

**City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, April 28, 2015**



Agenda

	<u>Item</u>
7:00 PM	1.0 Call to Order
7:02 PM P.1	2.0 Adopt Agenda
7:03 PM P.2-10	3.0 Approval of Meeting Minutes - March 24 th , 2015 – Regular Meeting
7:05 PM P. 11-16	4.0 Public Hearing/Interim Use Permit – A request by applicant, Diane Bayard for an Interim Use Permit to operate a private kennel. The location being 23001 Highway 65 NE, Bethel, MN 55005, PIN 32-34-23-43-0013.
7:10 PM p. 17- 28	5.0 Request to consider allowing a business to be located in the Central Business District/Business Overlay District at the intersection of Hwy. 65/221st Ave NE
7:30 PM P. 29-35	6.0 Discussion regarding the Amendment of the City of East Bethel Zoning Ordinance to allow microbreweries/distilleries/food trucks
7:55 PM P. 36-75	7.0 Discussion regarding amending the City of East Bethel Zoning Ordinance related to chickens
8:10 PM	8.0 City Council Reports
8:15 PM	9.0 Other Business
8:30 PM	10.0 Adjournment

EAST BETHEL PLANNING COMMISSION MEETING

March 24, 2015

The East Bethel Planning Commission met on March 24th, 2015 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Randy Plaisance Lou Cornicelli Lorraine Bonin Glenn Terry*
Sherry Allenspach Tanner Balfany Eldon Holmes
* Commission Chairperson

MEMBERS ABSENT: None

ALSO PRESENT: Colleen Winter, Community Development Director
Ron Koller, City Council Member

1.0 Call to Order Mr Terry called the meeting of the East Bethel Planning Commission to order at 7:00PM.

2.0 Adopt Agenda Mr Terry motioned to adopt the agenda but moving the Approval of Meeting Minutes from 3.0 to after 6.0, Travel Trailer/Recreational Vehicles/Overnight Camping. Mr Holmes seconded the motion. All members were in favor; motion carried.

Mr Plaisance requested that in the future agenda items could be noted with the page number in the packet where the item begins. Mr Holmes noted that the packets occasionally reference information that is not available to the member when they are reviewing the information contained in the packet.

**3.0 Public Hearing/
Conditional Use Permit** A request by applicant, Beaverbrook Sportsman Club for a Conditional Use Permit to improve the safety and functionality of shooting range(s) and additional sound mitigation. The location being 20500 Palisade St NE, Cedar MN 55011, PIN(s) 16-33-23-43-0001, 21-33-23-11-0001, 21-33-23-12-0001, 21-33-23-13-0001

Conditional Use Permit

Property Owner: Beaverbrook Sportsman's Club

Applicant: Bill Dubats (Club representative)

Address: 20500 Palisade St NE, Cedar MN 55011

PIN(s): 16-33-23-43-0001, 21-33-23-11-0001, 21-33-23-13-0001

Zoning: Rural Residential (RR)

City of East Bethel Code Reference:

Appendix A, Zoning Ordinance, Section 42

Attachments:

3.1 CUP Application with Appendix A-D

3.2 Beaverbrook Aerial Photo

3.3 Wetland Review from Anoka Conservation District

3.4 Significant Natural Environment Area

3.5 Resident Attendance Sheet

Background Information:

Mr. Bill Dubats representing Beaverbrook Sportsman's Club is interested in improving the gun club by creating additional shooting ranges. These ranges will not only provide the gun club with some additional tournament opportunities, but will enhance the experience for the existing members while improving safety and mitigating noise.

The planned improvements include constructing a 700' x 160' berm as part of 7 shooting ranges for pistol, muzzleloader, and shotgun. The main berm will be 20 feet in height and the sides will be 10 feet in height. It will be located in what is right now an open field. It will be 10 feet off the east property line. The property to the east is a heavily wooded area and there are no homes located in this area.

Wetland delineation was completed and the area where the shooting range will be located is outside of any wetland areas. It should be noted that there is a Significant Natural Environment Area located to the east of where the shooting range will be and the Gun Club will be working with Anoka Conservation District on preserving this property.

History:

The Gun Club was established in 1968 through a Special Use permit and received subsequent approval to construct a large shooting range and variance for the clubhouse. In discussions with Mr. Dubats it was determined that it would be appropriate to go through the Conditional Use Permit process to address the new shooting range. In a more generic sense the Conditional Use Permit should cover future improvements for the gun club as well.

Recommendation:

Staff recommends that the Planning Commission approve the CUP to Beaverbrook Sportsman's Club to permit the addition of a shooting range, and for future improvements that enhance the safety of the gun club, mitigate noise and improve the overall gun club operations subject to the following conditions:

1. All improvements are subject to Wetland review and recommendations
2. All Significant Natural Environment areas will be protected
3. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.
4. All building codes, and zoning regulations imposed by the City of East Bethel will be applicable for future development as required.

Mr Cornicelli recused himself from the discussion and voting on this issue as he is a member of the Beaverbrook Sportsman's Club.

Ms Winters reviewed visuals of the proposed range. The Club property shares borders with the Sand Hill Crane Natural Area. The entrance to the Club is north off of Klondike Dr. which is a gravel road east of Highway 65. On Attachment 3.2, Beaverbrook Aerial Photo, the proposed shooting range is identified by hash marks and the wetland area is noted to the south, west and east of the property.

Attachment 3.4, Significant Natural Environment Area, shows where the existing Club and shooting ranges are and just south of that is where the new range would be located. To the east of that, there are two parcels of land that are also owned by the Sportsman's Club. These areas are designated as Significant Natural Environment areas and are of concern to the Conservation District. These areas are an ideal habitat for Blanding's Turtles. This does not mean the turtles have been found in the area but simply that it is possible they would live there. The Sportsman's Club has already worked with the Anoka County Conservation District and will be working on signage for this area to help make people aware of the habitat.

The Public Hearing was opened at 7:08 pm.

Mr Dan Butler, Chairperson for the East Bethel Economic Development Authority shared his support for the Sportsman's Club's request and noted that he is also a member of the Club and has served on the Board of Directors for several years. He presented his views on the potential economic benefit for adding the new range. The expansion would allow Beaverbrook to host statewide and regional shoots with 3-400 per event. This would bring more people to the area with potential benefit for getting businesses and/or people to move to the City of East Bethel. He also stressed that the Club has been a civic partner with the City in terms of shooting hours and stated that they would certainly be able to see the project through. Mr Butler strongly urged the Commission members to support the proposed expansion with a recommendation for approval to the City Council.

Mr Bret Berg lives on Klondike near the range and stated "It would be great if they could cut down the noise" although he did not think it was too bad. He related concern about which direction the new range would be shooting towards "not towards us" and the usage of the road (Klondike). He stated that in the summer the road gets "chewed up" and there is dust all over and adding more traffic would only make it worse. Mr Berg stated the neighbors are not against improvements on the range but they are concerned about how bad the road might get. He noted that they may have difficulty selling because they are next to the range but that they don't even notice it.

Ms Winter stated that the City is aware of the problems with Klondike Drive. The Sportsman's Club is only one of the businesses/activities that use the road including Blue Ribbon Pines Disc Golf Course and Minnesota Fresh Farm. The City is planning to treat the road to preserve it and reduce dust. Paving the road would be optimal but it is a mile and a half long and there are few property owners that would benefit so that is not planned at this time.

Mr John Bizal has been a member of the Sportsman's Club and a team sponsor and also lives on Klondike Drive. He asked if there might be any limitation to the size of caliber ammunition that might be allowed at the range.

No other audience members indicated an interest in speaking. The Public Hearing was closed at 7:15.

Ms Bonin stated she has concerns about the noise. She lives on the north side of Mud Lake and can hear the noise there. She is concerned that any mitigation that's made will not be adequate to contain additional noise from the new range and lessen the noise they are already getting. She is totally against any more development of shooting at the club until they have shown that they can take care of the noise that they already have. Ms Bonin also stated that there is development to the east of the Club and she didn't feel that it was being addressed.

Mr Holmes stated that he does hear the noise from the range but he is not sure that it bothers him. Ms Allenspach lives on 217th and stated that they do hear shooting from time to time, especially if there is an event being held and there is more noise than usual. She felt that trying to buffer the noise is a good thing.

Ms Bonin stated that if they are going to have big events with hundreds of people coming the noise will be much worse than it is now. Mr Terry asked if the parking would be adequate for large groups of people. Mr Bill Dubats responded that there is extensive parking available in the current lot and parking is also allowed on the grass.

Mr Dubats stated that “the object of a safe shooting range is to capture every projectile fired”. The shotgun ranges do shoot towards the north in the general direction of Mud Lake. League nights are Tuesday and Wednesday and there can be several rounds fired.

The new range is planned to shoot away from Mud Lake into 20ft high berms with side berms. The noise mitigation feature towards the south end is a 20 ft high berm that is twice as long as necessary. The berms are made of grass covered dirt and are expected to cut the sound emissions by 2/3. There is never any shooting toward Klondike Drive.

The pistol range can go up to 45 caliber. Nine millimeter, 38 and 22 are the most common rounds fired. Twelve gauge shotguns are the largest caliber fired.

Mr Holmes asked about trap shooting to the north. Mr Dubats stated that trap shooting will continue toward the north and west with league nights on Tuesday and Wednesday. On Sunday afternoon there is open trap shooting. Mr Holmes asked if a person can shoot any weapon they own. Mr Dubats related that the range rules do not allow fully automatic weapons. Semi-automatic weapons are allowed.

There are several law enforcement personnel who use the current range free of charge as a Community Service program offered by the Club. The current range is inadequate to accommodate them.

Mr Holmes noted that the distance from the range to the nearest home is about one mile. He asked if this would be a problem. Mr Dubats stated the 20 ft berms surrounding the shooting range are to prevent any projectile from passing through. Mr Holmes asked how the berm would be maintained. Mr Dubats stated the berms don't require much maintenance. They are “holding grass” very well and any repairs that need to be done can be accomplished with a bobcat. Mr Holmes also asked if there are any plans for a duck tower in the future. Mr Dubats responded that there is nothing planned at this time.

Ms Bonin asked if the current range also has a 20 ft berm and allows the amount of noise currently heard, how will noise be contained when there are large numbers of people at events. Mr Plaisance noted that he hears shooting from the range but only faintly and it is more of a background noise that does not bother him.

Ms Allenspach asked what the hours are for the range. Mr Dubats responded that the range is open from 9AM to Sunset every day with trap shooting until 9PM on Tuesday and Wednesday nights. This is within the City regulations.

Mr Plaisance asked Ms Winter if there have been any complaints from the community about noise from the range. She stated there have been no complaints that she is aware of since she started working for the City several years ago. Ms Bodin stated she would have complained but she didn't because she didn't think it would matter and she believes there are other people out there who haven't as well. Mr Plaisance stated that it is difficult to address a concern about noise if there is no documentation of a history of a problem. No sound level testing has been done.

Mr Holmes asked about how many special events might be held if the new range is approved. Mr Krieg Ofstad, President of the Club stated that the purpose of the new range is to allow more members to use ranges at the same time. He related that the new range faces toward the east and the new berm is specifically to reduce any noise in that direction.

Mr Ofstad stated that at this time there were no special events planned. He told members that the only possible special event might be in September for the International Defense

Pistol Association round up which is a two day event. Mr Ofstad stated that the Club is not interested in hosting any more events.

Mr Ofstad agreed that the Club might have the opportunity to host the annual Pheasants Forever Youth Day. This is a 4-H annual event for the state and it used to be held at the Sportsman's Club. They have asked about coming back because the Club is centrally located in the state and there is enough acreage to do all the activities in one location. The last event was for almost 900 children. They offered archery, shotgun, fishing and even mounted cowboy action shooting.

Mr Holmes asked if the Anoka County Sheriffs use the range. Mr Ofstad stated that they do use it because their range is deteriorating and they can do more activities at the Club. He also noted that Blaine and Spring Lake Park officers use the range and Lino Lakes Police would like to use it. Another activity that is increasing is high school trap shooting teams.

