



## STAFF REPORT

DATE: 08/22/2022

### **PUBLIC HEARING**

ITEM#: 4a

**TO:** Planning Commission  
**FROM:** Ben Hetzel, City Planner  
**REVIEWED BY:** Molly Just, Planning Director  
**AGENDA ITEM:** Impervious Surface Text Amendments

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### **BACKGROUND:**

At their July 12, 2022 workshop, the City Council had discussed the City's definition of impervious surface. In preparation for the workshop, staff researched and compared the City's definition and impervious surface allocations with other communities. The findings of the research prompted the City Council to direct staff to draft the proposed amendment to the City's definition for impervious surface and increase the maximum allowed impervious surface in unsewered shoreland areas.

### **ISSUE BEFORE THE PLANNING COMMISSION:**

The Planning Commission is being asked to hold a public hearing, review, and make a recommendation to City Council on the proposed text amendments.

### **PROPOSAL DETAILS/ANALYSIS: IMPERVIOUS DEFINITION**

Section 1.08.010 defines impervious surface as any structure or surface which interferes to any degree with the direct absorption of water into the ground, including, but not limited to, building footprints, sidewalks, paved or gravel driveways and parking areas, patios, sports courts, or any other similar surface. Decks, pervious landscape fabric, and retaining walls shall not be included as impervious surface.

The current definition aligns with the MN DNR shoreland model ordinance definition and a majority of other local governments.

Staff found that many other communities do not list specific examples of impervious surfaces. The City Council feels examples in the current definition are necessary and may be confusing

### **PROPOSED DEFINITION CHANGES:**

*Impervious surface* means any structure or surface which interferes to any degree with the direct absorption of water into the ground, ~~including, but not limited to, building footprints, sidewalks, paved or gravel driveways and parking areas, patios, sport courts, or any other similar surface.~~ Decks, pervious landscaping fabric, the surface water of pools and retaining walls shall not be included as impervious surface.

### **PROPOSAL DETAILS/ANALYSIS: MAXIMUM IMPERVIOUS LOT COVERAGE**

Section 105.12.1260(c)(3) Table 17-3: Shoreland Standards currently restricts unsewered lots to a maximum of 15 percent, while sewerred lots are allowed a maximum of 30 percent. This results in a high number of variance requests being submitted to exceed to the maximum 15 percent. The intent of this amendment is to reduce the number of variance requests, while not exceeding the maximum 25 percent

allowable per MN Statute 6120.3300 and the DNR Model Ordinance. It is appropriate when a community receives many variance requests from the same standard for that community to review whether the standard should be changed.

The following table depicts the impervious allowance in the Shoreland in Lake Elmo and other communities.

	<b>Maximum Impervious Lot Coverage</b>
LAKE ELMO	30% Sewered 15% Unsewered
WOODBURY	Riparian 50% Nonriparian 30%
HUGO	25%
WHITE BEAR LAKE	30%
FOREST LAKE	25%
STILLWATER	25%
MINNETONKA	Within 150 ft of HWL 30% Outside 150 ft of HWL 75%
MAHTOMEDI	Lots before March 3, 1999 35% Lots after March 3, 1999 25%
TONKA BAY	25%
LINO LAKES	Single and Two Family 30% Triplex/Townhomes 35% Commercial and Industrial 60%
CHISAGO CITY	Residential 25% Commercial and Industrial 70%

**PROPOSED CHANGES**

**Section 105.12.1260 Shoreland Management Overlay District**

Table 17-3: Shoreland Standards

<i>Standards</i>	<i>Shoreland Classification</i>		
	<i>Recreational Development</i>	<i>Natural Environment</i>	<i>Tributary River</i>

Minimum structure setback from county, state or federal road right-of-way	50 feet	50 feet	50 feet
Minimum setback from right-of-way line of town road, public street, or other roads or streets not classified	20 feet	20 feet	20 feet
Minimum structure setback from an unplatted cemetery or historical site <sup>a</sup>	50 feet	50 feet	50 feet
Minimum Structure Setback From The Ordinary High Water Level (OHWL): <sup>b, c, e</sup>			
Sewered <sup>d</sup>	75 feet	150 feet	50 feet
Unsewered <sup>d</sup>	100 feet	150 feet	100 feet
Minimum structure setback from top of bluff	30 feet	30 feet	30 feet
Minimum septic system setback from OHWL	75 feet	150 feet	75 feet
Minimum low floor elevation above the 100-year flood elevation	2 feet	2 feet	2 feet
Maximum Impervious Lot Coverage:			
Sewered <sup>e</sup>	30 percent	30 percent	30 percent
Unsewered	<del>15 percent</del> <u>25 percent</u>	<del>15 Percent</del> <u>25 percent</u>	<del>15 percent</del> <u>25 percent</u>

**AGENCY REVIEW**

Staff distributed the proposed comments for agency review and received comments from the following:

- Valley Branch Watershed District (email provided in packet)
- Browns Creek Watershed District (email provided in packet)
- City Engineer (email provided in packet)

**PUBLIC COMMENT**

A hearing notice was published in the Stillwater Gazette on August 12, 2022. No public comments has been received at this time.

## **FISCAL IMPACT**

None

## **OPTIONS**

- Recommend approval of the proposed amendments.
- Recommend changes to the proposed amendments.
- Recommend denial of the proposed amendments.

## **RECCOMENDATION**

Staff recommend that the Planning Commission recommend approval of the proposed text amendments as presented.

*“Motion to recommend adoption of the proposed text amendment, amending the impervious surface definition in Section 1.08.010 Definitions as presented.”*

*“Motion to recommend adoption of the proposed amendment as presented, amending Section 105.12.1260 Shoreland Management Overlay District, Table 17-3: Shoreland Standards to increase the maximum impervious lot coverage for an unsewered lot to 25%.*

## **ATTACHMENTS**

1. Section 1.08.010 Definitions (Draft)
2. Section 105.12.1260 Shoreland Management Overlay District, Table 17-3: Shoreland Standards (Draft)
3. MN DNR Shoreland Model Ordinance
4. Valley Branch Watershed District comments
5. Browns Creek Watershed District comments
6. City Engineer comments

