



**MINUTES OF THE PROCEEDINGS OF THE PLANNING
COMMISSION OF THE CITY OF STACY IN THE COUNTY
OF CHISAGO AND THE STATE OF MINNESOTA
PURSUANT TO DUE CALL AND NOTICE THEREOF**

**REGULAR MEETING
JANUARY 20, 2016, 7:00p.m.
STACY CITY HALL**

Call to Order

The meeting was called to order by Chair Ness at 7:00pm.

Roll Call

Present: Jim Ness, Mark Ness, Jim Clay, Shirley Hockensmith, and Dennis Thieling

Alternates Present: Tony Olivolo

Absent: None

Others Present: Lynda Schmidt, Michelle Boeck, and Phil Carlson

Introduction of New Member

Chair Ness introduced Mark Ness as a new member of the Planning Commission. He then said that depending on the appointment of the chair position either he or Tony Olivolo would become an alternate to the commission.

Nomination of Chair and Co-Chair

Chair Ness said that because of the uniqueness of the alternate appointment, all members will vote on the chair nomination.

Motion by Olivolo that Jim Ness remain as the chair. Second by Hockensmith. Olivolo, Clay, Hockensmith, Thieling, M. Ness, and J. Ness voted yes. Chair J. Ness declared the motion carried.

Member Olivolo will be an alternate to the Planning Commission.

Motion by J. Ness to appoint Clay as co-chair. Second by Hockensmith. J. Ness, M. Ness, Thieling, Clay, and Hockensmith voted yes. Chair Ness declared the motion carried.

Agenda

Addition to the agenda, Chisago County Planning Resource Group.

Motion by J. Ness to approve the agenda as amended. Second by M. Ness. J. Ness, M. Ness, Hockensmith, Clay, and Thieling voted yes. Chair J. Ness declared the motion carried.

Approval of Minutes

Motion by Clay to approve the minutes as presented. Second by M. Ness. Members Clay, M. Ness, J. Ness, Hockensmith, and Thieling voted yes. Chair J. Ness declared the motion carried.

Public Hearing 7:05-7:15p.m.

Chair J. Ness closed the Planning Commission meeting and opened the public hearing; the purpose of the public hearing is to gather public input on amending city code section 153.031 Accessory Buildings and Structures.

There was no public comment.

Action on Public Hearing

Motion by M. Ness to recommend that the city council pass Ordinance 2016-2-1, "An Ordinance Amending the Stacy City Code Chapter 153 Zoning Code, Amending Subsection 153.031 Accessory Buildings and

Structures.” Second by Clay. Members Clay, M. Ness, J. Ness, Hockensmith, and Thieling voted yes. Chair J. Ness declared the motion carried.

New Business

Comprehensive Plan Review

Member J. Ness said that our city code requires a review of the Comprehensive Plan every two years; this may be too often – it inspires short-term thinking. The Comprehensive Plan is a long-term planning guide; and a review of every 5-7 years appropriate. This was brought up at the class he recently attended.

Member M. Ness said that the two year review may be appropriate, especially to new council or planning commission members. It gives them a good background to the city’s long-term planning goals. It is the framework for the city’s ordinances.

This will be discussed at the next meeting.

Basics of Planning and Zoning Class Report

Member J. Ness gave the commission a brief update on his recent attendance at the Beyond the Basics of Planning and Zoning class he attended. He encouraged other member’s to attend land use classes.

Building Sewers and Connections

City Code §52.57 Building Sewers and Connections, Item Q; needs to be revised. This code section lists the fee of \$5. The code has been revised over time to remove actual dollar amounts and replace with “see the city’s fee schedule”. The clerk will prepare an update for the council and assure the fee is listed on the current fee schedule.

Chisago County Planning Resource Group

Chisago County Department of Environmental Services and Zoning is forming the Chisago County Planning and Resource Group; the first paragraph of the letter says: “The Chisago County Department of Environmental Services is forming a Planning Resource Group. It is our intention to create a resource group for the benefit of County and City staff members and the staff or designees from those Townships with formalized land use planning bodies. The focus of this voluntary group will be to develop an informal platform to share and discuss planning and land use trends and issues affecting residents in Chisago County.”

Member Clay expressed interest in attending the meeting on February 16th at 10am; if he cannot attend then Member J. Ness will.

Old Business

Fence Ordinance

The commission proposes the following changes to the ordinance:

§ 153.032 FENCE REQUIREMENTS.

Remove:

~~(C) Location and height in residential districts. In residential districts, fences may be constructed up to a height of 3½ feet and placed anywhere on a lot including the front yard following traffic visibility requirements in division (D) of this section. Any fence over 3½ feet and up to a maximum of 6 feet in height may be located on the rear property line and side property lines, but may not to extend beyond the front most portion of the building line adjacent to the side property line, or closer than 35 feet from~~

~~the curb or edge of paved or improved portion of the street, whichever is greater.~~

Change to:

C) Location and height in residential districts. In residential districts, fences may be constructed up to a height of 3½ feet and placed anywhere on a lot including the front yard following traffic visibility requirements in division (D) of this section. Any fence over 3½ feet and up to a maximum of 6 feet in height may be located on the rear property line and side property lines, *as long as it meets the requirements of division (F) of this section*, but may not to extend beyond the front most portion of the building line adjacent to the side property line, or closer than 35 feet from the curb or edge of paved or improved portion of the street, whichever is greater.

