

THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON APRIL 15, 2013, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Mitzi Mellott, Tim Siercks, Dick Dobson, and Chad Heitschmidt. Township Representatives present were Jim Kusler, Princeton Twsp. Staff present was Carie Fuhrman and Mary Lou DeWitt.

APPROVAL OF MINUTES OF REGULAR MEETING ON MARCH 18, 2013

SIERCKS MOVED, SECOND BY DOBSON, TO APPROVE THE MINUTES OF MARCH 18, 2013. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. Ordinance Amendment to allow Shooting Ranges

Fuhrman informed the Planning Commission Board that after a request from a member of the public for an indoor shooting range and gun shop, the Planning Commission has discussed allowing shooting ranges within city limits. The Planning Commission directed staff to schedule a public hearing for the April meeting in regards to an Ordinance amendment to address this use.

According to the Whole Building Design Guide, a program of the National Institute of Building Sciences, "The design, operation, and maintenance of indoor Firing Ranges require consideration of a number of safety and health factors; including health hazardous lead fumes and dust and carbon monoxide release during firing, metal fragments from spent bullets, and acoustical controls.

A shooting range is not currently addressed in the Zoning Ordinance, which means an Ordinance amendment is needed in order to allow them. A retail gun shop could fall under a general retail use within the Ordinance.

ANALYSIS:

State Statute: The Shooting Range Protection Act, passed by the Minnesota Legislature in 2005, is intended to address the safe operation of all Minnesota outdoor archery and firearms ranges, as well as shooting preserves (MN Statutes, Chapter 87A).

National Rifle Association (NRA): The NRA has produced a set of guidelines or recommendations for constructing and operating various shooting ranges. The National Rifle Association's Range Source Book, "A Guide to Planning and Construction" is to serve as best practices for shooting range performance standards, according to Chapter 87A.

Building Code: According to the City's Building Official, indoor shooting ranges are not addressed in the Building Code. Of course, any newly constructed or remodeled buildings are still required to comply with fire safety, disability accessibility, elevator safety, bleacher safety, and other provisions of the State Building Code. In addition, other state and federal laws are applicable to these types of buildings, including noise and ventilation systems.

POTENTIAL NUISANCES:

Noise: Chapter 87A defines sound standard limits. A variety of means are available to

minimize sound levels arriving at neighboring properties, including: sound berms, walls to deflect sound, firing line enclosures, shooting tubes, and vegetative barriers to absorb/deflect sound.

Ventilation and Lead Exposure: The ventilation system must control exposure to lead in accordance with 29 CFR 1910.1025, Lead Exposure.

ORDINANCE AMENDMENT:

Fuhrman said at the March 18, 2013 Planning Commission meeting, the Police Chief described some of the recommendations for an indoor shooting range, including air exchange, ballistic panels, backstop requirements, and so on.

One of the questions raised at the previous Planning Commission meeting was whether or not a shooting range could be required to be a certain distance from other uses. According to the City Attorney, if a shooting range meets the recommended guidelines and performance standards, it would be difficult to justify restricting the proximity of a range next to specific uses.

Other Cities' Ordinances: This is a summary of how various communities address shooting ranges in their Zoning Ordinances.

Baxter: Indoor Shooting Range is defined under the broader use of Commercial Recreational Use, which is a conditional use permit in their Regional Commercial (C-2) District.

Burnsville: Indoor Shooting Range is listed as a conditional use permit in three Industrial Districts (I-1, I-2, & GIH). The primary use is a Gun Range with limited retail. (Retail gun shop would be permitted in their General Commercial/Retail (B-3 District).

Monticello: An indoor shooting range is defined under the broader category of Entertainment/Recreation – Indoor Commercial, which is listed as a conditional use permit within 1-2, Heavy Industrial, District.

All three communities require a conditional use permit. Two of the three communities allow shooting ranges in their Industrial Districts only. Two of the three communities address shooting ranges under the broader definition of commercial recreation.

Fuhrman said that she has included a rough draft of an Ordinance for the Planning Commission Board's review. It includes a definition of an indoor shooting range, but clarification is needed in regards to the zoning districts in which the Planning Commission would like to allow the use. Fuhrman will have the City Attorney review the proposed language. The individual, who is interested in opening the business, is in no hurry on this. He is in the process of reviewing the NRA guidelines and determining if it is financially feasible.

