_\_\_\_  
JESSE BERGLUND  
CHAIR

ATTEST: \_\_\_\_\_  
Alan Cottingham  
City Planner/Zoning Administrator

**ORDINANCE NO. XXX**

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

The City Council of the City of Cloquet does hereby ordain as follows:

**Section 1.**        **Section 17.6.03 Subd. 1 Intent** is amended to add the following:

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

**Section 2.**        **Section 17.6.04 Subd. 1 Intent** is amended to add the following:

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

**Section 3.**        **Section 17.6.05 Subd. 1 Intent** is amended to add the following:

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

**Section 4.**        **Section 17.6.06 Subd. 1 Intent** is amended to add the following:

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

**Section 5.**        **Section 17.6.07 Subd. 1 Intent** is amended to add the following:

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

**Section 6.**        **Effective Date.** This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Passed this 19<sup>th</sup> day of July 2016.

CITY OF CLOQUET

By: \_\_\_\_\_  
Its Mayor

ATTEST:

By: \_\_\_\_\_  
Its City Administrator

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.

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