

City of Columbus
Regular Planning Commission Meeting
July 20, 2016

The July 20, 2016 regular meeting of the Planning Commission for the City of Columbus was called to order at 7:01 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance was City Council member Bill Krebs.

AGENDA APPROVAL

Motion by Krebs to approve the Agenda as presented. Second by Preiner. Motion carried.

APPROVAL – CHAPTER 7A & CHAPTER 9 ZONING CODE AMENDMENTS RE: EXCAVATION, EXTRACTION, AND MINING PUBLIC HEARING MINUTES OF JUNE 1, 2016

Motion by Preiner to approve the minutes from the Chapter 7A & Chapter 9 Zoning Code Amendments Public Hearing held on June 1, 2016. Second by Watson. Motion carried.

APPROVAL –REGULAR PC MEETING MINUTES OF JUNE 15, 2016

Motion by Watson to approve the minutes of the June 15, 2016 regular Planning Commission meeting as written. Second by Krebs. Motion carried.

EXCAVATION, MINING, EXTRACTION, AND FILLING DISCUSSION

Planner Johnson worked with City Attorney Steen to put together a proposed framework for an ordinance on excavation, mining, extraction and filling. They recommend the ordinance have two sections: One dealing with excavation, grading and filling requiring an administrative permit issued by the Zoning Administrator in consultation with the City Engineer. Permitting would be subject to several requirements, including no net loss of developable upland, a limit on the materials that can be removed from the property, and no hauling on residential or city roads except where there are no possible alternatives.

The second section would allow commercial extraction and mining activities with an IUP. Proposed restrictions on the IUP would include a one year term with a maximum of one additional year, no net loss of developable upland, no hauling on residential roads or roads rated under ten tons, a limit on number of trucks, and a limit on amount of material.

To avoid a situation like the one with John's Black Dirt, mining would have to have access to roads rated over ten tons to avoid beating up local roads and irritating neighbors. That is also a reason for the proposed limitation on the amount of material that can be extracted.

The issue of loss of developable land was discussed extensively. How firm and how practical is the no net loss standard? If either no net loss or minimizing the loss of developable land is truly a goal, then Johnson believes we have to fashion that into being a centerpiece of the purpose of the ordinance. If challenged in court, a clear reason for this is that two-thirds of the City is already under water.

In the commercial/industrial district, for pure mining, requiring an IUP, there should clearly be no net loss of developable land. However, in the rural residential district the important thing is to

prevent loss of potential lots. In RR, because we're not utilizing 100% of lot area no matter what it is, because the majority of the residential lots have already got wet portions on them, we don't want to take a single piece of property and lose the yield of what a maximum development would be. Johnson feels to take any land from the commercial district and limit it, even for a short period of time, to mining is at cross purposes with the City's goals.

Extraction and mining is a separate operation from extraction, excavation, grading and filling. If it's an excavation then it may be moved around, but it's not coming off the property. Johnson says that's very workable. Most existing businesses on Lake Drive don't have any excess room. The commercial extraction of mineral product out of the ground is to take it away from the site. Grading is balancing material. Permitting for the sheer purpose of removing and selling material is mining. A grading permit is an administrative permit. It allows people to remove the material, it's just not a commercial operation that lasts forever; it's a one-time deal.

Pure mining – if you allow it in commercial/industrial district – needs to clearly be no net loss.

If it's rural residential the criteria would be that you aren't going to reduce the yield plan of your development. If it's 100 acre, it's 20 lots. A buildable area for home and sewer is less than a half-acre. (It's 6000 sq. ft. for septic and alternate and 5000 sq. ft. for the building pad -- 13,000 sq. ft. total.)

Johnson explained that the uniform reclamation standard is to make it farmable, but that's not always suitable for either housing or restoration. On top of bare sand, 18 inches of sandy/loamy and 6 inches of black dirt are required. That becomes farmable. Six inches of topsoil isn't bad for commercial purposes, but, in our area, underneath it is either water or peat. That farmable standard would not cut it. It would be hard for anyone here to have no net loss. The standard becomes more of an engineering standard. For example, we have a no-mottled standard if you're going to have a regular sewer system. Post mining, if you're going to fit into this no net loss, it would require something. A backfilling standard will be critical to meet that test. That means someone would have to come in, remove a valuable material without ruining buildability, and be in and out in a year. Johnson doesn't see that being used much.

For rural residential you'd almost need a pre-development plan to show potential development. None of this would prevent somebody from mining wetlands.

