

## **APRIL 11, 2016 PLANNING COMMISSION MEETING MINUTES**

4:30 p.m. Council Chamber. Members present: Ray Carlson, Alan Christianson 2, Chuck Goin, Carol Huiras, Adam Kaiser, Ron Moore, Mark Platteter, Dave Willingham. Others present: Al Christianson 1, Stephanie Christianson, Dan Goin, Kurt Gorseger, Brian Groothusen, Rod and Coreen Jenness, Al Kenyon, Kathy Lockbar, John Schindler.

### **Call to order:**

Commission Chair Goin called the meeting to order.

### **Minutes:**

Motion was made by Huiras seconded by Moore and carried by voice vote to approve minutes of the October 8, 2015 Commission meeting.

### **Public Hearing:**

At 4:35 p.m. Chair Goin convened a public hearing on agenda items 4., 5. and 7.

### **Open Fence:**

Carol Huiras appeared, as a citizen, to request approval of her application for a Conditional Use Permit to allow an open style fence forward of her house, which is located at 117 Lindoo Ave. E. She used a sketch of her front yard with the locations of existing structures indicated. A draft Permit was distributed for review. Mr. Gorseger advised that it was just last year that an allowance was made to consider approving open fences in front yards by Conditional Use Permit. One thing the City is concerned with regarding fences in front of dwellings is that such fences not block the view of cars backing from driveways or of children running into streets. A question was raised whether a lattice fence, such as is proposed, meets the "50% open" requirement in the Zoning Code. Motion was made by Moore, seconded by Christianson 2 and carried to grant the permit as drafted.

### **Chicken Keeping Conditional Use Permit:**

Dan Goin appeared to request approval of his application for a Conditional Use Permit to allow him to keep chickens at his residence on the NE corner of E. 10<sup>th</sup> and Adams. He proposes to enclose both the top and sides of his enclosure, part of which would be in his garage and part in an outside run. He hopes to keep 7 hens for eggs and expects to keep the enclosure clean enough that odor will not be noticeable. There will be no roosters so noise isn't expected either. He has talked with neighbors who had concerns about cleanliness, but they accepted his explanation and are supportive. None appeared.

It was noted that the Commission can't set fees for permits; that would be a Council function.

It was clarified that the State requires that chickens be registered so they can be located in the event of a disease outbreak. It was suggested that the requirement to register could be restated as a permit condition.

Mr. Gorseger reminded those present how Conditional Use Permits are supposed to work.

A question was raised whether Conditional Use Permits are the appropriate mechanism to consider requests to keep chickens in the City. Atty. Kenyon advised that consideration of allowing chicken keeping could cease if the Commission sends matter back to the Council to come up with detailed rules. A lengthy discussion ensued wherein some advocated proceeding to consider granting a Permit pursuant to the authority granted by the Council, while others advocated asking the Council to adopt an

ordinance that makes the decision more black and white. As this discussion seemed to keep coming back around to the same points some, including applicant Goin, expressed frustration that the discussion was not getting anywhere.

A question was raised whether there are provisions such as leg banding proposed to identify chickens that might get out so that they don't create a problem for LPD or animal control.

Alan Christianson 2 made a motion to postpone the discussion, but it was not seconded.

There was discussion of converting chicken keeping rules to ordinance form with standard rules rather than using Conditional Use Permits, which some present don't feel is appropriate. A draft chicken keeping permit application form was distributed for review. A draft permit form was also distributed for review. In an email that was also distributed for review, Ms. Huiras suggested a number of additional considerations or changes to the draft form, which form she received/reviewed prior to the meeting.

Motion was later made by Huiras, seconded by Carlson and carried by voice vote to recommend to the Council that it create an ordinance that clearly sets out detailed chicken keeping rules. After further discussion, motion was made by Willingham, seconded by Christianson 2 and carried by voice vote to set aside the previous motion.

**Fence Forward of House:**

Alan Christianson 2 advised that he would abstain from discussion of this item as the applicant is his sister.

Stephanie Christianson then appeared to request approval of her application for a Conditional Use Permit to have a solid fence installed one foot inside her north property line and 24' forward of her house to help prevent her dogs from seeing activity at the residence to the north, which causes them to bark. The front of the dwelling to the north faces her front yard as both are on a cul de sac. From there the dogs, which are kept in the rear yard, have clear sight lines to activity on the neighboring property. Mr. Gorseigner noted that, owing to the curvature of the cul de sac, there will be no visibility issue created by installing the fence. Motion was made by Huiras, seconded by Moore and carried by voice vote to approve this Conditional Use Permit, as drafted.

**Site Plan:**

John Schindler appeared to request approval a site plan for a 10' x 80' storage building at his Doughty Rd. storage unit facility. Motion was made by Willingham, seconded by Kaiser and carried by voice vote to approve the site plan.

