

**City of Oronoco**  
**PLANNING & ZONING COMMISSION**  
**Thursday, August 10, 2023 – 6:30 PM CST**  
**Minutes**

**I. CALL TO ORDER** by Chair at 6:30 p.m.

**II. ROLL CALL**

Present

- Commissioner Wendy Phillips, Chair
- Commissioner Kathy Brandt-Rucker, Vice Chair
- Commissioner Colleen Fried, Secretary
- Commissioner Jim Phillips
- Commissioner Paul Pendergrass

Absent

- Commissioner Jim Richards
- Commissioner Scott Sorenson

**Staff present:**

- City Administrator Sunny Bjorklund Schultz
- Consulting City Planner Phil Carlson, Stantec

**Guests present:**

- Bill Tointon – WSE Massey Engineering & Surveying, Ltd., speaking for Cedarpointe Partners, LLC

**III. APPROVAL OF AGENDA**

Wendy Phillips, Chair, proposed amending the agenda to add “Item XI Other Business: 1. Posting Minutes to Website “

So moved by Paul, seconded Jim P.

All in favor

**IV. APPROVAL OF MINUTES**

1. Minutes of July 13, 2023

Motion to approve minutes as written by Jim P., second by Paul

All in favor

**V. PUBLIC HEARING** (posted for 6:35 p.m. or shortly thereafter)

Re: Application to Vacate (portion of) Street Right-of-Way (ROW)

Applicant: Cedarpointe Partners LLC

1. Open Public Hearing by Wendy Phillips, Chair at 6:35 p.m.

2. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn)

Bill Tointon, WC Consultants – Development on Cedar Point Road. We are formally requesting that the Commission recommend the vacation of the right-of-way with the conditions recommended by the city planner.

Commissioners asked for clarification of the property line. Mr. Tointon verified that the portion that is being requested is already on top of the hill and not on the slope. He further indicated that

the stakes at the site are outlining the property and that the white stake is the corner of the property.

3. Close Public Hearing by Wendy Phillips, Chair after three calls for comment at 6:39 p.m.
4. \*Planner's Report, Phil Carlson

The planner's report recommended approval of the application with the following condition:

1. The vacated right-of-way will maintain a drainage and utility easement over the portion of property, to be reviewed and approved by the City Engineer.

#### Findings of Fact for Approval for Right-of-Way Vacation

1. Cedarpointe Partners LLC owns the property in Oronoco identified with PID number 84.20.12.080289.
  2. The right-of-way for Cedar Point on the north side of the property is much wider than typical or necessary, about 118 feet from the centerline of the street.
  3. Cedarpointe Partners LLC requests vacation of a portion of the right-of-way abutting the north edge of their property, 32 feet wide at its widest point, as depicted on a survey prepared by WSE Massey Engineering and Surveying, dated 6-19-23.
  4. There is an existing gas line and other utilities within the proposed right-of-way to be vacated and it is therefore reasonable and necessary to maintain a drainage and utility easement over the vacated right-of-way City.
  5. The proposed partial vacation is reasonable.
5. Commission Discussion and Recommendation  
Commissioners noted that there does seem to be room for emergency, garbage, and delivery vehicles along the road, and that there seems to be sufficient room to add a turning lane if traffic patterns required it.

Motion, by Kathy and second by Paul, to approve the proposed vacation of a portion of the right of way with the recommended condition and findings of fact provided by City Planner Phil Carlson.

All in favor

***NOTE: The next item was not properly noticed and is therefore removed from the agenda by the City Administrator, with further discussion under new business.***

#### VI. PUBLIC HEARING (posted for 6:40 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~~

- ~~1. Open Public Hearing (by Chair at \_\_\_\_\_ p.m.)~~
- ~~2. Public Comment (speakers should sign form and turn in to the Chair; speakers will be heard in turn)~~
- ~~3. Close Public Hearing (by Chair after three calls for comment at \_\_\_\_\_ p.m.)~~
- ~~4. \*Planner's Report~~
- ~~5. Commission Discussion and Recommendation M: \_\_\_\_\_ 2<sup>nd</sup>:- \_\_\_\_\_ Vote: \_\_\_\_\_~~

The question was asked why. Reason received was that the language was not available and hadn't been drafted yet. Clarification was provided by commissioners that a hard copy of the language was drafted and provided and available at the prior meeting. No other reason was provided on why, just that it was not submitted.

#### VII. PROJECT INTRODUCTIONS

1. \*CUP Application for home business at 115 5<sup>th</sup> Street SW (see § 151.062)  
Applicant: Shannon Ramthun  
**ACTION: Schedule Public Hearing**

Motion by Jim P., second by Paul to schedule a public hearing on the Conditional Use Permit for a home business at 115 5<sup>th</sup> Street SW on September 14, 2023 at 6:35.

