

# SHERBURNE C O U N T Y



*Sherburne County  
Planning Advisory Commission Meeting Minutes  
August 19, 2021  
6:00pm*

The Sherburne County Planning Advisory Committee met in the Board Room at the Sherburne County Government Center in Elk River, Minnesota on August 19, 2021 to hold a public hearing for all unincorporated areas of Sherburne County in which the County has zoning and land use authority, along with the Township of Big Lake, the Township of Baldwin and the Township of Livonia, to consider the evening's agenda and other planning and zoning related topics.

Chairperson, Bryan Lawrence called the meeting to order and roll was taken.

The following members were present:

Chair, Bryan Lawrence, Baldwin Township; Vice-Chair, Bruce Aubol, Big Lake Township; Roger Nelson, Blue Hill Township; Lila Spencer, Livonia Township; Steve Demeules, Palmer Township; Bryan Adams, Orrock Township; Terrance Vandereyk, Clear Lake Township; Kathi Sims-Kosloski, Haven Township, Tim Dolan, County Commissioner

The following staff members were present:

Lynn Waytashek, Interim Zoning Administrator; Marc Schneider, Senior Planner; Carrie Winter, Secretary, Dave Lucas, Solid Waste Administrator

Lawrence stated that the meeting was being recorded. If a member of the public would like to speak, they will need to go to the podium and announce their name and address for the record. Due to the number of individuals who wish to speak, comments will be limited to 3 minutes. If a speaker would like to turn in a printed copy of their comments, the Planning Commission will receive these as well. All written and verbal comments will be added to the record and all emails that have been received up to this point will also be added to the record. Lawrence added that the Planning Commission is a recommending body. Items recommended for approval by the Planning Commission will be heard by the County Board of Commissioners on September 7, 2021 at 9:00am.

Demeules made a motion to approve the minutes from the July 15, 2021 Public Hearing. Spencer seconded. Motion carried and the minutes were approved for the July 15, 2021 Public Hearing.

Aubol made a motion to approve the Public Hearing agenda for August 19, 2021. Adams seconded. The motion carried and the Public Hearing agenda for August 19, 2021 is approved.

**Agenda:**

1. **Carlson Farm** (Ziegler Custom Home Inc.) Requesting final plat approval consisting of nine (9) lots.
2. **Cardinal Enterprises** (Minnesota Conference Association of The Seventh-Day Advent) Requesting a Conditional Use Permit for a Drive-in Retail Service Use to operate a pet grooming, dog daycare boarding business.
3. **Amendment to the Sherburne County Zoning Ordinance:** Amend Section 17 General Development Regulations, Subdivision 2 Parking and Loading Regulations.

### **Agenda Item # 1 -6:03pm**

**Carlson Farm** (Ziegler Custom Home Inc.) Requesting final plat approval consisting of nine (9) lots.

PID 01-013-4100 and 01-013-4101, Section 13, Baldwin Township 80 acres in the General Rural Zoning District.

Marc Schneider, Senior Planner presented the request to the Planning Commission including the board packet, attachments, and comments.

#### **PLANNING COMMISSION'S PACKET ATTACHMENTS:**

- A. Aerial Photo
- B. Final Plat Drawings Received August 11, 2021
- C. Revised Preliminary Plat Drawing Received August 11, 2021

#### **BALDWIN TOWNSHIP COMMENTS** (July 19, 2021)

**Bogart Pederson & Associates (Wes Davis), Baldwin Township Engineer** (August 10, 2021)

After review of the provided documents, all previous comments have been addressed and I would, contingent that additional comments made by the Township Board are addressed and Final Plat is reviewed by the Township Attorney, recommend approval of the Final Plat of Carlson Farms.

#### **DEPARTMENT/AGENCY COMMENTS:**

**David Roedel, Deputy County Engineer** (June 22, 2021) No new comments.

1. The proposed Preliminary Plat meets the access spacing requirement on CR 38 of 330'.
2. The Sherburne County Public Works Department will require park dedication fees for the 9 new lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Department signing the plat mylars

**Russ Heiling, County Surveyor's Office** (June 22, 2021) OK with the drawings submitted and will perform a final plat check when approved

#### **PLANNING & ZONING STAFF COMMENTS:**

1. This proposed final plat consists of 9 lots on 80-acres. It received preliminary plat approval on June 15, 2021 with 6 conditions of plat approval.
2. Upon reviewing the final plat request the Baldwin's Township Engineer recommended the developer make modifications to the preliminary plat to add and expanded easements on the preliminary plat to address drainage concerns. The developer has made the modification and received approval from the Township Engineer (See Packet Attachment C).
3. No new roads will be constructed.
4. Lots 5 & 6 will have a shared access to County Road 38.
5. All 9 lots are over 5 acres in size and have at least 3.69 acres of buildable area.

6. There are no existing structures or septic systems on the property.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Park dedication fees for 9 lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
3. An Access Permit will be required prior to accessing County Road 38 and shall be constructed according to Public Works Engineering Standards.
4. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
6. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

**Planning Commission Discussion Followed:**

Dan Berning, Ziegler Custom Homes, 11469 193<sup>rd</sup> Ave NW, Elk River came forward as representative of the application.

Lawrence asked Berning if he understood and can abide by the (6) Conditions.

Berning confirmed.

Nelson made a motion to recommend approval of the Final Plat of “Carlson Farm” consisting of (9) lots. Spencer seconded.

**Conditions**

1. Park dedication fees for 9 lots at \$800 per lot, totaling \$7,200. Park fees must be paid prior to the Public Works Dept signing the plat mylars.
2. Must obtain driveway access permits from Baldwin Township prior to driveway construction.
3. An Access Permit will be required prior to accessing County Road 38 and shall be constructed according to Public Works Engineering Standards.
4. A copy of the NPDES permit for this project must be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
5. A Stormwater and Erosion Control Permit application is required to be submitted to the Zoning Department prior to any ground disturbing activities taking place on site.
6. The plat shall be recorded in the Office of the County Recorder/Register of Titles, subject to recording fees, within one year of County Board approval of Final Plat.

The motion carried unanimously and the Final Plat of “Carlson Farm” consisting of (9) lots is recommended for approval to the County Board with the (6) recommended Conditions.

## Agenda Item # 2-6:04pm

**Cardinal Enterprises** (Minnesota Conference Association of The Seventh-Day Advent) Requesting a Conditional Use Permit for a Drive-in Retail Service Use to operate a pet grooming, dog daycare boarding business.

PID # 10-335-1345. Legal Desc: That part of Govt lot 3 desc as (full legal on file). Sec 35, Twp 33, Rge 28, Big Lake Township. 3.34 acres in the Special Use Zoning District and within the Special River District of the Mississippi River.

Marc Schneider, Senior Planner presented the request to the Planning Commission including the board packet, attachments, and comments.

### PLANNING COMMISSION PACKET ATTACHMENTS:

- A. Aerial Photo
- B. Written Business Description Provided by Applicant
- C. Building Floor Plans
- D. Site Plan.
- E.

**BIG LAKE TOWNSHIP COMMENTS:** (July 28, 2021) The Big Lake Town Board recommended approval.

### DEPARTMENT/AGENCY COMMENTS:

**David Roedel, Deputy County Engineer** (July 1, 2021) No concerns.

**Tom Cruikshank MnDOT** Principal Planner District 3 (July 1, 2021) No comments

**James Bedell, MN DNR Aera Hydrologist** (June 29, 2021) This use does seem to fit within the permitted uses within the Scenic [Special] River. The only concern I would have is the existing impervious surface area (parking lot). The parking lot along with the building are in need of repair, and when they go to repair that there would be an expansion of the parking lot. Ideally if they were to repair the parking lot that as part of that repair, they reduced it in size to meet the 25% impervious. Otherwise this use does appear to meet wild and scenic requirements.

**Angela Schumann, Community Development Director City of Monticello:** Would recommend limits on the number of dogs allowed to be boarded and or outdoor restrictions associated with the use.

