

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: April 24, 2023
Item No.: 7.a

Department Approval

Janice Gundlach

City Manager Approval

Sam Trueman

Item Description: Consider an extension to the May 5, 2023 compliance date for removal of two “micro-units” at 2555 Victoria Street N

BACKGROUND

On March 6, 2023 the City Council, acting as the Board of Adjustment and Appeals, considered an appeal of a staff decision that two micro-units erected at 2555 Victoria Street N were not permissible dwelling units and must be removed from the property. As a component of the appeal, it was also determined that recreational camping areas are not allowed in the City, so considering the micro-units as recreational vehicles was not appropriate either. The adopted Resolution and meeting minutes are included herein as Attachments D and C respectively.

Since the March 6, 2023 City Council meeting, City staff and Prince of Peace (PoP), and respective legal counsels, have been meeting to discuss a path forward to compliance. Of specific concern is the displacement of the two families currently occupying the micro-units and existing legislation at the State that would permit the two micro-units to remain. The State legislation, as currently drafted, would subject the micro-units to compliance with health and safety conditions and municipalities making determinations on whether a sacred community meeting the State legislation would be approved and regulated as a permitted use, conditional use, or planned unit development. A current draft the Senate version of the bill is included within PoP’s written request for the extension (Attachment B). Council should be aware that if this bill passes the City will need to amend it’s Zoning Code to determine whether such use will be permitted, conditional, or by planned unit development and such amendment should be enacted on or before January 1, 2024, the effective date of the bill.

PoP submitted a written request to extend the compliance period from May 5, 2023 to July 30, 2023. The reasons for the extension include the following:

- Allows time for a decision to be made on passage of the State legislation (known as Sacred Communities and Micro-Unit Dwellings) that would permit the use of micro-units for permanent housing for people that are chronically homeless, extremely low-income, or designated volunteers, and
- Allows PoP time to undergo the Interim Use Permit process, which would serve as a way to permit the micro-units through the end of the year, assuming the State legislation passes. PoP has begun this process by submitting the required Open House application, paid the required application fee, and setting a date for the Open House meeting. Their written materials outline their expected timeline for the Open House (May 21, 2023) and submittal of the Interim Use application (by June 2, 2023). Assuming this timeline is met, a final decision on the Interim Use would likely be determined by the end of July.

PoP's written materials also outline their need to conclude internal conversations about the long-term use of 2555 Victoria Street N as "a Sacred Settlement, a Cottage Home development that meets the current city code, or some other alternative". PoP also acknowledges they need additional time to implement the health and safety standards outlined in the State legislation to the existing micro-units already placed on their property. In their materials, PoP indicates it will submit its schedule to implement the health and safety standards required in the proposed legislation by June 2, 2023, as a component of their Interim Use application.

The Sacred Communities and Micro-Unit Dwellings legislation is currently in the House Omnibus Labor Bill (HF 1522) and the Senate State Government Omnibus Bill (SF 1384). Both omnibus bills are awaiting scheduling for consideration by the House and Senate. Given the status of the State legislation, staff finds the requested extension to be reasonable. It should be noted that both bills have an effective date of January 1, 2024 if passed in its current form.

However, staff would suggest the Council condition the extension on PoP agreeing to the following: 1) holding their Open House meeting on May 21, 2023, 2) passage of House File 1522 and Senate File 1384 allowing sacred communities and micro-unit dwellings on land owned or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons extremely low-income persons, and designated volunteers, and 3) submitting their Interim Use application by June 2, 2023. Action on these three conditions ensures PoP continues to cooperate with the City towards compliance with applicable health and safety regulations. If any of the three actions do not occur, the extension to July 30, 2023 would become null and void and PoP must remove the micro-units from the property. It should be acknowledged the City's actions, should PoP fail to remove the micro-units in the event the extension is voided, would cause the City to issue administrative fines and/or criminal citations for violations to the City Code.

POLICY OBJECTIVE

None related to the request for an extension to the compliance date. The March 6, 2023 City Council meeting materials outlined policy objectives regarding the establishment of regulations related to land and the buildings thereon and the staff determination the micro-units are not legal dwelling units, nor are recreational camping areas allowed, and must be removed from the property.

BUDGET IMPLICATIONS

None

RACIAL EQUITY IMPACT SUMMARY

None related to the request for an extension to the compliance date. The March 6, 2023 City Council meeting materials provided a broad summarization of racial equity impacts related to affordable housing.

STAFF RECOMMENDATION

Staff recommends the following options for Council's consideration:

If the Council is inclined to grant the extension, staff would suggest the following conditions:

- 1) PoP holds their Open House meeting on May 21, 2023,
- 2) House File 1522 and Senate File 1384 is passed allowing sacred communities and

micro-unit dwellings on land owned or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers, and

- 3) If the State legislation is passed, PoP submits their Interim Use application by June 2, 2023, which would provide the basis to allow the micro-units to remain until the January 1, 2024 effective date of the legislation.

If the Council is not inclined to grant the extension, the 60-day compliance date (May 5, 2023) approved during the March 6, 2023 meeting of the Board of Adjustment and Appeals would remain in force. Given the status of the State legislation, staff would recommend the micro-units only be required to be vacated by May 5, 2023 and not be used for any type of occupancy after that date, and allow the actual micro-unit to remain on the property until it is known whether the State legislation passes or not.

REQUESTED COUNCIL ACTION

By motion, either approve or deny the requested extension. Staff has drafted a Resolution, Attachment A, documenting the conditions recommended by staff related to approving the extension, should the Council make that motion.

Prepared by: Janice Gundlach, Community Development Director
Attachments: A: Resolution
B: 4-17-2023 PoP extension request
C: 3-6-2023 CC meeting minutes
D: Resolution 11971

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 24th day of April 2023, at 6:00 p.m.

The following members were present: , , , and Mayor .
and the following were absent: .

Member introduced the following resolution and moved its adoption:

RESOLUTION No.