Edmonds opened to the public hearing. There was no question's from those in the audience.

SIERCKS MOVED, SECOND BY HEITSCHMIDT, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Dobson would like any future reference to include the wording as indoor shooting range. Some people have been concerned when they hear shooting range, so it would be better to clarify it as indoor shooting range.

Siercks would like to see it outside the downtown area.

Edmonds said there is a slim chance of a shooting range going downtown.

Siercks said he would like it in Industrial and B-3 Zoning Districts. Eliminate B-1 and B-2 Zoning Districts.

Dobson said the B-3 District would work well.

Fuhrman said there are warehouses in the Industrial Park that would work.

Edmonds said if they want a retail gun sale with it, would it be harder to have that in the Industrial Park.

Fuhrman said the Zoning Ordinance for the Industrial Park states that retail sales on the site are permitted with a conditional use permit for accessory use for a maximum of twenty percent of the floor area of the space occupied by that business or up to a maximum of 850 square feet are used for retail sales purposes.

Siercks commented that the land is cheaper in the Industrial Park.

Fuhrman said the City Attorney would like the wording more specific in the building code area.

Dobson would like that we do not make it so restrictive that they want to go somewhere else. He does not want to discourage business from coming here.

Fuhrman said she will list the B-3 District and the Industrial District to the Ordinance amendment. She will meet with the City Attorney for his input on clarification of the wording. The hours of operation can be reviewed for what Zoning District they want the business in. Fuhrman will bring a revised draft Ordinance amendment back to the Planning Commission for review.

DOBSON MOVED, SECOND BY HEITSCHMIDT, TO TABLE THE ORDINANCE AMENDMENT TO ALLOW INDOOR SHOOTING RANGES WITHIN THE CITY LIMITS SO STAFF CAN DO FURTHER

RESEARCH. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

B. #04-13 Interim Use Permit for Chickens at 807 First Street

Eric and Amy Wogen have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 807 First Street. The property is zoned R-2, Residential.

The housing and keeping of chicken in the R-2 District requires an Interim Use Permit. Chapter VI.AA lists the review criteria for the housing of chickens:

No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section Iv.6 of the Zoning Ordinance and subject to the following conditions:

a. The keeping of any poultry besides chickens is prohibited.

Comment: This shall be a condition of approval.

b. Roosters are prohibited.

Comment: This shall be a condition of approval.

c. No more than four (4) chickens shall be housed or kept on any one residential lot in any area of the city zoned R-1, R-2, or R-3.

Comment: The applicants are proposing to house 3 to 4 chickens.

d. Chickens shall only be allowed on single family home lots.

Comment: This condition is met.

e. Outdoor slaughtering of chickens in city limits is prohibited.

Comment: This shall be a condition of approval.

f. Chicken fighting shall not be allowed within city limits.

Comment: This shall be a condition of approval.

g. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.

Comment: This shall be a condition of approval.

h. Chickens shall not be housed in a residential house or an attached or detached garage.

Comment: The applicants are proposing a chicken coop to house the chickens.

i. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards.

1) Located in the side or rear yard.

Comment: The applicants propose to locate the chicken coop in the rear yard of their property

and will replace an existing shed. A survey and photographs have been included.

2) *Meet the accessory structure setback requirements.*

Comment: The proposed location meets setback requirements.

3) *Construction shall be adequate to prevent access by rodents.*

Comment: Details of the proposed coop are included. As the photographs and information indicate, it appears the coop will not allow access by rodents. The text provided by the applicant states that the "coop design is fairly predator-proof, but you may still want to consider locating the coop in such a manner that you can monitor it easily for any predator activity or threats."

j. *A run or exercise yard is required to be provided and must be enclosed by a fence.*

Comment: Staff is not clear if a run or exercise yard is proposed. This shall be added as a condition of approval.

k. *All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.*

Comment: This shall be a condition of approval.

l. *All food shall be stored in an enclosed, rodent proof container.*

Comment: This shall be a condition of approval.

m. *Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.*

Comment: This shall be a condition of approval.

