

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #20-026**

**A RESOLUTION APPROVING THE REQUEST FOR A HOME OCCUPATION PERMIT  
TO OPERATE A GARBAGE HAULING BUSINESS  
ON THE PROPERTY LOCATED AT 17030 BAUGH STREET NW**

**RECITALS**

1. The City of Ramsey received an application from Allen and Joyce Birchem requesting a home occupation permit to operate a garbage hauling business on the property generally known as 17030 Baugh Street NW and legally described as follows:

UNPLATTED RAMSEY TWP THE S 200 FT OF THE N 1633 FT OF THE E 416 FT OF THE E1/2 OF THENW1/4 OF SEC 7-32-25 IN ANOKA CNTY, MN AS MEAS ALONG THE E & N LINES OF SD E1/2 OF THE NW1/4(SUBJ TO AN EASE FOR RDPURP OVER THE E 66 FT THEREOF)(SUBJ TO EASE FOR RD & UTIL TO RAMSEY TWP)

(the “Subject Property”)

2. That on October 3, 2019, Allen and Joyce Birchem (the “Applicants”), owners of the Subject Property, submitted an application for a Home Occupation Permit to operate a garbage hauling business (the “Home Occupation”) on the Subject Property.
3. That the City Council passed Resolution 19-228 related to Code Enforcement on the Subject Property which required the Applicants stop all business use onsite, or apply for a home occupation permit.
4. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on November 7, 2019, and that said public hearing was properly advertised.
5. That the City Council reviewed the request on \_\_\_\_\_, 2020.
6. That the Subject Property is zoned R-1 Residential (Rural Developing) and the surrounding parcels are zoned R-1 Residential (Rural Developing).
7. That the Subject Property is approximately 1.6 acres and is surrounded by lots of similar size.
8. That the Subject Property is guided for Rural Developing (residential) in the City’s Future Land Use Map.
9. That the Applicant owns the dwelling unit on the Subject Property and occupies the dwelling Monday through Wednesday while conducting business and that the Applicant’s son lives on the Subject Property full time.
10. That the Subject Property includes an approximately 2,400 square foot dwelling unit and an approximately 1,200 square foot detached accessory building.

11. That the Home Occupation is proposed to be based out of both the detached accessory building, the dwelling unit, and the outdoor areas of the property.
12. That the Applicants have stated there will be approximately 400 square feet of garage space reserved for indoor residential parking and storage in an attached garage related to residential use on the Subject Property, as established in City Code Section 117-351 (Home Occupation).
13. That the Applicant has stated there is not business signage on the Subject Property.
14. That the Applicants have stated there will be no more than eight (8) vehicle trips per standard eight (8) hour day.
15. That the Home Occupation employs one other person, other than the Applicants, the Applicant's son, that lives on the Subject Property and is related to the Applicants.
16. That the Applicant has proposed to store two (2) commercial trucks onsite, one inside the detached garage and one outside on an allowed parking surface.
17. That the Home Occupation does involve operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) and bookkeeping on the Subject Property via phone call and email in an office inside the home. Customers never come to the Subject Property.
18. That the Applicants have proposed business house from 8:00 a.m. to 4:30 p.m., Monday through Wednesday barring any inclement weather or holidays.
19. That the Applicants operate waste collection services in Sherburne and Wright Counties, with disposal of the collected waste occurring at a waste management facility in Sherburne County.
20. That the Applicants do not have a license with Anoka County, though Anoka County stated a business license (base license) is required for the use.
21. That the Applicants have stated that the garbage hauling trucks will be cleaned at the waste management facility upon being emptied and that no waste of any kind will be taken to the Subject Property at any time.
22. That the City finds the Home Occupation operates beyond the parameters of general and administrative home occupation permit requirements (City Code Section 117-351) and therefore requires Planning Commission and City Council review and approval.
23. That the City of Ramsey received complaint(s) about the home-based business in relation to the traffic of garbage trucks on a residential street, garbage trucks parked on a residential property, the volume of exterior evidence related to the home-based business, and other code violations related to exterior storage, junk, nuisance regulations, and vermin onsite.
24. The property is not in compliance with City Code requirements related to home-based businesses, outdoor storage of inoperable vehicles, number of items stored outside, off-street parking violations, and nuisance violations.