WHEREAS, in December of 2022, City Staff became aware of two micro housing units (the “Units”) placed on a vacant property at 2555 Victoria Street N owned by and adjacent to Prince of Peace Lutheran Church which is zoned LDR, Low Density Residential; and

WHEREAS, after further investigation and conversations with Prince of Peace, on February 1, 2023, City staff sent a letter notifying Prince of Peace that the Units were not in compliance with the City zoning and other safety codes requiring dwellings to be on a foundation, connected to City water, and connected to City sewer; and

WHEREAS, on February 10, 2023 Prince of Peace submitted a formal response to the noncompliance letter requesting to appeal of the staff determination the Units are not legal dwelling units and must be removed from the property; and

WHEREAS, on March 6, 2023, the City Council, acting as the Board of Adjustment and Appeals (the “Board”) held a public meeting on the appeal of the staff determination; and

WHEREAS, the Board determined that the Units are not buildings, dwellings, or dwelling units in compliance with the zoning code, are not in compliance with City Code sections 801.6, 802.3, and 906.05; and

WHEREAS, the Board ordered that the Units be removed, but stayed enforcement of that order for sixty (60) days; and

WHEREAS, since March 6, 2023, City Staff have been working with Prince of Peace on how to bring the Units into compliance with the City Code; and

WHEREAS, there is currently a bill proposal before the Minnesota state legislature titled “Sacred Communities and Micro-Unit Dwellings,” section 57, Senate File 1384 of the State Government Omnibus Bill, which would require cities to allow similar Units under certain conditions; and

WHEREAS, such legislation would take effect on January 1, 2024; and

WHEREAS, Prince of Peace has stated they are willing to comply with the terms of such legislation; and

WHEREAS, in order to address the fact that the zoning code does not allow for such Units, City Staff has recommended that Prince of Peace submit an application for an Interim Use Permit; and

WHEREAS, Prince of Peace has taken the first step to obtain such a permit, that being an application for an Open House on May 21, 2023; and

WHEREAS, Staff has recommended that the imposition of the Board’s order to remove the Units continue to be stayed while the legislation is being considered and Interim Use Permit application is being processed;

NOW, THEREFORE, BE IT RESOLVED; that the imposition of the Board’s order to remove the Units is stayed until July 30, 2023 on the following conditions:

1. Prince of Peace hosts an Open House related to the Interim Use Application on May 21, 2023.
2. The “Sacred Communities and Micro-Unit Dwellings” bill currently before the Minnesota Legislature is adopted during the current legislative sessions held in 2023 in its current form or in a similar form that requires cities to allow Micro-Unit Dwellings.
3. Prince of Peace files an application for an Interim Use Permit no later than June 2, 2023.

AND BE IT FURTHER RESOLVED, that the stay of imposition of the Board’s order will be terminated if any of the above-stated conditions is not met.

The motion for the adoption of the foregoing resolution was duly seconded by Member , and upon a vote being taken thereon, the following voted in favor thereof: , , , and Mayor . and the following voted against the same: .

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the day of, , 20 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this day of , 20

SEAL

Patrick J. Trudgeon, City Manager

April 17, 2023

Via email: Pat.Trudgeon@cityofroseville.com

Patrick Trudgeon City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Re: Request for Extension of Temporary Stay of Enforcement
Prince of Peace Lutheran Church
2561 Victoria Street North

Dear Mr. Trudgeon:

Please accept this letter on behalf of Prince of Peace Lutheran Church ("Prince of Peace") and Settled Incorporated ("Settled") as a request for an extension of the temporary stay of enforcement of the February 1, 2023 determination letter regarding the Interim Sacred Settlement (the "Settlement") established on Church property at 2561 and 2555 Victoria Street North. Stinson LLP represents Settled Incorporated in this matter, and is assisting Settled in advising Prince of Peace in connection with the Settlement.

By this letter, Prince of Peace and Settled request an extension of the temporary stay of enforcement already granted by the City through July 30, 2023, in order to allow the current residents of the Settlement to remain in their homes while Prince of Peace and the City determine whether it will be possible to establish a longer term home for the residents on terms acceptable to the residents and Prince of Peace, with the approval of the City of Roseville.

In support of its request for an extension of the temporary stay of enforcement, Prince of Peace provides the following information regarding the status of the Sacred Settlement, and what Prince of Peace intended to do during the extension period to address health and safety concerns and to obtain long term approvals from the City of Roseville.

1. Over all schedule. Prince of Peace anticipates the requested extension of the temporary stay to July 30, 2023, will provide Prince of Peace time to apply for and the City time to approve an application for an interim use permit that will provide more specific terms for temporary continuance of the Sacred Settlement until (a) Prince of Peace determines its long term plans for the Sacred Settlement, or alternative housing for the current and possible future residents, (b) the City of Roseville determines an appropriate long term ordinance for the Sacred Settlement, if any, (c) the Minnesota legislature determines whether it will adopt a bill

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April 17, 2023

Page 2

it is currently considering that will adopt Sacred Settlements, or a similar model, as a permanent form of housing.

2. Open House. As of April 14, 2023, Prince of Peace has submitted its application for an Open House that, if approved, will be held on May 21, 2023. The Open House will provide the City and its citizens an opportunity to see the Sacred Settlement in anticipation of a later application for an interim use permit. As of the date of this letter, the City has reviewed the application and requested additional information, which Prince of Peace is currently compiling for submittal to the City.

3. Interim Use Permit Application. By June 2, 2023, Prince of Peace intends to submit an application to the City for an interim use permit that will establish more specific terms on which Prince of Peace will continue to host the Sacred Settlement, for a specific period of time for study and determination of whether the City will adopt a permanent ordinance. Prince of Peace understands that the Roseville Code of Ordinances does not currently address uses similar to the Sacred Settlement and therefore the City can only approve the Sacred Settlement as an interim use pending development of an ordinance that does address the use. During the extension period Prince of Peace, with the cooperation and guidance of Settled, Incorporated, will work with the City to determine the terms of the Interim Ordinance, including the duration. The passage of proposed legislation may provide the City with a state wide standard to apply to the Sacred Settlement.

4. Prince of Peace Decision-Making. By October 1, 2023, Prince of Peace will complete its internal decision-making process to determine whether Prince of Peace wants to proceed in the long-term with a Sacred Settlement, a Cottage Home development that meets the current city code, or some other alternative. Prince of Peace is asking the City Council to allow Prince of Peace time to decide what direction Prince of Peace will take and develop a more complete proposal for longer term solution. Prince of Peace anticipates it will need until October 1, 2023 to make that decision.

5. Health and Safety Standards. As the City knows, the Sacred Settlement at Prince of Peace is modelled pending legislation, known as "Sacred Communities and Micro-Unit Dwellings," sec. 57 of Senate File 1384, the Labor Policy Omnibus bill (attached), that will provide a statewide basis for approval of Sacred Settlements. Prince of Peace is current complying, or plans to comply, with those standards as follows:

- a. With respect to health and safety standards, Prince of Peace has already moved its initial resident from the uninsulated recreational vehicle in which she arrived into a "micro-unit" that meets Minnesota standards for a recreational vehicle (primarily road-safety standards) and most of the enhanced standards that Settled has proposed for the pending legislation. The standards that have already been incorporated in the Prince of Peace Sacred Settlement include certification that the micro-unit meets American National Standards Institute (ANSI) Code 119.5, which includes standards for heating, electrical systems, and fire and life safety, and the following additional standards:

April 17, 2023

Page 3

- exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;
 - a minimum insulation rating of R-20 in walls, R-30 in floors, and R-38 in ceilings, as well as residential grade insulated doors and windows;
 - either an electrical system that meets NFPA 70 NEC, section 551 or 552 as applicable or a low voltage electrical system that meets ANSI/RVIA Low Voltage Standard, current edition;
 - minimum wall framing with two inch by four-inch wood or metal studs with framing of 16 inches to 24 inches on center, or the equivalent in structural insulated panels, with a floor load of 40 pounds per square foot and a roof live load of 42 pounds per square foot; and
 - smoke and carbon monoxide detectors installed.
- b. Prince of Peace has remodeled interior areas of its existing Church building to provide the residents with toilet, shower, and kitchen facilities, and a space for dining, meeting, and recreation.
- c. As of this morning, representatives of Prince of Peace and Settled have met with Roseville Building Inspector Dave Englund and Janice Gundlach to discuss any further improvements the City may require, including a schedule for meeting other requirements of the proposed legislation. Prince of Peace agreed to provide additional documentation that the Settlement meets the standards of the "Sacred Communities and Micro-Unit Dwellings" bill by June 2, 2023, including:
- A written plan for disposal of water and sewage, adequate parking, lighting, and access to units by emergency vehicles, and safety protocols for severe weather.
 - anchoring to pin foundations with engineered fasteners; weather permitting by June 2, 2023.
 - in each micro-unit a dry, compostable, or plumbed toilet or other system meeting the requirements of the Minnesota Pollution Control Agency, Chapters 7035, 7040, 7049, and 7080, or other applicable rules.

(With respect to the plan for disposal of water and sewage, the two micro-units that are now on site are relying entirely on existing, plumbed, facilities within the Church building, so will be no water and sewage disposal to address until toilets are added to the micro-units.)

Prince of Peace, Settled, and the current residents are grateful for the City's generosity to date, and understands that the Settlement presents a unique set of circumstance for the City to review. The extension of the temporary stay will allow Prince of Peace time to prepare and submit an interim use permit application, and the City time to consider the appropriate conditions of that permit. Whether or not an interim use permit is an appropriate intermediate term solution, the immediate concern is extending the stay of enforcement beyond May 3, so the City and Prince of Peace can determine an appropriate intermediate solution.

April 17, 2023

Page 4

For your convenience we are attaching a summary of how the Settlement came to be and the City's actions to date.

The last council meeting before the stay expires is April 24, 2023, and we hope the City Council will grant us that hearing and approve our request for an extension of the temporary stay.

Very truly yours,

Stinson LLP

A handwritten signature in black ink, appearing to read "Eric Galatz". The signature is fluid and cursive, with the first name "Eric" written in a larger, more prominent script than the last name "Galatz".

Eric Galatz

Prince of Peace Sacred Settlement

Attachment to Request for Extension of Temporary Stay

The following is a summary of events leading to the current request:

Some months before December 2022, Roseville City police found a woman, Valerie, woman living out of her RV in Roseville. Valerie had been homeless for about 11 years. The police sent Valerie to Prince of Peace to park her RV. Prince of Peace provided Valerie with a place to park, and allowed her access to the Church for kitchen and bath facilities.

Prince of Peace contacted Settled in December 2022 for advice about providing Valerie winter-suitable quarters and more general advice about how to best serve Valerie. Settled provided a substantial upgrade to a "micro-unit" – the proto-type housing unit that Settled developed, which is essentially an RV that meets MNDOT standards for a camper trailer (mostly relating to highway safety) with insulation and other weatherproofing suitable for Minnesota winters. Settled also provided a second micro-unit for an intentional neighbor.

The micro-units are connected with an RV plug into a garage and on a parcel of land directly next to the church. Inhabitants have 24-hour access to the building with bathrooms, showers, a kitchen, and living room space. They have been installed and lived-in since December 15, 2022.

On Feb 1, 2023, City Manager Patrick Trudgeon notified Prince of Peace that the City did not recognize the micro units as lawful dwellings or the Sacred Settlement as a permitted use. (Attached, with Prince of Peace's response.) City Manager Trudgeon offered the Church 3 options: (1) remove the micro units, (2) appeal the staff determination that the units and use were not allowed under the City ordinances, or (3) construct a residential development that does comply. City Manager Trudgeon also generously expressed the City appreciation "the church's commitment to addressing chronic homelessness" and said the City, "intends to work cooperatively towards a solution achieving Zoning and/or Building Code compliance that addresses all public health, safety and welfare concerns."

Prince of Peace appealed the determination on February 1 (same attachment). The City Council denied the appeal, but stayed enforcement for 60 days, expiring May 3, 2023. Prince of Peace, Settled, and the City, through Community Development Director Janice Gundlach, have been discussing an acceptable resolution.

City staff has proposed an issuing an interim use, allowing the two micro-units to remain on site pending passage of the proposed legislation (or termination if the bill does not pass) if Prince of Peace brings the settlement up to the standards set out in the bill.

(d) Electric boilers not exceeding a maximum working pressure of 50 psig, maximum of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and shall not require an engineer license to operate.

Sec. 57. **[327.30] SACRED COMMUNITIES AND MICRO-UNIT DWELLINGS.**

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

(b) Chronically homeless" means an individual who:

(1) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

(2) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and

(3) has an adult head of household, or a minor head-of-household if no adult is present in the household, with a diagnosable substance use disorder, serious mental illness, developmental disability, post-traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of two or more of those conditions.

(c) "Designated volunteers" means persons who have not experienced homelessness and have been approved by the religious institution to live in a sacred community as their sole form of housing.

(d) "Extremely low income" means an income that is equal to or less than 30 percent of the area median income, adjusted for family size, as estimated by the Department of Housing and Urban Development.

(e) "Micro unit" means a mobile residential dwelling providing permanent housing within a sacred community that meets the requirements of subdivision 4.

(f) "Religious institution" means a church, synagogue, mosque, or other religious organization organized under chapter 315.

(g) "Sacred community" means a residential settlement established on or contiguous to the grounds of a religious institution's primary worship location primarily for the purpose of providing permanent housing for chronically homeless persons, extremely low-income persons, and designated volunteers that meets the requirements of subdivision 3.

39.1 Subd. 2. Dwelling in micro units in sacred communities authorized. Religious
39.2 institutions are authorized to provide permanent housing to people who are chronically
39.3 homeless, extremely low-income, or designated volunteers, in sacred communities composed
39.4 of micro units subject to the provisions of this section. Each religious institution that has
39.5 sited a sacred community must annually certify to the local unit of government that it has
39.6 complied with the eligibility requirements for residents of a sacred community in this section.

39.7 Subd. 3. Sacred community requirements. (a) A sacred community must provide
39.8 residents of micro units access to water and electric utilities either by connecting the micro
39.9 units to the utilities that are serving the principal building on the lot or by other comparable
39.10 means, or by providing the residents access to permanent common kitchen facilities and
39.11 common facilities for toilet, bathing, and laundry with the number and type of fixtures
39.12 required for an R-2 boarding house under Minnesota Rules, part 1305.2902. Any units that
39.13 are plumbed shall not be included in determining the minimum number of fixtures required
39.14 for the common facilities.

