

**APPROVED MINUTES
PLANNING COMMISSION
CITY OF WYOMING, MINNESOTA
MAY 9, 2023
7:00PM**

CALL TO ORDER:

Planning Commission Chairman Lobermeier called the Regular Meeting of the Wyoming Planning Commission for May 9, 2023 to order at 7:00 PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Mark Lobermeier, Michael Naumann, Katie West, and Dan Iverson

ABSENT:

Also Present: Fred Weck Zoning Administrator, Planning Consultant Kim Lindquist, and Mayor Lisa Iverson

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM: NONE

APPROVAL OF MINUTES:

- 1. Consider approving the minutes of the “Regular Meeting” of the Wyoming, Minnesota Planning Commission for April 25, 2023**

Commissioner Iverson noted that it appears as though many of the comments credited to Commissioner Naumann were transposed with those he made and vice versa.

Zoning Administrator Weck noted that he will make amendments to the minutes and the Commission can approve them at a future meeting.

SCHEDULED PUBLIC HEARINGS:

- 2. Interim Conditional Use Permit for a Home Occupation: ICUP-23-002**
Location: 24803 Kettle River Boulevard
Applicant: Tong Vang
Owner: Kathy Vang
Property ID Number: 21.10622.30

Chair Lobermeier reviewed the Public Hearing process for the City and the role of the Planning Commission in review of the application related to the City’s code, ordinances, zoning regulations, and the Comprehensive Plan. He explained that the Planning Commission would be making a recommendation to the City Council, but noted that the City Council would be the one to make the final decision.

Planning Consultant Lindquist gave an overview of the request for an Interim Conditional Use Permit for a Home Occupation for 24803 Kettle River Boulevard. She stated that this parcel is about 8 acres and currently has a home and an accessory structure. She stated that the property owner has indicated that they are planning to build a new accessory structure and bring in a trailer associated with the home occupation proposal. She stated that the property is zoned R-2 Rural Residential and to the south is property that is zoned Agricultural. She stated that this property, in the Comprehensive Plan, is designated for semi-rural neighborhood with a wetland overlay on the rear portion of the property. She explained that the application indicates that this is generally a weekend work type of business where they would be bringing in 80 crated chickens to the property on a Thursday and would use the new accessory structure and the trailer to slaughter and process the chickens over the weekend. She explained that there would be a delivery from the site on Saturday and the applicant has indicated that there would be some customers that would be coming to the site to get the product, but most would be transported off the site by the applicant. She stated that they plan to clean up the site on Sunday and get ready to start the process again the following week. She explained that the ordinance does allow for home occupations in the R-2 Rural Residential district and in this situation can have a use that is a bit more intense than a more traditional home occupation. She reviewed the home occupation standards and noted that they all need to be met as they relate to review of the permit. She noted one important standard is that the home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system. She explained that the property owner recognizes that they will have to put in a system directly related to this proposed occupation for this site. She reviewed the things staff has recommended for conditions of approval and noted that staff believes that this use meets the home occupation standards as long as they follow the criteria in the ordinance. She stated that the conditions of approval would be only one outside employee, no outside storage, and installation of a new septic system designed specifically for this type of use. She noted that there are additional conditions that recognize that this use is probably different than what was originally anticipated by this type of ordinance such as having trash pickup on Monday so it would be done immediately after the pickup day. She noted that the applicant has indicated that any waste material would be put into refrigeration so it wouldn't smell or attract rodents. She explained that staff is also recommending that no nuisances do occur, including noise, odor, or attraction of rodents or small animals can be associated with this business. She stated that staff was also called out the maximum of 80 chickens per weekend and noted that number was derived from the agricultural district. She noted that staff was recommending a date for the ICUP of June 1, 2028 in order to have a termination date so the community has the opportunity to re-evaluate. She reiterated that staff is recommending approval of the ICUP, subject to the 13 conditions listed in the staff report, and noted that this does not run with the property and any change in ownership or operation or sale of the property would void the ICUP.

Commissioner Iverson asked if the City has another facility like this in the City.

