

**CITY OF ISANTI
PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 11, 2012**

1. Meeting Opening.

A. Call to Order.

Stevens called the meeting to order at 7:01 p.m.

B. Pledge of Allegiance.

Everyone rose for the pledge of allegiance.

C. Roll Call.

Members Present: Dave Englund, Sue Larson, Cindy Lind-Livingston, Steve Lundeen, Christopher McDonald (arrived at 7:03 p.m.) and Sean Stevens.

Members Absent: None.

Staff Present: Lisa Wilson, Planning and Parks Director.

D. Agenda Modifications.

Stevens questioned if there were any modifications to the agenda.

Wilson stated that there were none.

2. Approval of Minutes from August 8, 2012 Planning Commission Meeting.

Stevens requested a motion regarding the minutes from the August 8th meeting.

Motion by Larson, second by Lundeen to approve the August 8, 2012 Planning Commission Meeting Minutes. Motion was unanimously approved.

3. Public Hearings.

A. None.

Stevens stated that he would like the record to reflect that there were no public hearings scheduled for this evening.

4. Other Business.

A. Amendments to Ordinance No. 445 (Various Sections) and Isanti City Code Chapter 87, Article II Dogs for Residential/Commercial Kennels.

Wilson presented the staff memo and outlined the proposed amendments. Wilson stated that if the Planning Commission was comfortable with the proposed amendments, a hearing would need to be called for the zoning ordinance amendments only. Wilson stated that once through the public hearing process, both the zoning ordinance and city code amendments would head to the City Council in one package for formal adoption.

Larson stated that there have been some pretty hot topic discussions with the kennel license applicants. Larson questioned if the Council would then flush out those issues at their meeting.

Wilson stated yes.

Stevens questioned the pain the City is solving by going to this process.

Wilson stated that this would eliminate the need for the Interim Use process, which requires an upfront fee of \$375, a more formal submittal, a public hearing before the Planning Commission and final approval by the City Council. Wilson stated that the process for many residents is overwhelming, particularly since they are only requesting to have three dogs. Wilson stated that City staff has spoken with residents who are upset and crying, as they may have to get rid of a dog; to those that are very upset to think that they have to go through such red tape to have three or four dogs on their property.

Stevens stated that there is a financial consideration for these applicants. Stevens stated that redirecting the activity to Council alone would not make the process more affordable.

Wilson stated that currently, a residential kennel is considered an interim use; which means that the fees and process associated with an interim use permit apply. Wilson stated that City staff has to send out two different notices, the notice that is required for properties within 350 feet for the interim use permit and a separate notice to abutting property owners, as required by City Code. Wilson stated that when discussing the two-prong meeting with residents, many suddenly, do not have more than two dogs. Wilson stated that the time spent at both meetings is a turn-off for residents. Wilson stated that it is very hard to get residents to come into City Hall to begin this process. Wilson stated that Mr. McDonald has gone through this process, so he could provide his insight. Wilson stated that staff had discussed simplifying this process previously, but at that time, it was decided that a more formal review process may be needed. Wilson stated that with the issues that have been occurring City staff began the discussion with DAC to try to simply the process for City residents.

Stevens stated that the City does not need to make a federal case out of these permits. Stevens stated that some City oversight is necessary; and that police involvement is certainly something that is valuable when problems can occur. Stevens stated that, to him, any amount of permitting cost or time and any amount of attendance at a meeting might deter people from filing the paperwork and maintaining the rules that we have in place.

Lind-Livingston questioned if there is still a \$375 cost upfront.

McDonald stated that currently there is an upfront cost.

Wilson stated that with what has been proposed there would not be.

Stevens stated that he felt the \$375 was too high.

Wilson stated that the interim use permit fee has to be charged, as that is the fee set by the City Council for any applicant of an interim use permit. Wilson stated that she has to treat every use coming in under that permit the same.

McDonald stated that in his experience, he had no problem and did expect that there would be a kennel permit license. McDonald stated that he understands that. McDonald stated that he has three dogs and he gets the process of obtaining the license and renewing it each year. McDonald stated that he would invite someone to check his property each year for the re-issuance, but the initial process was very overwhelming. McDonald stated that it wasn't even the \$375 fee, but

the initial letter and application; makes it look like it will be even more than what it is. McDonald stated that the application lists a range of things, most of which end up being unnecessary.

Stevens stated that he is receiving the complete interim use permit application, in which a lot of the items listed do not even pertain to what the resident is requesting.

McDonald stated that just that initial look at the cost and the application is enough to scare off anyone.

Wilson stated that all the applications for the various requests are generalized and include all information that may be necessary for any given use coming in under that application.

Lind-Livingston questioned what the cost was for a residential kennel license.

Wilson stated that the annual fee is \$50.

Lind-Livingston questioned if they are renewed on a certain day.

Wilson stated that there is a list of the kennel licenses that have been issued. Wilson stated that Mrs. Anderson has notified her in the past, when someone has not come in to renew their license. Wilson stated that she sends a letter letting the owner know that they are in violation of their IUP and they need to renew their license. Wilson stated that the renewal date for the kennel license is the same as for the regular dog licenses.

Lind-Livingston questioned if the kennel holder or the City is responsible for keeping track of the renewal.

Wilson stated that the resident should be keeping track, but we have sent a notification to some of the kennel permit holders when they have not come in.

Stevens stated that he does not think this should be on the council table. Stevens stated that he felt Council should delegate this authority to the Planning Commission, as they have bigger fish to fry. Stevens stated that he is in favor of cutting the red tape for the residents, cut the fee to \$50, and not send the full IUP application and create a separate application. Stevens stated that this would recommend having the renewal process go through other City staff and have the Planning Commission tackle the initial review and approval. Stevens stated that he did not know if Council could direct that authority. Stevens questioned if the Council members in the room felt that this is a job that they need to conduct on a month-to-month basis.

Lundeen stated that it will come back to the City Council in one way or another.

Stevens stated that it would not have to.

Wilson stated that technically it would have to. Wilson stated that the Planning Commission is only an advisory board or recommending body. Wilson stated that while the Planning Commission has the ability to review items and flush out the issues, they can only make a recommendation to the City Council. Wilson stated that the City Council would still have the final authority to approve or deny per the Zoning Ordinance and City Code.

Stevens stated that they could handle the problems with non-compliance issues that escalated. Stevens stated that the Council does hear issues from the Planning Commission where they make a recommendation and the City Council follows their recommendation. Stevens stated that this is one of those items that the Planning Commission could sort through the issues prior to heading to Council. Stevens stated that if Council wants it, that is fine. Stevens stated that they have a lot of other things to concentrate on. Stevens stated that this would just add more to their plate.

Lind-Livingston questioned how many kennel licenses the City has.

Wilson stated that she believed there were 8 on the sheet. Wilson stated that she would bet there are a lot more out there.

Lundeen stated that if he were not on the City Council, he would not have a dog license on his dog because they never leave the yard. Lundeen stated that if that is him, he wonders how many others are doing it. Lundeen stated that the harder we make it for people to do it, the more they are going to avoid doing it. Lundeen stated that to simplify the cost, he does not see issue with the \$50 fee. Lundeen stated that when you have two dogs and a puppy, you are not required to have that kennel permit until the third dog is 6 months old.

McDonald stated that it is cheaper moving forward. McDonald stated that you pay a \$50 renewal for all the dogs. McDonald stated that the upfront cost and process is overwhelming.

Lundeen stated that two months ago we had the kennel permit with all the complaints. Lundeen stated that he had never seen a kennel permit until then. Lundeen stated that let them get the kennel permit; and then they do not have to deal with it anymore. Lundeen stated that he agreed to simplify this. Lundeen stated that ultimately this is going to end up at Council.

Stevens stated that if that is true, and we are creating new process, that process could include a stop at the Planning Commission and no stop at Council.

Wilson stated that she disagreed. Wilson stated that the Planning Commission can only make a recommendation at this point. Wilson questioned if the consensus was to not take this away from the Planning Commission.

Stevens stated that he would like to take the load off of staff. Stevens stated that he would like to streamline the application process and make it more financially friendly for residents. Stevens stated that he just struggles with how bringing it directly to Council would help. Stevens stated that it does not appear to lighten staff load or police department load. Stevens stated that it is just putting another item on the plate of individuals that already have full plates.

Larson stated that she would like to see if the process can be streamlined and how it can be streamlined.

Lundeen stated that there is always going to be leg-work that must be completed by City staff. Lundeen stated that by eliminating the fee, it will eliminate some headaches for City staff. Lundeen stated that no matter if it goes directly to City Council or goes through the Planning Commission first, there is still going to be the same amount of work that needs to be done. Lundeen stated that Mrs. Wilson is still going to need to prepare something for the Boards.

Larson questioned in how it is set-up, would we need to get the 350 feet notice out.

Wilson stated no. Wilson stated that it would no longer need to follow the IUP process. Wilson stated that currently, City staff has to follow the state statute process for notification of an IUP review.

Stevens stated that seems to be part of the issue. Stevens stated that if they downgrade this in terms of its overall importance, then it seems that we have a lower level of research that needs to be done or a level of investigation/research that we can create. Stevens stated that it could be a staff approval. Stevens stated that there could be a process in place for staff to notify abutting properties, send it to PD for verifying information, etc.

McDonald stated that some of this stuff must become part of the nuisance code. McDonald stated that if someone even has one dog, and it is barking like crazy, it should follow through the normal nuisance process.

Stevens stated that there is just a much lower level to treat this as, then to have the formal review. Stevens stated that he is not for taking away all the regulations, but we are not talking about people encroaching on others properties or some of the bigger issues we have.

Lundeen stated that we need to think about the neighbor that has a dog that is barking constantly and irritating you. Lundeen stated that it is human nature. Lundeen stated that on the reverse side of this, you are going to think differently.

Stevens stated that if he is that guy, he still has a route to take to complain. Stevens stated that there is still a City staff touch, Police Department touch, Planning Commission touch, or City Council touch.

Lundeen stated that he agrees with Mrs. Larson. Lundeen stated that we need to find out what we can and cannot do. Lundeen stated that we could have arguments both ways. Lundeen stated that if the Planning Commission is able to make the decisions, he would be for that. Lundeen stated that we need to figure out what can actually be done. Lundeen stated that he would agree that it would be less for the City Council to deal with.

Stevens stated that if it stills goes through Council, they could still valuably use the Planning Commission. Stevens stated that way when it does end up in the Council packet, there would be testimony outlined and recommendations made on each items.

Larson stated that we need to find out more. Larson stated that if we are looking at changing it; we should look at having City staff take on the review. Larson questioned if it needed to go before Council at all.

Wilson stated that Mrs. Larson would be referring to more of an administrative permit type process.

Lundeen questioned if Mrs. Wilson thought that would cause more problems for City staff.

Wilson stated that City staff could look at that as an option.

Larson stated that she would rather look at that. Larson stated that if they move it to City Council, without it being reviewed at the Planning Commission level first, there could be a lot to deal with at Council. Larson questioned if the City wants to lengthen the Council meetings to review kennels.

Lundeen stated that he did not. Lundeen stated that if it was administrative, the Chief would still be involved. Lundeen stated that if there are no complaints coming forward to Council, he would have no reason to deny. Lundeen stated that if there are complaints, then their application is denied. Lundeen stated that he saw no problems with turning it over to City staff.

Lind-Livingston questioned if the neighbors would still have the right to voice their complaints or concerns.

Wilson stated that we would need to look at adding something to the ordinance, where if there were complaints, the review could be taken to a higher level.

Lind-Livingston stated that just because someone complains, does not always mean that it is valid either.

Englund stated that had happened in the past. Englund stated that a resident was complaining about a similar looking dog that was entering their property, but the dog did not belong to the kennel license applicant.

Lundeen stated that if you have a valid complaint, then it could go before either body. Lundeen stated that if there is a complaint that needs to be looked at, then so be it.

Lind-Livingston stated that when there is conflict, it is better to be heard by a group than by one staff member.

McDonald questioned how many of the letters get sent out and actually come back with a complaint or objection. McDonald stated that often time there is no one even at the hearing.

Wilson stated that quite often, there is no response or a letter or two may come in, but the neighbors do not care.

Stevens stated that the planning commission is a good place to have the discussion on problems.

McDonald stated that it would be easier to have an administrative process for issuing a permit. McDonald stated that if there is a complaint, then they could come before the Planning Commission and City Council to review those issues.

Stevens questioned if all complaints go to the Police.

Wilson stated yes.

Larson stated that if neighbors are fighting, it is usually more than one issue, not just the dog.

Stevens stated no notification. Stevens stated that they come in, fill out the application, and pay the \$50 fee. Stevens questioned if we verify that the animal has its shots.

Wilson stated that every dog has to show proof of vaccination prior to obtaining a license.

Stevens questioned if that leaves us with any holes.

Wilson stated that City staff can take this into consideration and amend the ordinance.

Stevens questioned if that would ease City staff load.

Wilson stated that she is not so much worried about City staff, but about the residents. Wilson stated that staff wants the resident to feel comfortable with the process. Wilson stated that as Mr. McDonald noted, there is a fairly lengthy interim use application. Wilson stated that staff tries to explain the process. Wilson stated that City staff wants to make this easier for the resident, so that they are better able to comply. Wilson stated that other communities do different things. Wilson stated that some have administrative processes and others have a more lengthy process, but that also depends upon how they define a residential or commercial kennel.

Stevens stated that he thought commercial kennels should be treated differently.

Wilson stated that she had spoken with Chief Sager; and they agreed that there are different sets of issues that can occur with a commercial kennel. Wilson stated that staff agreed the more formal review process would be necessary.

Stevens questioned what other types of permits there were for residents, in which they would submit a \$50 fee and a one page application.

Wilson stated that outside of building permits, she did not believe there was anything else. Wilson stated that in other districts, we have administrative reviews for sidewalk sales, etc.

Stevens stated that in his mind the sidewalk sale and the residential dog kennel for having three dogs on your property seems more comparable; and requires a simplified process.

Motion by Lundeen, second by McDonald to table the item until the October 9th meeting to allow City staff to address the concerns/comments provided by the Planning Commission. Motion was unanimously approved.

5. Discussion Items.

A. Review of Chapter 227 Parking and Storage of Isanti City Code.

Wilson presented the information within the staff memo.

Stevens questioned if the Planning Commission members had any further questions regarding the item.

6. Other Communications.

A. None.

Stevens questioned if anyone had anything additional.

Wilson stated no.

Lind-Livingston questioned if anyone knew who the individuals were in the audience for a portion of the meeting.

Stevens stated that they may have been interested in the first item, but did not appear to want to speak on the topic.

7. Adjournment

Motion by Larson, second by Lundeen to adjourn the September 11th, 2012 meeting of the Planning Commission. Motion was unanimously approved.

The meeting adjourned at 7:39 p.m.

Dated at Isanti, Minnesota this 9th day of October 2012.

Respectfully submitted,

Lisa M. Wilson, AICP
Planning and Parks Director