

City of Oronoco
PLANNING & ZONING COMMISSION
Thursday, September 14, 2023 – 6:30 PM CST
AGENDA

<https://us02web.zoom.us/j/83888954235>

I. CALL TO ORDER by Vice Chair Brandt-Rucker at 6:30 p.m.

II. ROLL CALL

Present: Commissioner Kathy Brandt-Rucker, Vice Chair, Commissioner Colleen Fried, Secretary, Commissioner Jim Richards, Commissioner Paul Pendergrass

Absent: Commissioner Wendy Phillips, Chair, Commissioner Jim Phillips, Commissioner Scott Sorenson

Staff present:

Erin Perdu (for Phil Carlson), Consulting City Planner, Stantec
City Administrator Sunny Bjorklund Schultz

APPROVAL OF AGENDA

Proposal by Kathy to amend the agenda with items added to Old Business:

1. Add "Posting of Minutes of P&Z to Web Site" as item 2 under Old Business.
2. Add "Zoning Contact Information" as item 6 under Old Business

Motion by Jim R and second by Paul to accept the amended agenda.

All in favor

III. APPROVAL OF MINUTES (as is or as amended)

1. *Minutes of August 10, 2023

Motion by Jim R and second by Paul to table the approval of the August 10, 2023 minutes until the October meeting, and to allow them to be posted as a draft to the website.

A watermark will be included on the draft minutes.

Three in favor, one abstention (Colleen)

IV. PUBLIC HEARINGS

1. (posted for 6:35 p.m. or shortly thereafter)

Re: *CUP Application for home business at 115 5th Street SW (see § 151.062)

Applicant: Shannon Ramthun (Adam Exe, property owner)

A. Open Public Hearing: by Kathy Brandt-Rucker, Vice Chair at 6:41p.m.

B. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn)
No one present in person, and no activity in the chat for all three calls.

C. Close Public Hearing by Kathy Brandt-Rucker, Vice Chair at 6:43p.m.

D. *Staff Report – provided under a separate email.

Erin Perdu: The applicant wishes to open a hair salon and craft and t-shirt making business. She will operate as Shannon's Style Shack LLC. In regulating home businesses, P&Z should work to minimize external impacts of the business on the residential neighborhood. Towards this end, Oronoco's code requires:

1. The business to be secondary to the primary use as a residence, and that there be no changes to exterior of home. Shannon's Style Shack LLC will operate in a portion of the basement, and there will not be changes to the exterior of the home.
2. The code lists allowable home occupations including beauty parlors and arts and craft studios.
3. No more than 25% of the floor area can be used for the business. The applicant needs to verify the sq. footage of the house and the portion used for the business.

4. Noxious, combustible, and explosive material cannot be used in the business, and the presumption is the proposed business will not make use of such materials.
5. No parking is allowed in front of the house except the driveway, and no new pavement is allowed for the business.
6. The home occupation may not involve “substantial” interior or exterior alteration. The applicant indicated there would be no exterior alterations.
7. Materials or equipment is not allowed to be stored outside, and the types of businesses proposed are unlikely to have either materials or equipment that would be stored outdoors.
8. A sign of no more than 4 sq. feet is allowed.
9. Only one additional person can be employed by the owner.
10. Truck traffic is limited to no more than six/day and they must be two-axle trucks. This is not likely to be a problem with the proposed business.
11. The home occupation may be operated only if the owner continues to reside there and is not transferrable.

Per Erin Perdu (Stantec), Phil Carlson (Stantec) recommends approval of the Conditional Use Permit with three conditions.

Conditions for Approval

1. Shannon Ramthun has applied for a conditional use permit for a home occupation at 115 5th Street SW to operate a hair salon, craft and t-shirt business. No other business(es) will be allowed, without a new or amended Conditional Use Permit.
2. Before issuing the permit, the applicant will verify the total square footage of the home and that the portion to be used for the business will not exceed 25% of the area, with a sketch or floor plan to scale indicating the area(s) to be used for the business.
3. The applicant will verify that all other conditions related to home occupations in section 151.062 of the Oronoco Zoning Code will be met.

Findings of Fact for Approval

1. Shannon Ramthun has applied for a conditional use permit for a home occupation at 115 5th Street SW to operate a hair salon, craft and t-shirt business under the business name Shannon’s Style Shack LLC.
2. Home occupations are regulated under Section 151.062 of the Oronoco Zoning Code.
3. The applicant has stated that no exterior modifications will be made to the structure for the business.
4. The applicant will verify that the business will comply with all standards in Section 151.062 before the permit is issued.