39.15 (b) A sacred community under this section must:

39.16 (1) be appropriately insured;

39.17 (2) have between one-third and 40 percent of the micro units occupied by designated
39.18 volunteers; and

39.19 (3) provide the municipality with a written plan approved by the religious institution's
39.20 governing board that outlines:

39.21 (i) disposal of water and sewage from micro units if not plumbed;

39.22 (ii) septic tank drainage if plumbed units are not hooked up to the primary worship
39.23 location's system;

39.24 (iii) adequate parking, lighting, and access to units by emergency vehicles;

39.25 (iv) protocols for security and addressing conduct within the settlement; and

39.26 (v) safety protocols for severe weather.

39.27 (c) A sacred community meeting the requirements of this section shall be approved and
39.28 regulated as a permitted use, conditional use, or planned unit development, as determined
39.29 by the municipality. When approved, additional permitting is not required for individual
39.30 micro units.

39.31 (d) Sacred communities are subject to the laws governing landlords and tenants under
39.32 chapter 504B.

40.1 Subd. 4. **Micro unit requirements.** (a) In order to be eligible to be placed within a
40.2 sacred community, a micro unit must be built to the requirements of the American National
40.3 Standards Institute (ANSI) Code 119.5, which includes standards for heating, electrical
40.4 systems, and fire and life safety. A micro unit must also meet the following technical
40.5 requirements:

40.6 (1) be no more than 400 gross square feet;

40.7 (2) be built on a permanent chassis and anchored to pin foundations with engineered
40.8 fasteners;

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

40.11 (4) have a minimum insulation rating of R-20 in walls, R-30 in floors, and R-38 in
40.12 ceilings, as well as residential grade insulated doors and windows;

40.13 (5) have a dry, compostable, or plumbed toilet or other system meeting the requirements
40.14 of the Minnesota Pollution Control Agency, Chapters 7035, 7040, 7049, and 7080, or other
40.15 applicable rules;

40.16 (6) have either an electrical system that meets NFPA 70 NEC, section 551 or 552 as
40.17 applicable or a low voltage electrical system that meets ANSI/RVIA Low Voltage Standard,
40.18 current edition;

40.19 (7) have minimum wall framing with two inch by four inch wood or metal studs with
40.20 framing of 16 inches to 24 inches on center, or the equivalent in structural insulated panels,
40.21 with a floor load of 40 pounds per square foot and a roof live load of 42 pounds per square
40.22 foot; and

40.23 (8) have smoke and carbon monoxide detectors installed.

40.24 (b) All micro units, including their anchoring, must be inspected and certified for
40.25 compliance with these requirements by a licensed Minnesota professional engineer or
40.26 qualified third-party inspector for ANSI compliance accredited pursuant to either the
40.27 American Society for Testing and Materials Appendix E541 or ISO/IEC 17020.

40.28 (c) Micro units that connect to utilities such as water, sewer, gas, or electric, must obtain
40.29 any permits or inspections required by the municipality or utility company for that connection.

40.30 (d) Micro units must comply with municipal setback requirements established by
40.31 ordinance for manufactured homes. If a municipality does not have such an ordinance, micro
40.32 units must be set back on all sides by at least ten feet.

Regular City Council Meeting

Monday, March 6, 2023

Page 2

7. Business Items

a. Convene as the Board of Appeals

- a.i. **Consider an Appeal of a Staff Decision Regarding Whether or not Two "Micro-Units" are Permissible Dwelling Units at 2555 Victoria Street N** Community Development Director Janice Gundlach briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Chair Roe invited Prince of Peace representatives up to speak to the Board of Appeals.

Pastor Peter Christ echoed the gratitude he shared when he was with the City Council at the January 30th meeting. The commitment this City has shown towards its homeless neighbors has been an important step in making this place a community that sees the value of each individual as integral to their shared story. In particular, the efforts of Cari McCollor and her colleagues within the Roseville Police Department are to be commended but this is just the beginning of realizing the full expression of the vision the Council has set before this City to be a welcoming and inclusive place for all. He indicated he was blessed to serve as lead pastor of Prince of Peace Lutheran Church. He explained since 1957, their church has been serving the community and sharing the love they believe comes from God in tangible ways to care for their neighbors. For over sixty-five years Prince of Peace has been lucky to root their ministries on a hilltop overlooking Roseville Central Park. He indicated they have been blessed to work alongside countless ministry partners to live out their callings and truly transformative ways.

Pastor Christ introduced Mr. Michael Stetzler, president of Prince of Peace Lutheran Church congregation, and is elected by their membership. He is the organizational leader of the ministry and entrusted by the congregation to carry out its mission and vision. He also introduced Ms. Valerie Roy, who has been living on Prince of Peace Lutheran Church campus since the end of July 2022. He explained they so often talk about the homeless and the challenges they face. He was grateful that tonight the City Council will have the chance to talk with someone who knows what it is like to live day to day separated from the relationships and support systems many people take for granted. He noted both Valerie and Michael have prepared comments for their appeal. Also joining them and available for questions are representatives from their ministry partner that Valerie introduced to them after her arrival at Prince of Peace. Mr. Fred Ogamachi is on the staff of Settled, the organization that has developed a community first approach to caring for the chronically homeless. He introduced Ms. Meredith Campbell who serves on the board for Settled and is an organizer of the first sacred settlement, now operating in the City of St. Paul in partnership with Mosaic Christian Community on Wheelock Parkway. He also introduced Mr. Evan Berquist, with

Cosan/O'Connor, the law firm that is assisting them in this appeal and specifically as it relates to the Federal Statutes outlined in the Religious Land Use and Institutionalized Persons Act. He also invited everyone in support of the appeal to stand or raise their hands.

Pastor Christ stated what they are doing would not be possible if not for a wide base of support they have been receiving. His goal is to be clear that their concern for the homeless and providing shelter to Valerie is not just the right thing to do, for them, it is an act of faith. The long history of Prince of Peace for living out this faith in the countless ways it has loved its neighbors, especially those in need, has conditioned them to respond in this way. When someone is hurting, they respond. When someone is hungry, they respond. When someone is alone, they respond. In 2019, Roseville Schools shared with them that over 250 students in the district were unstably housed. This startling statistic forced Prince of Peace to ask, how will they respond now. Prince of Peace formed an affordable housing team to consider how their resources, including their sizeable campus might aid in addressing this crisis of homelessness. At the same time and as the COVID pandemic wore on, Prince of Peace experienced a dramatic increase in the volume of people presenting themselves at their door and looking for help. For each who came to them, they offered what they could. They also took note of how frequently people clearly living out of their vehicles are found their parking lot, at a place where they would not get asked to leave. When Cari McCollor called to ask if Roseville Police could send them Valerie and her RV, his response was going to be yes. As a church, they have an acute awareness that our abilities to love and serve their neighbors are dramatically improved when they seek out strategic partnerships. Partnering with Roseville Police is one example of that. Partnering with Settled is another. After Valerie introduced the church to Settled, Settled offered to provide the church with an upgrade to Valerie's RV and transform her circumstances by employing a Community First model and creating this interim sacred settlement. Again, the church's response was yes. As the church has been able to care for Valerie in such simple terms, with striking outcomes, they would like to invite the City of Roseville, all of its departments, and not just the Police, to become strategic partners with Prince of Peace Lutheran Church as they further address the needs of those experiencing chronic homelessness in the community and all the City needs to do is to say yes.