Commissioners asked for clarification on which structure on the map is the house. It is the structure in the middle of the map marked O28816

Oronoco code does allow for home businesses in the area with a CUP and requires that the business occupies no more than 25% of the total floor area of the dwelling. Commissioners asked the City Planner to comment on the potential to add-on to the home in the future to add more square footage to the business. Phil indicated that if commissioners wanted to prevent that happening in the future, they could add an additional condition to the CUP limiting the business space to a defined number of square feet. This would prevent someone from adding on to the home to expand the square footage of the business.

2. \*Application for Variance to Paving Requirement (see § 151.082)

Applicant: Camping World

**ACTION: Schedule Public Hearing at special meeting**

Stantec/Phil Carlson was not initially present, so Sunny spoke about the request.

This seemed to be a time sensitive motion. The business is established, they have purchased Allusions Building (built in 2018), and plan to make some modifications of the building to expand their business. In 2019, the city codified the Oronoco Architectural Committee Guidelines which requires parking lots to be paved. Any modification of an existing building requires the owners to bring the parcel into compliance with the code, which in this case would entail paving of the entire parking area at a cost of over \$100,000. Since this is not feasible for the owners at this time, they would like to proceed with the project, keeping the front parking area paved, and the back parking area unpaved. The project is expected to start on Sept. 1.

Jim P. indicated that he was told by a council member that there was a condition placed on the original 2018 permit for Allusions that the lot be paved. If this is the case, the lot should already be paved. Commissioners asked to have the original application and council approval in the packet provided for the hearing. We want to be careful about allowing variances. We want to make sure we are not setting precedence so that others will begin to request variances to the paving requirements.

The commission requested that a copy of any prior related permit be pulled and included with any public hearing packet.

Stantec/Phil joined at 7:01pm.

The discussion then turned to Interim Use Permits. These are not currently in the Oronoco code, but probably should be, and this might be the way to address the issue with Camping World/Allusions.

Phil: Camping World bought the southern site which is half-gravel. It is grandfathered in, and they can simply take it over and use it as is, but they can't expand it. However, they want to add a paved parking area to the property, and doing this, would require them to bring everything up to city standards. Phil further explained that the city is not allowed to put a time limit on a conditional use permit, and that CUPs transfer with the property. An Interim Use Permit can have time limits built into them. These are either specified as a specific time unit or tied to a specific event (i.e. sale of the property). Interim Use Permits could be added to the code with just a couple of additional paragraphs. In terms of the Camping World / Allusions property, the owners can use the property as is. Phil doesn't feel like a variance would be the best way to go. He has been in contact with the group working with Camping World, and they haven't decided how they would like to proceed.

No applications have been received by the city, so there is no need to schedule a hearing on the matter.

However, commissioners decided we should draft language for Interim Use Permits (IUPs) based on State Statute Interim Use Permit – 462.3597

MN State Statute 462.3597 INTERIM USES.

Subdivision 1. **Definition.** An "interim use" is a temporary use of property until a particular date, until

the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. **Authority.** Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) 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; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. **Public hearings.** Public hearings on the granting of interim use permits shall be held in the manner provided in section 462.357, subdivision 3.

**Subd. 3.**Public hearings.

No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Commissioners asked if it might be possible to receive more information about what permits are being issued, what questions are being brought to the city administration, what types of issues are being discussed so that we can be proactive and less reactive.

Sunny can provide permits / permit applications. Sunny will add this information to zoning packets. Initial meetings with developers are often confidential, so city staff are unable to share details of those meetings with the commission.

Motion by Jim P. with a second by Kathy to set a public hearing for the Interim Use Permit consideration in our Zoning Code on September 14 at 6:40.

Phil will draft and get to Sunny within 2 weeks so information can be sent earlier to commissioners.

## VIII. FINANCIAL REPORTS

1. \*Budget Comparison – YTD as of July 31, 2023 with PFY comparison  
Reimbursable Engineering Fees should be covered by the application fees and are the required inspections and/or plan reviews of the City Engineer. The budget also has a line for Engineering Fees, which are not covered by application fees. There are problems with these numbers that need to be rectified. Commission noted that it is difficult to plan for 2024 when no record of funds received from applications/permits and no record received of funds spent. City staff continue to evaluate different finance programs. They have explored five different systems and have narrowed it to two different systems. The program will need to handle payroll, accounting, utilities, ledger entries, etc., and it is important that the system chosen will be functional for the next several years.
2. \*Revenue/Expenditure Report – YTD as of July 31, 2023 (summary)
3. \*GL Report – YTD as of July 31, 2023 (detail)

The city is currently constructing an initial budget for 2024, and the various entities are being asked for projections. After conversation, the commissioners opted to ask for a 20% increase for next year, and to weight that increase more heavily towards planning. We hope to have our RFP for planning services posted soon; the request is for help to revise our zoning code, ensure consistency throughout the document, and develop the necessary code to help the city grow in a planful manner. The RFP will not cover the types of ongoing services currently provided by Stantec.