E. Commission Discussion and Recommendation

Motion by Jim R. to recommend that city council approve the CUP Application for home business at 115 5th Street SW, with the above stated conditions and findings of fact. Second by Colleen.
All in favor.

2. (posted for 6:40 p.m. or shortly thereafter)

Re: Ordinance for the Creation of an Interim Use Permit (IUP) within the City Code

- A. Open Public Hearing by Vice Chair Kathy 6:52 p.m.
- B. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn)
No one present in person, and no activity in the chat for all three calls.
- C. Close Public Hearing by Vice Chair Kathy after three calls for comment at 6:53 p.m.
- D. *Staff Report

Phil (Stantec) Per Erin: Phil drafted language for Interim Use Permits within §151.368 of the Oronoco Code. The language is based on state statute 462.3597. Erin answered questions from the committee and provided background information: The difference between Conditional Use Permits and Interim Use Permits is that time limits can be, and must be, applied to an IUP, and while CUPs

go with the property IUPs end with the transfer of the property. The use must conform to underlying zoning codes for the zone.

The language for an amended §151.368 Conditional Use Permits and Interim Use Permits was drafted by Phil and can be found in a separate attachment.

E. Commission Discussion and Recommendation

Motion by Jim R to recommend that city council approve the Draft Ordinance on Interim Use Permits within the city code §151.368 as prepared by Phil Carlson, Consulting City Planner, Stantec. Second by Paul.

All in favor.

3. (posted for 6:45 p.m. or shortly thereafter)

Re: Amending City Code to align the required time limit for Water and Sewer hookups to the City's public utility system(s) in Sections 51.020 and 51.021

A. Open Public Hearing by Kathy, Vice Chair at 7:09 p.m.

B. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn) No one present in person, and no activity in the chat for all three calls.

C. Close Public Hearing by Kathy, Vice Chair after three calls for comment at 7:10 p.m.

D. ***Staff Report**

The City Code has different requirements for timing of hookup to city sewer and water. The Water & Sewer Committee recommended that the code be amended to correct this discrepancy. §51.020 (water service connections) the second paragraph requires any existing residence or building to connect by July 31, 2014. This should be updated to match the language of paragraph one of §51.021 (sewer connection) which requires that any existing residence or building within 500 feet of a sewer main must connect within one year after it is available.

Ordinance Amending the Oronoco Public Utility Code Regarding Timing of Connection to Municipal Sewer and Water

Section 1: That Section 51.020(B) or the Oronoco Public Utility Code is hereby amended by deleting the ~~stricken language~~ and inserting the underlined language as follows:

(B) In the area of the city that has reasonable access to the city's water system, every existing residence or building requiring the provision of water service for the use of its occupants within five hundred (500) feet of any municipal water main shall be connected to the city's water system ~~on or before July 31, 2014~~ within one (1) year of availability of the municipal water main. If an owner of a residence or building required to be connected to the city's water system fails to do so when required, the owner may thereafter be required to pay to the city a monthly fee in an amount set by ordinance or resolution of the City Council until the connection is made.

Section 2: Effective Date. This ordinance takes effect upon its adoption and publication. Adopted by the City Council on the Xth day of XX 2023.

E. Commission Discussion and Recommendation

Commissioners discussed the possibility of reviewing the whole public utility code, especially as it pertains to new construction. This was added to our ever-lengthening list of tasks we would like to undertake on some future date.

Motion by Jim R with a second by Paul to recommend that city council pass the proposed amendment of 51.020(B).

All in favor

4. (posted for 6:50 p.m. or shortly thereafter)

Re: Temporary Interim Moratorium Prohibiting the Sale, Manufacturing, or Distribution of Cannabis while Further Study is Conducted; Moratorium to Expire January 1, 2025

- A. Open Public Hearing by Kathy, Vice Chair at 7:22 p.m.
- B. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn)
No one present in person, and no activity in the chat for all three calls.
- C. Close Public Hearing by Kathy, Vice Chair after three calls for comment at 7:23 p.m.

D. *Staff Report

Sunny has spoken with the City Attorney, Michael Flaherty. According to MN statute, the governing body (City Council) must hold the public hearing for cannabis legislation. Language for the ordinance was provided in a separate package for the meeting. If we want to ban use of cannabis, vaping, and tobacco on city property there will need to be separate legislation for the City Council Public Hearing.