Pastor Christ noted he wished the City Council could have also met the Valerie he met last July, but the Valerie the Council is going to hear from tonight is truly remarkable. In July, she was exhausted by her circumstances but resolute in her hopes for a future. In the months since, Valerie has grown more and more confident in that future. Along the way she has demonstrated to Prince of Peace that God is still very much at work in Roseville.

Ms. Valerie Roy explained she is fifty-three and is staying at the first unit at Prince of Peace Sacred Settlement. She indicated she has lived half of her life in vans, cars and school buses. She has done everything to live right. She explained she is sober, has never been convicted of a crime, and never has had an eviction or faced foreclosure. But, unfortunately, that did not save her from being episodically short-term homeless between the ages of twelve to twenty-five and until now, eleven years long-term homeless. She now lives in a beautiful tiny home at Prince of Peace Church and has access to the church which she can use as an extension of her tiny home. She has good neighbors and for the first time in eleven years she has a community around her, supported by this community she has had many more opportunities to network, to make friends and to heal from trauma. This tiny house opportunity has been life changing. She thanked the City Council for helping to find solutions for chronic homelessness, especially since she would have faced another Minnesota winter in a van. She can only get better from here and her quality of life is on the rise and she has Roseville, Minnesota to thank. She explained if the Roseville Police Department and Cari McCollor had not intervened and sent her to Prince of Peace, none of this would have changed for her and she is so very grateful. She was glad the Council was interested in this model and is a big step up from the nasty shelters and she has seen her share. Starting with the American Red Cross, three times she has survived natural disasters in three different parts of the Country. She thought she would die in the old Dorothy Day Shelters. When she arrived there, there was a bed lottery. This tiny house model is being considered all over the Country and she was glad that Roseville is interested in deeply affordable housing solutions. It has made a big difference in her life to live in a stable home again. She hoped that in the future this can make the same changes for many others.

Mr. Michael Stetzler, Congregational President, expanded on a few points made by Pastor Christ. He indicated he would like the City Council to broaden their thinking regarding this. Instead of narrowly focusing on two micro-units as described, he encouraged the Council to think about what Prince of Peace is doing as a community, not just two structures that do not meet certain codes. He explained the congregation did not set out to develop a Community First Settlement, they just came to church Sunday after Sunday this past summer and grew to be friends with Valerie. Even before the issue of tiny homes came up, they had already begun, without consciously thinking about it, to develop a community first model. Prince of Peace was not trying to implement a specific model, it just happened as they practiced their faith. The congregation learned about the challenges of homelessness and got a spark of community in the church that they did not have before. This helped the church grow as well as Valerie. At the end of the summer several things happened almost simultaneously, Valerie had moved from her bus to her van and at about the same time the congregation learned about the community

first vision and were offered the opportunity to provide a place for Valerie using the community first model. As president of the congregation, it was his role to help the congregation decide what to do. There were open meetings to discuss the offer and in those meetings and since he has heard no opposition to the basic concept, only questions about how to proceed. The key concern, and in fact one of his own, is that they do not, as Prince of Peace, commit to making the tiny homes permanent without going through a planning process or discernment but explores how this model fits into their larger mission and vision. They told the congregation that these homes will only stay until Valerie is able to move into a new Sacred Settlement or if Prince of Peace makes them permanent. At this point the church does not regard it as permanent. That brings him to the question before the Council, all of the options that City staff has laid out, thoughtfully, properly, in his view, but they all have the affect of putting Valerie back out onto the street. Strict compliance, like putting in a foundation and water, those type of things, would take several months or maybe more depending on all of the planning, permitting and funding. Finding an alternative location that did what she needs which is a community, would also take time, much more than the maximum ninety days that the recommendation in the Resolution might allow or the interim permitting process which is dicey and chancy at best and would probably have Valerie out in the streets within ninety days, if it was not successful and maybe even longer if it was. That leads the Council to accept their appeal and allow them to continue this discernment process. That would allow Prince of Peace to work with the City and to plan how to develop the best solutions. It would also allow time for the State Legislature, Ramsey County and the City of St. Paul to bring their study of these issues to a conclusion and Roseville can be a partner in that process. Their vision is for a vibrant community that seeks a transformational relationship with God, their neighbors and one another while responding authentically, creatively and justly to the most compelling needs of the community and that is what Prince of Peace Lutheran Church is doing. This work has made their congregation a more vibrant community. Community First is a transformational approach to homelessness and is creative. It is just and homelessness is a compelling need. He thanked the Council for their time.

Board member Strahan indicated when Pastor Christ was before the Council before, he considered these to be recreational vehicles and he did not mention that this evening. She asked him to clarify that.

Pastor Christ explained the two homes currently located on the property are licensed RV's and meet all of the Code requirements in order to receive that licensure and that was insured before Prince of Peace took possession of the homes and brought them to the church. These are built to the same standards as the homes that are placed currently over at Mosaic Sacred Settled.

Board member Strahan noted that there is also an RV in the Prince of Peace parking lot with someone living in it at this time.

Pastor Christ indicated Roseville Police Department contacted him last Friday evening and asked if Prince of Peace would host a couple who had nowhere to go. This couple was parked at a Cub Foods and were asked to leave. They had nowhere to go so the Police Department contacted him, asked if he would receive them at their parking lot, and he said yes.

Board member Strahan explained the City does not allow parking, not even at the Walmart, which is typical camping site at many places across the Country but like many other municipalities across the Country, the City does not allow overnight parking at the Walmart.

Public Comment

Chair Roe offered an opportunity for public comment.

Ms. Kathryn Brennen, Finn Street, St. Paul

Ms. Brennen explained she was a frequent visitor and a friend of Valerie's and her neighbors. It sounded to her like on the one hand, Roseville staff correctly interpreted for the specific units, however, she wondered if the Council and staff is aware that Valerie and her neighbors have half of their resources at the church. The church has a beautiful common room with a fully equipped kitchen and there is access to plumbing, both for kitchen purposes and bathroom purposes.

Chair Roe indicated that was part of the information.

Ms. Joan Carchedi, 2670 Oxford Street N

Ms. Carchedi indicated she just learned about this item a half hour ago so she came to the meeting. She indicated even though Prince of Peace is not her home church, she gets to frequent there twice a year as an election judge. She concurred the amenities there are wonderful. She has seen injustice with the homeless, not just in Minnesota but in other states where she has traveled. When people deal with homeless encampments, those people are not treated as individuals. Those people take everything that the homeless have and throw it away which puts the individuals back at square one. Last year there were a couple of homeless people that put tents across from where she lives and some people complained about it. She was not sure how the tents were taken down but they were removed when those individuals were not there. She did not know if those individuals got their stuff or not so when she heard about this, she thought it sounded like a great model. She knows full well what a community can do for one person and their idea of a home is not necessarily everybody's idea of a home. She has been a Roseville resident

since 2009 and loves it. She thought the past Councilmembers had done a great job leading Roseville and showing how outstanding Roseville is as a community. She thought this is one more thing that Roseville can excel in and this sounds like a great model. If Roseville can be outstanding in the area of solving homelessness, that could put the City on the map and people would want to emulate that. She would like to see the Codes amended to fit what they do not see yet as far as changing the narrative for homeless people.

Ms. Constance Gruen, 2680 Oxford Street N.

Ms. Gruen stated she is a person of faith and tonight this is the best advertisement she has heard for a church. She would like to take this idea to her church, Centennial United Methodist, that has some land. She did not like to call these solutions creative because they are not from nothing. They do not need to be creative, they need to be adaptable, flexible, and all the rules in their lives were created for certain circumstances. She would appeal to the City Council to write rules that adapt the needs in the community and how better to have an organization that is about community, not a bank, but a church who knows how to tell a community to do this kind of work.

Ms. Claire, Ruen, Mid Oaks Lane, Roseville

Ms. Ruen explained she is relatively new to Minnesota, she is a friend of Valerie's, and she supports the appeal. She stated it was an incredibly gratifying moment when she helped Valerie put her bed in the tiny home and Valerie told her she would not have to sleep at an angle that night. She thanked the Council for considering the appeal.

Chair Roe closed the opportunity for public comments with no one else requesting to speak. He thanked everyone for their comments. He asked if there were any follow-up questions the Board had for staff or for the appealing party. He noted the potential Resolution is attachment G, as provided by staff and could be the basis or model for the motion. He explained that typically, when the Board does things like this, they to findings of fact, that are generally outlined as a part of the discussion. Then the attorney drafts a more formalized documentation of that which is followed up at a subsequent meeting.

Schroeder moved, Etten seconded, adoption of Resolution No. 11971 entitled, "Resolution of Decision of the Board of Adjustments and Appeals Related to the Appeal from the Property Owner of 2555 Victoria St. N., Regarding an Administrative Decision Pertaining to Placement of Illegal Dwelling Units."

Council Discussion

Regular City Council Meeting

Monday, March 6, 2023

Page 8

Board member Schroeder explained what the Board is looking at is what staff pointed out very clearly what has not been followed when it comes to the regulations and zoning for this particular item. That is the part she did not hear any argument against, that it was not in violation. Therefore, the facts and findings listed in the staff report clearly point out that the Board does not have any reason not to continue with their findings. Her point is that there is not any argument against their findings.

Board member Schroeder explained she firmly is in favor of supporting anything that the City and community can do to help with the homeless and she thought Roseville has done a good job with that. That is a separate issue from this one and to her this is not in compliance but there are some recommendations in the packet on how the City can work with the church to bring it along so everyone can work as a partnership to come up with a resolution on what would work in the long run. She indicated they have to move beyond this piece in order to find solutions.

Board member Etten thanked Prince of Peace and so many other in the community who are working with the homeless and homelessness. He believed everyone on the Council, through the votes and staff with the work done over the years are very supportive of solutions to homelessness in this area. Everything from the City's Police Housing Resource person to building hundred and hundreds of new units of affordable housing in the last ten years with the support of City dollars and Tax Increment Financing (TIF) and other resources and to the City's new Land Trust Program, and working in partnership with Habitat for Humanity. He did not think that is the question here tonight, their task is pretty straight forward and has been pointed out by a few people and he agreed that the church at no point addressed the legal arguments of staff around this so he did not know how the Board could not support the legal arguments laid out and he thought it was quite clear that these units do not meet the Code for permanent housing. What he did support is the City staff and Prince of Peace's starting discussions around Code compliant tiny house or cottage home. This is something the City Council added to the City Code a couple of years ago, specifically to look for additional types of housing that would include something like this. He would support that happening on 2555 Victoria, the piece of property where these RVs are currently located. He was supportive of using City resources and potentially including sewer access charges, maybe ARPA dollars, and the City supporting staff to find additional resources for making this possible. Things like talking about sewer connections to the church or if the connections where the home used to be on the property still viable, sewer and water, and easy to hook into. Looking for solutions to making that a permanent piece is something he would support. At this point, he did not support the current situation.

Regular City Council Meeting**Monday, March 6, 2023****Page 9**

Board member Strahan thanked everyone for the discussion tonight. She indicated she has long worked in homeless and support of housing for women in North Minneapolis. She has worked with homeless folks in North Minneapolis for about twenty years so she understands the passion and she understands the desire to do everything possible, especially for people who may be chronically homeless. She knew there were many issues but she does agree and echo what has been shared. She did think this calls upon Prince of Peace and maybe Centennial and others to look at this as more of a permanent settlement instead of an interim settlement so it does create a longer term commitment but hopefully for the betterment of those who can utilize the space. It is seen, not just as an interim, fill the gap, but a space that can be seen long term.

Board member Groff explained this is a very difficult discussion but he wanted to thank all of the members at the meeting because this is the work that has to be done to move this forward. The City Council has been working for several years on housing challenges in Roseville, people living in parks with problems with drug addiction and alcohol, and people that need the support of the community. He thanked Prince of Peace for doing that but as the other Boardmembers have stated the City does have Codes and that is the question here. He noted Codes can be changed but this would be something they could not do in the short term either.

Chair Roe echoed what has already been said. He thought the City really wanted to help with this situation but a solution has not been derived yet for all circumstances. The City needs to continue to work in that direction. He also supported the City working together with Prince of Peace to try to come up with a solution. He has been supportive of looking to change some things in the City Code to accommodate more creative solutions, especially tiny homes and things like that. He thought one of the follow up discussions the City will need to have is how to deal with the process and details, especially with folks that live out there now because the last thing the City wants to do is to make their situation worse. Frankly, he thought that talking about creativity, the City can support the funds needed or credits for sewer and connections which may be needed to do some of the work of making the unit or two that are there compliant with City Code.

Roll Call**Ayes:** Strahan, Etten, Schroeder, Groff, and Roe.**Nays:** None

Chair Roe stated staff has outlined a couple of processes and he was not sure if those were adequate, as presented, either necessarily. He thought it was appropriate to find a timeframe for resolution that allows, if they need to move somebody out of existing facilities they are in, to have that happen in

an orderly manner and find somewhere the person can go, at least in the short term. But at the same time, not such a long time frame or process. He was concerned about the ten-day time frame being too short as well as the ninety-day timeframe being too long. He thought the Board needed to figure out something between those and did not know if staff or the Board had any thoughts on that.

Mr. Trudgeon reviewed the options presented in the staff report. He explained staff was looking for enforcement direction.