(1) Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line;

Remove:

~~(F) Placement of fences along property lines. Fences may be located upon the division line of the respective properties based on the following:~~

~~_____ (1) Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line;~~

~~_____ (2) Fences may be placed along a property line, provide consent is provided in writing of abutting property owner and provided no physical damage of any kinds results to abutting property;~~

Change to:

(F) Placement of fences along property lines. Fences may be located upon the division line of the respective properties based on the following:

(1) Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line;

(2) Fences *shall be located at least two feet from the lot lines; unless when located along the property line the abutting property owners written consent is obtained,* may be placed along a property line, provide consent is provided in writing of abutting property owner and provided no physical damage of any kinds results to abutting property;

Remove:

~~(3) Fences on or within 2 feet of the property lines shall be given consideration as to the maintenance of the fence and remaining yard area; and~~

Remove:

~~(B) Special requirements. Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used and which presents the least environmental distraction. Fences shall be constructed so that their most attractive side faces the neighboring property. Fences shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in a condition of disrepair to become dangerous, or to constitute a nuisance, public or private.~~

Change to:

(B) Materials. All fences built or maintained shall be constructed of materials capable of providing a finished appearance on the outward side

visible to the public. All materials used to construct the fence shall be sound materials, resistant to rot, and capable of accepting and maintaining a visually attractive appearance. Fences shall be constructed of the following materials:

1. Wood
2. Simulated wood
3. Chain link
4. Decorative brick or stone
5. Wrought iron or aluminum designed to simulate wrought iron
6. Split rail
7. Other materials or fence types as approved by the Planning Commission.

Sidewalks in New Developments

This item handled out of order by motion of J. Ness. Second by M. Ness and carried.

The commission discussed the proposed addition to the city code of §151.52 Sidewalks; they discussed the size of the sidewalks, placement, and length of streets.

No further action taken.

Tiny Houses

This item handled out of order by motion of J. Ness. Second by M. Ness and carried.

Mr. Carlson presented a memo regarding Accessory Dwelling Units; the memo brought up further items to discuss and consider other than just tiny houses.

Mr. Carlson said that accessory dwelling units are typically governed by municipalities by the following:

- An accessory use cannot exist without a primary use
- Owner must live on the land
- Limit the number of people living there
- Allow those defined as family (Stacy's definition of family: An individual, or 2 or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related, maintaining a common household.)
- On a single family lot, one family with one accessory building.

He pointed out that Nothing exists in the law that requires a city to allow tiny houses.

The commission brought up items to consider:

- Enforcement
- Point of sale criteria
- Would this be a conditional use permit or interim use?
- Change of the look and feel of a neighborhood

This will be discussed further at the next meeting.

Interim Use Permits

This item handled out of order by J. Ness. Second by Clay and carried.

Member J. Ness posed a question to Mr. Carlson; what updates to the city code need to occur to allow interim uses permits rather than conditional use permits. Mr. Carlson will research.

Dog and Cat Ordinance

Ordinance §92.02 Dogs and Cats discussed; the following should be noted:

Remove:

~~§ 92.06 KENNELS.~~

~~(A) Definition of kennel. The keeping of 3 or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups may be kept for a period of 3 months before that keeping shall be deemed to be a "kennel."~~

~~(B) Kennel as a nuisance. Because the keeping of 3 or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of 3 or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city.~~

Change to:

§ 92.06 KENNELS.

(A) No person or persons shall keep more than three adult dogs and/or three adult cats at a premises.

(B) Kennels are not allowed.

If the city council decides to change the timing of the issuance of dog/cat license to the rabies renewal date then city code §92.02 (B)(3) will need to be changed.

Member Olivolo volunteered to research what other cities in the area are doing for animal control.

Add the following to §92.01 Definitions:

Basic Care: all animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort.

Breeding Moratorium: every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

Enforcing Officer: the council appointed animal control officer(s), police department to enforce the provisions of this section. In the officer's duty of enforcing the provisions of this section he or she may from time to time, with the consent of the City Council, designate assistants.

Pound: the council designated official pounds to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

Temporary: 30 days

Remove:

~~(B) License required.~~

~~(1) All dogs over the age of 6 months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk upon payment of the license fee as established by ordinance. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.~~

Change to:

(B) License required.

(1) All dogs/cats over the age of 6 months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog/cats shall be licensed within 30 days of acquiring possession. Dog licenses shall be issued by the City Clerk upon payment of the license fee as established by ordinance. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

Entire §92.02 where it states dog, change to dog/cat.

Chair Ness declared the meeting adjourned at 9:34p.m.

Adjourn

Sharon MT Payne