E. Commission Discussion and Recommendation

Motion by Kathy with a second by Paul to recommend that City Council hold a public hearing on a “Temporary Interim Moratorium Prohibiting the Sale, Manufacturing, or Distribution of Cannabis while Further Study is Conducted” using the ordinance document “An Interim Ordinance of the City of Oronoco, Minnesota Prohibiting the Operation of Cannabis Businesses Within the City of Oronoco” during the October Council Meeting. Additionally, it is recommended that they consider legislation prohibiting the use of all cannabis products, vaping, and tobacco products on city property.

All in favor

V. FINANCIAL REPORTS

1. *Budget Comparison – YTD as of August 31, 2023 with PFY comparison

There was a discussion of the “Salaries and Wages” portion of the budget, in particular, commissioners wanted to understand where the \$71,476 figure came from. This budget line covers 20% of Sunny’s salary, a portion of Renee’s salary, and 75% of the salary for project specialist. The project specialist has not been hired yet, in part because there is/was not a good office space for the project specialist. The money also covers a portion of a public works’ staff for following up on code violations and complaints.

During the discussion of budgets, a commissioner asked a question about the permits and applications issued in August and why they were not included in the P&Z packet for this month. A request was made to have both the August and September permits included in the October packet. Sunny indicated that gathering, organizing, and scanning all the permits takes time staff do not have. A discussion ensued about the costs of commissioner’s requests and the desire to be fiscally responsible. Sunny was able to indicate that the city had issued 103 permits so far this year. Some of the permits require less work than others. City staff have had to assume more duties with the permits since Construction Management Services (our inspectors) no longer handle the zoning portions of the permits. For now, Renee is handling the residential permits and Sunny the commercial permits. Further questions were asked about how much money we have taken in for permits so far this year. We are hoping to track expenditures per permit and compare that to how much was paid for the permit. The current software used by the city does not allow for an easy generation of these types of reports. New software will be purchased on next year’s budget with training on the software being split between this year’s budget and next year’s budget.

- 2. *Revenue/Expenditure Report – YTD as of August 31, 2023 (summary)
- 3. * Revenue/Expenditure Report – YTD as of August 31, 2023 (summary) – adjusted
- 4. *GL Report – August 2023 (detail)

VI. NEW BUSINESS

1. *DISCUSSION: Revising Lot Sizes

Motion by Paul with a second by Colleen to continue the discussion on revising lot sizes in the October meeting with the possibility of setting time for a Public Hearing.

VII. OLD BUSINESS

1. *UPDATE: RFP for Planning Services

The RFP has been posted. A commissioner had a question about why there were significant changes made to the posted RFP. Sunny asked what the revisions were, and there was no response. The RFP was posted a few days late, but the general calendar remains the same as the calendar discussed in the August P&Z Meeting. There have already been inquiries. One company indicated that they would not be applying. Two companies reached out to thank us for the invitation, and two have responded with questions. Companies have been asked to respond to City staff, and not to a member of P&Z. This has to do with authority, and the need to keep the information of who might be applying confidential. (It is non-public or protected non-public data until the call for RFP closes.

Interviews of the applicants will occur the week of the 9th. Hopefully, council will get our recommendations in time for their October meeting. Ideally, work will kick off in 4th quarter. A seventh company, WSE Massey received a personal invite to apply.

2. Posting of Minutes of P&Z to Web Site

The minutes have been submitted; they just haven't been uploaded yet.

Five sets of minutes are outstanding – when can we expect them? Sunny will post them tonight.

3. DISCUSSION: Prioritizing List of Known Code Changes

a. Outstanding items from 2022 meeting minutes (These items were in the 8/10 agenda packet)

Attachments:

- Planning & Zoning minutes of 09.08.2022 (in full)
- City Council minutes of 09.20.2022 (highlighted excerpt p.1)
- Planning & Zoning minutes of 10.13.2022 (highlighted excerpt, p.4)

Kathy will add these items to her list, and they will be brought to the Commission in October to prioritize the list.

4. DISCUSSION: FLUP Map Update

We have talked about this, and know we need assistance.

5. Zoning Packet

6. Zoning Contact Information

Chair, Wendy Phillips would like individual contact information for commissioners. Once provided, this will become public information.

VIII. ADJOURNMENT Motion by Jim R and 2nd by Paul to adjourn. Meeting adjourned at 9:25 p.m. All in favor