Boardmember Strahan indicated when she talked with Mr. Trudgeon, they talked about possibly not putting parameters around it so no new people were to move into the site and if the people currently there were to find other housing, no additional people would be allowed to move in and take their spots. If the City is looking at some timeline for removal, she thought it would be appropriate and good to spell it out so there is not a surprise if someone came in that they were moved out quickly. She fully supported the timeline but would like to have the opportunity so the City and Church would sit down, start working toward a solution, and see if there is the possibility of a quick fix for this. She did not want this to linger on until next fall. She would be comfortable with possibly 120 days but thought within sixty days the City would have a pretty good idea whether this is headed toward a solution that met the goals. She noted as it warms up, it would be nice to work toward a solution and some type of permanent placement and not be extending it beyond where it is open ended.

Boardmember Schroeder concurred and noted from reading what the City received from Prince of Peace this was always intended to be a temporary spot for Valerie and the church was working on finding a more permanent spot. Hopefully if there is enough time it will allow for that to happen. She would not want to displace someone but on the other hand they want to make sure that the church works with the City and staff and become partners and work on a solution for this. She agreed that within sixty days the City should probably know where things are at, and she would think if there were some unusual circumstances that it could come back with the information and a request for additional time.

Mr. Trudgeon stated if staff were given direction at the meeting tonight, the item could come back after that set time to discuss solutions and then decide what the next step is and scenarios could play out from there. If more time is needed, it could be decided then.

City Attorney Tierney indicated she was comfortable with that idea and suggested the Board put some parameters on their expectations of where this is in sixty days for all involved.

The Board discussed the timeline with staff.

Mr. Michael Stetzler explained at the beginning of his prepared remarks, he asked the Board to think outside the box a little bit and what he is hearing is thinking inside the box. He stated the box is that these could be viewed as RV units, as in fact they are, which would exempt them in some ways from the Code as cited by City staff. Staff has already mentioned that in one of their recommendations. It is kind of selective enforcement, given that the City has ignored an RV parked on the church property for a long time without citing any Code compliance, and that is what this is. The church agrees that there may be good reasons to enforce Code, safety, public health, public welfare reasons. However, the church sees no reason why, if the City of St. Paul and other jurisdictions around the Country can accept these units as living dwelling units, that the City cannot consider that as well. Therefore, the church is not really comfortable at all with some limit of time after which the City says these are not fit for dwelling because the fact is they are and the City is not considering them as RVs because the current Zoning does not allow for RVs. On the other hand, RVs are parked in residential yards all over the place and sometimes people live in those without having any Code compliance brought upon them so it is a bit of selective enforcements. He stated whatever consideration the City takes here, please understand that classifying those as not fit for dwelling is not an acceptable outcome in the view of Prince of Peace or him personally as a representative of Prince of Peace.

Mr. Evan Bergquist, representing Prince of Peace Church, explained he has had the privilege of working with a couple other religious land use matters in the City of St. Paul. He got involved with this client a couple of months ago and in the short amount of time since they got the February 1st letter from City staff, they have looked at this pretty carefully and disagree respectfully with the way that the Chair and some other Board members framed up the issue tonight. The issue, in their view, is not whether these tiny homes meet all of the Codes and regulations in the City of Roseville. The issue is whether it was the right thing to do for the City to apply these regulations to this particular Church. What the reason was for it and whether there is a lawful basis to bring these Code enforcement problems down on the church and tell them that they have to move them, because as far as he is aware, he has not heard anything tonight about anyone complaining about these two tiny home units. There was no need, really, to make this a dispute about whether the Code and regulations are being correctly interpreted by staff and respectfully, they thought the right thing for the City Council to do is to do nothing. He felt this does not need to be regulated at all and under the Religious Land Use and Institutionalized Person Act and under the First Amendment, if they want to regulate it the City needs to have a good reason to do it and the

regulations have to be narrowly tailored to accommodate the church's religious exercise. That is a serious obligation that he has not heard much of from the Board tonight. They want it to be very clear that they understand those are the church's rights and in sixty days if the City tells the church that they have to move these, that is not something that the church is nearly prepared to concede tonight. He doubted the church will be able to concede that in sixty days.

Chair Roe thanked the church and representative for their comments. He noted that the Federal Law was not brought up other than in the written materials provided as a part of the case, but he wanted to check with the City Attorney, in a broad sense, where the City stands in regard to that Federal Statute. He believed the City was applying the Code evenly and fairly and not in a discriminatory manner towards religious institutions.

City Attorney Tierney explained the Religious Land Use and Institutionalized Persons Act also known as RLUIPA, always applies when a Government is taking action involving land use against a church. It has to be in their minds when they are looking at any regulation of land use that applies to a church certainly applies here. What is not before the City Council is some sort of a land use application that the Council has been able to interpret and apply different facts to. The church put this on the property without making any land use applications. The church did not give the City the tool that is needed in order to look at this factually and determine whether this could be allowed under certain conditions. The homes were just put there without the City's knowledge. There is always a risk of the church choosing to file a lawsuit over religious land use. That could happen and the City will deal with that if it happens. Based on the facts and what is in front of the City Council, she was comfortable with what the Board is considering.

Chair Roe asked where the Board was at in terms of proceeding with this because ultimately based on their decisions this evening, with respect to the particular appeal, the enforcement is that once again the non-compliant units can no longer be used as housing either at some point in the near future or at some point further from there depending on what the Board ultimately directs staff this evening in terms of enforcement.

Board member Strahan indicated if indeed this group has no interest and has no plans to work with the City and remove the homes, if the City gives them a sixty day grace period where the City stays enforcement, she was not certain why the City would not move toward a ten day removal if the church does not plan to work with the City. She also wondered why the church continues to be able to rebut because this is generally not an ongoing conversation.

Chair Roe noted the City had an opportunity to hear from folks so he thought that the next steps would be offline conversations, depending on what the Board determines this evening. The Board just needs to provide some direction that has been asked for from staff in terms of how to deal with enforcement of the action of the Board this evening. The Board is attempting to do that and did ask for some insight from the church, which he appreciated. As to some of the things he asked about, in terms of the church's own internal processes and figuring things out where the church wants to be and what the church wants to be doing as a congregation, he asked if there was any more information in that regard as to where the church is in their process and how that might fit into what is being discussed.

Mr. Michael Stetzler explained this is a complex issue. Prince of Peace has been looking at this issue for a while, as the City knows. The church has been looking at affordable housing for families with children, which is pointed out by the school district and others that this is a need. When this first came up, their concern was that the people who had been working on the problem of homelessness understood and supported what the church was doing with the tiny homes. But those people had a caveat too that they did not want to commit to it at the exclusion of looking at other things the church could do for homeless folks. They would like to consider how this kind of model of smaller units could be used to house families with children. The planning process, and they work as much as they can on a congregational consensus model, so it takes time to build that sort of thing. They have a lot of other things going on too within their church. Their next congregational meeting is scheduled for June 30th or thereabouts and anything that they decide needs congregational approval would have to come before them at that meeting. It will take a lot of work to prepare that in advance. Their timeline, realistically, for making a decision on where they want to apply their resources is toward the fall, before it gets cold again, to either meet the call to try to do something permanently with these tiny homes or to find some other solution that also provides a Community First model for Valerie. The church would respectfully ask, if the City wants to stay this or engage in a planning process that goes beyond a certain timeframe, to put it either on a fixed date sometime in the fall or better yet, conditionally upon achieving certain milestones in the planning process together with the City.

