

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
AUGUST 24, 2010
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of August 24, 2010 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mark Lobermeier, Sean Wagner, Ken Meyers, and Frank Storm

Members Absent: None.

Also Present: Council Liaison Roger Elmore, Zoning Administrator Fred Weck.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for July 13, 2010.**

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JULY 13, 2010.

Voting Aye: Coughlin, Lobermeier, Wagner, Meyers, and Storm.

Voting Nay: None

Abstain: None

PUBLIC HEARINGS

- 2 VARIANCE Height of fence along the right-of-way of Wyoming Trail at 26496 Foxboro Avenue**

Daniel & Susan Tower were present to request a variance from the City of Wyoming Zoning Ordinance Sec. 40 . 531, (2), for a fence exceeding six (6) feet in height within the front non-buildable setback area of Wyoming Trail at 26496 Foxboro Avenue.

Chairman Storm asked staff if there was anything to add to the staff report, Weck responded that the request is similar to the Kulesa request in April 2010. Chairman

Storm asked the applicant if there was anything he wanted to add, Mr. Tower responded that he felt that the firewood enclosing his fire ring should not be considered a fence and that it currently does not exceed four feet in height. Chairman Storm asked the Commission members if there were any questions or comments, Commissioner Coughlin asked the applicant why the applicant did not propose that the fence continue around the to the front of the property instead of meeting the existing firewood+fence. The applicant responded that he likes the look of the firewood+fence and again questioned whether the firewood should be called a fence. Weck responded that he would double check the Zoning Ordinance definition of a fence and would revise his report and recommendation if needed. Chairman Storm opened the public hearing at 7:07, there being no one present to offer comment Chairman Storm closed the public hearing. Commissioner Wagner asked about the number of remaining corner lots along the Wyoming Trail and the bike path (eleven), and Commissioner Coughlin opined whether the Zoning Ordinance should be amended to address the Wyoming Trail / bike path.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER LOBERMEIER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO RECOMMEND APPROVAL OF DANIEL AND SUSAN TOWER’S REQUESTED VARIANCE FROM THE CITY OF WYOMING ZONING ORDINANCE SEC. 40 – 531, (2), FOR A FENCE EXCEEDING SIX (6) FEET IN HEIGHT WITHIN THE FRONT NON-BUILDABLE SETBACK AREA OF WYOMING TRAIL BASED ON THE FOLLOWING FINDINGS OF FACT:

1. Standards 1, 2, 4, 6, 7, and 8 have been met.
2. The proposed variance will not impair an adequate supply of light and air to adjacent property.
3. The proposed variance will not unreasonably increase the congestion in the public right-of-way; increase the danger of fire or endanger the public safety.
4. The proposed variance will not unreasonably diminish or impair established property values within the neighborhood.
5. The proposed variance will not cause an unreasonable strain upon existing municipal facilities and services.
6. The proposed variance will not be contrary in any way to the spirit and intent of this Ordinance.
7. The proposed variance will not have a negative direct or indirect fiscal impact upon the City or school district.

AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. That the fence be installed in conformance with the Fence Permit application as approved.
2. That the firewood+fence be reduced and or be maintained to no more than forty-eight (48) inches in height.

Voting Aye: Coughlin, Meyers, Wagner, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

NEW BUSINESS

3 Work Session on the Subsurface Sewage Treatment System Ordinance (Septic Systems)

Weck explained to the Planning Commission that Chisago County adopted a new Subsurface Sewage Treatment System Ordinance, and the City must adopt its own ordinance that is at least as restrictive within one year of the county's adoption. Weck further explained that the City would need to adopt new fees based on the new requirements of the ordinance. Chairman Storm reminded the Commission that the establishment of fees is the duty of the City Council. Weck's synopsis of the differences between the County's adopted ordinance and the draft City ordinance included the following:

1. State requirement that a failing system be replaced within 10 months and the county ordinance requiring replacement within 12 months. The Planning Commission decided to keep the County's language.
2. County ordinance allowing the construction of a deck in the shoreland district without a septic compliance inspection. The Planning Commission decided to remove the deck construction exception.
3. The County's ordinance allows a failing system to not be replaced for up to 10 years if the reason for the compliance inspection (sale of the property, or the issuance of a building permit) does not occur. The Planning Commission decided to accept Staff's proposed language: To replace Section 36 . 314, items (2) & (3) with, (2) An SSTS that is determined to pose a failure to protect groundwater shall be upgraded upon the sale or transfer of property, or in conjunction with the issuance of the associated building permit, or not more than one (1) year after Notice of Noncompliance from the Department, whichever is sooner.

Following Staff's discussion items Chairman Storm asked if any of the Commission members had any comments on the draft ordinance. Commissioner Coughlin had the following comments:

1. Section 36 . 221, Scope, questioned that the proposed language includes properties that are served by city sewer and do not have septic systems. Staff proposed the following addition to the end of the Section: that are served or proposed to be served by a SSTS.
2. Section 36 . 252, (7), change one (1) perc tests to two (2).
3. Section 36 . 344, replace County with City

OLD BUSINESS

4 There was no Old Business

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR AUGUST 24, 2010 AT 8:13 P.M.

Voting Aye: Coughlin, Lobermeier, Wagner, Meyers, and Storm.

Voting Nay: None

Abstain: None