## IX. NEW BUSINESS

1. \*DISCUSSION: Code Amendments to Align Requirements for Water & Sewer Connections
  - a) § 51.020 – connecting to city water
  - b) § 51.021 – connecting to city sewer§ 51.020 and § 51.021 are inconsistent with each other. In 2009, city residents within 500' of a municipal water line were given five years to hook up to the service (§ 51.020). In the more recent statute, § 51.021, residents are being given one year to hook up to the sewer system when it becomes available in their area. The City Water and Sewer Committee would like the Planning and Zoning Commission to propose new language that would align these two portions of the code.

Motion by Jim P. second by Paul to hold a public hearing on September 14 at 6:45 PM (or later) on an amendment to align the requirements for § 51.020 and § 51.021. The commission will recommend that property owners have one year to hook up to both sewer and water when it becomes available in their neighborhood.

All in favor

## X. OLD BUSINESS

1. \*DISCUSSION Temporary Interim Moratorium Prohibiting the Sale, Manufacturing, or Distribution of Cannabis while Further Study is Conducted; Moratorium to Expire January 1, 2025 [Public Hearing to be rescheduled to September 14]  
Attachments:
  - Mayor's email with copy of Plainview article

- Star Tribune article
- Adult-Use Cannabis: What Cities Need to Know

Motion by Paul and second by Jim P. to reschedule the Public Hearing on a Temporary Moratorium Prohibiting the Sale, Manufacturing, or Distribution of Cannabis while Further Study is Conducted to September 14 at 6:50 PM (or later).

All in favor

2. \*DISCUSSION: Outstanding items from 2022 meeting minutes  
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)

Gun Sales  
 Lot Sizes  
 Removing Trees in the ROW

3. DISCUSSION: RFP for Planning Services → unavailable for packet; to be distributed at meeting

Commissioners were provided an eleven-page draft of a Request for Proposals for Professional Services – Planning and Land Use Ordinance Update. After a line by line reading of each section of the document, a brief discussion around the proposal occurred with some minor corrections. The corrections will be made by the Chair and Vice Chair with the expectation of the proposal getting posted once finalized.

For the RFP the changes requested:

- By Tuesday, August 15 - Sunny will set up city email for chair or Wendy will go with gmail address as drafted
- By end of day Tuesday August 15 - Sunny will send Wendy/Kathy language samples for page 5, page 10, and page 11 or go with version as drafted
- By August 15, Sunny will obtain graph as discussed or go with current version.
- Wendy will check all signage language removed
- By August 15 Sunny will post current code/word version to [www.oronoco.com/zoning](http://www.oronoco.com/zoning) by or if not completed Wendy/Kathy will change RFP to indicate it is available on website. Language can be added that this is a draft word version and official version is on regular website with a location.
- Other minor working changes as discussed by commissioners to be updated by Wendy/Kathy once final verbiage received by Sunny by end of day August 15 or will finalize with noted changes. An addendum can be published at a later time if information becomes available.

For items not received by August 15, Wendy and Kathy will finalize with language as discussed and potential addendum can be posted once additional language received.

(copy of draft RFP with noted changes attached to minutes)

4. DISCUSSION: FLUP Map Update  
 The current FLUP dates to 2006 with some minor updates to the map in 2016 based on the sewer project. The proposal includes no city services on west side of highway 52, and only a rough idea of the location of future parks. In considering future growth, we should anticipate the development on both sides of highway 52, and more fully plan out the west side.

**XI. OTHER BUSINESS**

Posting of the minutes to the website

A posting on the Citizens of Oronoco Facebook Group asked about meeting minutes for Planning and Zoning. Minutes haven't been posted for several months. A short discussion around the posting of minutes occurred, and it was decided that the minutes can be posted after they are fully approved. They would be posted within 10 calendar days of approval.

Discussion - Colleen will not be present for the October meeting to take minutes. Sunny mentioned Colleen's value for discussion and could be more of a participant if not taking minutes. Sunny will potentially bring a staff member to the September meeting to train. Staff will take minutes starting in October.

(copy of handout from citizen comment attached to minutes)

**XII. ADJOURNMENT**

Motion to adjourn by Jim P., second by Paul.

All in favor – Meeting adjourned at 10:23 PM