When reviewing an application for an interim use, the City shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. *The proposed use is an interim use listed in the district in which the application is being made;*

Comment: The keeping of chickens is an Interim Use in the R-2 District.

2. *The date or event that will terminate the use can be identified with certainty and continued;*

Comment: The Planning Commission shall recommend to the City Council a date or event that will terminate the keeping of the chickens. Staff would recommend that the keeping of chickens terminate when the current property owners sell the property.

3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;

Comment: If the listed conditions are met, the interim use does not appear that it will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential.

4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Comment: It does not appear the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for an Interim Use Permit, as listed in the Zoning Ordinance, Fuhrman would recommend the Planning Commission recommend approval of the proposed Interim Use Permit to keep chickens at 807 First Street, subject to the following conditions listed in the Ordinance:

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a) Located in the side or rear yard.
 - b) Meet the accessory structure setback requirements.
 - c) Construction shall be adequate to prevent access by rodents.
 - d) If the coop is 120 SF or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.
9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
10. All food shall be stored in an enclosed, rodent proof container.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

Edmonds opened the public hearing.

Eric Wogen, applicant was present and said the run is under the nesting box.

Edmonds said it meets all the guidelines.

Fuhrman recommends that if the Planning Commission Board is going to approve the interim use permit, the motion should have the conditions she listed.

Heitschmidt asked the size of the coop.

Wogen said at the highest point it will be eight feet tall. The size of the coop would not be larger than 10' x 6'. The foundation will be concrete block. He has a shed on his land that he is taking down and will use the cement tiles from that.

Dobson has seen this type of coop and they are well made. The concrete block will help keep rodents away.

Wogen said the flooring will be dirt or sand. He plans to build the coop first and have a portable run later in the back yard. Wogen is fine with the conditions.

Dobson said he likes to see an extra run for the chickens to exercise.

DOBSON MOVED, SECOND BY SIERCKS, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

DOBSON MOVED, SECOND BY SIERCKS, TO APPROVE ITEM #04-13 INTERIM USE PERMIT FOR RAISING AND KEEPING OF CHICKENS ON ERIC AND AMY WOGEN'S PROPERTY AT 807 FIRST STREET WITH THE FOLLOWING CONDITIONS:

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a) Located in the side or rear yard.
 - b) Meet the accessory structure setback requirements.
 - c) Construction shall be adequate to prevent access by rodents.
 - d) If the coop is 120 square feet or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.
9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be

cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.

10. All food shall be stored in an enclosed, rodent proof container.

11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Heitschmidt asked if a date and event needs to be included.

Fuhrman said yes. We need to amend the motion to include as a condition that if the applicants sell their property the interim use permit will be terminated.

DOBSON MOVED, SECOND BY SIERCKS, TO AMEND THE MOTION FOR ITEM #04-13 INTERIM USE PERMIT FOR RAISING AND KEEPING OF CHICKENS ON ERIC AND AMY WOGEN'S PROPERTY AT 807 FIRST STREET WITH THE FOLLOWING CONDITIONS:

KEEP ALL THE LISTED CONDITIONS 1-11 AND ADD:

12. IF THE APPLICANTS, ERIC AND AMY WOGEN SELL THEIR PROPERTY, THE INTERIM USE PERMIT IS TERMINATED.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission reviewed the Findings of Fact:

1. Is the proposed use an interim use listed in the district in which the application is being made? Yes.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. The interim use does not result in adverse effects on the public health, safety and welfare not does it create additional pollution potential for ground and surface waters? No.
4. Would permission of the use not impose additional costs on the public if it is necessary for the public to take the property in the future? No.

OLD BUSINESS: None

NEW BUSINESS:

A. Slaughter House Discussion

The owner of Hog Wild has inquired about operating a "kill floor" or "slaughterhouse" in conjunction with his meat market soon to be opened at 518 First Street. Currently, meat markets are allowed in the B-1, Central Business District, but a slaughterhouse or kill floor is not addressed. In order for it to be allowed, an Ordinance Amendment is needed.

There are potential nuisance issues that need to be addressed when allowing this type of use, such as noise, odor, wastewater, and so on.