Zoning Administrator Weck stated that they do not have one as a home occupation, but in the agricultural district, this would be considered a permitted use.

Commissioner Iverson asked about what type of septic system needed to be in place for this type of use.

Zoning Administrator Weck stated that currently they have a mound system and for this proposed use would need to have a holding tank.

Commissioner West asked if there were parameters for the size of the holding tank from the City's standpoint.

Zoning Administrator Weck referenced Chapter 78 of the State septic code and noted that it would

need to be done under those standards.

Chair Lobermeier stated that he appreciated the 13 conditions staff has laid out for consideration and noted that he feels that they may be some of the more stringent conditions they have had.

The sister of Tong Vang addressed the Commission and explained that her brother was unable to attend tonight's meeting so she was here on his behalf. She stated that her mother owns the home and explained that she had purchased it in Wyoming in order to give her children a job. She stated that the plan is to process the chickens here for 2-4 years, but if she can grow more quickly than that, they will move out further onto agricultural land. She stated that if they can move out further, they can grow larger. She explained that they would prefer to have someplace larger to operate their business but needed to start small. She stated that they have been looking for land for about a year and have found it difficult to find something a bit closer to St. Paul which is where their customers are located.

Chair Lobermeier stated that they have talked about using a trailer for butchering and asked how for a description of how that would work.

Ms. Vang stated that they do not butcher the chicken inside the trailer. She explained that they were planning to buy a shed or whatever the standard is. She noted that they have spoken with the Department of Agriculture and plan to start there.

Chair Lobermeier asked if the applicants had seen the staff report that included the 13 conditions that need to be met and if they were in agreement with those items.

Following some discussion and translation, Ms. Vang stated that they have seen them and agree with the conditions.

Commissioner Iverson asked about the plans for a 600 sq. ft. accessory structure for processing.

Ms. Vang stated that they did build a shed but it is not for the butchering part but for the chickens.

Zoning Administrator Weck stated that he had met with the applicants last week. He noted that he had explained to them that they had built the shed without a permit, so that one will need to be removed because it does not meet code. He noted that one of the conditions relates to coming into compliance and stated that in the R-2 district they are allowed 2 accessory buildings for a total combined square footage of 2,000 sq. ft.

Commissioner Iverson stated that the application states that the chickens would be delivered on Thursdays and would be put in the chicken coop or left outside for the night.

Ms. Vang stated that was not correct and explained that they would like to have a shed just for the chickens where they will be fed and watered overnight, and then will be butchered the following day.

MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO OPEN THE PUBLIC HEARING AT 7:28 P.M.

<i>Voting Aye:</i>	<i>Iverson, Naumann, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Michelle Deters, 24755 Kettle River Boulevard, Forest Lake, noted that she owns the property just south of the applicant. She stated that under the 13 proposed conditions she asked if those would be under the law of nuisance so that as a homeowner she has the right to enjoy her property without anything interfering, such as odor, noise, or congestion.

Planning Consultant Lindquist stated that the conditions are specifically related to ICUP. She explained that one of the conditions was specifically related to nuisances, but there are other conditions.

Ms. Deters stated that she would also think that it would be items that could be considered injurious to health and explained that her husband was a Vietnam Veteran that was in fragile health and is required to get rest and have fresh air. She explained that she grew up on a farm and knows what it smells like, feels like, and sounds like to butcher chickens and it is not pleasant. She stated that she is right next door to the Vang's and explained that they are a wonderful family. She noted that having them as neighbors is in sharp contrast to the series of rotten renters that were previously at the property. She stated that when she had first spoken to Building Administrator Weck, he told her there would be a maximum of 30 chickens and when she had done a calculation about fluid and blood, that could be around 3.7 gallons of blood and fluid into the soil in they lose containment. She stated that with the updated number of 80 chickens, that number would go up to 10.5 gallons of fluid. She stated that containment of fluid and blood is important so they do not add contaminants into the ground water. She asked if the Vang's had liability insurance and asked what would happen if the wells in the area became contaminated and the nearby residents can no longer drink the water or cook with it. She asked if the City would do consistent testing of the water. She noted that she also has concerns with what this may do to her property value and noted that she was told by a local realtor that it could lower her value by 40%. She reviewed the area property maps and noted that she wanted to reinforce that this is a neighborhood and not agricultural.

Terry Gentry, 24800 Kettle River Boulevard, explained that they are directly across the street from the Vang's. She stated that she and her fiancé moved to the City in 2010 and are concerned about the equity in their property if this business is approved. She stated that they invested in the City when not a lot of people were moving here. She stated that they also really like the Vang family and noted that they have been great neighbors in comparison to the shady dealings by the previous renters. She stated that when they moved in they came over and introduced themselves and told them that they would be operating a sewing business out of their home. She noted that they had assured them that there wouldn't be much traffic involved and that has not been a huge issue. She stated that there are more cars than a normal household would have and also have trailers that come in bringing the projects that happens about 10:15 p.m. She noted that she does not believe that business had been licensed by the City. She explained that one of their main concerns is the increase in traffic on Kettle River Boulevard and shared examples of issues trying to get out of driveways on some days due to traffic. She stated that during the summer when traffic is back up on the freeway, Kettle River Boulevard becomes freeway access. She stated that they are concerned about smells, waste products, and the possibility of coyotes or other predators being brought to the area by this activity. She stated that they love the wildlife in the area but don't want to feel like their small dogs are in danger from predators. She stated that she had done some research into how chickens are slaughtered and it is not pretty or humane. She stated that in addition to concerns about hosing the blood and guts into the ground water she was also concerned about the smells becoming intolerable and feels it will remain in the area for days during the summer months. She stated that they pay a lot of property taxes and have seen the amount increase year after year but they have been fine with that because they love it here. She explained that the reason they love it is because of fresh air and noted that if they wanted to have smells of the country, they would have moved out to the country and not to a neighborhood. She stated that she was not sure that this is what the Planning Commission should be painting for the City has an up and coming City and asked if they would want this business to be located near their properties.

Bob Houle, 4556 245th Street, noted that he has lived here since 1990. He asked about the

holding tank and whether it would be above or below ground and how large it will be. He stated that his understanding was that they would use about 800 gallons of water every time they slaughter in addition to all the other waste products. He asked if the holding tank would be vented and noted that he believed that it would give off an odor.

Commissioner West noted that in the application that indicated the size of the holding tank would be 3,000 gallons.

Zoning Administrator Weck explained that the Septic Code requires 4 days of retention in the holding tank and noted that it would be located below ground.

Randall Tague, 26435 Finley Avenue, explained that the Vang property used to be owned by his grandfather. He stated that his only issue is related to the 13 conditions outlined by staff because the applicant said that they are planning to move to a bigger spot within 4 or 5 years. He stated that he felt that this was a lot of capital to invest in order to answer those 13 conditions to build up the business to just to move it elsewhere it in 4 years. He expressed concern that the only way to make that profitable would be to cut corners. He stated that he feels this is a dangerous proposition that could end up being something that the City does not discover until afterward and asked the Commission to deny the request.

Julie Tatarek, 4586 245th Street, stated that there is currently wildlife, kids, dogs, and bunnies in the area. She stated that at night when they have their windows open, they hear the coyotes and questioned how many more there will be with this proposed business. She noted that it is a horrific sound when you hear the coyotes killing animals.

Jennifer Johnson, 4520-245th Street, stated that she grew up butchering chickens and it is very stinky. She stated that she does not care how much they say they will contain this because it will stink. She stated that the people who live in the neighborhood would like to be in their yards enjoying themselves after working hard all week without having to listen to chickens being slaughtered and to smell what happens when they take the feathers off. She stated that she does not want this on her weekend and would like to enjoy herself. She stated that she pays high taxes and her home is basically right in their backyard and explained that she wanted nothing to do with this. She stated that she found it concerning that the applicant did not appear to understand anything about the 13 conditions and is concerned that they do not even know what they are agreeing to. She stated that she is also concerned that they may cut corners because she also doesn't understand why they would put this much money into this business and then leave within 4 years.

Michelle Welch, 18745 Jennings Street NE, stated that her biggest concern is where the chickens will be coming from. She stated that she has animals and the bird flu is still around and asked where these chickens would be coming from.

Chair Lobermeier stated that he did not believe the City had that information at this time.

Ms. Welch stated that she was also concerned that Mr. Vang was not present at the public hearing in order to answer questions.

Chair Lobermeier noted that other members of the family were present and had been able to answer some of the questions that have been raised.

Colleen and Chris Huberty, 24829 Kettle River Boulevard, stated that they were also appreciated when the Vang family moved into this property. She stated that they have been very kind and very nice, and up to this point, have been good neighbors. She stated that she has many of the same concerns as have already been mentioned. She explained that her property is tucked right behind the Vang's so when they look out their living room window, they look at the accessory structure. She stated that she did not think that 7.5 acres was big enough for this kind of activity.

Duane Lofstad, 25765 Euclid Avenue, stated that he did not get the impression that the applicants are very well prepared for this project. He suggested that perhaps a decision should be held off and allow the Vang's to get their 'ducks in a row' to see if they can come up with something a bit more concrete. He noted that it sounds like they will have a lot to do before they can begin. He stated that his other concern was that the information presented said that the temporary use permit would end in 2027 and now it appears that timeframe is 2028. He stated that he is also concerned about butchering and slaughtering and asked if the USDA would handle many of those concerns. He asked how the Vang's would measure their growth and what would happen if they went over their limit before they move out. He stated that the Vang's deserve a shot but thinks that everyone needs to really know what they are getting into. He referenced the 13 conditions outlined by staff and asked how often that would be monitored by the City and noted that he thinks that will be a key factor in allowing the residents' minds to be at rest.

Zoning Administrator Weck explained that the Zoning Ordinance requires at least a 1 year verification that they are still doing what they are supposed to be doing. He noted that the City cannot be there all day every day, so if people are aware of the conditions and see something not right, he would encourage them to contact the City.

Planning Consultant Lindquist explained that some of the conditions are not operational, such as bringing the accessory buildings into compliance. She noted that not all 13 conditions would be variable and based on their operations.

Jeanetta Lee - Callier, 25164 Kettle River Boulevard, stated that had not received notice about tonight's meeting and heard about it from friends. She stated that they appreciate that there are some small businesses located in the area and referenced one across the street from the Vang's that appears to be a storage facility for boats and other equipment. She stated that everyone came to the area in order to have a little elbow room and less government. She stated that years ago she helped her dad, as an adult child, cut chickens up and noted that the smell is just short term. She stated that as long as there are inspections happening, she thinks this may be a good location for this to happen. She stated that perhaps this will be the start to having slightly larger small businesses starting in the community. She stated that when they moved out here 10 years ago it was pretty rural and explained that they are already thinking about moving because it is getting clustered. She stated that she appreciated the Vang's ideas and asked the Commission to let them feel them out.

Nicole Boyd, 4417 250th Street, Forest Lake, stated that she has boys aged 6 and 8 and they had moved here so they would have more free range. She stated that she agrees that the coyotes are already here, but does not want activity that will draw them in. She stated that she was concerned that even things like cougars would want to come for the chickens. She expressed concern that the Vang's had already put a building on the property that was not authorized. She asked who would be monitoring the situation to ensure that all of the conditions were met and that this was all done right and up to code. She stated that the neighborhood she lives in was built in the 1990s and they have been there for 6 years. She stated that there are more people in the neighborhood that are retiring and will want to be outside and expressed concern about smells and possible water contamination. She reiterated that she feels there needs to be someone that ensures that this was completely done according to code, but noted that she opposed the request.

Tim Pryzbilla, 5056 Evergreen Road, Forest Lake, explained that they are about 1 mile from the Vang's. He noted that his biggest concern was whether the limit for 80 chickens also encompassed poultry, water fowl, swine, or goats. He stated that his concern was that it may start as chickens and then morph into something else.

Dean Steiner, 4729- 252nd Street, stated that he does not have an issue with someone doing business like this, but they have indicated that they will bring in a trailer and seem to not really

know what they are going to do. He stated that he agrees that it does not make sense that they would spend the money to put in the appropriate septic holding tank and necessary concrete because he does not feel the business will be lucrative enough to make it worth it. He asked how things would be monitored to ensure that they do not sneak in 400 chickens. He explained that he would like to ensure that this activity is policed more than once a year.

Chris Huberty, 24825 Kettle River Boulevard, stated that he felt the point made by Mr. Steiner regarding how much money the Vang's would make for slaughtering the chickens was a good one. He shared examples of costs for pumping out the holding tank every week and make a decision to pump it every other week instead or choose to pump the debris out onto the ground. He stated that they could also decide to put the renderings into the ground and compost it themselves rather than having it all taken away. He reiterated that he felt the point he made regarding the amount of profit compared to the cost of what it will take to set up the business.

Ms. Gentry asked for a few more moments to touch on what Jen stated from processing chickens with her dad and felt the smell was not that bad. She asked if it was done 4 days a week with her dad and believes that the smell will be present every week. She stated that she was also concerned about 800 gallons of water coming out of the water table/groundwater affecting the nearby wells if they pull all the water out. She stated that the avian flu was touched on and referenced an article that was published April 15, 2023 that cited Minnesota topping the numbers of wild bird deaths from avian flu. She stated that the avian flu can transfer to domestic flocks and songbirds and questioned who would be inspecting and checking for that.

Donna Tatting, 4624-245th Street, stated that she had recently called the County to verify information. She stated that they have 13 acres and quite a bit of it is on protected wetland. She stated that she understands that all wetlands in Minnesota are protected and noted that she believed the end of the Vang's property hits a wetland. She stated that if any of the waste water is not contained properly, it is a violation of the water ends up seeping into the wetland. She stated that she did not believe the wetland issue had been brought up when it should have been.

Zoning Administrator Weck explained that to address the 800 gallons per days issue, the DNR does not require a permit until someone is drawing 1 million gallons per day. He explained that most homes were designed for the septic system to handle 450 gallons per day.

Chair Lobermeier noted that the proposed butchering was not to happen 4 days a week as mentioned, but only 2 days per week.

Ms. Deters asked how many weeks in a row would slaughtering take place. She asked if the activity was going to take place year round.

Chair Lobermeier explained that his understanding was that this would be year round operation.

Ms. Deters stated that one you lost containment and the wetlands are contaminated there is not clean up other than time and nature which is very concerning for everyone in the area.

Ms. Huberty stated that the end of the Vang property is all wetland and noted that was part of the reason that they bought this property in 1995. She stated that she is also concerned about the potential changes that may bring to the wildlife in the area. She noted that she is outside year round and is concerned that it will change things so the deer, pheasants, and ducks and is concerned that may be destructed.

Jerry Franzen, 24800 Kettle River Boulevard, stated that he works part-time and is home a lot. He stated that on weekends they are out in the yards a lot and feels that Thursday through Sunday should be a time of peace and when the neighborhood has a hope that the usual traffic will die down. He stated that he is sick of the traffic and people using his driveway as a turn around when the road gets backed up. He stated that they squeal their tires and shine headlights onto his

property. He stated that adding this activity will make it crazier in the area and noted that perhaps the Vang's should have bought property that was zoned agricultural rather than disrupting a quiet, rural community.

Jennifer Johnson, 4520-245th Street, stated that when the township merged by the City of Wyoming she questioned why they would not be considered residential. She stated that their taxes went up when they became part of the City and questioned how a business like this could operate in the City.

Chair Lobermeier stated that all properties in the City have a certain zoning and the zoning of the two entities were brought together. He stated that there was no tie between the merger on why this was not zoned a particular way.

Ms. Johnson asked why their taxes had to go up every year for the last 5 years since they became part of the 'City'.

Chair Lobermeier stated that he could not speak specifically to her concerns related to taxes.

Ms. Gentry stated that she and Michelle have done a lot of research on how they may affect the neighborhood and their ground water. She noted that she had spoken with Adam, from the MPCA out of Duluth, who told her that no one from the City had contacted them to ask about the potential risk for a business like this. She stated that he had concerns and felt it had the potential to cause problems.

Mr. Houle asked if they could request either an EAW or an EIS.

Zoning Administrator Weck explained that there is a petition process if they would like to request either or those documents.

Ms. Welch asked if she understood correctly that if they were to be granted this permit that the City would only look at their operations just once a year. She asked if it would be up to the nearby property owners that will have to observe the operations every week to ensure that they are only processing 80 birds/week.

Chair Lobermeier stated that the City is required to do a review at least once a year and if there are complaints, then it would generate more frequent review.

Zoning Administrator Weck noted that the property will also be inspected by the Department of Agriculture.

MOTION BY COMMISSIONER NAUMANN, SECONDED BY COMMISSIONER IVERSON, TO CLOSE THE PUBLIC HEARING AT 8:11 P.M.

<i>Voting Aye:</i>	<i>Iverson, Naumann, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Commissioner West stated that she assumed since this was involving a food product that there would be somebody outside of the City that would also be inspecting this operation.

Zoning Administrator Weck explained that all of the other things that go along with processing animals and selling them will be inspected by the USDA. He stated that if there was a pollution problem they could take to the MPCA. He stated that the City allows urban fowl on all properties now, so it is possible that others neighbor could be processing chickens for either meat or eggs. He stated that the rural character of the township was taken into account when they did the

Comprehensive Plan in order to allow people to still do ‘rural things’ and explained that it didn’t turn into all city which means no one can hunt or have any of these activities.

Commissioner Iverson stated that he believed one of the recommended conditions was related to nuisance of noise of smell. He asked how loud a screaming chicken would have to be before it would be an issue. He stated that he would like to know when noise or smell would be considered a problem and when it would not.

Commissioner West stated that she would also like to know the hours of butchery as well.

Chair Lobermeier stated that he believes it is clear that this is a use that can be allowed in the City, but noted that there are some details missing from the applicant regarding how some of the activities will be handled, for example, containment. He stated that they also had not shared much detail about where the chickens would be butchered and how the water will be contained and moved to a holding tank. He reiterated that there are a number of things that have detail missing before he feels it can be moved forward.

Commissioner West agreed and stated that she felt there needed to be more clarity on how this operation will work, containment, accountability for the number of chickens being processed.

**MOTION BY COMMISSIONER WEST, SECONDED BY COMMISSIONER IVERSON, TO
TABLE DISCUSSION OF THE ICUP REQUEST FOR ICUP-23-002; LOCATION: 24803
KETTLE RIVER BOULEVARD FOR APPLICANT: TONG VANG/OWNER - KATHY VANG;
PROPERTY ID NUMBER: 21.10622.30.**

<i>Voting Aye:</i>	<i>Iverson, Naumann, West, and Lobermeier</i>
<i>Voting Nay:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

Zoning Administrator Weck noted that he would communicate with the applicant regarding the things that the Commission was looking for.

Chair Lobermeier thanked the residents for taking the time to come in and share their concerns with the Commission.

OLD BUSINESS:

3. Architectural Standards: Example Draft Ordinance

Zoning Administrator Weck explained that followed the Chisago City formatting and included information to show the original text and the new text. He stated that he had not made many changes other than what had already been discussed and had just wanted to put together a rough draft for the Commission to consider.

Chair Lobermeier confirmed that details such as percentages had not yet been done and this rough draft was just for them to look at the formatting.

Zoning Administrator Weck stated was correct.

Commissioner West stated that she likes the chart/table that was included.

COMMUNICATIONS:

UPDATES:

A MOTION WAS MADE BY COMMISSIONER WEST, SECONDED BY COMMISSIONER NAUMANN, TO ADJOURN THE MAY 9, 2023 “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION AT 8:24 PM.

Voting Aye: Iverson, Naumann, West, and Lobermeier
Voting Nay: None
Abstain: None
Absent: None