## **FINDINGS OF FACT**

1. That the proposed use **will/will not** adversely impact traffic in the area.
2. That the proposed use **will/will not** be compatible with the residential neighborhood due to (in part) density, lot size and use of the surrounding lots.
3. That the proposed use **will/will not** be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or the public welfare.
4. That the proposed use **will/will not** substantially or adversely impair the use, enjoyment, or market value of neighboring properties.
5. That the proposed use **will/will not** be hazardous or disturbing to existing or future neighboring uses.
6. That the proposed use **will/will not** be served adequately by public facilities and services such as highways and streets.
7. That the proposed use **will/will not** create excessive additional requirements at public cost for public facilities and services, and it **will** be detrimental to the economic welfare of the community.
8. That the proposed use **will/will not** involve activities and uses that would be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
9. That the operation of a waste hauling company with outdoor storage of multiple commercial vehicles and commercial equipment is not consistent with the intent of the R-1 Residential (Rural Developing) District (the "District") which is to accommodate single-family dwellings.
10. That the salvage of inoperable commercial vehicles for purposes of parts for other operable commercial vehicles is not a permitted use within the District and is declared a public nuisance.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

That the request for a Home Occupation Permit for the operation of Birchem Sanitation on the Subject Property is hereby approved pursuant to Sections 117-51 and 117-351 of the Ramsey City Code with the following conditions:

1. That this agreement shall permit the operation of a garbage hauling business (the "Home Occupation") on the Subject Property consisting in entirety of:
  - a. Two garbage trucks onsite
  - b. Bookkeeping inside the home office

2. That customers may never visit the Subject Property.
3. That there shall never be any signs onsite.
4. That the Permittee agrees there will be no exterior evidence of the Home Occupation permitted on the Subject Property unless in compliance with Chapter 117-351 (Home Occupations) of City Code except:
  - a. One garbage truck may be parked onsite but must be in the side or rear yard on an allowed parking surface. A permit must be obtained for any new parking surface or significant alteration of an existing parking surface (e.g. driveway expansion).
5. That the Permittee is responsible to verify and ensure that the structure(s) is compliant with all applicable state and local codes.
6. That should the Permittee die or should the Subject Property be sold, the Permit shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the Home Occupation, written notice to that effect shall be given to the Zoning Administrator and the City Council may authorize continuation of the Permit without further hearing.
7. That the Permittee shall have the property in compliance with City Code, Nuisance Regulations, off-street parking regulations, and the terms of this permit prior to issuance of said permit.
8. The Permittee shall reside on the Subject Property; if the Permittee does not reside on the Subject Property, the Permit shall be automatically terminated.
9. That the Permittee agrees that if the operation expands, they will notify the City of Ramsey and reapply for a Permit.
10. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the Permittee.
11. The Permittee shall be responsible for obtaining and having in full force and effect all applicable State, County and City licenses. This includes a Business License with the City, registering with the State of Minnesota. The permit will not be issued until all required permits/licenses are received.
12. The Permittee shall be responsible for all costs incurred in the administration and enforcement of this Permit.
13. That the Permittee agrees there shall never be waste brought back to the Subject Property.
14. That the Permittee agrees the two garbage trucks shall be washed offsite.
15. That the Permittee agrees there shall never be curbside containers, dumpsters, nor any other items related to the business stored on the Subject Property.

16. That the City Administrator, or his/her designee, shall have the right to inspect the Subject Property for compliance and safety purposes annually or at any time, upon reasonable request to the Permittee.
17. That the Permittee agrees to take additional measures to keep the Subject Property in compliance with City Code regulations related to off-street parking and nuisance violations.
18. That the allowed hours of operation are 8:00 a.m. to 4:30 p.m., Monday through Wednesday barring any inclement weather or holidays. If holiday or weather changes the regular schedule, the Permittee may shift hours of operation to another weekday, but may not operate on Saturday or Sunday. The Permittee may not expand the hours of operation on any day without express consent from the City. The Permittee is limited to three (3) total workdays per week.
19. That the Permittee agrees to take additional measures to be thoughtful of the residential neighborhood including:
  - a. No idling or warming up of vehicles.
  - b. No honking or skidding of the vehicles.
  - c. Parking in the side or rear yard at all times.
  - d. Keeping one of the two allowed garbage trucks parked inside the pole barn when onsite at all times.
  - e. No salvaging of auto parts at any time.
20. That this Permit does not authorize a future homeowner of the Subject Property from utilizing the detached accessory building for a home-based business.
21. That the Permittee agrees there are no lawful, nonconforming rights to the garbage hauling business on the Subject Property.
22. That the City reserves the right to revoke the permit for any violation of the above conditions

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember \_\_\_\_\_, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly denied and adopted by the Ramsey City Council this \_\_\_\_\_ the day of \_\_\_\_\_, 2020.

**CITY OF RAMSEY:**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF ANOKA    )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared Mayor John LeTourneau and Colleen Lasher, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said John LeTourneau and Colleen Lasher acknowledge said instrument to be the free act and deed of said Municipal Corporation.

\_\_\_\_\_  
Notary Public

The document drafted by:  
The City of Ramsey  
7550 Sunwood Dr NW  
Ramsey, Minnesota 55303

This document reviewed by:  
Ratwik, Roszak & Maloney, P.A.  
300 U.S. Trust Building  
730 Second Avenue South  
Minneapolis, MN 55402