Board member Groff did not think the City could wait until the fall and that the issue needed to be addressed. He would like to see a sixty day time period and work with the church and congregation on what could be done during that time, get a report back from City staff, and then finalize their decision at that time with that information.

The Board reviewed RV regulations and Code enforcement in the City with staff, noting that the City does not prohibit RV parking in the Walmart lot

or elsewhere on private property, other than regulations about parking on improved surfaces and others in the nuisance code.

Board member Schroeder explained after the last set of comments, the Board has heard from Prince of Peace where they are not interested in looking at a solution in the sixty or ninety day's timeframe. She was thinking the reason for giving more time here is to allow the church to be able to find more permanent housing for Valerie and others. She thought that was the piece the City was trying to solve with giving more time. What she heard is that the church is not trying to make this more permanent in the next sixty or ninety days. The only issue she saw at this time was giving more time to work on something more permanent. In her view, after sixty days, this issue is done and she did not think staff needed to come back with information and solutions because there would not be any solution at that point.

Etten moved, Strahan seconded, to direct enforcement in sixty days with the City providing housing options to Ms. Roy and the other family on the property either through the City's Housing Coordinator or other services and directed staff to continue to work with Prince of Peace or others to assist if there is ongoing interest in a more permanent tiny home or other settlement that would meet City Codes.

Roll Call

Ayes: Strahan, Etten, Schroeder, Groff, and Roe.

Nays: None

a.ii. Adjourn Board of Appeals & Reconvene as the City Council

Recess

Mayor Roe recessed the meeting at approximately 7:42 p.m., and reconvened at approximately 7:52 p.m.

b. Receive Quarterly Equity Update

Equity and Inclusion Manager Thomas Brooks briefly highlighted this item as detailed in the Request For Council Action and related attachments dated March 6, 2023.

Councilmember Etten thanked Mr. Brooks for all the ongoing work and presentation. He hoped staff looked for ways of constructive training that works well for staff. He had a question about the review of the proclamations, which he did not think was too long ago, that all of the proclamations were reviewed by the Human Rights, Inclusion, and Engagement Commission (HRIEC) so he wondered where that fits with the new review.

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 6th day of March 2023, at 6:00 p.m.

The following members were present: Strahan, Etten, Schroeder, Groff, and Mayor Roe and the following were absent: None.

Member Schroeder introduced the following resolution and moved its adoption:

RESOLUTION No. 11971

**RESOLUTION OF DECISION OF THE BOARD OF ADJUSTMENTS AND APPEALS
RELATED TO THE APPEAL FROM THE PROPERTY OWNER
OF 2555 VICTORIA ST N
REGARDING AN ADMINISTRATIVE DECISION PERTAINING TO PLACEMENT OF
ILLEGAL DWELLING UNITS**

WHEREAS, on December 19, 2022 City staff became aware of two micro housing units (the "Units") placed on a vacant property at 2555 Victoria Street N owned by Prince of Peace Lutheran Church which is zoned LDR, Low Density Residential; and

WHEREAS, on December 20, 2022 City staff and Pastor Peter Christ of Prince of Peace Lutheran Church corresponded regarding whether the Units complied with Zoning Code, City Code and Building Code requirements. The Parties decided to reconnect regarding compliance issues after the holiday, but in the meantime Pastor Christ committed to submitting to the City technical information about the micro housing units; and

WHEREAS, on January 4, 2023 Settled, acting in cooperation with Prince of Peace Lutheran Church, submitted information to the City regarding the Units certification of compliance as a "Tiny House on Wheels" via a digitally-issued certificate of compliance by the National Organization for Alternative Housing; and

WHEREAS, on January 26, 2023 City staff met on-site with representatives of Prince of Peace Lutheran Church, Settled, and the occupants of the Units; and

WHEREAS, on the January 9, 2023 visit, City staff observed that the Units were on wheels and not connected to a foundation of any kind, did not contain running water, and were not connected to City water or sewer or to a private water system; and

WHEREAS, the zoning chapter of the Roseville City Code 1001.09 has the following definitions:

BUILDING: A structure with a permanent location on the land, enclosed by walls and having a roof that may provide shelter, support, protection or enclosure of persons, animals, or property of any kind.

DWELLING: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other Accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

DWELLING UNIT: One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

;and

WHEREAS, the Zoning Code does not permit recreational camping in any zoning district; and

WHEREAS, City staff sent a letter dated February 1, 2023 explaining that the Units are not in compliance with the Zoning Code, City Codes and Building Code; and

WHEREAS, on February 10, 2023 Prince of Peace submitted a formal response to the noncompliance letter requesting an appeal of the staff determination the Units are not legal dwelling units and must be removed from the property; and

WHEREAS, on March 6, 2023, a public meeting was held of the City Council, acting as the Board of Adjustment and Appeals to hear the appeal and issue a decision.

NOW, THEREFORE, BE IT RESOLVED, that based on the above recitals and, the Request for Council Action, and the testimony and documents submitted the Board of Adjustment and Appeals of the City of Roseville finds as follows:

1. The Board denies the Property Owner's appeal of the Administrative Decision and makes the following findings in support of this decision:
 - a. The Units are placed on property zoned LDR, low density residential.

- b. The Units are not Buildings, Dwellings, or Dwelling Units in compliance with Zoning Code based on the following:
 - i. They fail to provide complete kitchen facilities;
 - ii. They fail to provide individual bathroom facilities;
 - iii. They are not on a permanent foundation.
- c. The Units are also not in compliance with other City Codes including:
 - i. City Code Section 801.06 requiring separate connection to municipal water for each dwelling.
 - ii. City Code Section 802.03 requiring that any building used for human habitation be connected to municipal sewer.
 - iii. City Code Section 906.05 requiring foundation systems supported by footings or properly anchored and capable of supporting nominal loads and resisting load effects.
- d. If the Units are considered recreational vehicles (RV's), Recreational camping areas are not permitted in any zoning district in the City of Roseville.

The motion for the adoption of the foregoing resolution was duly seconded by Member Etten, and upon a vote being taken thereon, the following voted in favor thereof: Strahan, Etten, Schroeder, Groff, and Mayor Roe; and the following voted against the same: None.

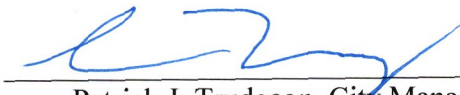
WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 6th day of, March, 2023 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 6th day of March , 2023





Patrick J. Trudgeon, City Manager