**Access:**

The Commission was asked its thoughts on allowing access across a gravel driveway on the former City WWTF grounds to a second dwelling. Access to one dwelling is already allowed across it. A map was distributed which illustrates that E. 4<sup>th</sup> St. S. is platted and could be developed, if only of gravel, to serve both houses. Adm. Christianson noted with concerns with making another exception to City rules that seem to require that homes have developed street frontage. He noted that while he has no specific concerns in mind and while the people involved are fine people that there is the adage that "no good deed goes unpunished" and he feels this may further a bad precedent. Atty. Kenyon echoed that sentiment asking what we say next time when somebody just wants to cut across the corner of a city

park. It was noted, in response to a question, that there is not water main in this platted street, but water could be extended. It was decided to hold this decision over to the continuation of this meeting.

**Garage Location:**

A copy of a request for variance from Joe Groothousen was distributed for review by way of describing his desire to construct a garage closer to E. 10<sup>th</sup> S. than allowed under the Zoning Code. This is a second street side location as his dwelling fronts Sabin Ave. Brian Groothousen asked Atty. Kenyon if it is appropriate for him to speak on the subject in that it didn't appear to be [but was] on the posted agenda. He commented briefly before there was a call to adjourn the meeting until a later date in deference to an upcoming 6:30 p.m. City Council meeting.

**Continuation of Meeting:**

Ms. Huiras asked that the meeting be reconvened April 14<sup>th</sup>, if at all possible, so that she could attend. Adm. Christianson observed that his experience has been that when meetings are rescheduled to accommodate one person that usually serves to make it so another cannot attend. He added that continuation of the meeting at 5:15 the next day was provided for in the notice that is posted. A show of hands indicated that all members except Ms. Huiras could attend the next day at 5:15.

**Adjourn:**

At about 6:20 p.m. motion was made by Carlson, seconded by Moore and carried by voice vote to adjourn the meeting until 5:15 p.m. the next day.

## **April 12 Continuation of April 11, 2016 Planning Commission Meeting Minutes.**

### **Members present:**

R. Carlson, A. Christianson 2, C. Goin, A. Kaiser, R. Moore, D. Willingham. Absent: C. Huiras.

### **Others present:**

A. Christianson 1, D. Goin, K. Gorseger, R. and C. Jenness, A. Kenyon, M. Platteter, M. Reynolds, B. Stoneberg.

### **Call to Order:**

Chair C. Goin called the meeting to order.

After asking if his request to take up agenda items other than chicken keeping matters first apparently wasn't heard, understood, or agreed to (it wasn't clear which), Mr. Carlson left the meeting. A quorum remained.

### **Goin Chicken Keeping Permit:**

Attention returned to Dan Goin's request for a conditional use permit to allow he and his wife to keep 7 laying hens at their property at 417 E. 10<sup>th</sup> St. S. The following were among comments made during discussion that ensued:

- \*It may be viable for the City's collection crew to take chicken litter to the City's compost site.
- \*Disposing of litter by composting is recommended over using it as a garden soil amendment as it can be hazardous to human health if not done properly, including placing it in the garden at least 120 days before planting.
- \*A few locales require coops and runs to be built before a permit is even applied for so that these structures can be inspected in place for compliance prior to consideration.

Copies of a draft permit were then reviewed after which a handful of additional or revised conditions were suggested. Motion was made by Willingham, seconded by Moore and carried by voice vote, with C. Goin abstaining, to grant the permit with the suggested additions and clarifications included.

### **Access Permit:**

Those present discussed a request for an access permit across the former NE corner of the former WWTF grounds to get to a planned dwelling. Another dwelling already uses this same access. Concerns were expressed that allowing this may reinforce a problematic precedent. It seems to be contrary to rules requiring street frontage. Motion was made by Goin, seconded by Willingham and carried by voice vote to recommend to the Council that it approve extending E. 4<sup>th</sup> St. S. about 300 feet from Phillips Ave.

### **Jenness Chicken Keeping Permit:**

Rod and Coreen Jenness also appeared to describe their plans to install a chicken pen and run at 802 Miner Ave. E. They want to keep 5 chicken in a 6'x6' coop with adjacent covered run with 4' high side fencing. Because their request wasn't received in time, it was not included in the recent public hearing. As such it could not be acted on, but was heard. It will be taken up after it is determined whether the Council will adopt an ordinance amendment allowing chicken keeping by administrative permit rather than by Conditional Use Permit.

**Chicken Keeping Ordinance:**

The previous evening it had been suggested that considering allowing chicken keeping by Conditional Use Permit is too cumbersome a process for both applicants and the Commission. It was suggested that a simpler process be established, as in other communities, whereby, if you meet requirements, you may be issued a permit by staff. A draft ordinance prepared by the Comptroller was distributed for review. Among comments made about the draft were the following:

\*Some of those present expressed opinions that a provision requiring signed consent from 100% of abutting owners is onerous and might allow someone to simply punish someone they don't like by denying consent.

\*Along the same lines, some don't feel that renters should be able to sign off; it should be owners.

\*Perhaps a percentage (75-80%) of abutting owners, but not all, would need to sign off.

A draft permit application and approval form passed around the prior evening was also referenced. Motion was made by Willingham, seconded by Christianson 2 and carried by voice vote to recommend to the Council that it adopt this or a similar ordinance creating a simpler approach involving a standard chicken keeping application and permit form.

**Adjourn:**

At 7:48 p.m. motion was made by Christianson 2, seconded by A. Kaiser and carried by voice vote to adjourn.