### STAFF COMMENTS:

1. The applicant is requesting to operate a Conditional Use Permit (CUP) for a Drive-in Retail Service Use to operate a Pet Grooming business in in Big Lake Township. Cardinal Enterprises will be purchasing the property and will rent the property to “Laundroumutt Pet Grooming” to operate their business from the site and potentially operate a dog boarding and daycare if there is demand for that use in the future. This property is located within the Special Use District of the Mississippi River and all new businesses are required to obtain a CUP

2. The applicant is proposing to establish 4-6 pet grooming stations. There would be roughly 6 people employed, but not all would work at the same time. Traffic is expected to be minimal as appointments are required for grooming.
3. In the future if it is justified the applicant would like the ability to operate a dog boarding/daycare service 6-days a week to provide boarding for up to 10 dogs per day.
4. Expected hours of operation would be 7AM-7PM.
5. Pet hair from the grooming will be bagged and disposed in the trash only. They will use specially designed wash tubs used for dog grooming on septic tanks that have double filters to ensure the pet hair does not go into the septic tanks.
6. The septic system was upgraded in 2016 and had a passing compliance inspection in April 2021.
7. To accommodate the new business, improvements to the building are going to be required according to the applicant. The exterior of the building would be cleaned up and the south west portion of the building may be demolished. See Board Packet Attachment C.
8. The applicant is proposing to remove a portion of the parking lot that is within 100ft of the Mississippi River and establish grass that could be used for future pet exercise area. This reduction will bring the driveway into compliance with the required setback for parking lots and help reduce the total impervious surface. See Board Packet Attachment D.
9. There is adequate parking on this site as it has been a bar and restaurant, and most recently a church with thrift store.
10. In 2013, a CUP was issued to MN Conference Association of The Seventh-Day Advent to operate a church and thrift store from this property. That use is no longer active and the County is recommending that CUP be revoked upon recording this CUP.

**RECOMMENDED CONDITIONS IF APPROVED:**

1. Hours of operation would be 7AM-7PM Mon-Saturday
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building.
3. Any signage shall comply with the sign ordinance and a sign permit is required.
4. Any solid, liquid or pet waste must be handled and disposed of according to any applicable County or State regulations.
5. All exterior lighting shall be directed down and away from public right-of-way, and any adjacent residential use.
6. Any removal of bituminous between the and the river requires a shoreland alteration permit from the Planning and Zoning Office.
7. The CUP holder and/or property owner shall permit the County to inspect the property, including the building used for the business during normal working hours. Further, the CUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with the terms of the CUP.
8. Before boarding animals is permitted a commercial kennel license will be required from the Planning and Zoning Department no more than 10 dogs may be boarded.

9. The applicant shall be required to remove the existing bituminous surface identified on the site plan Board Packet Attachment D prior to the County issuing a commercial kennel license.
10. The applicant shall permit the County to revoke the following Conditional Use Permit from this property Permit number 49958 and Recording Document number 775492 and pay the 46.00 recording fee.

**Planning Commission Discussion Followed:**

Aubol stated that Big Lake township is eager for this building to come back to life, with a building like this in a commercial district, they are in favor of it.

Tom Holthaus, owner of Cardinal Enterprises, 11693 Aetna Ave, Monticello, came forward as the applicant for the Conditional Use Permit. He stated that staff comments are reasonable and he has no issues.

Lawrence asked Holthaus if he understands and is able to operate with the (10) Conditions.

Holthaus confirmed.

Lawrence opened the Public Hearing. No one from the public spoke nor were any comments received.

Nelson made a motion to close the public hearing. Demeules seconded. The motion carried and the public hearing was closed.

Aubol made a motion to recommend approval of the CUP for a Drive-in Retail Service Use to operate a pet grooming, dog daycare boarding business with the (10) Conditions. Spencer seconded.

**Conditions:**

1. Hours of operation would be 7AM-7PM Mon-Saturday
2. A building permit is required from the Planning and Zoning Department for any alteration to the existing building.
3. Any signage shall comply with the sign ordinance and a sign permit is required.
4. Any solid, liquid or pet waste must be handled and disposed of according to any applicable County or State regulations.
5. All exterior lighting shall be directed down and away from public right-of-way, and any adjacent residential use.
6. Any removal of bituminous between the building and the river requires a shoreland alteration permit from the Planning and Zoning Office.



7. The CUP holder and/or property owner shall permit the County to inspect the property, including the building used for the business during normal working hours. Further, the CUP holder shall allow the County to inspect any business records for the purpose of ensuring compliance with the terms of the CUP.
8. Before boarding animals is permitted a commercial kennel license will be required from the Planning and Zoning Department no more than 10 dogs may be boarded.
9. The applicant shall be required to remove the existing bituminous surface identified on the site plan Board Packet Attachment D prior to the County issuing a commercial kennel license.
10. The applicant shall permit the County to revoke the following Conditional Use Permit from this property Permit number 49958 and Recording Document number 775492 and pay the 46.00 recording fee.

**FINDINGS:**

*No Conditional Use Permit shall be approved or recommended for approval by the County Planning Commission unless said Commission shall find:*

*Schneider read the Findings while Aubol provided the response.*

- A. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity. **YES** or **NO** **WHY?**

***Commercial uses are permitted within this zoning district, with a conditional use permit. There have been several other commercial uses of this property in the past including a retail store and bar restaurant. This use will be a low impact use, it is not anticipated this will diminish or impair values of neighboring properties.***

- B. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **YES** or **NO** **WHY?**

***The applicant is looking to maintain and improve this underutilized property. No expansion of the building or the parking lot are proposed, this use will not impede the development of surrounding vacant properties.***

- C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. **YES** or **NO** **WHY?**

***This is an existing development that has adequate utilities, access and drainage for the proposed use.***

- D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **YES** or **NO** WHY?

***There is sufficient access and parking for this proposed use.***

- E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. **YES** or **NO** WHY?

***It is not anticipated to cause offensive odor, fumes, dust, noise and vibration to the immediate area all pet waste must be properly disposed of using a licensed waste hauler.***

The motion carried and the CUP for a Drive-in Retail Service Use to operate a pet grooming, dog daycare boarding business with the (10) Conditions is recommended for approval to the County Board.

### Agenda Item # 3 -6:11pm

**Amendment to the Sherburne County Zoning Ordinance:** Amend Section 17 General Development Regulations, Subdivision 2 Parking and Loading Regulations, proposal to establish Permitted Parking Areas for Residential Platted Lots.

Marc Schneider, Senior Planner presented the request to the Planning Commission including the board packet, attachments, comments and a presentation which is included and begins on **Page 19 of the minutes.**

#### **PLANNING COMMISSION PACKET ATTACHMENTS:**

A. Draft Ordinance

#### **BIG LAKE TOWNSHIP COMMENTS: (July 28, 2021)**

12.A. Clearer definition of "improved parking surface" is needed.

\*\*\*Note: Section 5 of the zoning ordinances defines impervious surfaces, but does not define improved parking areas.

12.C. Restrictive to impervious surface in 12C. and is unnecessary.

12.D. & 12E. Board feels these lines can be removed.

12.D. If language remains, % of legal lot size allowed as improved parking area, needs to be re-evaluated. On a 2.5 acre lot, 1% would equate to approximately 1100 sq ft.

12E. Contradicts & is restrictive to 12C. (impervious surface) and is unnecessary.

#### **LIVONIA TOWNSHIP COMMENTS: (August 9, 2021)**

The Board asked me to send their comments about the proposed Parking Ordinance changes.

The changes or clarifications they would like to see include:

- The ordinance should be less restrictive for the residents who are not the "problem"
- The ordinance should give County Zoning the ability to enforce parking violations for those who are repeatedly violating the ordinance
- The County Attorney should be more involved in aiding enforcement of Ordinance violations
- The defined parking areas should be expanded to allow for family vehicles to be parked, including families with multiple drivers, without violating the ordinance.
- Fencing or screening of parked vehicles was not addressed – will this be allowed or encouraged?
- Some properties are very small, such as the various lake properties or cluster development properties, and the small percentage of parking allowed in the suggested ordinance may not be large enough to be practical.

- Also, I want to add, our office gets quite a few complaints about people parking their RV, boat, etc. on the property line so the adjoining property owner can see it but the owner can't. The adjoining property owners get quite annoyed by this.

**STAFF COMMENTS:**

1. This is the second public hearing related to this proposed amendment the first public hearing was held on June 17, 2021 and following that public hearing the Planning Advisory Commission Recommended approval of the proposed amendment and to establish a limit on the amount of improved parking area on any platted lot to 1% of the lot size.
2. After a considerable amount of discussion and feedback on this amendment the County Board of Commissioners has directed staff to present the modifications to this ordinance and hold a second public hearing with the Planning Advisory Commission so everyone can be clear on the amendment and have an opportunity to share their thoughts.
3. It should be noted that on July 15, 2021 the County Board did pass the following definitions to ensure consistency between the County's Zoning and Solid Waste Ordinances:
  - a. *Improved Parking Surface:* An area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones, crush gravel or other durable materials approved by the Zoning Administrator or delegated staff.
  - b. *Motor Vehicle:* Means every vehicle that is self-propelled including, but is not limited to, all-terrain vehicles, buses, motorcycles, passenger cars, recreational vehicles, semi-trucks, snowmobiles, boats and other watercraft, trucks, and vehicles used for racing or demolition derbies.
  - c. *Operable Motor Vehicle:* *Motor Vehicle:* must be able to start and drive forward and reverse on its own power and steer, have front and back license plates and current registration tabs, fully intact windshield, working headlights, taillights, and turn signals, and tires that are inflated according to motor vehicle's standards.
4. For years the Planning and Zoning Department has relied on the County's Solid Waste Ordinance to enforce unlicensed vehicles on residential properties, which does not deal with the location or the number of vehicles stored on a property. Complaints related to exterior storage of vehicles is one of the most common complaints filed to the Planning and Zoning Department and accounts for a significant amount of staff time.
5. Since 2019, the Planning and Zoning Department has responded to over 250 solid waste complaints. Junk vehicles is one of the most common complaints received and requires more staff time to resolve than other solid waste complaints. This is due mostly to the need to verify tabs and whether a vehicle is operable.
6. Issues connected to exterior storage junk of vehicles includes:
  - a. Repeat offenders.
  - b. Visual impacts on neighborhoods
  - c. Possible impacts neighboring property values
  - d. Environmental impacts

- e. Demand on County resources
- 7. Current regulations in the Solid Waste Ordinance restricts property owners to no more than two unlicensed or inoperable vehicles. This solid waste ordinance is not a land use ordinance and does not restrict the number of licensed and operable vehicles. It is not uncommon for a landowner to license dozens of motor vehicles to comply with this regulation. Staff feels it is appropriate that the Zoning Ordinance establishes performance standards for the exterior storage of motor vehicles in residential subdivisions.
- 8. Staff is focusing on establishing reasonable limits that can be applied for outdoor parking areas within residentially platted subdivision. This draft ordinance would not apply to unplatted lots or commercial or industrial parcels.
- 9. To address the issue of excessive vehicle storage on residential properties. Staff feels a practical approach is to create a reasonable regulation that requires motor vehicles be stored on an improved surface and place limits on the amount of parking area related to the lot size.
- 10. Staff is seeking feedback and guidance from this public hearing to help shape this ordinance.
- 11. Specifically, we are seeking feedback from the Planning Advisory Commission to determine if the proposed language added by staff in the draft ordinance is practical. Below you will find the language of the draft amendment on parking regulations. The yellow highlight is the recommendation from the Planning Advisory Commission and the green highlights are staff's recommendations based on feedback we heard at the public hearing.

## **DRAFT ORDINANCE**

### **Section 17 – General Development Regulations, Subdivision 2: Parking and Loading Regulations,**

- 12. Permitted Parking Areas for Residential Platted Lots.
  - A. The provisions of this Subdivision do not apply to temporary parking of motor vehicles by visitors or guest not to exceed 30-days.
  - B. On residential platted lots, all motor vehicles including motor vehicles stored on trailers, but not limited to, cars, trucks, buses, recreational vehicles, all-terrain vehicles, motorcycles, snowmobiles, boats and other watercraft, must be stored and/or parked on a delineated improved parking surface at all times.
  - C. All improved parking areas shall comply with the side and rear setbacks within the applicable zoning district.
  - D. The lot area covered by impervious surface must not exceed the maximum allowed within the applicable zoning district.
  - E. Maximum contiguous parking area on platted lots exclusive of driveways shall not exceed 1 percent of the legal lot size.
  - F. The use of a second driveway or a driveway to an accessory building to store motor vehicles is prohibited.

ITEMS FOR DISCUSSION:

- 12. A. Staff is looking to address concerns raised by the public related to temporary parking. This ordinance is not looking to limit or prohibit temporary parking by visitors or guest.
- 12. B. To clarify the scope of vehicles affected by this ordinance staff added, motor vehicles stored on trailers, as that use can cause the same issues outlined in staff comment #6.
- 12. C. Staff feels an appropriate addition to the ordinance is to establish setback where improved parking areas should be permitted.

*\*\*\*Continued items for discussion are on the following pages:*

12. E. Staff feels it is important to add the word, contiguous to this sentence to eliminate the scattering of improved parking areas on a lot. An example is provided below.

Improved Parking Area not required to be contiguous:



Improved Parking Area required to be contiguous:



12. F. The character of second driveways or driveways to accessory buildings on platted lots typically results in long driveways with lengths exceeding 100-150 feet from the road right of way. If a provision is not added to the ordinance limiting the parking on these driveways this ordinance will fail to address the visual impacts of excessive storage of vehicles. Staff realizes there are outstanding issues with this provision, and we are seeking to have a discussion and receive a recommendation if, 12. F should be kept or removed or if we should modify 12. E. to encompass standards for second/accessory driveways. Provided on the following pages are examples of the two options:

- Option 1. 12.E. Maximum contiguous parking area on platted lots exclusive of the primary driveway shall not exceed 1 percent of the legal lot size.
- ~~12. F. The use of a second driveway or a driveway to an accessory building to store motor vehicles prohibited.~~



- No restriction of parking on the primary driveway.
- In addition to the primary driveway, up to 1% of the lot can be used for parking.
- For the lot to the left, 1% of 2.51 acres would be 1,093 sq. ft. that could be used for parking.
- The areas that could be used for parking are outlined in red.





- The 1% of the lot size could be broken up between the secondary driveway and an additional improved parking area.
- In the example to the left, there is a 500 sq. ft. improved parking area in the back of the lot, and a 593 sq. ft. portion of the secondary driveway that could be used for parking of motor vehicles.

**Option 2.** 12.E. Maximum contiguous parking area on platted lots exclusive of driveway shall not exceed 1 percent of the legal lot size.  
12. F. The use of a second driveway or a driveway to an accessory building to store motor vehicles prohibited.



- Temporarily parking a vehicle in a driveway to an accessory structure would be allowed.
- Staff would need to define the difference between “parking” and “storing” a vehicle and would need to determine the time period for which a vehicle could be “parked” in front of an accessory building.
- In addition to the primary driveway, up to 1% of the lot size could be improved parking surface used to store vehicles

## **Planning Commission Discussion Followed:**

Lawrence asked if Schneider has the definition of improved surface that was approved at a previous meeting.

Schneider displayed the approved definitions for Improved Parking Surface, Motor Vehicle and Operable Motor Vehicles.

Demeules stated that in Palmer Township most of the platted lots are around the lake and the fear is that this would increase the impervious surface around the lake. The Lake Association and the Lake Improvement District and Palmer Township have worked hard to keep the impervious and run off issues down and Palmer Township is not condoning these changes.

Lawrence opened the Public Hearing, stating that this is a work in progress that was brought before the Planning Commission 2 months ago. This is an open process and the Planning Commission welcomes your comments. Most of the crowd has read about this in the newspaper or online, or a friend has told you about it. As this comes back for a second round, we are glad to have the public comments. The first time around we didn't have this much comment. Lawrence has a sign up list of individuals who would like to speak. When your name is called please come forward, comments will be held to 3 minutes.

Lawrence opened the Public Hearing.

Corbin Lozinski, 12386 Afton Ave NE, Monticello stated that his family resided in Sherburne County up until a few years ago when they moved to Wright County. He plans to move back to Sherburne County in a few years when he is done with school as he likes the area. The problem that he has with this Ordinance is that the government wants to decide how many cars or unregistered vehicles that he can have in his yard. He believes that this should be up to the Homeowners Association, it shouldn't be the Government. It was stated that 1% of the property could be used. It could state that you could use 100% with cars bursting at the seams but that only 2 could be unregistered. So, this means that someone has to pay for registration and if it's a car that someone has to pay insurance, update it at the DMV every year and all for a vehicle that is not operating on public roads.

Adams asked Lozinski if he would have objection living next to a cluttered photo as shown in the prior presentation.

Lozinski replied that his yard would probably look like that, but if he wasn't a car guy he wouldn't want to live next to that, but it has to be understood that it's their right as a property owning, tax paying American and they can do as they please with their property.

Gregg Felber, 25409 189<sup>th</sup> St NW, Big Lake stated that he is opposed to the Ordinance. His primary opposition to this is that it constitutes as a taking away of the ability to use their property. If you moved out here when there was no Ordinance, with the objective of being able to use your own property for small business, keeping multiple vehicles or any other interest, this is taking that away. He is not affected by this; he is not here about him. His neighbors paid more than the asking price for their home so they could move somewhere with less regulation to have their large animals and have their business. Ordinances like this can result in devaluation of the property or can keep property values up, it depends how you look at it. If there is a specific local problem, it should be handled by the lowest level of government. If there is a problem in Livonia Township, they should handle it. If there is a problem in Orrock Township, then Orrock Township should handle it. As he brought up last time, he was in local law enforcement and these types of Ordinances can cause trouble for law enforcement. He was assured that Law Enforcement was never used to enforce Zoning Ordinance up to this time, but there will come a time when somebody has a hard no. An officer will need to go out to enforce this Ordinance and that property owner will be angry because you are interfering with their right to use their property.

Lawrence replied that the lowest local government for most Townships in Sherburne County, is the County as they are the Administrators of the Ordinances and Enforcement for Zoning for the townships. The townships will defer to the County.

Jerrold Dahl, 16175 231<sup>st</sup> Ave NW, Big Lake, he lives about a block and a half into Orrock and it was his understanding that there is a limit to 2 vehicles that could be parked outside and they have 4, the oldest one that he has is a 2018. This seems ridiculous to be limited to 2 vehicles. Is this part of this?

Lawrence stated that it's not limited to the number of vehicles that an individual can have, but the type of surface and the amount of that surface that can be used for parking outside. In a roundabout way this may be limiting the number of vehicles that you have, but it is not limiting the number of vehicles per say. If they are parked inside a storage building, this does not apply. In addition, if you have screening, this does not help. The issue is that they need to be parked on an improved surface. Dahl asked if this means that you can't leave a snowmobile on your front yard?

Lawrence replied that this is correct, you cannot have a snowmobile on your front yard if it's not improved. This is the way that this is written.

Dahl stated that this seems ludicrous, if you come back from snowmobiling, you run in the house and then put it away the next day.

Schneider replied that this provision does talk about temporarily parking vehicles. We are not looking at the situation when you park your snowmobile in front of the house. This is talking about the improved surfaces where vehicles are stored for a duration of periods.

Mike Sullivan, 22532 172<sup>nd</sup> St NW, Big Lake asked Schneider to explain what he means by temporary. He has a son coming from Arizona and he is going to bring a vehicle. He is going to stay until November. Is this temporary?

Schneider stated that the provision talks about 30 days, if you have a guest come over and park on an unimproved surface, it's 30 days.

Lawrence asked Schneider if this is new to the Ordinance or if it has been in the Ordinance?

Schneider replied that this is new, something like this was added to the Zoning Ordinance previously for Recreational Vehicles.

Adams asked how many vehicles can be parked on a 2.5 acre lot with the 1%?

Schneider stated that using the proposed Ordinance, this would be about 1100 sq ft and 6 vehicles.

Sullivan continued by saying that they live with the television tower in their backyard so there is not one that is going to be back there for a long time. His picture was not on the screen, which amazes him. He's got a lot of vehicles, he's got a 1970 Vet, a 1951 Willies, a 1950 Jeepster; He wants to know where is he supposed to park his parts cars? On his driveway? If they are behind the pole barn, no one will see them, if they are on the driveway, everyone will see them, is that what this board wants? He has never had a complaint from a neighbor and he is on platted land. He wants to know; does he need to move this back to his driveway? He has 2 driveways and has enough room to put these on his driveway, is that what this board wants?

Lawrence stated, No, and according to the Ordinance, parts vehicles are not currently allowed in your backyard.

Schneider stated that the current Ordinance allows for up to 2 inoperable vehicles and after that, this is a violation of the Ordinance.

Lawrence stated that the intent is not to find your location. The Ordinance for years has allowed up to 2 inoperable vehicles.

Sullivan asked why it said in the paper that we will fly a drone over your house to see how many inoperable vehicles you have in your backyard?

Lawrence said that he did not write the article, this is an advisory board, all from different townships that is here to hear the concerns of residents as we go through this process. Lawrence doesn't know if this came from staff and was said in an interview, but he would like to defer to Lynn Waytashek.

Waytashek stated that the Zoning office does not have a drone and has never owned a drone. This comment was made in the paper, but not by anyone with the County.

Sullivan stated that he apologizes and that this should be removed from the paper. This annoys him as this invades his privacy with the drone. He doesn't know what we are doing with the drone or whose drone it is, but if it happens to fly above his property and he happens to be outside with a shotgun, we may need a new drone.

Matthew Benson, 14724 301<sup>st</sup> Ave, Princeton. He stated that we all know him and will see many pictures of his home on the screen. He asked Waytashek if the county would hire an independent company to use a drone?

Waytashek replied that Zoning has never hired anyone to use a drone.

Lawrence clarified that this isn't to say that the county hasn't, but the Zoning Department hasn't.

Schneider explained that aerial photos have been taken since 1930 to assist in issuing permits, addressing issues and looking at environmental things. These aerial photos are from planes flying over and taking images. We also use Pictometry that takes it from multiple angles.

Benson asked Schneider to show the photo of his property and stated that this is from a drone. He then stated that he has stuff and his property doesn't look anything like the photos shown and the dates are wrong. There is a privacy fence that they have built, they have moved stuff, they try to keep it in a corner. Over the years, no one has come to them and said, this is what we don't like. The unintended consequence of this Ordinance is going to lead to this looking like tent city down in Minneapolis, black tent after black tent, quonset, blue tarps, this will look terrible and property values will drop. He has talked with his neighbors and he doesn't know who keeps calling, as far as he knows, all of his neighbors are fine. He's offered to build the fence and they said, you don't need to build a fence. He still built the fence. He has no way to

comply more. If he builds a gravel lot, he is not going to be able to get his trailer in the privacy fence so he will need to build this up in the front or the back so he can access it from different directions. So now, all of his stuff from behind the privacy fence is going to be way out back where his one neighbor doesn't like it and then he calls. There is a Zoning Ordinance that can't be enforced, it was said at the last meeting that you get too many complaints. This will allow every person who gets angry and wants a vendetta to call and call. But instead of the Zoning Ordinance, you're going to deal with this new Ordinance. There is a snowmobile in the front yard. He can tell us this, if he gets a call about a snowmobile in his front yard and he gets harassed, what's not to say that he won't just do this for fun. This will happen, he may not personally do this, but it will happen.

Dennis Wiltsey, 17380 US Highway 10 NW, Big Lake came forward to the podium. He asked what types of improvements he will need to make on his land to keep a vehicle that is unregistered. Will this be something that he will be taxed for? He stated that Sherburne County is crooked and is awful about how they do things. This is just another way for Sherburne County to get more money out of everyone. This needs to stop.

Lawrence confirmed that Wiltsey was asking about inoperable vehicles and that the Ordinance currently states that you can have 2.

Wiltsey asked what is considered inoperable? If he doesn't license it, is it inoperable?

Lawrence replied, Yes.

Wiltsey asked why? He doesn't license his plow truck because he doesn't take it out on the road. It still works. How is that inoperable? Why should he have to pay taxes for something that he doesn't have to bring out on the road?

Schneider stated that he can have 2 inoperable vehicles.

Wiltsey said, he doesn't care. Sherburne County is robbing people again. He's already been robbed by Sherburne County and he's irritated. Sherburne County stole his land and now is trying to make rules and regulations on anything he has left and that this ticks him off. Sherburne County can pass whatever bill that they want but he isn't going to follow anything.

Paul Fanberg, 15396 196<sup>th</sup> Ave NW, Elk River, sees this as a solution to a problem that isn't there. This really takes central planning to higher up, someone wants to push to get everything perfect. This is our land. If we would have taken an Oath of Constitution at this meeting-which should have been done, the fourth amendment says undo taking of property, reasonable taking. It's devaluing his property. He can use 100% of his property which is a pretty good thing,

now he can use 1%. He's never had a neighbor come to him and complain. Yes, his yard is messy and no he didn't make the top 10 shown on the screen. He was wondering why. Right now, he is somewhat under compliance, but they still didn't pass him. If he can put up an 1800 sq ft pole building, it would solve a lot of problems, but not everybody can afford that. He was in the process of putting up an 1800 sq ft pole building and putting an addition on his house last year and he couldn't get a building permit until he cleaned his yard. He was going to increase his property by another \$100,000 but he is not spending one more dime except to make it sellable. He has been here 60 years and if this passes he and his wife are gone. It's a cure for a problem that isn't there. The fourth amendment says undo, reasonable taking, what does that mean? The Supreme Court has ruled 3 times in this last term that homeowners have rights. Two of them, were that Amish don't have to put in sewer tanks, and if they don't have to, then we don't, and that was in the ruling under religious exemption. He has the same God that they do. A farmer isn't forced to allow someone to come on his land and try to unionize his employees. If you can't talk to someone and that is illegal, how can you take my land and devalue it so that only pristine people want to live there. It's time to quit this nonsense. Part of the solution is why can't we put it behind a fence or if he has room to build about (4) 1800 sq ft pole buildings, but when he bought his property there was no limit to what size he could build. If he can build an 1800 sq ft building, why can't he build as many pole buildings as parking spots. Just because his neighbor has money to build 2 huge pole buildings, he is more advantaged than Fanberg. This is not right. This is a poor tax. Have you priced the pad? Is it \$1500, \$2000, \$3000 to put this pad in when we don't know what it really means? I hope you vote this down; I hope you vote back in freedom. If he understands what the paper is saying, there were 200 complaints in 3 years, this is 66 complaints and we have 800 signatures on the petition. So, 800 people are fed up with this with 66 complaints which are probably yearly complaints. Somebody wants to sell their property so make the neighbor clean their yard so they get more for their land. I bought the property with the same mess that was there, but if I can get them to clean it up then I make money. This stinks.

Laura Nord, 28386 149<sup>th</sup> St NW, Zimmerman. She came here tonight with clear thoughts and would like to piggyback off of many of her neighbors. She and her husband moved their family from Bloomington after being ticketed for having their own dog, tied in their own front yard and having a malamute husky from the neighbor break loose and maul their dog. They left the city and they moved here. They adore their neighbors; they adore that their children can ride their snowmobiles out of their yards and she loves the fact that her neighbor is a truck driver and parks his truck in the yard because he is earning a living. She counted in a 1 mile block on her way home tonight, how many houses that this would affect. This impacts about 75% of her neighborhood. Talk about a financial commitment to individuals to have to put down gravel or



concrete or something to park their things on when people are looking for work and have been out of work with Covid restrictions and now we are having more restrictions. It's a blow to them and their homes and their property. She believes that tinkering with cars and having them on their property was a great hobby for her kids. This has kept her boys at home. She knew where they were, they weren't out gallivanting around and causing trouble. She encourages the Board to highly look at these restrictions, look at the people in the area and take this on a case by case basis instead of out on those who will follow the rules. Address the people who have leaking fluids that need this addressed. Address the people who have so many dead vehicles that now it's a hindrance and a liability. Don't take their ATVs, Snowmobiles and 59 Chevy's away just because they want to tinker, because they are staying home.

Steve Fuchs, 22216 185<sup>th</sup> St NW, Big Lake. He stated that he is the minority. He supports this Ordinance, somewhat following the previous speaker that we need to find a reasonable standard in which properties are maintained and cared for and that's the challenge that we have here. He has neighbors who park snowmobiles next to their garage and neighbors who park travel trailers next to their garage. He doesn't have an issue with this, but he agrees that this should be a 1 to 1 basis and Zoning needs a resource to address these cases. It's his understanding that the Solid Waste Ordinance doesn't have that authority to it to address the junk on people's properties. He thinks that this Ordinance is about the most reasonable that we can have to address this issue. He does support it with a caveat; let's not harm those that have a snowmobile or an ATV or lawnmower in their yard but let's address those that are excessive.

Vandereyk asked staff, several years ago, the County cleaned up a parcel on MN 24 and CSAH 8, there were quite a few neighborhood complaints and vehicles around. It was unsightly on these 2 well-traveled roads. What mechanism did the County use to do this clean up?

Dave Lucas stated that they exceeded the Ordinance, they had more than 2 unlicensed and inoperable vehicles, they had several, they had other solid waste items so we went through the Court system to Abate the property and assess it against the property tax. This was strictly under the Solid Waste Ordinance with the excess of 2 unlicensed and/or inoperable vehicles.

Lawrence asked Lucas, according to Steve Fuchs, there is not enough teeth in the Solid Waste Ordinance to address on a case by case basis. As the head of the department, do you have enough tools in the Solid Waste Ordinance?

Lucas said that is where the solid waste Ordinance fails, when you can license and demonstrate that you can operate the vehicles, snowmobiles, etc. This isn't all properties, it's the extreme properties, and these are the ones that give us the most challenges, when you have someone who has 25-30 vehicles and who tabs them all and demonstrates that they are operable but

they are scattered around a 2.5 acre lot. From the neighbor's perspective, the vehicles are still there and the problem is still there and it's still bringing down the value on their property. Lucas and Schneider had worked on reasonable language for the parking Ordinance. If you want to have these vehicles, then designate where these will be parked with the 1%, which would reduce the amount that you could reasonably have on a property. The Solid Waste Ordinance will still deal with inoperable and unlicensed vehicles, the leaking vehicles, those that are used to store trash, trailers and such and the Zoning Ordinance will pick up where the Solid Waste leaves off. Then you have a mechanism that reduces the number of vehicles and places them to a delineated area so there is a reasonable standard in the platted areas of the county.

Patrick Blair, 14024 294<sup>th</sup> Ave NW, Princeton. He agrees with many here, especially those that talked about keeping the kids at home and giving them something to do. His kids weren't allowed to bring a four-wheeler home unless it was broke, they had to repair it, they had to build it, they had to know what to do. He got his youngest son a Camaro and got a ticket in Princeton because he and his son went wheeling up in milk cartons, no seat belts, nothing and found out that the city of Princeton doesn't appreciate that. It kept him home, kept him out of drugs, out of trouble. Between Blair and his son, they have 13 vehicles and all but 3 are licensed as they are under construction. He was ticketed in June because of a Chassis-this is a 4 ton chassis which he mounted a 46 Chevy to, as a vehicle. He had to remove it to be in compliance. It wasn't licensed, it wasn't a vehicle, it was a chassis with wheels. Then we say that he can only have 1%, why the 1%? How many people actually mow all 2.5 acres of their land. He does! There are quite a few that stop, but you're telling him that he can only have 1% Why? He should be able to do this with 1.5 acres if he wanted to. What he does understand that a lot of people don't is the plume. The MPCA ramifications of what they call a plume from contamination. This is when it starts in a small spot and goes down into a large spot, filtering into your water resources, this is one reason why the impervious area is needed. Sand is very receptive to making a larger plume of chemicals or hazardous waste. There were 200 complaints in 3 years, this is less than .9% of Sherburne County residents that are complaining. According to Blair, you have (4) different kinds of people; the neighborhood beautification person and he wants to see every house the same, then you've got the next guy, he collects cars, he's got them organized, things are out of the way, it's trimmed around them, and you respect the neighbors. You've got the next guy who is a junk collector, he thinks that was a good car, I'm going to park it in the weeds and get another one, then you have the person who neglects their property and doesn't care about his neighbors and this needs to be addressed. He understands that. He comes from a hotrod neighborhood and every one of them have a car. This is just saying to our neighbors that we don't want you here, move out. Then you come up to the 1800 sq foot building. You took one of them away already. Why aren't we allowed to

put up a building of our size? A 3600 sq ft building is less than 10% of buildings that are erected in Sherburne County. A 5600 sq ft building is less than 1% yet that's (3) 1800 sq ft buildings. But you won't let us have 1? Why? This 1800 sq ft, and 1800 sq ft, it's ludicrous. Let us have 1 building or a total of 5600 sq ft. These little changes make us ask why. He understands that people are moving up here and they want cheaper housing and they don't like what they're getting. It's like those that bought a cheap house by the airport. They bought the cheap house and now they are complaining about the jet flying above their house. There is a reason why it was cheap. He's frustrated. He wants to know where this is going. You're pushing people out for those 66 complaints and are these complaints the same person yearly? If it's the same person making the 10 complaints, now it's 56.

Laura Swenson, 30264 145<sup>th</sup> St NW, Princeton. When she drives home and looks around her neighborhood, this Ordinance would impact a majority of her neighbors. She thinks if you have such an issue with it, plant some trees. Create some privacy, but what happened to the freedom to do whatever you want on your own property. She wants her yard to be beautiful, but she is not bothered by the stuff that she sees when she drives home. Even if you park it on gravel, it's not going to make it look that much better. No offense, but you have a yard full of things that are not vehicles and it's still junk. People should have the freedom to do what they want on their own property.

Cory Pearson, 12990 7<sup>th</sup> Ave Circle, Zimmerman. We talk about 2.5 acre lots and that gives you room for 16 vehicles. She doesn't care if you have 100. She lives in a neighborhood with .25 acre lots, she has one neighbor who has a big old mess. Another neighbor has 5 licensed drivers and a teenager about to get a license. They park their vehicles neatly and it looks tidy. She doesn't care. She offered to help the guy with the mess by helping him plant some bushes around the border and it looks great. He can have his mess there. If it was leaking, then the County does have the teeth to deal with that. It is covered. You have what you need to deal with the one off issues. She has another neighbor who is 10 of the 66 complainers. She knows, she hears and she sees the police cars come out. She can't see the mess, but she knows that it's there so she is going to complain. Deal with this on a 1 on 1 basis, when there is an extreme problem. You were able to clean up a property when it needed to be done. So, you did what you needed to do. The rest of this is overstepping. Paul has an excellent point; we all need to be able to do what we want to do. Over the years, we have had cars that our kids worked on and they learned to be excellent mechanics. They learned a lot of life skills. It didn't hurt anyone. It didn't hurt the soil; it didn't contaminate anything. Would it have fallen out of the boundaries? Absolutely. It is so unnecessary and a waste of everybody's time and resources and her money. Their little .25 acre lots, they are not going to let us put up a building that we need. We can't even put in a pad. She would need to do some serious landscaping and remove

trees to get around her house to create a spot that would fit because of the cul-de-sac and the shape of the lots.

Jamie Munter 27615, 146<sup>th</sup> St NW, Zimmerman, Orrock Township. He pointed to the Board and said that he wants you to vote no on this. He doesn't know if this applies to him, is this just 2.5 acres and under for platted lots?

Lawrence stated that it applies to all platted lots.

Munter stated that this will put neighbors against neighbors. You think you have phone calls now; you will have thousands of complaints. You're overstepping your bounds. If someone is in compliance, then the county needs to tell the whiner that they are in compliance. If you don't like it, leave. He had a neighbor who called the cops on him because he made noise during the day. He called Orrock Township back then and there was no Ordinance for noise. No Ordinance for pigs, sheep, goats. The cop came out and asked him if he wanted to turn down his radio and he said no. You go to my neighbor and tell them that I can have pigs, sheep, goats and I can run a tractor 24/7 and he's down wind. The complaints went on and on and the cops came and came. Finally, a cop came to me and I said no, the cop said, don't get mad at me, I'm only doing my job. You're doing nothing wrong. We have chronic complainers and they need to be dealt with. That is what you need to do. We vote for you to do this (addressing the Board). We pay your salaries. These are our tax paying dollars. Not yours!

Frank Rothanburg, 14025 294<sup>th</sup> Ave NW, Princeton, Baldwin Township. We have another 200 signatures to go along with the other 800. Not only this, but sitting here listening tonight, it's sickening. You know what this reminded him of? 11-12 years ago, when he moved up here, he had a sheriff come to his house and threaten to throw him in jail because his 5 year old was riding in my back field. He was riding his 90 cc 4-wheeler and left the track. That was grounds for a gross misdemeanor, a \$1000 fine and 90 days in jail. He has 13 hotrods, when he built his first building on his property, he was told that he can have as many as he wants as long as he meets setbacks. He has 2 now and can't get anymore. He has boats, trailers, everything else sitting on his property between the 2 buildings and it's all fenced in. Come to his house, try and taking something and he'll tell you the same thing that he told the cop. "Over my dead body will you take a thing just like you're going to take me to jail for my 5 year old riding a 4-wheeler. This Ordinance is asinine."

Anne Felber, 25409 189<sup>th</sup> St NW, Big Lake, Orrock Township came forward and asked for clarification with a 2.5 acre lot, this would be approximately 1000 sq ft?

Schneider replied that this is about 1100 sq ft.

Felber continued, and how many vehicles did you say would be on that?

Schneider replied, that with a 9 x 18 spot, this would be about 6.

Felber, added, and then the driveway and there is no limit to the number that I can put on my driveway?

Schneider stated that the driveway is excluded.

Felber continued, so if this was a 5 acre lot, then it's 12 vehicles?

Schneider agreed.

Felber went on to say that Lucas stated that he had gone on to a property and they were all tabbed, and licensed and operable and he couldn't do anything with them. Correct?

Lucas agreed.

Felber then stated that it's her understanding that this doesn't have to be contiguous, she can have all of these in various spots all over her property, is this correct?

Schneider replied that this is one of the items up for discussion with the Planning Commission.

She stated, this will not solve the problem as long as everybody buys some tabs and puts some dirt or wood chips down. So now, you have 12 vehicles on your 5 acre property that are spread out all over the place-what have we accomplished? We are in the exact same place. People complaining that I have 12 vehicles on the property. All you got was my tab money. I'm not really sure where this is going.

Jeff Jones 18646 224<sup>th</sup> Ave NW, Big Lake Township. He understands both sides of this but when he drives home every day on County Road 43 past the Fire Station and he looks at all of the stuff that is behind a utility building, which is his understanding, is a city Property, why aren't we doing anything with that? There is a whole block of car parts and trucks and trailers and it's on city property.

Lawrence replied that this is an easy answer; Sherburne County doesn't deal with cities. If you live in the City of Zimmerman, this doesn't affect you. If you live in the City of Elk River, this doesn't affect you at all. This only affects you if you are in a township in Sherburne County.

Dolan added, less Becker.

Lawrence added, the cities do their own Zoning.

Sarah Nelson, 14555 307<sup>th</sup> Ave NW, Princeton came forward. Nelson stated that her property is one that has put up on the screen, and it's not even accurate anymore. They have since built a 30 x 60 pole barn. They have done a lot of landscaping to their yard. She is a nurse and the main income for her family and she is losing her job on November 1<sup>st</sup> because she refused the Vaccine. So now, She needs to try to rely on her husband and kids to try to make some money with all of these cars. She has a daughter who is serving her Country right now and she prays that she stays on US soil. "Don't we have bigger fish to fry here? We are not doing anything wrong, just leave us alone."

Paul Fanberg returned to the podium, he has 2 points, he stated that WWII was won with all of the junk in the backyard. When they asked for all of steel to start building stuff, WWII was won by all of our junk. Secondly, has anyone been to the law library and looked up the definition of Solid Waste? He read, "Solid Waste means junk, refuse, sludge." It doesn't say cars. You wouldn't even win in court on that argument. He had somebody knocking on his door last Monday, from Solid Waste and he asked them if they had looked at the definition of Solid Waste? He's in compliance. Somewhere they probably have paperwork filled out for him. He'll go to Court. He'll go to the Supreme Court. He thinks we have a class action law suit for the taking clause, "You're taking this stuff from us and it's time to take back our Government."

Jeffrey Dozert, 18965 Engelwood Drive, Big Lake, came forward and he asked if the pictures shown are in compliance?

Schneider stated that they may be, but in these photos he guesses that they are not in Compliance.

Dozert asked if these are not complying with what is already there, then why are we trying to change what is currently there?

Schneider stated the current Ordinance states up to 2 unlicensed and inoperable vehicles. So, someone could go and license all of those vehicles, make sure that they are operable and then they are compliant. So, the properties may be compliant with the current Ordinance, under the new Ordinance, they would not be.

Dozert added that the pictures should be showing what we are trying to accomplish. Why are we looking at these? Why are we not looking at a property that have (4) 4-wheelers next to the garage and a boat?

Lawrence added that these pictures are being looked at because this is what the calls are on and the complaints that have come in, even though these are in compliance. As directed by County Board, staff has been asked to look at how to alleviate the complaints.

Dozert replied that this is going to affect people that aren't like this.

Frank Rothanburg asked who this is hurting?

Lawrence replied that we are not here to judge that.

Dozert added that we have 3 kids at the house, we all ride wheelers, we have a boat, other toys. We've got stuff and it's all nice and neat but we still have to change what we have. Do I need a permit to put down class 5?

Schneider replied, No.

Dozert added that he knows that there is a permit for a driveway.

Lawrence corrected Dozert, saying there is a driveway permit for accessing the roadway.

Dozert said, if we get rid of the 4-wheelers, the kids are going to have to find something else to do.

Adams asked Dozert how he would approach this issue, knowing that we have the Solid Waste Ordinance now?

Dozert replied, if they are in compliance, it's none of your business.

Corbin Lozinski again came forward and asked how many signatures were gathered?

Lawrence replied that he was told there are 800 plus 200 signatures.

Lozinski asked how many properties this will impact; how many will say no and how this will overwhelm the county resources. He stated that Lucas has mentioned that even if the cars are operable and licensed that they should be removed, so where is this going? Is this eventually turning into only 2 cars per family or 2 cars per lot?

Lawrence stated that Sherburne County has Ordinances and everything is done by Ordinance, building permits, etc. Some of you have mentioned, that you have done this and that tonight, and you may be out of compliance with the Ordinance that exists today. A great study is to read that Ordinance and see what it says. This is what we are discussing tonight-the possibility of changing this Ordinance. All Ordinances have been established by this public hearing process, so whether this moves on or whether it doesn't move on, it's a part of the process. Lawrence appreciates the testimony and comments that have come forward tonight as it brings more open dialogue. There is value to this. With that said, there are Ordinances on the books that are not necessarily being paid a lot of attention to and don't affect a lot of people in our county,

but this one, if it passes and is enforced, will have serious repercussions. And any Ordinance has the potential of being enforced.

Lozinski then said that he wants to state that he has not been a big car guy and until a couple of years ago just sat inside and didn't do a whole lot. This hobby has given him the drive to want to succeed.

Clinton Meyer, 536 196<sup>th</sup> Drive NW, Elk River, came forward and he has been listening to what is being said. Why can't we be encouraging people to clean up their yards by letting them have a building and not taxing them to death. Or let them put up a fence around the building. He put in a pole building a few years ago, He's back off of the road where no one can see him. Sometimes he wishes that he wouldn't have put up the building because his taxes are higher. It's cost him more than he ever thought that it would. The taxes in Sherburne County have gone up so much and he gets so little for it. Rather than mandate, we should be encouraging. If you have kids, do you mandate them to do something or encourage them to do something?

Matt Benson asked if there is a current Ordinance with some holes in it, why can't that just be revisited? Why this county decided on such a broad sweeping approach to this?

Lawrence said that this is a good point and they overlap an awful lot which is why you see this proposal before you-they work together.

Benson continued, if there is so much overlap, wouldn't it just be easier to amend the existing one?

Lawrence stated that a percentage of individuals see these types of sites as an issue and a percentage do not. This was brought to staff to identify a way that staff can deal with it. It's not that this is a solid waste violation, it's that it's a nuisance so someone, to the 66 complaints that come in, staff is directed to do something about this and this is what came out of those discussions.

Benson asked about the prior meeting, it was brought up that you were looking to adopt a similar Ordinance as what other counties are doing. When he contacted these other Counties, none of them have an Ordinance that is such broad sweeping as this one. This would be groundbreaking in County Ordinances. The largest limitation that he saw was 2 cars per licensed driver in the household and these could be parked anywhere on the property as long as they were registered. Every county response to him, was that this is a city or township issue. Why did Sherburne County decide to take such as broad sweeping approach?



Schneider replied that the previous meeting provided context on what other Counties were doing and we do not match all of the other Counties. The current Ordinance is similar to other Counties. These changes are an attempt to strengthen the current Ordinance. This is out in the Public to host the Public Hearing and have this conversation. Sherburne County is not like a lot of other counties, we have a lot of platting and land development. The east side of the County has that residential feel and has some city characteristics, with the exception that the lots are bigger. We are trying to define an Ordinance that can hit that middle ground.

Benson replied that he has watched the tape many times and that's not how the lady explains it. She says that this is a common Ordinance and here is a list of people that we are following suite to and it seems very misleading.

Jamie Munter returned to the podium. He stated that when he reads the Ordinance it's like it was written to take on people that are in compliance. Why is that? If they are in compliance, then leave them alone. They bring up these cars leaking into the environment and he must have 20 cars. He's never seen anything leaking into the environment. The pavement in the driveway leaks more into the environment. You can't use that as an excuse. He's a big car guy, He probably has 20, He hasn't counted. Most of his stuff is inside. "This is ridiculous and our officials need to vote No on this for sure."

Michael Hager, 13141 8<sup>th</sup> Ave NW, Zimmerman, most of us moved out to get away from the city life. He has been in the country his whole life and likes it. If the people don't like it, move back to the cities. Don't come and try to change what we have. It's not for them to come and try to change what we have. It's for them to come and assimilate. They have to come and abide by our rules and regulations. He was city council in St Francis and remembers when he came to Zimmerman for the first time. They started taking the road that you are trying to do and it's just wrong in so many ways. People are building fences around their house because neighbors are complaining about them. Go away. Put your own fence up. Put your own bushes up. We have a snowmobile trailer that we don't use in the summertime. We put it behind the house, it's clean, neat and orderly. Other people do the same thing and then comes wintertime; the boat sits there. We don't need it, we don't want it, put it in the round file where it belongs.

Lawrence stated that when the Public Hearing is closed, written records are still welcome to the Zoning Office until the County Board takes action. Someone has a petition and Lawrence has received that. This has been forwarded to staff. This and the comments that have been emailed are a part of the record.

Schneider added that any new information, we will take for the record.

Nelson moved to close the public hearing, Aubol seconded.

Lawrence thanked the public for participating tonight and reiterated that this board is a recommending body to the County Board. We have a decision to make, we can recommend that the Board hear this as is, we can table it and hold on or staff can look at it and re-discuss it. Lawrence stated that he has visited with the County Attorney and this Board has the ability to table it, granted we want staff to work on some things. We have the ability to vote it down. We have the ability to put it on hold and see if staff, based on testimony from tonight, make changes.

Aubol stated that the Big Lake Board feels that the 1% could be viewed as restrictive, looking at a 2.5 acre lot. They wondered if it should be set at 1.5-2%, they did not come to a conclusion but this was a concern that was discussed. With 6 additional vehicles, this is a matter of placement, lot setbacks, these things all matter. We asked for clarification in some terms and we got those. These are now clear to members of the Big Lake Board.

Adams asked if it would be worthwhile to revisit the Solid Waste Ordinance and see if we can tweak that language to accomplish what we are trying to accomplish without being so onerous.

Lucas replied that the Solid Waste Ordinance defines vehicles that are inoperable and/or unlicensed and parts of vehicles as Solid Waste. That section that deals with junk vehicles, says that any vehicle that is inoperable and/or unlicensed is solid waste so once that vehicle is tabbed and deemed operable, then it is no longer solid waste. This is why solid waste cannot deal with this issue. If you have a 2.5 acre lot and they have 13/14 cars that are tabbed and operable parked all over the place, the solid waste Ordinance cannot deal with it. There is not tweaking that can be done to address those types of properties. This is a land use process.

Adams asked if we are then better off doing this under the Zoning Ordinance rather than Solid Waste?

Lucas, stated, correct.

Adams asked if we could use some of the Solid Waste language, not make it so onerous, accomplish what we are trying to accomplish and give you folks enough ammunition to the care of the problem, but not have it burden everyone else.