Johnson will look at different scenarios. No loss in development potential of the property for rural residential will be the focus, rather than the upland acres. In addition, an acreage maximum might be a safeguard if acreage standards change over time. The best lines of defense are to make it seasonal and not limit your development potential. Attorney Steen and Johnson will work over the next month or so with what was discussed and put this into an ordinance format.

ORDINANCE 16-XX CHAPTER 7A – 804 (H) ANIMAL DISCUSSION

Johnson went over a draft ordinance re: animals. In **Section 1** language has been added so that is someone has ten or more animal units (horses and cows), they must have at least twenty acres. **Section 2** has been reworded and a dog kennel reference added. **Section 3** distinguishes the density for hooved farm animals. **Section 4** outlines a new distinction for non-hooved farm animals. The number is given “per habitable acre.” Five acres are no longer required. The language as to what constitutes “habitable” has not changed. The maximum number of animals applies to animals over three months old. This allows for someone to raise chicks or other baby animals that are not to be kept in the long term. **Section 5** requires permanent wood or pre-manufactured farm animal structures, and states that structures must be compatible with standards recommended by the University of Minnesota –Extension. **Section 6** has language pertaining to manure and feed residue

being disposed of in a manner that doesn't result in odors or unsanitary conditions. **Section 7** deals with feed being kept in secure containers to prevent attraction of rodents. Animals are required to have access to water. **Section 8** prohibits the slaughtering of animals except for personal consumption. **Section 9** pertains to prohibition of roosters. While this is a common prohibition in urban areas, it is not seen in rural ordinances. **Section 10** states that any sale of animal products shall comply with the MN Department of Agriculture, Dairy and Food Inspection Requirements.

There was discussion about number of animals in Section 4. The PC feels 80 chickens on five acres is a reasonable number and recommends creating a standard, then, of 16 birds per acre, scaling down from there for smaller acreage (for example, four birds on ¼ acre).

There was also discussion about Section 9. PC members do not believe it is practical or necessary to prohibit roosters. Some who raise chickens need roosters for breeding, and to guard the flock. It is very difficult to distinguish roosters from hens as chicks, and it wouldn't be practical to ask people to eliminate roosters after their chicks matured. To require an IUP to house roosters seems like over-regulation. Plus, a nuisance standard would have to be developed to determine a reasonable standard for permitting purposes. It would be virtually impossible to enforce. There have been no complaints to the City about rooster crowing, so there are no findings to create a standard. State law already makes rooster fighting illegal; it is a felony.

Based on discussion, Johnson will make changes to the draft ordinance, revising Section 4 to allow 16 animals per habitable acre, and removing Section 9 completely, and renumbering. He will send the updated draft ordinance to City Administrator Mursko for the next CC meeting.

PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

CITY ADMINISTRATOR'S REPORT

Mursko said there will be the possibility of two public hearings and a variance at the August 17th PC meeting. The upcoming variance application was outlined. It involves both a request for accessory building placement in front of the house, and a variance from the required sideyard setback. The public hearings would be related to plans by Running Aces to move ahead with a hotel on the property. The current plan is for a four-story, 74-room GrandStay hotel. Hearings would be required to amend the zoning district to permit hotels, and provisions would need to be added in the PUD section to allow for this development. The timeframe is aggressive; they want to be shovel-ready by September 1st.

Mursko reported that the City's lobbyist thinks there may be a special legislative session held in late September. Right now the 97 bridge project is in the bonding bill for \$22 million.

The CC is going into budget meetings in August.

Mursko and Planner Johnson reported that the City has access to City property on County Road 54 at 1/8 of a mile. It will be a ¾ intersection allowing for a southbound left turn onto City property. There will be two roundabouts and a ¾ access on 54. The projected date for an open house on the relocation of County Road 54 is August 22nd. It will be held at City Hall.

PLANNING COMMISSION MEMBERS' REPORT

KREBS COMMENT:

Krebs reminded members that early voting is open now for the upcoming primary election to be held on August 9th. To vote early, a resident can come to the City counter during office hours.

PREINER COMMENT:

Preiner also encouraged primary voting.

STERNBERG COMMENT:

Sternberg was on a diverging diamond bridge recently at 96 and 35W. He liked it. Mursko added that the diverging diamond it is also cheaper to build overall.

ATTENDANCE - NEXT CC MEETING

Watson is scheduled to attend the City Council meeting on July 27, 2016.

Motion by Krebs to adjourn. Second by Preiner. Motion carried.

Meeting adjourned at 9:08 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary