

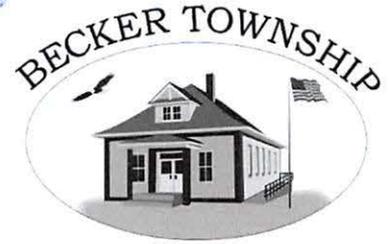


Town Planning Commission

Agenda, May 8, 2017

PO Box 248
Becker, MN 55308

www.beckertownship.org
763-261-5301



7:00 p.m.

1. Call to Order
2. Verification of Quorum
3. Approval of Agenda
4. Approval of Minutes April 2017
5. Cheryl & Russell Elzy
Conditional Use Permit Application
6. Animal Unit Ordinance Calculations
7. Other

Public Hearing

Public Hearing

Other Business

Adjourn

Board Members Present: Brad Wilkening, Jim Mecklenburg, Frank Kasowski
Absent: Brian Kolbinger
Staff Present: Lucinda Messman- Clerk Fran Seeley- Deputy Clerk; Ben Wikstrom – Township Planner; Kelli Bourgeois-Township Attorney
Others present:

Chair called meeting to order at 7:00 p.m. Quorum verified present.

Motion to adopt Agenda by Kasowski. Second by Mecklenburg. Motion carried, all voting in favor.

Motion to adopt April 2017 Meeting Minutes by Mecklenburg. Second by Kasowski. Motion carried, all voting in favor.

Public Hearing Opened- Cheryl & Russell Elzy Conditional Use Permit Application

Wikstrom reviewed CUP documentation with Planning Commission members.

- A Conditional Use Permit application has been filed, requesting an increase in the animal unit density on a 5 acre General Rural Zoned parcel from the 4 animal units allowed to 8 animal units.
- Mr. Marshall called in to voice by phone, and is here to speak on his own behalf.
- Two other callers were concerned regarding animal density, but as it was not near their property, no official comments filed.
- A letter was submitted with the application listing out potential types of uses. The types of animals do not need to be considered, only the animal unit density.
- The application requests an animal unit density of 8, however there are stalls for 6. They do have space to build up to two more stalls.
- There are large fenced areas. Those areas may accommodate 8, but staff feels that 6 may be more appropriate at current barn capabilities.
- Manure storage and removal questions need to be discussed.
- One more condition to add – this permit is not for boarding stables or riding academies.
- Last month the animal unit density ordinance was revised to allow 4 animal units rather than 1.25 animal units on this parcel.

Chair Wilkening opened the meeting to the public.

- Mr. Elvis “Joe” Marshall, 11151 173rd Ave SE
 - Concern regarding the possible pollution of water from horse manure bacteria.
 - He understands that the rules were changed recently to allow four horses. If letting animals increase on this single parcel, why are they not increasing for the entire township?

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- If he had realized these changes were going to allow 4 horses on this property, he would have been here for that ordinance to speak to those changes. He feels rules should stay the same for everyone.
- Commissioner Kasowski: Did you ask them to build a brim to keep manure on their side? A (Mr. Marshall): No, there were issues with my fence. Why would you allow a change when it is known that they are moving and the next person will be here to live?
- Commissioner Mecklenburg: How many acres is your property? A (Mr. Marshall): 10 acres. He would be willing to sell all of it and suggested that prospective owners check the rules before purchasing property.
- Mr. Marshall: They currently have a sign that says they run a boarding stable.
- Commission Mecklenburg: Has manure been an issue in the past? A (Mr. Marshall): the manure pile was next to the fence line. Now it is in another location; 50-60' from the fence line now.
- Mrs. Cheryl Elzy
 - We got rid of tree stumps to make more room /area for cleaning stalls in order to keep the manure further away from the fence line.
- Mr. Halbur (prospective buyer)
 - Current stall barn is built for six horses. We are assuming it has held six horses in the past.
- Mr. Russell Elzy
 - We moved into the house in 2004 with stipulation that it allowed for 6 horses.
- Attorney Bourgeois: The Township took over planning and zoning in 2009 and adopted the numbers from the Sherburne County ordinance.

Commissioner Kasowski requested clarification of the number of horses allowed on 5 acres in the general rural district right now and the number the applicant has requested. Answer: 4 horses allowed now/8 horses requested.

Motion to close the public hearing by Kasowski. Second by Mecklenburg. Motion carried, all voting in favor.

Board Discussion

- Prior ordinance allowed 1.25 horses (cannot round up, so 1). Ordinance passed last month now allows for 4 horses (4 animal units).
- Given
 - 5 acre parcel
 - At 5 acres, increased number of outbuildings is allowed
 - Overhead shows a substantial vegetation buffer between house and pond
- What is realistic?
 - Bringing in feed is definitely possible – not relying on acreage to feed horses
 - Removal of manure in timely fashion

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- Commissioner Mecklenburg: understanding the environmental concerns regarding clean water is important, but at the distance, the trees should leach out quite a bit of the bacteria. We do want to be good stewards of the land as well.
- If 8 horses are determined to be there, it would not meet recommended CUP conditions. What is the course of action?
- Attorney Bourgeois: Reopen the conditional use permit, amend or revoke it. The burden is on the township to prove this is occurring. Listing a condition of the animals puts the burden on staff members to determine and is not a best practice. Best to put in something easy to measure such as Animal Units.
- Commissioner Mecklenburg: Board is comfortable with six stalls.
- Ordinance last month is the one size fits all type. This CUP process is to allow for adjustment for individual properties. This particular location appears to be well suited to handle 6 animal units.

Motion to approve RESOLUTION 2017-09: a resolution recommending approval of a conditional use permit for increased animal units for the property at 11031 173rd Avenue Southeast [full text on file] with the following conditions:

- 1. Manure storage must not occur within 100 feet of any property line and runoff cannot leave the property.**
- 2. Manure shall be removed from the storage area at a minimum every spring and fall.**
- 3. The maximum total number of animal units allowed under this permit shall be 6.0. Any additional animal units beyond 6.0 requires an amendment to this CUP.**
- 4. A boarding business or riding academy are not permitted under this CUP and shall not be operated out of this location.**

by Mecklenburg. Second by Kasowski. No further discussion. Motion carried, all voting in favor.

Public Hearing Opened – Animal Unit Calculations

Wikstrom reviewed materials with board:

- Last month the planning commission recommended an animal unit density change in the animal unit ordinance. It came to light at that public hearing that the animal unit calculations needed to be more specific. Language has been added to the calculations that is more clarifying and there are further distinctions between various animals.
- The numbers in the chart are from the Department of Agriculture. As far as animal sizes go, these are the generally accepted numbers.
- Staff recommendation is that the entire definition of Animal Units in Section 5: Definitions of the Becker Joint Planning Board Zoning Ordinance is to be replaced with this table. However, there are two possible locations for this chart to appear and guidance from the board regarding updating in Section 5 or in Section 16 is required.
- Llama example reviewed.
- This chart allows for taking breed differences into account and is much more in line with actual animal sizes. Goats are not on this chart as there is so much variation that each breed will need to be individually determined.

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Chair Wilkening opened the floor to comments:

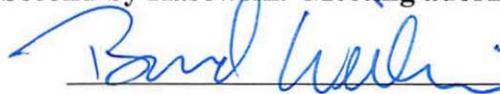
- This seems much easier to read and in much more line guiding how to determine animal units based on actual animal sizes.

Motion to close the public hearing by Mecklenburg. Second by Kasowski. Motion carried, all voting in favor.

Motion to place the chart into Section 5: Definitions of the Zoning Ordinance and approve Resolution 2017-10: A resolution recommending approval of an ordinance amendment related to calculation of animal units within Section 5 – General Performance Standards by Kasowski. Second by Mecklenburg. Discussion to those present: this will now move onto the Joint Planning Board for final action on May 23, 2017. This location at 7:00 P.M. **Motion carried, all voting in favor.**

Other Business - none

Motion to adjourn by Mecklenburg. Second by Kasowski. Meeting adjourned at 7:52 p.m.



Brad Wilkening, Chair



Lucinda Messman, Clerk