Lucas stated that he and Schneider have gone back on forth on this and met with the Attorney's Office if the Planning Commission wants us to revisit this, they will do that, this is why we're here tonight, to get that public input.

Adams stated that we do have a legitimate conflict of values. One is property rights and the other is to not have someone else devalue your property. It's a matter of where we find that middle ground.

Lucas agreed, we are here to find that middle ground and that balance. We do not want to be overly onerous and we are not going to run out and look for problems. We are reactionary to problems that are in certain areas of the county and that's why we are here.

Commissioner Dolan stated that as a recommending body, the Planning Commission is leaned on by the Board and we regularly get applications for business use, solar fields, etc. and the Planning Commission passes what they feel is best for the property and surrounding properties. You limit the number of vehicles in a contractor's yard, you limit the type of fence you want around a solar field, etc. County Board relies on the Planning Commission to be the voice of the greater community and this was sent back to the Planning Commission to incorporate these comments the best that we could so that we could move forward. Dolan appreciates the township comments that came in and appreciates any clarity that the Planning Commission can lend. He wants people to know that this is a part of the process, a starting point to address issues that have been brought to us by people who may or may not be in this room. It's a balance of the general public and we appreciate these comments. Anything that we can give the County Board along with staff is appreciated.

Nelson stated that he knows this is a big deal for the staff because they have to deal with the public and he is inclined to believe that we should be able to take care of these problem properties that doesn't affect the people that are not in violation. Nelson then made a motion that we do not adopt the Ordinance as proposed and send it back to the Zoning Office to come up with something that takes care of the problem that we are looking at. The motion is to deny this Ordinance as presented.

Demeules seconded, stating that he has an issue with the 30 day temporary parking, around the lakes, a boat trailer is sitting there for 3-4 months, then it's taken off the lift and sits with the boat for 3-4 months. He doesn't like the temporary item. His concern is that once it's on the books, then it can be enforced. This may assist with hardcore problems, but it's also hanging over a lot of good people's heads that have to worry about it coming down on them. Again, the impervious surface around the lakes, he doesn't want to see an Ordinance that will make this increase. He doesn't see how this would fit in with the Comprehensive Plan when it comes to water quality.

Lawrence stated that there is a motion and a second to deny what is proposed and to allow staff, if directed by County Board, to work on this in the future.

Aubol asked if Nelson if it would be proper to table this or to deny this?

Nelson said that he wants to deny this as written.

Aubol again asked, is this a denial or a table?

Lawrence replied, the motion is to deny. This gives the County Board direction on how we feel this is presented, to if it passes or not.

Dolan stated that the Board and the staff would benefit from a little more direction on how to make this better. He heard Big Lake say 1%, maybe it's changed to 1.5%, maybe it's 2%? He heard Palmer say impervious surface. Giving us things to work on. Saying just work on it, we could have this conversation 20 times without moving forward at all.

Lawrence added as a caveat, that as a Board, they were not given the directive to go do this. We didn't come to staff and say this is an issue, staff came and said that they were working on this. We are not saying to staff on how to necessarily improve it.

Dolan stated that he understands, and if the Board's wish is to not pursue this and see it fall flat on its face, then this is one thing, but if the want is to improve it, then we looking for specifics on what to improve.

Nelson stated that he doesn't know how they are going to do it, but they need to address the problem and the people not in violation shouldn't have to be doing all of these extras.

Adams asked if the interest is really the vehicles? Not so much the trailers, RVs and snowmobiles?

Lucas replied that it's all of it.

Spencer stated that it could be dealt with on a 1 on 1 basis, to take care of the violators that are not in compliance. There needs to be some tweaking, but could we first start with those that are not in compliance?

Adams replied that once people buy the tabs and the vehicles run, they are in compliance. They need more teeth.

Waytashek asked if the Board agrees on the contiguous portion of the proposed changes. The other question is if the area is delineated without using impervious, are you okay with that? Is the direction of the Ordinance at all what you were thinking?

Lawrence stated that other than letter C of the proposed Ordinance, everyone has issues with A, B, D, E and F. He has noticed that residents of Sherburne County would have issues if this was passed and/or enforced. You don't have to drive very far to see that 90% of our citizens would be ill affected by this. Demeules mentioned 30 days is not acceptable (A), we talked about whether snowmobiles are included, are boats included. There has been discussion with that (B). Lawrence went on to say that we're all okay with setbacks (C). Big Lake said that we're not sure that 1% is the right number (D). No one ever said about the contiguous or non-contiguous and with letter (F) he finds it ironic that the second driveway, which is an impervious surface, which has been established and is there to be used, it's not permitted at all, but we can create another surface to be used. So, based on testimony, there are major issues with everything, but letter C. So, with the motion to deny by Mr. Nelson, do we revisit it or do we look at how to deal with it. Based on testimony today, not everyone sees the pictures presented as issues. There is a percentage that see them as issues and a percentage that does not seem these as issues. The fundamental question is, do we look at these as being issue properties? So, we react to something and it becomes an issue and it's brought to our attention to act on it. The squeaky wheel gets the grease. So, to throw it back to County Board, do we look at these as issues or being compliant?

Adams asked if we are better tabling it, then denying it, then staff has an open book?

Demeules said, then we need to be specific. As far as he is concerned, we should be denying everything but letter C.

Sims-Kosloski stated that Haven Township was not present, for this first time that this was presented. We have 8 Townships and only 2 gave the County or the staff anything to work on. Haven Township didn't. If we are asking them to take a direction, to do something better, than we should say Thank You to Big Lake and Livonia for doing their homework. But it seems that the rest of the Townships haven't done their homework and if they have, then it hasn't been given to them in writing. This gives them something to chew on rather than making it better. She will be the first to say that Haven didn't do their part to give them something to work with.

Vandereyk asked Lucas if there are any other options as far as County Attorney is concerned for a definition of a Public Nuisance?

Lucas stated that the Solid Waste Ordinance deals with environmental issues. Unlicensed and inoperable vehicles have the potential to leak fluids. Parts of vehicles, engine blocks and batteries on the ground. It's coming at us strictly as an environmental issue. They are still getting calls and pressure when a vehicle is tabbed and licensed and as mentioned, the County Board said to come up with some language. It can't be in Solid Waste Ordinance which is why

Lucas and Schneider began looking at this and addressing it as a Land Use Issue. We do have definitions of a nuisance in the Zoning Ordinance. The Planning Commission looks at this when issuing a Conditional Use Permit, it doesn't impose a nuisance to neighboring properties. So, a nuisance in the Zoning Ordinance is different than a nuisance in the Solid Waste Ordinance. One is looking at it from a Land Use perspective and the other from an Environmental Perspective.

Lawrence stated that there are statutes to deal with nuisances.

Lucas agreed, and gave the example of a public health nuisance with a failing septic system. There are different types of nuisances for different types of situations.

Motion carried 8 (Nelson, Demeules, Vandereyk, Adams, Lawrence, Kosloski-Sims, Spencer) to 1 (Aubol) via roll call to recommend denial to the County Board for the Ordinance Amendment.

Dolan stated that this came to this body once and it was passed, then comes again with little change and unanimous denial so we are in a conundrum as far as how we should allocate staff resources to deal with some of this stuff, so we will probably take some time to deal with this.

Sims-Kosloski asked if the Township comments are helpful.

Dolan replied that this is exactly what we are looking for.

Sims-Kosloski stated that some of the burden should come back to the Townships so that staff and County Board has something to chew on.

Demeules stated that we have had chance here with comment.

Dolan added that there is no rush on this, we are trying to get it right. The back and forth is helpful, we want to get the best direction, with specifics so we can continue to work on it.

Lawrence announced for the audience that the Planning Commission is voting to recommend denial for this proposal as to how it is stated. The County Board may send this back to staff, they may let it die completely. He can't speak to how your testimony may be taken in. Your comments are appreciated and with every question that comes before us, we appreciate input and testimony. This is not the only Ordinance that we have taken a look at, we see them on a regular basis.

**Closing:**

Nelson made a motion to adjourn the meeting. Kosloski-Sims seconded. The motion carried and the meeting was adjourned at 8:03pm.

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Submitted by Carrie Winter, Secretary