Mr Holmes noted that if the traffic on Klondike increases with the range expansion, the City might consider using a less temporary treatment for the road. Ms Winter stated she will look into it.

Mr Plaisance made a motion to recommend approval to the City Council of the CUP for the Beaverbrook Sportsman's Club to permit the addition of a shooting range, and for future improvements that enhance the safety of the gun club, mitigate noise and improve the overall gun club operations subject to the following conditions:

- 5. All improvements are subject to Wetland review and recommendations**
- 6. All Significant Natural Environment areas will be protected**
- 7. Property Owner and applicant shall meet City, State, and Federal regulations for the protection of air quality, erosion control, dust control, and noise.**
- 8. All building codes, and zoning regulations imposed by the City of East Bethel will be applicable for future development as required.**

Mr Terry seconded the motion. Five members were in favor of the motion with one member voting against (Ms Bonin) and Mr Cornicelli abstaining. Majority rules; motion carried.

4.0 Lowest Floor Elevation for buildings

Background Information:

The City of East Bethel has had numerous discussions regarding Shoreland Management Areas:

The City Ordinance currently requires the lowest floor level elevation for new Construction and additions to be located three feet above:

The regulatory floodplain OR Mottled soils OR Ordinary High water level
Whichever is greater

Ms Winter explained that the regulations regarding new construction and additions because the City is required to have them as part of Shoreland Management which is governed by the state Department of Natural Resources (DNR). The current requirements are consistent with the DNR rules governing Shoreland Management. The City has applied these same rules City wide, although it is only referenced under our Shoreland Management District.

It was felt that there is a need to clarify this information in the Ordinance and reference it throughout as appropriate rather than just in the Shoreland Management District section. The staff made comparisons between the City's current requirement and those of other

cities with documented requirements (Attachment 4.1) Most cities were close to or the same as the East Bethel requirements.

Ms Winter stated that the requirements can remain the same if that seems most appropriate. A suggestion was to make the requirements different – possibly less restrictive – for other parts of the City than they are for the Shoreland Management District. In areas that are not part of the Shoreland Management District there may be more flexibility such as the size of the lot or if it is an existing structure.

The following is potential new language for the ordinance:

PROPOSED – Minimum Lowest Floor Elevation

All construction shall be at a reasonably safe elevation above the high water table in order to avoid water seepage problems, and in order to provide adequate drainage from the structure.

1. **Minimum lowest floor elevation for new construction.** The minimum acceptable lowest floor elevation for new construction of residential homes or commercial buildings is two feet above the highest known water table, mottles soil or 100 year floodplain elevation, whichever is highest. Exception: Established low floor elevations that are part of a platted subdivision and were established by a licensed professional engineer and approved by the City Engineer.
2. **Minimum lowest floor elevation for an addition to existing residential or commercial buildings or for residential accessory buildings.** The minimum acceptable lowest floor elevation for an addition to an existing building or to a residential accessory building is one foot above the highest known water table, mottles soil or 100 year floodplain elevation, whichever is highest.

Ms Winter related that as far as flood elevation, about 2/3 of East Bethel that at one point or another had some flood elevation on it. They would like to have requirements that would still allow people to build in those areas. This would not be a change to the “Comprehensive Plan” so it does not require a public hearing.

Mr Holmes asked if any part of East Bethel is in the 50 year floodplain. Ms Winter stated that they distinguish floodway, 100 year and 500 year floodplains. The elevations must be set when they get a survey done to build their home. The homeowner is responsible for knowing if they are in a floodplain and which one that is. Mr Holmes noted that there are state guidelines for 50 and 100 year floodplains and he thought the requirement was for 8 feet. He suggested that this should be researched.

Ms Bonin stated that her opinion is that it is better to err on the side of caution. It is possible to fill in and build up to provide elevation but once there is water in the home it is very difficult to address. It is very important to prevent the problem.

Mr Terry stated that he didn't see any reason to change it to less than three feet above the water table. The members agreed with Mr Terry and Mr Holmes strongly suggested the state floodplain requirements be researched.

Ms Winter noted that the City is getting a new GIS and this will be a perfect opportunity to clean the Ordinance up from that perspective. East Bethel was recently part of a project with the City of Andover. There is a ditch that runs through the south side of the community that was studied and the elevations were reset.

**5.0 Travel Trailer/
Recreational Vehicles/
Overnight Camping**

The City of East Bethel has had numerous discussions regarding recreational vehicles (RVs) or travel trailers used for camping or being brought into lots during the summer months on Coon Lake. The City Council in 2014 looked at this issue on a couple of different occasions and no final decision was made.

Residents who own lots and would like to bring RVs or travel trailers to stay (camp) on the lots for various lengths of time would like clarification of the rules. Residents who own homes on lots in the same area have concerns about the regulation of this type of camping.

Planning Commission members reviewed proposed changes to the Ordinance. (Attachment 5.1) Information related to this topic is found in various locations of the Ordinance and are not consistent. This topic only applies to the Shoreland Management District.

Ms Winter reviewed the current and proposed criteria that travel trailers and vehicles must comply with:

1. Have current licenses required for highway use, and
2. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
3. Is located on an individual lot/parcel of record owned by the record owner of the travel/recreational vehicle, meets setback requirements from property lines as measured to the travel trailer, has a lawful on site or other MPCA allowed disposal facility for the disposal and treatment of human waste and does not permit or allow any nuisance condition as defined in Sec. 26-63 to exist on the site.

Again, several nearby cities were surveyed for comparison of regulations for camping. Most do not have specific regulations regarding a Shoreland Management District. (Attachment 5.2)

Mr Plaisance related that if he owned a piece of property in the Shoreland Management District and he wanted to use it on the weekend to camp and go boating or whatever – he did not feel that should be denied. His concern about the current statement “...an individual lot/parcel of record owned by the record owner of the travel/recreational vehicle...” is that if he owns the property he cannot have friends or relatives camp on the property with him. He feels that is too restrictive. If the goal is to limit the number of RVs, camping type vehicles on a property, the focus should be on what the property would support for a recreational weekend or other timeframe. He would also consider a limit on the timeframe as well.

Mr Cornicelli asked if the issue was with people coming up on the weekend or with people setting up for several months. He feels there is a difference between purchasing property for recreation and part of the use is to come up on the weekend with family to camp with a travel trailer, “that’s part of living in the area” but setting up camp in March and staying until October is a different issue. Mr Balfany noted that it is similar to claiming residency.

Ms Allenspach questioned what if a person is retired and they want to come up for the summer and spend the time on their property – is this not allowed? Ms Winter replied that the current ordinance restrictions would not allow that.

Mr Cornicelli asked if the property would be taxed as a homestead or as a recreational property. Members did not know the answer to the question and wondered who would be responsible for regulating this. Mr Cornicelli noted that Forest Service campgrounds usually have a limit of 14 days.

Ms Allenspach emphasized that a person who wants to camp in their own travel trailer on

their own property should be allowed to do so. In her opinion it might be appropriate to restrict the number of people or camping vehicles but it did not seem appropriate to her to restrict someone from camping on their own property. She noted that there may still be situations where a restriction on the number of people or vehicles might not be best.

Ms Bonin asked where the open lots that people might use for camping are located. Asking if they were separate or if they are mixed in with lots where permanent homes are built. Ms Winter responded that the lots are mixed throughout the Shoreland Management District. Ms Bonin commented that those who live in the area year round might not find it attractive to have RVs and trailers parked on nearby lots. She suggested that camping should only be allowed in a designated campground.

Members discussed lots in the district that might be big enough to host large numbers of people/vehicles. There are some lots that are very large.

Mr Holmes related that in Aitkin, the rule is that as long as the vehicle is on wheels, it is not permanent and the resident is considered to be camping. He noted that they must move the vehicle at least once a year.

Members agreed that it is a desirable goal to allow people to use property they own as they see fit. Regulations should also keep someone from making an RV or camping vehicle their permanent residence but not claiming it as such.

The comments and discussion of members will be forwarded to the City Council as input on this topic.

6.0 Approval of Meeting Minutes

Mr Terry moved to approve the January 27th, 2015 meeting minutes as written with the following correction: On page 6, at the bottom of the page, the statement beginning “All members were in favor save two...” should be changed to read as follows: Five members were in favor of the motion with two members voting against (Ms Bonin and Mr Holmes). Majority rules; motion carried. **February 10th, 2015 meeting minutes had no corrections noted. Mr Plaisance seconded the motion. All members were in favor; motion carried unanimously.**

7.0 City Council Report

Mr Koller reported that the Council declared 24054 Johnson Street a nuisance property. It is expected to be cleared. They discussed the required maintenance for Klondike Drive and continue the process of planning frontage roads near Hwy 65 south of Viking Blvd.

8.0 Other Business

Ms Winter informed members that the East Bethel Chamber of Commerce is hosting a Sunrise Business Breakfast on April 9th at 7:30 AM in the Senior Center. They request RSVPs to Ms Carrie Frost. They will be discussing the plans for frontage roads along Hwy 65.

9.0 Adjournment

Mr Holmes moved to adjourn the meeting. Mr Balfany seconded; all in favor, motion carried and the meeting was adjourned at 8:30 PM.

Submitted by:
Susan Lori Irons
Recording Secretary

Attachments:

- 3.1 CUP Application with Appendix A-D
- 3.2 Beaverbrook Aerial Photo
- 3.3 Wetland Review from Anoka Conservation District

- 3.4 Significant Natural Environment Area
- 3.5 Resident Attendance Sheet
- 4.1 Other Cities Comparison on Lowest Floor Elevation
- 5.1 Suggested Changes to Ordinance related to lowest floor elevation
- 5.2 Other Cities Comparison on Overnight Camping

DRAFT



City of East Bethel Planning Commission Agenda Information

Date:

April 28, 2015

Agenda Item Number:

4.0

Agenda Item:

Public Hearing: Interim Use Permit for a Private Kennel License

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Diane Bayard for a Private Kennel License

Background Information:

Owner/Property Location:

Diane Bayard
23001 Highway 65 NE
Bethel, MN 55005
PIN 32-34-23-43-0013

Mrs. Diane Bayard is requesting an IUP for a private kennel license for the keeping of three (3) dogs on the 7.32 acre parcel she owns. Currently, she has two (2) German Shorthairs and one (1) Border collie mix. The dogs are not kenneled outdoors; rather they are housed in the basement of the home. The parcel is not fenced, but the dogs are only allowed outside if they are leashed/tied up. All dogs have proof of rabies vaccination and two are currently licensed with the city. She plans on getting the third license if the Private Kennel IUP is approved.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

The property meets the requirements set forth in City Code for the keeping of dogs.

Fiscal Impact:

Not Applicable

Zoning Code Sections:

Chapter 10. Article 2. Division 2. Section 10-55: Conditions for issuance of a private kennel license.

The following conditions are mandatory for the issuance of a private kennel license:

1. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
2. Dogs shall be confined to their own property by a provable means.
3. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
4. Accumulations of feces shall be located at least 200 feet from any well.
5. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
6. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
7. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
8. Kennels shall be considered an accessory structure for setback purposes.

Recommendation(s):

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP/Private Kennel License for no more than three (3) dogs for Mrs. Bayard, located at 23001 Highway 65 NE, Bethel, MN 55005, PIN 32-34-23-43-0013 with the following conditions:

1. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
2. Applicants must comply with City Code Chapter 10, Division II, Dogs.
3. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
5. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
6. The IUP shall be for a term of three (3) years at which time the applicant will be required to re-apply for an IUP.
7. Property will be inspected and evaluated annually by city staff.

Attachments:

1. Location Map
2. IUP draft

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: _____

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: April 28, 2015

Property Owner: Diane Bayard
23001 Highway 65 NE
Bethel, MN 55005

Applicant: Diane Bayard

Parcel Location: 23001 Highway 65 NE
Bethel, MN 55005

Parcel Number: 32-34-23-43-0013

Present Zoning District: R1 – Single Family Residential

IUP REQUEST: approval of a Private Kennel for 3 dogs at 23001 Highway 65 NE, Bethel, MN 55005

PLANNING COMMISSION ACTION

A public hearing was held on April 28, 2015 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on _____ and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP for a Private Kennel located at 23001 Highway 65 NE, Bethel, MN 55005, Lot 1 Block 1 Cedar Creek Meadows, PIN 32-34-23-43-0013 subject to the following conditions:

CONDITIONS AND REQUIREMENTS

1. The private kennel shall meet the specific Private Kennel standards set forth in the City Code Chapter 10. Article 2. Division 2. Section 10-55: Conditions for issuance of a private kennel license.
 - a. Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
 - b. Dogs shall be confined to their own property by a provable means.
 - c. Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
 - d. Accumulations of feces shall be located at least 200 feet from any well.
 - e. All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
 - f. All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
 - g. The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
 - h. Kennels shall be considered an accessory structure for setback purposes.
2. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
3. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
5. Property will be inspected and evaluated annually by city staff.
6. Violation of conditions and City Codes shall result in the revocation of the IUP.
7. The IUP shall be for a term of three (3) years, expiring _____, at which time, the applicant will be required to re-apply for an IUP.
8. All conditions must be met no later than _____. An IUP Agreement shall be signed and executed no later than _____. Failure to execute the IUP Agreement will result in the null and void of the IUP.

23001 Highway 65 NE



1 in = 376 ft





City of East Bethel Planning Commission Agenda Information

Date:

April 28, 2015

Agenda Item Number:

Item 5.0

Agenda Item:

Discussion regarding allowing an office/manufacture/warehouse business to be located in the Central Business District/Overlay Business District zone

PID #083323120006

Background Information:

The City of East Bethel has been working with Brown-Wilbert, a company that has been in business for 92 years, has 19 locations in the Midwest, and is the largest septic tank manufacturer and supplier in the State of Minnesota. They are interested in relocating their headquarters from St Paul to a location in the northern metro area and have identified the corner of 221st Ave. NE and Hwy. 65 as one of the areas that they are very interested in locating their operations.

The area is zoned B-2, Central Business District and has a business overlay district on top of it. According to the City of East Bethel's Comprehensive Plan the purpose of this overlay district is to establish standards for exterior architecture, design, landscaping, and signage of buildings that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the city.

It is the intent of the PBD to accomplish the following:

- To promote a planned environment for integrated residential, industrial, office, and commercial which features design continuity;
- To encourage orderly development of property;
- To encourage patterns of development in harmony with the objectives of the city's comprehensive plan;
- To encourage more attractive and enduring commercial and industrial districts; and
- To provide a uniform set of standards to be applied equally to all owners and developers in this district.

An important component of the Brown-Wilbert business model is to have an area that is visible from Hwy. 65 for display of their products. Attached in your packet, you will find a very preliminary concept plan that indicates how Brown-Wilbert wishes to utilize the above referenced property.

Considerations:

1. Would Brown-Wilbert be able to locate their business at this location through the Conditional Use Permit process?
2. Future planning for this area, do we want to look at changing the zoning to include office/corporate/industrial campus businesses?
3. Is the B-2, Central Business district the right zoning for this area now?

Attachments:

Attachment #1 – Site Map

Attachment #2 – Map of Brown-Wilbert location in St. Cloud, MN

Attachment #3 – Map of Brown-Wilbert location in Fargo, N.D.

Attachment #4 – Map of Brown-Wilbert location in Lakeville, MN

Applicable Comp. Plan and Zoning Sections (not all inclusive):

Section 46 – Central Business District (attached)

Section 55 – Planned Business Overlay District (attached)

Recommendation(s):

Staff is looking for guidance from the Planning Commission as to whether or not Brown-Wilbert would be a considered use in the Central Business District. If recommended to move forward, staff would continue to work with the business, and a public hearing for a conditional use permit would be brought back to the Planning Commission for their consideration at their May meeting.

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Potential Site



1 in = 376 ft



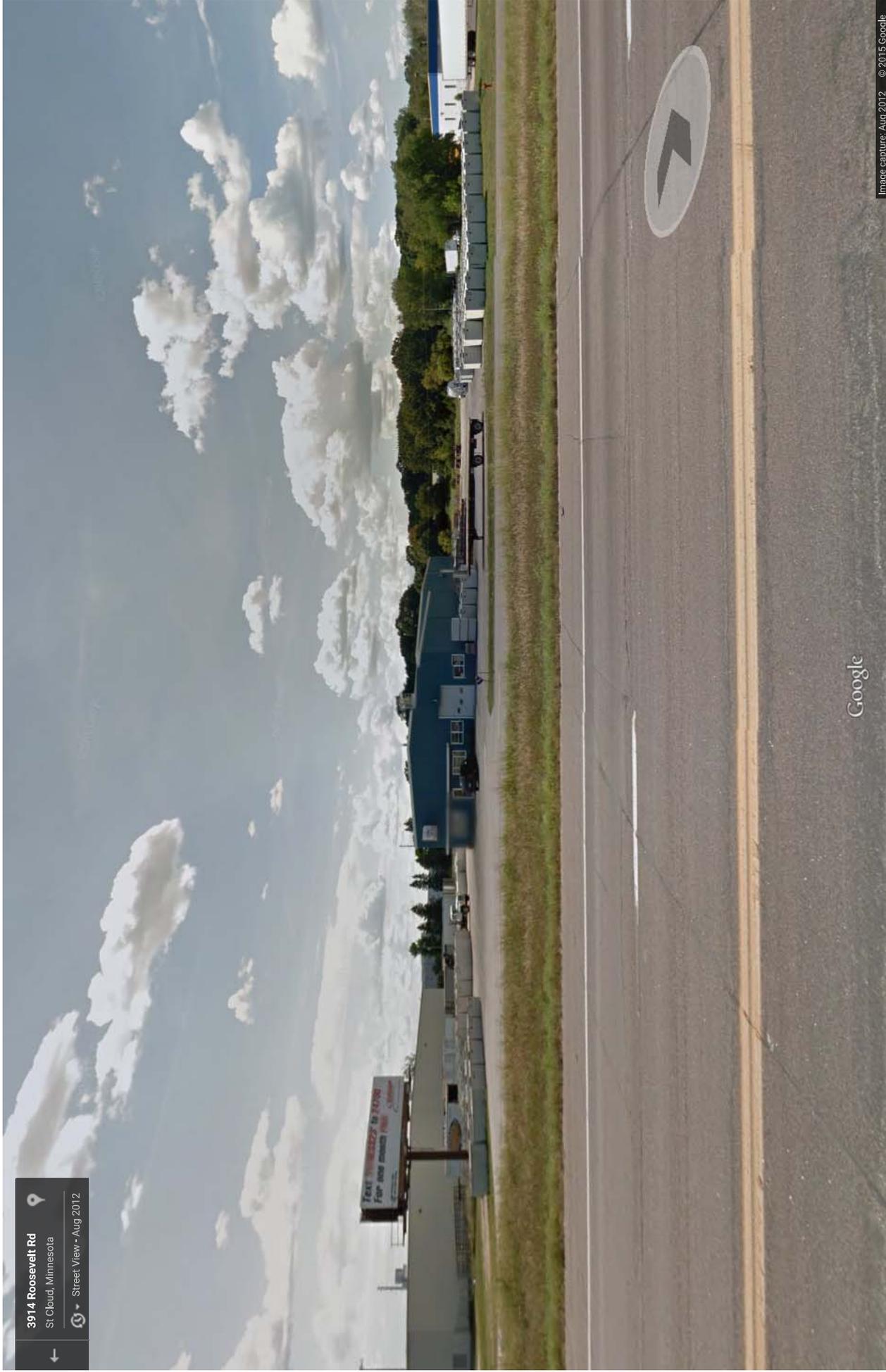
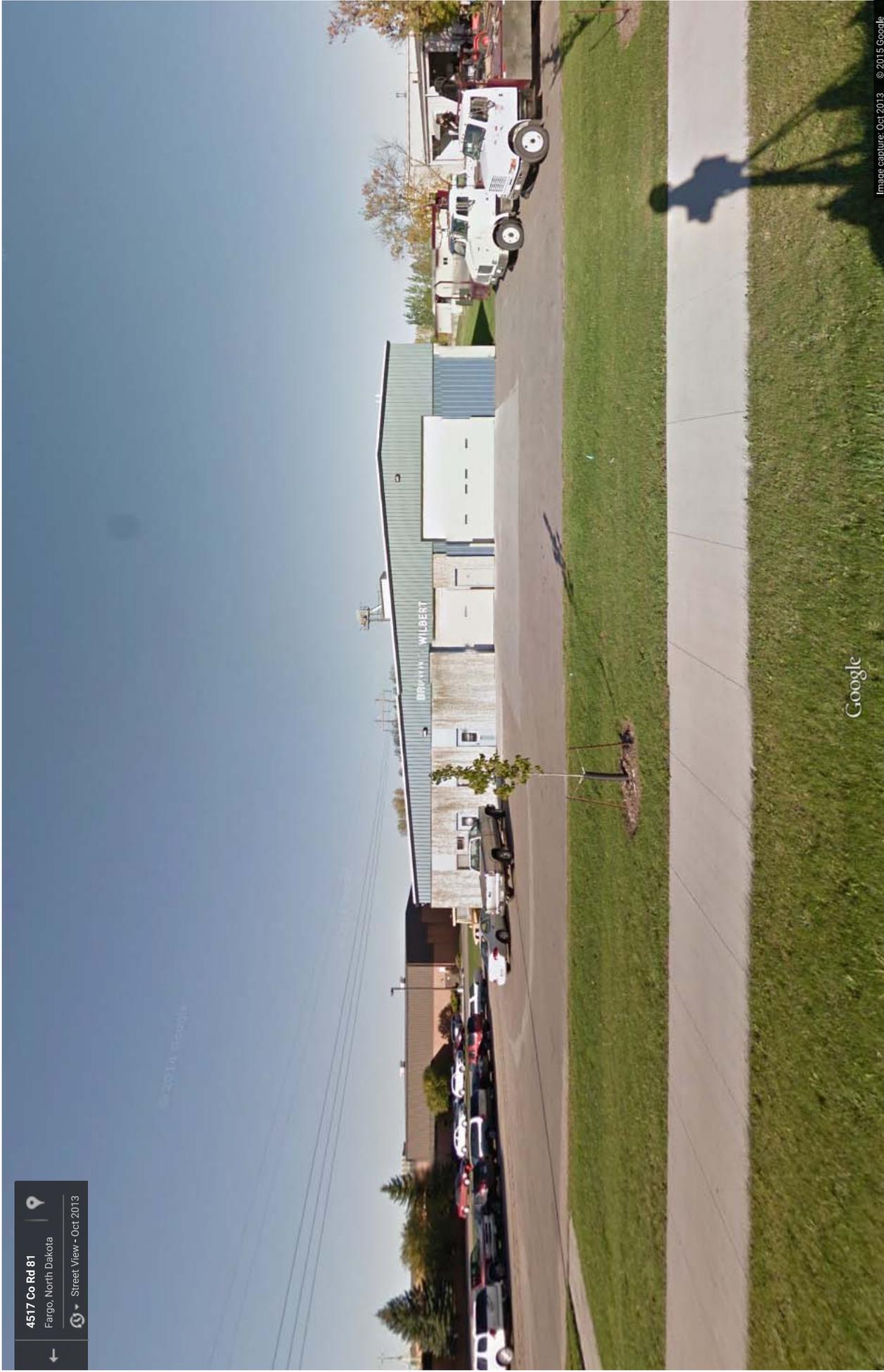


Image capture: Aug 2012 © 2015 Google

←
3914 Roosevelt Rd
St Cloud, Minnesota
Street View - Aug 2012



4517 Co Rd 81
 Fargo, North Dakota
 Street View - Oct 2013

Google

Image capture: Oct 2013 © 2015 Google



Brown-Wilbert Concrete Products (952) 469-3996
 Street View
 Ad Residential Concrete - www.jimwebergc.com/Concrete

Google

Imagery ©2015 Google, Map data ©2015 Google 100 ft

SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

1. - Purpose.

The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

2. - Permitted uses.

- A. Club or lodge.
- B. Florist, commercial.
- C. Health/recreation facility.
- D. Dwelling, condominium, when located above the street level floor.
- E. Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation—Public.
- H. Restaurant—Fast food and full service.
- I. Retail/office/multi-tenant structure.
- J. Retail sales and services conducted completely within the structures.
- K. Financial services.
- L. Tavern or bar.
- M. Motor vehicle service station (with no minor or major repair facilities).
- N. Essential services, government.

3. - Accessory uses.

- A. Outdoor sidewalk cafe.
- B. Trash enclosure service structure.
- C. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- D. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

4. - Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.

- I. Funeral home.
- J. Crematorium.
- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.

5. - Interim uses.

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Communication tower.
- C. Other uses similar to those permitted in this section as determined by the city council.

6. - Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. - Development regulations.

A. Minimum lot requirements.

1)	Lot area		
	a)	Without sewer and water	10 acres
	b)	With sewer and water	No minimum
2)	Lot width		
	a)	Without sewer and water	300 feet at the public right-of-way
	b)	With sewer and water	No minimum

Setbacks. No setbacks are required unless adjacent to a residential district; a setback of 60 feet shall be required.

- C. Maximum building height: Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
- D. Maximum lot coverage: 80 percent.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 55. - PLANNED BUSINESS OVERLAY DISTRICT (PBD)

1. - Purpose.

The purpose of this overlay district is to establish standards for exterior architecture, design, landscaping, and signage of buildings that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the city.

It is the intent of the PBD to accomplish the following:

- A. To promote a planned environment for integrated residential, industrial, office, and commercial which features design continuity;
- B. To encourage orderly development of property;
- C. To encourage patterns of development in harmony with the objectives of the city's comprehensive plan;
- D. To encourage more attractive and enduring commercial and industrial districts; and
- E. To provide a uniform set of standards to be applied equally to all owners and developers in this district.

2. - Definitions.

In this district, the following definitions shall apply:

- A. *Master development plan.* A concept plan of an area adopted by the city council which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements.

The master development plan shall not create a contract or be considered as absolutely binding upon the city or adjacent land owners as to future development of adjacent land (unless so specified in a separate development contract), but shall be used as a guide to landowners, developer(s), and the city.

- C. [B.] *Project development package.* An application and information needed to initiate the review process of specific site(s) with the master development plan area.

3. - Development procedure.

Prior to any development of lands within the PBD, the applicant(s) shall receive approval by the city council of a master development plan encompassing at a minimum of 20 acres. The master development plan shall be kept on file for reference and implementation by the community development department. Such a plan shall consist of maps and descriptive statements of objectives and shall contain the following components: land use, circulation, subdivision design, services and facilities, and construction order. Amendments to the master development plan can be proposed and implemented upon city council approval.

- A. *Master development plan.*

Within this district a landowner or developer, with written consent of a landowner or the city, may initiate consideration of a master development plan.

Prior to proceeding with any specific development proposal(s) within a PBD district, a proposed master development plan and all subsequent amendments must be reviewed and recommended to the planning commission by the zoning administrator. It shall then be reviewed at a public hearing by the planning commission and approved by the city council who shall have sole authority to determine appropriateness of land uses and adequacy of addressing traffic and environmental issues.

Based on the information contained in the master development plan and prior to approval, the city council must make the following findings:

- 1) That the proposed master development plan is consistent with the comprehensive plan, and can be coordinated with existing and planned development of the surrounding areas.
- 2) That the proposed or existing internal and adjacent streets are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
- 3) That the proposed master development plan adequately addresses identified environmental concerns and that the proposed storm drainage plan is adequate and does not impact adjacent areas.

B. *Master development plan application.* The master development plan application shall include scaled maps and drawings and descriptive statements containing the following information:

- 1) A land use component shall set forth the description, location, and acreage of land devoted to each land use activity.
- 2) A circulation component shall set forth the general location of proposed internal and external street networks.
- 3) A subdivision design component shall set forth the proposed layout of all lots and related land uses, streets, and topography.
- 4) A services and facilities component shall set forth the general location and size of any and all existing and proposed city systems for sanitary sewer, water, storm drainage, utilities, right-of-ways, and any other public and private easements.
- 5) A phasing component shall set forth the proposed chronological schedule of construction for all private development and public improvements.
- 6) The environmental component shall consist of biological survey maps from the State of Minnesota depicting soils, water table, flood plain, vegetative, and wetland conditions, and a site plan showing the connectivity of city parks and trails system in relation to the City of East Bethel parks, trails, and open space comprehensive plan. Corps of Engineers permits for wetland fill shall accompany the map(s), so as to ascertain where and how development will be allowed on a specific site.
- 7) A design continuity component shall describe, by drawings and text, a theme to be established by using consistent design elements including, but not limited to, landscaping, signage, lighting, and architectural compatibility.

C. *Project development package.*

A landowner within the zoning district, or developer with written consent of a landowner, may initiate consideration of a project development package. A project development package and all subsequent amendments shall be reviewed and recommended to the planning commission

and city council by the zoning administrator prior to the issuance of any building permit(s).

A project development package shall incorporate the following:

- 1) A site plan review application containing all information as required in Section 04. Applications and Procedures.
- 2) A subdivision application meeting the requirements as stated in the East Bethel subdivision regulations.
- 3) All required local, state, and federal agency permits, specific design plans, and environmental mitigation measures shall be clearly shown on maps and/or descriptive statements.

4. - Conditional uses.

A. Electric power and communications transmission lines.

(Ord. No. 19, Second Series, 5-5-2010)



City of East Bethel Planning Commission Agenda Information

Date:

April 28, 2015

Agenda Item Number:

Item 6.0

Agenda Item:

Discussion regarding Microbreweries/distilleries/food trucks

Background Information:

The Craft Beer and distillery movement has become very popular and with the passage of the Surly Bill into law in 2011 many communities are putting in place ordinances that will allow them to work with craft brewers. The Surly Law allows local craft brewers to sell pints of their own beer where the beer is made. There are three different definitions and those are enclosed and noted as *Attachment #1*.

The City is currently working with a Small brewer who is looking at locations in the City for their business operation. We currently do not have anything in our Code of Ordinances that addresses this type of business. Consideration should be giving to the following:

- Where should these types of businesses be located? Business Districts, Industrial Districts, Residential Districts
- Requirements for the following: Landscaping, parking, loading docks

Food Trucks sometimes go hand in hand with breweries and Staff would recommend that zoning for Food trucks follow where breweries will be allowed.

Attachments:

Attachment #1 – Zoning Map

Attachment #2 – Definitions

Recommendation(s):

Staff is looking for guidance from the Planning Commission to establish appropriate regulations and zoning districts regarding microbreweries. A public hearing will then be held at the May Planning Commission meeting on a brewery ordinance.

Planning Commission Action

Motion by: _____

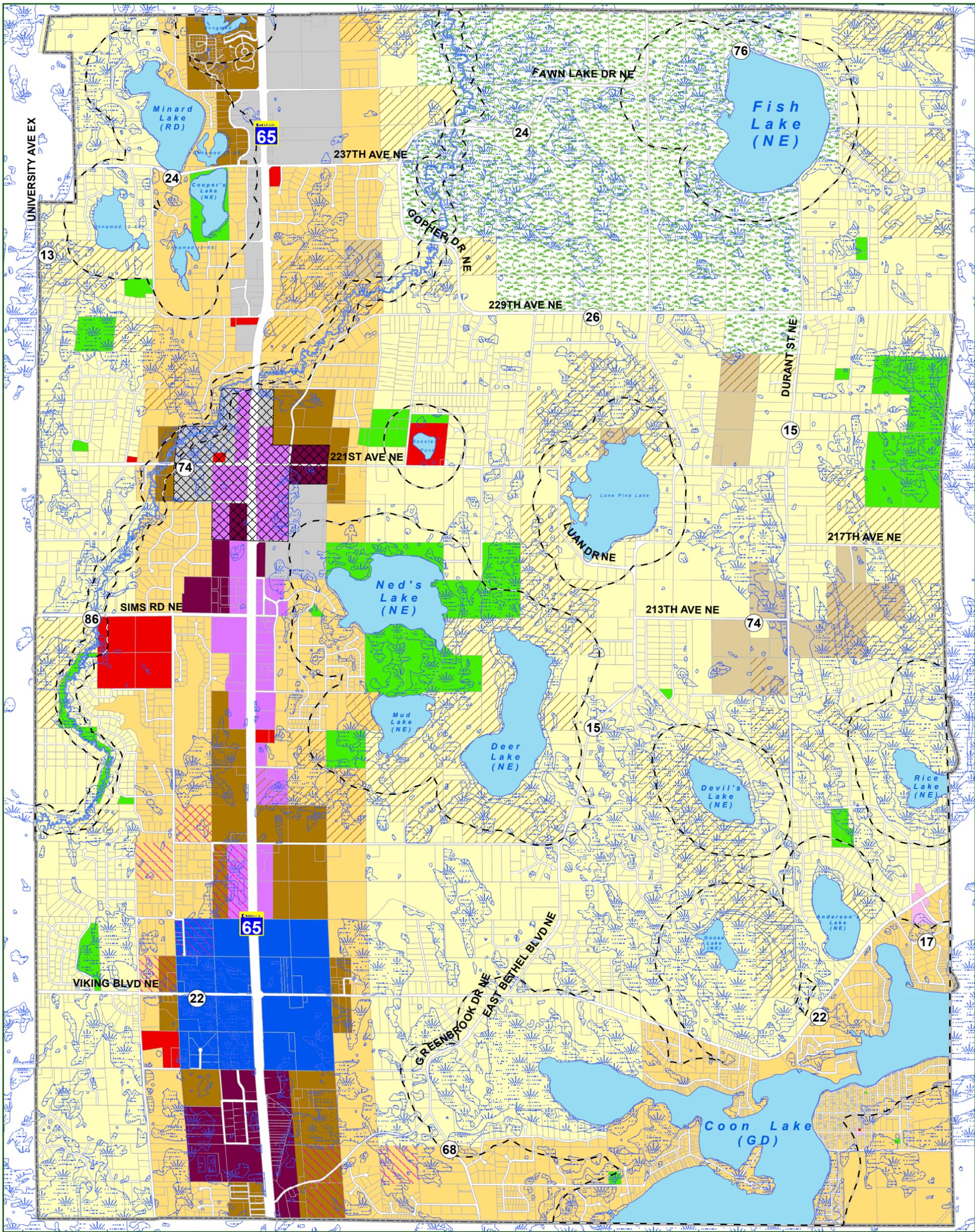
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

FUTURE ZONING MAP



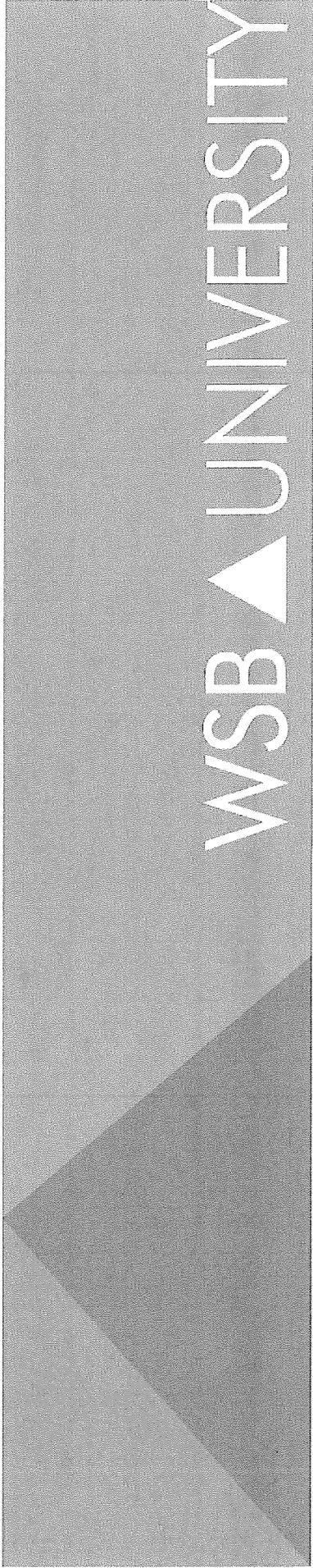
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|------------------------|---------------------------------|--|---|--|
| Zoning | B-3 - Highway Business | R-2 - Single Family & Townhome Residential | Natural Area | Planned Unit Development |
| AG - Agriculture | I - Light Industrial | CC - City Center District | Planned Business District | Wetlands |
| B-1 - Limited Business | RR - Rural Residential | Public / Institutional | Parcel/Lot | City Limits |
| B-2 - Central Business | R-1 - Single Family Residential | Park / Open Space | Significant Natural Environment Area Overlay District | Approximate Shoreland Overlay Boundary |



Sources:
Anoka County
East Bethel Planning Department
East Bethel GIS



Business Type	Annual Production (in barrels)	Type of License
Small Brewer	Less than 20,000	On-sale taproom license and off-sale small brewer's license
Craft Brewer w/ taproom	20,000 to 250,000	On-sale taproom license; no off-sale license
Brew Pub	3,500 or less	Full on-sale license; off-sale small brewer's license



SMALL BREWERY

Production is less than 20,000 barrels / year

**May be issued on-sale taproom license and
off-sale small brewers license**

**Only malt liquor produced by a brewer on the
premises may be sold for on-sale**

**No more than 500 barrels may be used for
off-sale (growler sales) per year**

CRAFT BREWERY

A taproom license is limited to those that brew no more than 250,000 barrels annually

Only malt liquor produced by a brewer on the premises may be sold for on-sale

No off-sale permitted if over 20,000 barrels annually

BREW PUBS

May be issued on-sale and off-sale

Must have a small brewer's license

**Production may not exceed 3,500 barrels /
year**

**No more than 500 barrels may be used for
off-sale (growler sales) per year**



City of East Bethel Planning Commission Agenda Information

Date:

April 28, 2015

Agenda Item Number:

Item 7.0

Agenda Item:

City Ordinance, Chapter 10, Article V, Farm Animals

Requested Action:

Continue the discussion of amending City Ordinance, Chapter 10, Article V, Farm Animals as it relates to the keeping of chickens on lots of less than 3 acres

Background:

The City has received a number of requests from residents to keep chickens on residential properties under 3 acres. Currently our ordinance only allows chickens on lots larger than 3 acres. City Staff has researched the practices of other Cities regarding this matter and that information is included and attached. Standards vary from total prohibition to allowance of chickens on lots less than 3 acres with restrictions on the number that can be kept.

Attachment # 4 is a power point presentation prepared by the City of Cottage Grove that outlines survey results of 52 Cities and their policies for the keeping of chickens.

City Council has been considering amending City Code as it relates to the keeping of chickens. The following is a timeline of meetings that have discussed this subject:

- June 4, 2014, City Council Meeting - Council directed Staff to survey the policies of other Cities in regards to the keeping of chickens;
- June 18, 2014, City Council Meeting - Staff presented a report to City Council as to the policies of other Cities in regards to the keeping of chickens. As a result of this meeting and discussion, Council scheduled a work meeting for June 25, 2014 for further consideration of this matter;
- June 25, 2018, City Council Work Meeting - This matter was discussed and Council was requested to forward recommendations to the City Administrator for inclusion in a revised draft ordinance to be presented to Council at a later date.
- August 6, 2018, City Council Meeting- Council scheduled a work meeting for August 13, 2014 to continue discussion of this matter.

The current City Ordinance is presented for reference and as the option for “No Change” in the requirements for the keeping of chickens. Our Ordinance addresses most of the concerns that Council has discussed and deals in more detail with setback requirements than the other Ordinances presented for comparison. The primary difference between the Ordinances is that ours is more restrictive as lot size for permitting the use and less detailed in regards to coop and pen standards.

Should there be a decision to change the Ordinance, the main issue appears to be determination of the minimum lot size for keeping of chickens. It would appear that, if this is the approach, Council may want to consider a tiered set requirements that increase the restrictions and conditions as approved lot areas decrease in size. For example lots of 2-3 acres would have less restrictions than those of 1-1.99 acres. It would also be appropriate to consider continuing the prohibition of the keeping of chickens in platted subdivisions.

While arguments can be made in favor of relaxing our current standards for keeping chickens, keep in mind that on certain lots this could have unintended consequences, primarily with neighbors, creation of a disturbance and devaluation of the residential character of certain neighborhoods and an increase in the potential attraction of predatory animals and rodents.

Other considerations that should be addressed if the ordinance is to be changed include but are not limited to the following:

- Slaughtering
- Standards for coop and pen construction and size
- Location on the lot
- Number of chickens that can be kept
- Fees for permit or IUP's-one time or annual
- Seeking approval of surrounding neighbors
- Waste control and management

The attached Forest Lake and Norwood Young America Ordinances include highlighted sections that provide additional detail for standards of coops and pens and other requirements that may be of interest as additions to our Ordinance.

Attachments:

1. City Council comments
2. Forest Lake Ordinance
3. Norwood Young America Ordinance
4. Chicken Ordinance Requirements for Surrounding Cities
5. Municipal Survey on Chickens

Recommendation:

Staff is seeking direction from Planning Commission to forward to City Council and request change in the Ordinance

Planning Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Comments Regarding Changes to the Ordinance from Individual Councilpersons:

- One Councilperson was in favor of no changes and felt the existing ordinance was satisfactory;
- Three Councilpersons were in favor of incorporating some or all of the Forest Lake Ordinance into ours and considering changing the minimum lot size for the keeping of chickens; and
- One Councilperson provided the following comments, "Frankly, I think that the Planning Commission SHOULD have had a go at this ordinance, because it will most likely be doing the first hearing on the permit for chicken raising. I also think that the Planning Commission should be asked for their input on this before it comes before the Council again.

The numbers in the following have been chosen for a reason, but for good reason could easily be changed.

I also think that SOMEONE should look at the regular requirements of domestic chickens for veterinary services and include those in this ordinance. I have not had time to do that.

We need a dead animal ordinance so that there is no disease or vermin attracted by decomposing chickens or other animals.

1. On parcels less than 1/2 acre, all residents within 150 feet of the premises must agree to allow the owner to have the chickens. (This requirement could reasonably be made for parcels less than 1 acre.)

2. I have read that chicken waste can be composted (since the waste can be a bit harsh on plants and the potability of water, composting is recommended if it is to be used as home grown fertilizer.) I think that, at a minimum:

a. Chicken waste shall be cleaned up from coops and pens on a regular basis (weekly or as recommended...check online) and stored in a water and rodent proof container, unless it is composted.

b. Raw chicken waste shall not be used as fertilizer. Raw chicken waste shall not be accumulated or stored within 50 feet of ditches, gullies, or streams;

c. Where chicken waste is composted, the waste shall be combined with vegetable and yard waste in a rodent proof container.

d. Chicken coops or pens shall not be allowed to be placed within 50 feet of a shallow well point that is used for potable water.

e. In the application for a permit to keep and raise chickens, the applicant shall provide a reasonable plan for

i. Disposal of chicken waste, including use in compost, and

ii. Disposal of dead chickens and butchering waste. (Note: Consider having a Dead Animal Ordinance establishing how the animals will be disposed.)

4. Chickens may be kept on parcels in the Shoreland Overlay District provided that all other restrictions are met and:

a. The Coop and Pens are a minimum of 75 feet from the ordinary high water mark/level of the lake.

b. The Coop and Pens are, at minimum, placed at an elevation at least 1 foot higher than the ordinary high water mark/level of the lake.

c. Parcels are a minimum of 3/4 acre. (better to assure chickens and their waste are kept well away from the water's edge.)

d. Residents within 150 of the property lines of the parcel shall not object to the chickens being kept on the parcel.

5. Renters that wish to keep chickens must have written permission of their landlord and meet all other relevant requirements of this ordinance.

6. Mobile coops and pens are permitted. In the Shoreland Overlay District, mobile coops and pens shall not be allowed to be placed within 75 feet of the ordinary high water mark of the lake.

7. Students and minors that wish to raise chickens as part of a program or class project:

a. Are exempt from the permit fee but must, in all other respects, comply with all other regulations regarding chicken keeping, and

b. Must have at least one adult "sponsor" and the approval/acknowledgement of the program (ex. FFA, 4-H) leader or class teacher.

8. Unless a permit is obtained for a home occupation, a permit authorizing chickens to be raised in East Bethel does not authorize the consumer sale of chickens, chicken products or eggs. (NOTE: "consumer" is necessary so that the chickens, pens and coops can be sold within EB.)

9. Home Occupations.

a. Home Occupations for the consumer sale of chickens, chicken products and/ or eggs will be required to provide proof of annual veterinary service/inspection (insert relevant term of art) of the chickens and relevant inoculations; annual inspections by City Staff and (insert the language, if not included by reference... to allow the City to terminate a permit to raise chickens for violation(s) of the chicken raising ordinance.)

b. A Home Occupation for the consumer sale of chickens, chicken products and/or eggs shall be permitted only on parcels of:

i. At least three acres for chicken meat products (where slaughtering processes occur);

ii. At least one acre for egg production only.

c. A Home Occupation for chicken meat must meet all applicable standards in the butcher industry.

d. A Home Occupation for chicken meat (butchering) shall require the consent of all residents within 150 feet of the property lines.

10. Chickens are allowed to roam within a fenced-in yard of the permittee, provided that the area is not also equipped with and used as a playground for children under the age of 8.

11. Chickens are not allowed to roam free range off of the permittee's parcel. Chickens that escape from the coops, pens or fencing of a permittee more than twice in any 30 day period are, by definition, a nuisance, subjecting the permittee to termination of the chicken raising permit".

CITY OF FOREST LAKE

ORDINANCE NO. 627

AN ORDINANCE AMENDING SECTION 153.096 OF THE CITY CODE OF THE CITY OF FOREST LAKE AND PERTAINING TO THE KEEPING OF DOMESTICATED CHICKENS WITHIN THE CITY OF FOREST LAKE

The City Council of the City of Forest Lake hereby ordains as follows:

Section 1. Section 153.096 of the City Code of the City of Forest Lake is hereby amended by adding a new subsection (OO) *Chickens, keeping of as follows*:

- 1) The keeping of domesticated chickens is permitted on single-family residential properties less than five (5) acres and within all residential zoning districts subject to the following requirements:
 - a) Any person wishing to keep chickens in the City of Forest Lake on a property shall first obtain a Certificate of Compliance from the City;
 - b) The principal use of the property shall be single-family residential;
 - c) The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
 - d) No more than five (5) hen chickens shall be permitted;
 - e) No person shall keep a rooster;
 - f) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions;
 - g) Chickens shall not be kept inside the principal structure;
 - h) No person shall slaughter chickens on-site except when in an area of the property not visible to the public;
 - i) Chicken coops and attached exercise pens shall be provided for all chickens;
 - j) Coops and pens shall be fully enclosed including overhead and constructed of durable materials;
 - k) The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
 - l) The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
 - m) Coops and pens shall meet all accessory structure setback requirements;
 - n) Coops and pens shall be located in rear yards only;
 - o) Coops larger than 120 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
 - p) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 - q) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;

- r) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
- s) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of Forest Lake;
- t) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.

Section 2. Section 153.096 of the City Code of the City of Forest Lake is hereby amending subsection (P) *Livestock and livestock operations* as follows:

- 2) No livestock shall be placed on any site of less than 5 acres, except chickens located on single-family properties located in residential zoning districts meeting additional requirements in § 153.096 (OO).

Passed and adopted by the City Council of the City of Forest Lake, Minnesota this 25th day of March 2013.

BY: _____

Chris Johnson, Mayor

ATTEST:

Aaron Parrish, City Clerk/Administrator

Keeping of Domesticated Chickens on Small Residential Lots



Text Amendment to the Zoning Ordinance

Urban Chicken Movement

- Sustainable/green living
- Residents interested in locally-grown food sources
- Stillwater, Maplewood, St. Paul, Roseville, Ham Lake
- Strongest interest in the more urban areas with very small lot sizes: St. Paul, Minneapolis, etc.



GO GREEN




Planning Commission Review

- General Discussion - Sept. 12, 2012
 - Keeping chickens on smaller urban lots
 - Growing trend to allow chickens in other cities
 - Why residents want chickens
- Staff findings and in-depth discussion - Jan. 9, 2013
 - Reviewed common regulations within other chicken ordinances
 - Draft ordinance presented
- Final revisions - Feb. 13, 2013
 - Chicken breeds
 - Chickens in backyards under Supervision
- Public Hearing - March 13, 2013
 - Motion to approve (Yes - 6, No - 1)



Findings

- *Planning Commission stated the following reasons why they were in favor of the proposed regulations:*
 - The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
 - The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
 - The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
 - Raising chicken has educational value for families/children, such as 4-H;
 - Domesticated chickens are also considered pets (cleaner than dogs);
 - With control and structure should not be or cause a nuisance;
 - The City has an ordinance to allow Pigeons.

Planning Commission Review

- Text Amendment to the Zoning Ordinance - March 13, 2013
- Public hearing held.
- Planning Commission recommend approval.



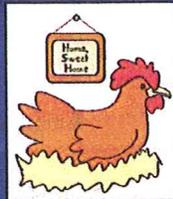
Current Zoning Ordinance - Review

- Chickens are recognized as "livestock"
- Chickens only allowed in rural zoning districts (C, A, RR)
- Requires min. of 5 acres



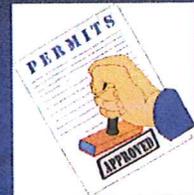
Proposed Zoning Ordinance Changes

- Allow on residential properties less than 5 acres
- Allow in all residential zoning districts
- Must have single-family residence
- Not permitted on vacant properties or if multi-family residences (duplexes, townhomes and apartments)



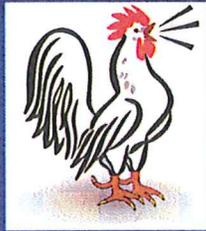
Permits and Process

- One-time permit
- Administrative review by Community Development staff
- \$50 permit application fee



Number of Chickens Permitted

- Maximum of 5 hen chickens per property
- No roosters allowed



Slaughtering Restrictions

- On-site slaughtering allowed if not visible to the public (coop, garage, screened yard, etc)
- Similar to processing wild ducks, pheasants and game



Chicken Breeds

- All chickens must be domestic species (*Gallus gallus domesticus*) and tolerant to local climate conditions.



Chicken Coops and Pens

- Require coops/pens for all chickens
- Must be fully-enclosed with overhead material
- Minimum area requirement per chicken
 - Coops: 2 sq/ft
 - Pens: 6 sq/ft



Chicken Coops and Pens

- Coops and pens must meet accessory structure setbacks (often 10 feet from side and rear property lines)
- Chicken coops/pens located in back yards only
- Coops larger than 120 square feet must meet accessory structure requirements (size, number, height, impervious surface, etc.)



Containment Requirement

- Chickens must be contained in coops and attached pens
- Exception: Allowed in fenced-in back yards if under supervision



Minimizing Impacts and Nuisances

- Food must be stored in containers or inside buildings
- Coops/pens must be kept clean at all times
- May not create a public nuisance
- Public Nuisance Ordinance §96.02 recognizes noxious smells, accumulating manure and dead animals



Planning Commission Action

- Text Amendment to the Zoning Ordinance (public hearing)
- Planning Commission provides recommendation to City Council

- Motion to approve:
Recommend approval of the draft ordinance amending Section 153.096 of the City Code of the City of Forest Lake pertaining to the keeping of domesticated chickens





Forest Lake
AS GOOD AS IT SOUNDS

Date: March 25, 2013

To: Honorable Mayor and City Council Members

From: Community Development Department

Re: Amending Section 156.096 of the City Code of the City of Forest Lake and Pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens")

The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area. Many cities have chosen to allow them in residential backyards by ordinances. The topic of allowing "urban" chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings.

September 12, 2012 Planning Commission Meeting

Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

January 9, 2013 Planning Commission Meeting

Community Development staff collected additional information and reviewed many ordinances from other cities that allow urban chickens. Findings were presented to the Planning Commission on January 9, 2013. Staff also provided a draft ordinance based on ordinances from other cities that allow urban chickens. Discussion highlights from the January 9, 2013 meeting include:

- Forest Lake current zoning ordinance recognizes chickens as livestock. Only allowed in rural lots of at least five 5 acres.
- Consider changing ordinance to allow in C, A, RR, SF, MXR-1, MXR-2 on single-family properties less than five (5) acres.
- Not allowed if vacant property or multi-family use.
- Permitting process, fees, education requirement
- Coops/Pens: Require minimum size, enclosed, location on lots, coops as accessory structures, and distance restrictions to homes on neighbor's property.
- On-site slaughtering
- Allowing free range
- Addressing potential nuisance issues
- Lake properties

February 13, 2013 Planning Commission Meeting

Community Development staff presented a revised draft ordinance to the Planning Commission on February 13, 2013. Final revisions to the draft ordinance and discussion highlights include:

- Allow chickens in all residential zoning districts on single-family properties Chicken coops/pens to meet all accessory structure setbacks.
- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

The Planning Commission had no further comments on the draft ordinance.

A public hearing was held at this meeting and no comment was provided from the public.

Planning Commission stated the following reasons why they were in favor of the proposed regulations:

- The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
- The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
- The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
- Raising chicken has educational value for families/children, such as 4-H;
- Domesticated chickens are also considered pets (cleaner than dogs);
- With control and structure should not be or cause a nuisance;
- The City has an ordinance to allow Pigeons.

Recommendation

The Planning Commission has recommended on ^{b-1}~~7-0~~ vote, the City Council approve and adopt the proposed ordinance amending Section 156.096 of the City Code pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens").

Date: March 13,2013

To: Planning Commission

From: Community Development Department

Re: Urban Chicken Ordinance

Background

The topic of allowing “urban” chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings. At the Planning Commission meeting on September 12, 2012, Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area . Many cities have chosen to allow them in residential backyards by ordinances. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

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- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

Recommendation

Staff has prepared the proposed draft zoning text amendment at the direction of the Planning Commission. The Planning Commission shall hold a public hearing this evening, consider the proposed zoning ordinance text amendment and provide a recommendation to the City Council.

Forest Lake Planning Commission Minutes

Forest Lake, Minnesota

Wednesday, September 12, 2012

7:00 PM

Approved 9/12/2012

MEMBERS PRESENT

Dick Damchik, Craig Andersen, Steve Cunningham, Ed Eigner, Paul Girard, Kathy Kuehn, Bill Loushine, Maggie Vogel-Martin;

Absent: Julie La Fleur

STAFF MEMBERS PRESENT

Doug Borglund, Community Development Director, Aaron Buffington City Planner,

CITY COUNCIL MEMBER(S) PRESENT Mike Freer

PUBLIC ATTENDING:

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

Craig Anderson had discussions with Doug Borglund regarding progress and construction of past project(s).

ITEM 2. Approval of the June 13, 2012 Minutes

MOTION was made by Craig Anderson, seconded by Steve Cunningham to approve the June 13, 2012 minutes as presented.

Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, voted in favor. Bill Loushine, Paul Girard, Ed Eigner abstained.

MOTION CARRIED. (5 Yes 3 Abstained)

ITEM 3. To consider the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC, a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility. Location: 131 19th Street SW; PID 07.032.21.13.0002; Legal Lot 1 Block 1 Everton Park; Zoning B-2 Highway Business District

Doug Borglund, Community Development Director provided a review of Staff Report dated September 12, 2012.

Items discussed/reviewed are as follows:

- Applicant's request: Expand on existing building; 858 square foot addition to be used for an automobile showroom facility.
- Existing landscaping and planting beds located along the building foundation are overgrown and will be replaced with new plantings.
- Three parking spaces will be removed with building addition; Minimum parking requirements still being met with proposal.
- Addition will not require additional stormwater control or a Comfort Lake-Forest Lake Watershed District permit.
- Addition will not create any access or safety concerns (fire, emergency vehicles)
- Minor grading needed around building foundation.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, September 12, 2012
7:00 PM

- Proposed architecture meets the city requirements.
- Staff recommends to approve project with conditions listed in the staff report dated September 12, 2012.

Darwin Lindall, Architect provided additional comments.

- Proposed architecture enhances the overall look of building and provides addition focus to the main entrance into the building.
- Will use aluminum (ACM) panels above and around the entrance.
- Architecture will conform to the standards required by GMC and also blend into existing building.
- Signage will be changed in the future. Signage would be backlit channel letters.
- Cleaning up existing landscaping and adding new shrubs and plantings (junipers, boxwoods, ornamental grasses, etc) will enhance the look of the building.

Planning Commission Discussion

- Why is Site Plan Review required for this project?
- Staff Doug Borglund advised that all commercial building expansions require Site Plan Review based on ordinance.

MOTION was made by Steve Cunningham and seconded Maggie Vogel-Martin to recommend to City Council approval of the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility with staff conditions listed in the staff report dated September 12, 2012.

All members present voted in favor. **MOTION CARRIED. (8 Yes)**

ITEM 4. Discussion Item: Urban Chickens

Doug Borglund provided a presentation. Items discussed/reviewed are as follows:

- City staff has received a significant increase in public inquiries in the past two years regarding this item.
- Residents wish to have a limited number of chickens on smaller-sized residential properties for egg laying and personal use. Some see it as a hobby. Others like growing their own food.
- Urban chickens are a growing trend in other cities in the Twin Cities metro area. Other cities already allow them (St. Paul, Maplewood, Minneapolis, Roseville, etc.).

Planning Commission discussion:

- Kathy Kuehn: She is familiar with residents in other cities that allow urban chickens.
- Steve Cunningham: Health concerns would need to be explored.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, September 12, 2012
7:00 PM

- Craig Anderson: Having the ability to contain chickens with fencing, coops, fencing would be important.
 - Dick Damchik: How would we address a property if their chickens become an issue or a nuisance? Doug Borglund advised that some cities require permits to ensure they follow ordinance requirements.
 - Maggie Vogel-Martin: Sees no difference between chickens and dogs/cats. There can be problems with any kind of animal, not just chickens.
 - Doug Borglund requested the Planning Commission provide direction to city staff to determine if the item should be explored further.
 - Consensus of all Planning Commission members was to direct city staff to collect additional information on urban chickens to present to Planning Commission. Staff should determine what other cities have urban chicken ordinances and how they are regulating to minimize any concerns.
-

Other Discussion by Planning Commission:

Craig Anderson brought up a concern with past projects and Applicants not following through with plans or conditions that were approved by Planning Commission and City Council. He suggested that Planning Commission members need to pay more attention to details when reviewing packet materials and proposed plans.

Doug Borglund advised that it is difficult to control the actions and free will of others. City staff often handles these issues through enforcement.

MOTION was made by Paul Girard and seconded by Craig Anderson to adjourn the meeting at 7:43 P.M. All members present Voted in favor. **MOTION CARRIED. (8 Yes)**

Doug Borglund, CDD
Planning Commission

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

Approved

MEMBERS PRESENT

Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, Bill Loushine, Paul Girard,
Absent: Ed Eigner, Julie La Fleur

STAFF MEMBERS PRESENT

Aaron Buffington City Planner, Beatrice Smith, Support Staff

CITY COUNCIL MEMBER(S) PRESENT

PUBLIC ATTENDING: Applicant, Shane O'Sullivan

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

None

ITEM 2. Approval of the December 12, 2012 Minutes,

MOTION was made by Craig Andersen seconded by Steve Cunningham to approve the 12/22/2012 Minutes as presented. All members present voted in favor.

MOTION CARRIED. (7 Yes)

ITEM 3. Public Hearing : To consider the request of owner / applicant: Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills

Aaron Buffington, City Planner provided a review of staff report dated January 9, 2013. Attached Item A-1.

Items discussed as follows:

- Location of property
- Process and request-why variance is required
- Septic system design
- Drain field not meeting 75' setback from wetland
- Background and conditions of septic system-portion of septic system (drain field) that would encroach in the 75' wetland setback,
- Property contours, location of wetlands, principal structure, well, trees – proposed location of septic system being the best locations based upon soil testing and other variables.
- Review by Washington County and MN Dept. of Health (Well Division)
- Septic System permits done by Washington County
- Variance Findings of Fact
- Staff recommendations

PUBLIC HEARING: No one present for Public Hearing
07:09 PM Open / Closed 07:09 PM

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

MOTION was made by Craig Andersen and seconded by Kathy Kuehn to recommend to City Council approval of the request of owner applicant Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills contingent upon satisfaction of all staff recommendations dated January 9, 2013. All members present voted in favor. **MOTION CARRIED. (7 Yes)**

ITEM 4. Discussion Urban Chickens

Aaron Buffington, City Planner provided a review of the Staff Report dated January 9, 2013. Attached Item A-2.

Items discussed as follows and items to be considered:

- Why this items was being presented, Planning Commission has reviewed before
- How the Planning Commission feels about updating the Zoning Ordinance to allow the keeping of Urban Chickens in residential neighborhoods.
- How other communities are handling/allowing chickens on smaller residential properties
- Definitions of livestock-under current Zoning Ordinance Chickens are recognized as livestock
- Zoning Districts that allow livestock-Urban Chickens
- Under the current ordinance how much property is required for livestock and the zoning districts that livestock is allowed
- Drafting a proposed ordinance
- Item to consider: should a permit be required: A review/study indicates most communities require some type of permitting: Staff Recommends Certificate of Compliance \$50 fee. One time review and permit.
- Item to consider: Number of chickens allowed; Staff Recommends 5 chickens no roosters
- Item to consider: Enclosed requirements (Coops and pens) Size specification; setbacks for coops and pens; building requirements (heights) should coops and pens be considered an accessory structure; Definition of chicken pens (runs); requirements for chicken pens
- Distance restriction and locations to homes on adjacent properties.
- Minimum area requirements
- Regulation of roosters
- Slaughtering restrictions
- Nuisance clauses
- Prohibit "free Range"
- Other Discussion items
 - a) Chickens in back yards outside of enclosures (Pen, coops)
 - b) Coop distance from occupied structures
 - c) Lake properties
 - d) Neighbor approval
 - e) Educations requirements

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

- f) Selling eggs
- Recommendation/Action

Planning Commission Discussion

Is this Zoning Ordinance appropriate for the City of Forest Lake:

Dick Damchik was not in favor of updating ordinance. Does not like the idea of urban chickens in residential/city lots due to various reason and causing issues. Also, asked for definition of urban chicken.

The majority of members felt a need to update ordinance and allow urban chickens in Single Family (SF), Single and Townhouse Residential (MXR-1) and Single and Two Family Residential (MXR-2) Zoning Districts Chickens would be allowed only if a single-family residence is present.

Items discussed:

Whether the area requirements are large enough

What to consider for setback

Whether the coop should be considered an accessory structure

How large should the coop be

Some chicken coops are portable: do we need something in ordinance to address this?

Who would do the policing of chicken coops

Can chickens fly

Suggested Items for zoning ordinance:

1. Coop not to be recognized as an accessory structure unless it is larger than 120 sq. feet.
2. Coop and pen to be 10 feet from property lines; structure can be located next to principal structure; (Staff recommended 50')
3. Staff recommendation for permit requirements-Agreed with Staff Recommendations
4. Number of chickens Permitted. Agreed with Staff Recommendations
5. Enclosed requirement: Add if property owner has a fenced in backyard the urban chickens would be allowed to roam freely and not be required to be contained in the Pen.
6. Agreed with Area requirements coops 2 sq/ft and pens 4-8 sq/ft
7. Regulation of roosters. Agreed with Staff Recommendations
8. Slaughtering restrictions – Agreed to Staff Recommendations
9. Nuisance clauses – Agreed with Staff Recommendations
10. Prohibit "free range" – disagree OK if in a fenced in back yard
11. Chickens should be in backyard only. Agreed with Staff Recommendations
12. Ok to have Urban Chickens on lake properties – No issues or concerns, would still need to meet all setback requirements and permitting.
13. Education requirement – Agreed with Staff Recommendations
14. Selling eggs – Did not see as an issue of concern, no regulations needed.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, January 9, 2013
7:00 PM

Planning Commission members would like Staff to come back with suggested items in draft form.

Adjourn

MOTION was made by Paul Girard and seconded by Maggie Vogel-Martin to adjourn the meeting at 08:01 P.M. All members present Voted in favor. **MOTION CARRIED. (7 Yes)**

Doug Borglund, CDD
Planning Commission

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

Approved

MEMBERS PRESENT

Dick Damchik, Steve Cunningham, Paul Girard, Julie La Fleur, Bill Loushine, Dennis Battey

Absent: Craig Andersen, Kathy Kuehn, Maggie Vogel-Martin

STAFF MEMBERS PRESENT

Doug Borglund, Community Development Director; Aaron Buffington City Planner

CITY COUNCIL MEMBER(S) PRESENT Susan Young

PUBLIC ATTENDING: Ron Hammes, Ben Oliver

MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM

PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE

None.

ITEM 2. Approval of the January 9, 2013 Minutes

MOTION was made by Steve Cunningham seconded by Bill Loushine to approve the 1/9/2013 Minutes as presented.

Dick Damchik, Steve Cunningham, Paul Girard, Bill Loushine, Dennis Battey voted in favor; Julie La Fleur abstained.

MOTION CARRIED. (5 Yes, 1 Abstained)

ITEM 3. Discussion and Comments regarding City Ordinance 130.06 Use and Possession of Firearms and other Weapons

Doug Borglund provided a review of current ordinance. Items discussed/reviewed are as follows:

- Ordinance has become outdated.
- Ordinance not part of Zoning Ordinance although it refers to zoning districts when determining where an indoor gun range can be located.
- Current ordinance allows use in B-3 and I districts. Zoning map and districts have since been updated make current ordinance outdated and no longer in-sync.
- Requires conditional use permit as a recreation-commercial use.
- Indoor gun range doesn't really fit the definition of "commercial recreation".
- New language proposed to recognize indoor gun range as retail sales and service and allowed in all commercial, industrial and General Mixed Use District (MU-2) zoning districts.
- Should indoor gun ranges be allowed in Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts?
- Significant federal and state regulations control the design of ranges (lead collection, wall thickness, etc.)

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

- Indoor gun ranges and retail gun sales are often tied together where ranges are inside the gun sales shop.
- City Council reviewed the subject item, requested Planning Commission provide comments since the current and proposed ordinance language have land use components to them.
- Is conditional use process appropriate and should it be required? Or is it more appropriate to allow use as permitted (retail).

Planning Commission Discussion

- Julie LaFluer: Why should Neighborhood Commercial district be considered for exclusion in the proposed language?
- Borglund: Proximity to neighborhoods and schools.
- Steve Cunningham: Has concerns allowing gun shops in Neighborhood Commercial (NC) Districts.
- Dick Damchik: Where are bow and arrows allowed to be shot? Are they allowed in neighborhoods?
- Paul Girard: Not allowing indoor gun ranges in the Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts is valid due to Comprehensive Plan, intent of those zoning districts and increased pedestrian traffic in those districts. MU-2 district seems adequate for indoor ranges because properties are more auto-oriented.
- Julie LaFluer: Concerns with placement of indoor ranges in proximity to neighborhoods and schools. Would like to see ranges kept out of MU-2. Or allow on properties south of 11th Ave (MU-2).
- Consensus to City Council #1: Permit indoor ranges in the B-3, Industrial, Industrial Park and MU-2 district on properties south of 11th Ave on the west side of Highway 61.
- Consensus to City Council #2: Require an Interim Use Permit on properties either leased or owned by applicant.

ITEM 4. Continuation from January 9, 2013 Planning Commission meeting: Review Urban Chickens – Ordinance Draft

Aaron Buffington reviewed PowerPoint and discussion to date.

- Current regulations
- Districts allowing chickens
- Permits and Process
- Maximum number of hen chickens; No roosters
- Slaughtering restrictions
- Allowable breeds
- Chicken coops as accessory structures
- Location on property
- Size of coop requirements

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

- Coop proximity from lot lines (10 feet)
- Containment requirements. Additional considerations include fenced yards, types of fences, supervision.
- Nuisance clauses
- Chickens on lake properties
- Neighborhood approval not necessary
- Educational component with application
- Selling of eggs on-site

Planning Commission Discussion

- Dick Damchik: Does not support having coops or chickens between lake and principal structure
- Dennis Batty: Clarification regarding allowable breeds.
- Staff Buffington: Many chicken breeds are adaptable to backyards and local climates. Recommend all domesticated chicken breeds.
- Julie LeFluer: Coop setbacks are adequate. Would like to see chickens be kept in coops unless under supervision in a fenced yard.
- Paul Girard: Keep chickens in pens unless under supervision. Also would like coops to meet all accessory structure setbacks.
- Julie LeFluer: Concerns with predators. Chickens should be kept inside enclosed pens at night.
- Dennis Batty: Agrees with allowing chickens out of coops when under supervision.
- Steve Cunningham: People will put investment into coop.
- Consensus of Planning Commission: Staff should make final revisions to the draft ordinance and set the public hearing.

MOTION was made by Paul Girard and seconded by Steve Cunningham to adjourn the meeting at 8:25 P.M. All members present voted in favor. **MOTION CARRIED.**

Doug Borglund, CDD
Planning Commission

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 250**

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE
RELATING TO ANIMALS.**

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA, HEREBY ORDAINS CHAPTER 5 OF THE CITY CODE IS AMENDED AS FOLLOWS:

CHAPTER 5. ANIMALS

500.01 Definitions. The following definitions shall be used in the application and interpretation of the provisions of this chapter:

Animal, Farm. “Animal, Farm” shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, ponies, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable. Backyard Chickens as defined in this Chapter are exempt from this definition.

Backyard Chicken. “Backyard Chicken” shall mean a female chicken that serves as a source of eggs or meat.

Coop. “Coop” shall mean the structure for the keeping or housing of backyard chickens as permitted by this Chapter.

Rooster. “Rooster” shall mean a male chicken.

Run. “Run” shall mean an area attached to a coop where backyard chickens can roam unsupervised.

Section 550 – Farm Animals

550.03 Keeping of Backyard Chickens.

- A. Purpose. It is recognized that the ability to cultivate one’s own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this Section to permit but strictly limit the keeping of backyard chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.
- B. Keeping of Backyard Chickens Allowed. A person may keep up to four (4) backyard chickens on a residential property that is not in the Transitional/Agricultural District of the City as provided for in Chapter 12-Zoning of the Norwood Young America City Code, provided:

1. The parcel where the backyard chickens are kept is within a Residential District as provided for in Chapter 12 (Zoning) of the Norwood Young America City Code;
2. The keeper of the backyard chickens resides in a detached dwelling at the parcel at which the backyard chickens are kept;
3. The subject parcel is a minimum of 10,000 square feet; and,
4. The owner of the subject parcel obtains a backyard chicken permit from the City, issued in compliance with this Chapter.

C. Permit Required: A permit is required for the keeping of backyard chickens.

1. Those desiring to keep backyard chickens shall file a written application with the City Administrator on a form provided by the City and pay an application fee. Fees to be charged for the permit to keep backyard chickens shall be set by City Council on the fee schedule.
2. The application shall include:
 - a. The breed and number of chickens to be maintained on the premises;
 - b. A site plan of the property showing the location and size of the proposed coop and run, setbacks from the coop to property lines and surrounding buildings (including houses on adjacent lots), and the location, style, and height of fencing proposed to contain the backyard chickens in a run; and,
 - c. Written statements that the Applicant will at all times keep the backyard chickens in accordance with all of the conditions prescribed by the City Administrator, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this Chapter and will be grounds for cancellation of the permit;
 - d. Such other and further information as may be required by the City Administrator; and
 - e. The required fee.
3. The City Administrator and/or designee shall process the application.
4. All initial permits will expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked.
5. The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.
6. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this Section. If the City is not able to obtain the Occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

D. General Standards and Limitations for the Keeping of Backyard Chickens.

1. The keeping of roosters as a backyard chicken is prohibited.
2. Backyard chickens shall not be raised or kept for the purpose of fighting.
3. Backyard chickens shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.
4. All backyard chickens must have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. The enclosed coop must have a minimum size of four (4) square feet per animal and shall not exceed a maximum of forty (40) square feet in total area.

- c. The enclosed coop shall be setback a minimum of twenty-five (25) feet from any principal structure on the subject parcel and any property line.
 - d. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.
 - e. The enclosed coop shall be similar in color to the principal structure on the lot.
 - f. The enclosed coop shall employ exterior building materials that are similar in type and quality to those employed on the principal structure.
 - g. The enclosed coop shall be constructed of permanent residential dwelling building materials. Coop components that are not designed or intended for use as permanent residential dwelling building materials, including but not limited to, garage doors, tires, pallets, employment of interior residential structural components on the exterior (drywall, particle board, plywood), sheet metal, fiberglass panels, plastics, corrosive metal, household items (appliances, fixtures, furniture), canvas, flimsy materials, tarps, non-permanent items (cages, portable kennels), wire panels, and the like are prohibited.
 - h. The floor of the enclosed coop shall be comprised of impervious surface such as vinyl, tile, concrete, or treated wood.
 - i. The enclosed coop must be built to protect the backyard chickens from extreme heat or cold.
 - j. The enclosed coop shall be at all times maintained in a good condition.
 - k. The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.
5. All backyard chickens shall have access to a run meeting the following minimum standards:
- a. The run shall be a fully-enclosed and covered area attached to a coop where backyard chickens can roam unsupervised.
 - b. The run shall adhere to setbacks required for enclosed coops to which they are attached.
 - c. The enclosed run shall be well drained so there is no accumulation of moisture.
 - d. Run components shall feature fencing materials approved for use in the R-1 Single Family Low Density Residential District as provided for in Chapter 12-Zoning of the Norwood Young America City Code
 - e. Run components not designed or intended for use as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than ninety percent (90%) opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), makeshift or flimsy materials (plastic, paper, twine, rope, tin, webbing), farm animal fencing (barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing), canvas, tarps, non-exterior grade residential construction materials, and the like are prohibited.
 - f. Landscaping shall be employed on the perimeter of the run to shield views of the run from adjacent properties.
 - g. The run shall be at all times maintained in a good condition.
6. The following minimum sanitation standards shall be observed at all times:
- a. Slaughtering of backyard chickens on the property is prohibited.
 - b. Leg banding of all backyard chickens is required. The band must identify the owner, the owner's address, and the owner's telephone number.

- c. The owner shall keep a written record from a Doctor of Veterinary Medicine licensed to practice in the State of Minnesota. The written record shall certify the health of each backyard chicken before obtaining the chicken and annually thereafter.
- d. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or Enforcement Officer removing backyard chickens from the premises or revoking the backyard chicken permit.
- e. All grain and food stored for backyard chickens permit shall be kept indoors in a rodent proof container.
- f. Backyard chickens shall not be kept in such a manner as to constitute a Nuisance as provided for under Chapter Six of the Norwood Young America City Code.
- g. Persons no longer intending to keep backyard chickens on the subject property shall notify the City in writing and remove the enclosed coop and run.
- h. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.

II. EFFECTIVE DATE. THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City Council this 9th day of June 2014.

Attest:

Mayor

Diane Frauendienst, City Clerk/Treasurer

Chicken Ordinances for other local Cities

City	Lot size	# of Chickens Allowed	Roosters allowed?	Zoning Requirements
Anoka, city of	Not specified	Max limit 4	No	Within City Limits
Wyoming	< 2 buildable acres	Max limit 4	No	R1, R2, R3 and R4
	> 2 buildable acres	4 per acre	No	
Forest Lake	< 5 acres single family residential properties (not allowed on multi-family residential properties)	Max limit 5	No	Residential zoning district
Shoreview	< 2 acres	Max limit 4	No	
	> 2 acres	Conditional use permits may be required for more than 4	May be provided crowing is not nuisance	RE, Residential Estate Zoning district and R1 Detached Residential District
North Branch	0-0.99	0	No	R1, R2, RR, AG-1, AG-2
	1.0-2.49	5	No	
	2.5-5.0	10	No	
	5.01-10.0	50	Yes	
	10.0 and larger	Based on current MPCA animal chart	Yes	
Ham Lake	Except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of five contiguous acres, provided the occupant has obtained an Animal Permit			
Oak Grove	Does not specify Just for Special regulations for the keeping of non-domestic animals it specifies Pen size			
St Francis	< 5 acres	Not permitted	Not specified	Not specified
	> 5 acres (although when determining size 1 acre will be excluded as being considered for residence, lawns, etc..)	Max 20 , with 1 additional acre required per 10 additional fowl		

<p>Linwood</p>	<p>Non-domestic animals other than deer, raccoons, chickens, and ducks cannot be kept or housed in the R-1 Single Family Residential District; deer, raccoons, chickens, and ducks may be kept and housed in the R-1 Single Family Residential District. Any non-domestic animal can be kept or housed in the other districts established by the Town Code on lots or separate parcels of record of more than nine (9) acres that are not part of a subdivision plat; such animals may be kept or housed in the other districts on lots or separate parcels of record of nine (9) acres or less only if specifically authorized by the grant of an interim use permit for such purpose. Exotic animals cannot be kept or housed in any district.</p>	<p>4. Special regulations for the keeping of non-domestic animals. (a) On all parcels of land where non-domestic animals are maintained, there must be a roofed or covered structure to protect the animals from the elements. The structure must meet the front yard setback requirements set forth in Section 807.03, Subd. 15 of the Town Code. (b) On all parcels of land where non-domestic animals are maintained, there must be a secure fence or corral to contain the animals. The fence must meet the front yard setback requirements set forth in Section 807.03, Subd. 15 of the Town Code. (c) Manure must be handled and treated in such a manner so as not to create a public nuisance or impact the environment or groundwater. Corrals, pens, stables, and similar enclosures must be maintained in a manner to minimize fly breeding. Accumulations of manure must not be left on any street or sidewalk, and any person or entity responsible for doing so is 37 guilty of a misdemeanor. (d) Non-domestic animals must not be treated cruelly or inhumanely by any person or in violation of the Minnesota Statutes preventing cruelty to animals.</p>
<p>Columbus</p>	<p>PROPER CARE AND TREATMENT. Every Owner shall provide every Animal with sufficient food and water, proper shelter and protection from the weather as described in this section, and veterinary care as needed to prevent suffering and disease. Animals listed in the Animal Units table in Section 7A-201, and other animals of any type with a typical adult weight exceeding 100 pounds, which graze, exercise, or are quartered outdoors, excluding dogs, shall be provided with an adequate outdoor area. An adequate outdoor area shall consist of at least 0.5 acres of tillable land per Animal Unit, enclosed to contain the animals, and freely available to the animals. No person shall beat, treat cruelly, torment or otherwise abuse any Animal, or cause or permit any Animal fighting. No Owner of any Animal shall abandon such Animal. If Animal has been impounded, and the Owner is notified in writing or in person of such impoundment, and refuses to get the Animal released or make arrangements with the shelter, he/she shall be charged with abandonment. Shelters for dogs and cats shall consist of a structure that is moisture proof, wind proof and of suitable size to comfortably accommodate the Animal and allow retention of body heat. It shall be made of solid floor raised at least four (4) inches off the ground and with the entrance covered by a flexible wind proof material or a</p>	

	self-closing swinging door. It shall also have sufficient quantity of suitable bedding material to provide insulation against the elements and to retain body heat. Domesticated farm animals shall be sheltered according to the generally accepted methods of animal husbandry.
Andover	Chickens are allowed in Zoning districts 1, 2, and 3. They cannot have City sewer and water, and roosters are prohibited. They do not limit the number of chickens.

Municipal Survey Results

Poultry and Fowl Ordinance Survey (November 2012)

- **52 cities surveyed**
- **67 percent (35 cities)** do not allow chickens in the back yard of urban lots.
 - Allow on 1.5 – 3.5 acre minimum lot area if zoned agricultural
 - 5 acre minimum lot area popular
 - 10 acre minimum lot area by two cities
- **33 percent (17 cities)** allow chickens with coop, pen, minimum lot, licensing, etc. requirements
 - Licensing: 10 cities required an annual license.
 - Licensing Fee: \$0 - \$100 \$55 avg.
 - Inspections: 5 cities inspect annually
3 periodically
1 complaint basis

Municipal Survey Results

- **Inspections:** 5 cities inspect
3 periodically
1 complaint basis
- **Maximum number of chickens:**
 - 2 cities without any limits
 - 3 cities allow up to 3 chickens
 - 4 cities allow up to 4 chickens
 - 3 cities allow up to 5 chickens
 - 1 city allows up to 6 chickens
 - 1 city allows up to 10 chickens
- **Roosters:** 12 cities prohibit
1 city if neighbors approve
2 cities allow

Municipal Survey Results

- **Slaughter:** 16 cities prohibit
1 city determines in review process

- **Building Permit Required:** 13 cities

- **Coop/open Setbacks:**

<u>Property Line</u>	<u>Other Residential Structures</u>
----------------------	-------------------------------------

- | | |
|----------------------|------------------|
| ➤ 0 – 3 ft. 2 cities | 6 feet 1 city |
| ➤ 5 feet 4 cities | 25 feet 3 cities |
| ➤ 10 feet 5 cities | 30 feet 2 cities |
| ➤ 25 feet 1 city | 50 feet 2 cities |
| ➤ 50 feet 1 city | 75 feet 1 city |

Chicken Run Rescue – Mary Britton Clouse www.chickenrunrescue.org

Experiences: Rescue center, rodents, ground cover, dwelling damages, predators and injured/ diseased chickens

Recommendations:

1. Keep the minimum lot size requirement as is.
2. If allowed on smaller lots, then:
 - **100% consent of neighboring property owners.**
 - **Stringent requirements and fund inspections and enforcement for shelter and care.**
 - **Strict cruelty/neglect enforcement.**
 - **Permit chickens as “companion pets” only. Not for food.**
 - **No prohibition on roosters.**
 - **Prohibit slaughtering, breeding, sale or barter of animals or by products.**
 - **Limit the number of permits.**

A link to the Chicken Run Rescue’s slideshow will be sent to by email on Monday, April 22, 2013.

St. Paul – Animal Control Officer

68 permits – more pending

Initiated as a permit process from Animal Control Center

Respond to complains. Now involves Zoning Dept., Building Dept., Health Dept. and Public Safety. **Each Department must allocate resources.**

Animal Control Center **recommends stringent coop and pen standards** because of complaints and diversity of materials being used. St. Paul did not adopt stringent requirements and now causes **neighboring resident issues.**

Chicken Feces Challenges. Used as yard fertilizer or mixed with compost is prohibited.

75 percent approval by neighboring property owners within 150 feet. **Recommends 100 percent.**

St. Paul – Animal Control Center...continued

\$25 permit for less than 3 chickens, \$18 renewal
\$72 permit for 4 or more chickens

Compliance by majority of permit holders. Enforcement challenges and costs.

Animal health and diseases. Can determine if the chickens are generally in good health, but not trained to recognize diseases that require veterinary care.

DIRECTION:

1. Accept the Planning Commission's and Public Safety, Health and Welfare Commission's recommendations not to amend City ordinances to allow poultry and/or fowl in the back yard of urban residential lots.
- YES
- NO
2. Amend the City's Zoning Ordinance to change the five acre minimum requirement to a different minimum acreage requirement.
- YES
- NO
- a) If you think there should be a change for the minimum acreage requirement, what should that change be? (check one)
- 10 acres
- 5 acres (current requirement)
- 4 acres
- 3 acres
- 2 acres
- 1 acre
- .5 acre
- .25 acre

- b) Neighboring property owner/tenant's written approval? (check one)**
- 100% adjoining landowner/tenant.
 - or
 - 100% property owner/tenant within 150 feet.
 - or
 - 100% property owner/tenant within 500 feet.
- c) Minimum setback between coop/pen to neighboring residential dwelling? (check one)**
- 100 feet
 - 75 feet
 - 50 feet
 - 25 feet
 - 15 feet
 - 10 feet