Sherburne County has extensive ordinance regarding standards for slaughterhouse activities, which has been included in the Planning Commission packets. The City of Isanti's regulations pertaining to meat processing plants are also included.

Fuhrman is requesting preliminary discussion from the Planning Commission on this topic at this time. She had asked the business owner to put a request in writing for an Ordinance amendment, but has not received one as of yet.

Dobson is concerned with the location. This is the old bakery site and the area where he plans to offload the livestock is so tight. Where would the kill area be located. Parking and traffic is already an issue along First Street. Plus, there could be potential problems with the Waste Water Treatment Plant.

Edmonds was raised on a farm and he said animals get away.

Dobson questioned where the livestock would be penned. If an animal is in an enclosed area they will get out.

Edmonds commented that the animal will be are afraid and can try getting out.

Dobson said that some of the businesses along First Street have apartments on top and we do not want noise from the animals.

Siercks said that should be a recommendation that they are not penned there. The animal could be killed somewhere else and brought in.

Edmonds asked what is allowed now.

Fuhrman said just the meat locker. Rural downtowns have slaughter houses.

Dobson said the kill area could be in an agricultural part of the city.

Heitschmidt asked if he will be processing and butchering in there now.

Fuhrman said yes, he will butcher and process meats.

Dobson would like to see more information on what he would like to do and have him in attendance at a Planning Commission meeting where we can ask him questions.

Mellott said she would not want killing live animals there. It is not the proper place.

Fuhrman will pass the discussion on to the gentleman. She will tell him that the Planning Commission Board is not in favor of having a slaughter house at that location.

Mellott said the chance of escape she would not like to see. If the animal is already dead when they come in that would be better.

Fuhrman said the beginning of May is when the meat market is supposed to be open. She asked the Planning Commission if they are not in favor of having a slaughter house at this location. If he wants to come to a Planning Commission meeting and talk about what he would like to do that would be okay.

The Planning Commission Board said yes, they are not in favor of a slaughter house at that location. If he wants to come and talk about it that is fine.

COMMUNICATION AND REPORTS:

A. Verbal Report

Siercks wanted to talk about directional signage to the downtown that the Chamber would like to have by the Walmart area.

Fuhrman said that EDA Board will do three small directional signs. The Chamber would like to do a large sign where it list downtown businesses on it. The idea was to put it on Soule's property. Scott Berry, Chamber President had said he spoke with Soule on this. It would be an offsite sign advertising businesses that are not on the site. The Ordinance would have to be amended to allow this.

Dobson asked who is responsible for the upkeep of the sign.

Siercks said the Chamber would.

Dobson commented if it would be like a bill board and never go away.

Edmonds said the Sign Ordinance was difficult to amend. He likes the idea of the sign, but if we allow it, what happens in the future if another party comes forward to have one.

Mellott said a message board sign would be nice.

Siercks said a large scan code would be on the sign. There is a phone program that you can scan this code and it takes you to their internet site.

Mellott commented on how safe that is if you are driving.

Eric Wogen said that those who live in Princeton are already aware of the downtown. He does

not want First Street having increased traffic.

Dobson likes the idea of the sign, but wants more detail.

Fuhrman said the issue is allowing offsite signs.

Edmonds agreed.

Dobson commented that we should start using the name of the development, Rivertown Crossing, instead of referring to it as the Walmart area.

Chuck Nagel from the audience spoke up and suggested putting the sign between the big store and Hwy. 169.

Siercks said no, they want it in Rivertown Crossing. Having signage on a billboard along Hwy. 169 would be best, and he will bring that up to the Chamber.

Fuhrman said she put an advertisement out for an intern for the summer to help work in the Community Development department on updating the GIS computer and other duties. If anyone knows a college student who would work well for this please send them her way.

Fuhrman would like to reschedule the July 15, 2013 Planning Commission date to July 22nd. She will be on vacation and is wondering if that date would work for the Board.

The Planning Commission was fine with that date and made a note of the change.

B. City Council Minutes for March, 2013

The EDA Board had no comments.

DOBSON MOVED, SECOND BY SIERCKS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:04 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant