The meeting was called to order at 7:00 P.M., by Dan Erickson. Members present were Victoria Hallin, Jeff Reynolds, Eldon Johnson, Scott Moller, and Eugene Stoeckel (Princeton Twsp). Staff present were Robert Barbian (City Administrator) and Mary Lou DeWitt (Comm. Dev. Assistant).

APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 16, 2018
Hallin moved, second by Johnson, to approve the minutes of July 16, 2018. Upon the vote, there were 5 ayes, 0 nays. Motion carried.

AGENDA ADDITIONS / DELETIONS:
Hallin moved, second by Johnson, to approve the addition to New Business:

ITEM A. CHAPTER V-ZONING ORDINANCE, SECTION F, AND CHAPTER VI, PERFORMANCE STANDARDS, SECTION Q.2 DESIGN STANDARDS, DRIVEWAY MATERIALS, AND

ITEM B. LAND USE PLAN, CURRENT AND PROPOSED.

Upon the vote, there were 5 ayes, 0 nays to approve the additions to the agenda. Motion carried.

PUBLIC HEARING:
#18-10 Interim Use Permit for Chickens at 420 15th Avenue South
Community Development Assistant Memo:

BACKGROUND
Angela & Russell Brown have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 420 15th Avenue South. The property is zoned R-3, Multiple Family Residential. The property owners have been raising the chickens for a period of time without the knowledge that a Interim Use Permit was needed.

ANALYSIS
The housing and keeping of chickens in the R-3 District requires and Interim Use Permit. Chapter VI.BB lists the review criteria for the housing of chickens:

No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section IV.6 of the Zoning Ordinance and subject to the following conditions:

a. The keeping of any poultry besides chickens is prohibited.

Comment: This shall be a condition of approval.
b. Roosters are prohibited.
Comment: This shall be a condition of approval.

c. No more than four (4) chickens shall be housed or kept on any one residential lot in any area of the city zoned R-1, R-2, R-3.
Comment: The applicants currently have 4 chickens and understand they cannot have any more, still will be a condition of approval.

d. Chickens shall only be allowed on single family home lots.
Comment: This condition is met, still will be a condition of approval.

e. Outdoor slaughtering of chickens in city limits is prohibited.
Comment: This shall be a condition of approval.

f. Chicken fighting shall not be allowed within city limits.
Comment: This shall be a condition of approval.

g. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
Comment: This shall be a condition of approval.

h. Chickens shall not be housed in a residential house or an attached or detached garage.
Comment: The applicants currently have a chicken coop and run area, still will be a condition of approval.

i. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards.
1) Located in the side or rear yard.
Comment: The applicants have the coop located in the rear yard of their property. See photos.

2) Meet the accessory structure setback requirements.
Comment: The proposed location meets setback requirements.

3) Construction shall be adequate to prevent access by rodents.
Comment: Per the photos, it appears the coop will not allow access by rodents.

j. A run or exercise yard is required to be provided and must be enclosed by a fence.
Comment: The applicants have a fenced in run area.

k. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings 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.
Comment: This shall be a condition of approval.
I. All food shall be stored in an enclosed, rodent proof container.  
Comment: This shall be a condition of approval.

m. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.  
Comment: This shall be a condition of approval.

Interim Use Permit Review Standards: When reviewing the application for an interim use, the City shall base its judgement on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. The proposed use is an interim use listed in the district in which the application is being made;  
Comment: The keeping of chickens is an Interim Use in the R-3 District.

2. The date or event that will terminate the use can be identified with certainty and continued;  
Comment: The Planning Commission shall recommend to the City Council a date or event that will terminate the keeping of the chickens. Staff would recommend that the keeping of chickens terminate when the current property owners sell the property.

3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;  
Comment: If the listed conditions are met, the interim use does not appear that it will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential.

4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.  
Comment: It does not appear the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

CONCLUSION / RECOMMENDATION
Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for an Interim Use Permit, as listed in the Zoning Ordinance. Staff would recommend the Planning Commission approval of the proposed Interim Use Permit to keep chickens at 420 15th Avenue South, subject to the following conditions (as listed in the Ordinance):

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner’s name, address, and telephone number.

7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
   a) Located in the side or rear yard.
   b) Meet the accessory structure setback requirements.
   c) Construction shall be adequate to prevent access by rodents.
   d) If the coop is 120 SF or larger, a building permit is required.

8. A run or exercise yard is required to be provided and must be enclosed by a fence.

9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounds must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes unsanitary condition or causes odors detectible on another property.

10. All food shall be stored in an enclosed, rodent proof container.

11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

12. The keeping of chickens terminate when the current property owners sell the property.

The Planning Commission recommendation shall go to the City Council at their August 23, 2018 meeting.

HALLIN MOVED, SECOND BY MOLLER, TO OPEN THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Tom Affeldt, 1406 5th Street South, said he is a neighbor to this property. The coop does not look like it is 120 square feet. They had the coop on his land and once the property owner found out, they moved it. The applicant had a rooster, but had gotten rid of it. He opposes allowing them on getting this permit since he is their neighbor. He had to put up a fence around their garden because of issues they had with them in the past and does not see it getting better in the future.

Hallin questioned him about the coop being on his property and Affeldt showed a photo on his phone that he had taken where it had been. The grass has not come back in yet and Hallin said it looked to be partly on their property and it should be able to be reseeded. The coop had been on the property line.

Affeldt agreed that it could just be reseeded. It is quiet now without the rooster, the chickens are fine.
Angela Brown spoke. She did not know it was a rooster when she got it because it was a baby and when she found out, she got rid of it the same day.

Arlene Affeldt, 1406 5th Street South, believes there was knowledge that a permit was needed. The applicant was going around to neighbors saying she would give them eggs if they were okay with her having chickens.

Angela Brown said they have silkie chickens and they produce little eggs. The chickens are pets for them.

MOLLER MOVED, SECOND BY JOHNSON, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Moller said the only issue is complying with the Ordinance and they now are correcting that and should be allowed to keep the chickens. They had an issue of not obeying the property lines and have that corrected also. If they comply with the permit regulations they should be okay to issue the Interim Use Permit.

Hallin asked if they are new to raising chickens.

Angela Brown said they got them last summer and are willing to put up a fence if needed for sound barriers. The chickens are kept confined.

HALLIN MOVED, SECOND BY MOLLER, TO FORWARD TO THE CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL OF ITEM #18-10 INTERIM USE PERMIT TO ALLOW CHICKENS AT 420 15th Avenue South, Legal Description: Lot 12, Block 2, Meadow View Estates Fifth Addition, PID #24-554-0560, SUBJECT TO THE FOLLOWING CONDITIONS:
1. THE KEEPING OF ANY POULTRY BESIDES CHICKENS IS PROHIBITED.
2. ROOSTERS ARE PROHIBITED.
3. NO MORE THAN FOUR (4) CHICKENS SHALL BE HOUSED.
4. OUTDOOR SLAUGHTERING IS PROHIBITED.
5. CHICKEN FIGHTING SHALL NOT BE ALLOWED.
6. LEG BANDING OF ALL CHICKENS IS REQUIRED. THE BANDS MUST IDENTIFY THE OWNER’S NAME, ADDRESS, AND TELEPHONE NUMBER.
7. A SEPARATE COOP IS REQUIRED TO HOUSE THE CHICKENS. COOPS MUST BE CONSTRUCTED AND MAINTAINED TO MEET THE FOLLOWING MINIMUM STANDARDS:
   A) LOCATED IN THE SIDE OR REAR YARD.
   B) MEET THE ACCESSORY STRUCTURE SETBACK REQUIREMENTS.
   C) CONSTRUCTION SHALL BE ADEQUATE TO PREVENT ACCESS BY RODENTS.
   D) IF THE COOP IS 120 SF OR LARGER, A BUILDING PERMIT IS REQUIRED.
8. A RUN OR EXERCISE YARD IS REQUIRED TO BE PROVIDED AND MUST BE ENCLOSED BY A FENCE.
9. ALL PREMISES ON WHICH CHICKENS ARE KEPT OR MAINTAINED SHALL BE KEPT CLEAN FROM FILTH, GARBAGE, AND ANY SUBSTANCES WHICH ATTRACT RODENTS. THE COOP AND ITS
SURROUNDS 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 ORDORS DETECTIBLE ON ANOTHER PROPERTY.

10. ALL FOOD SHALL BE STORED IN AN ENCLOSED, RODENT PROOF CONTAINER.
11. DEAD CHICKENS SHALL BE DISPOSED OF ACCORDING TO THE MINNESOTA BOARD OF ANIMAL HEALTH RULES, WHICH REQUIRE CHICKEN CARCASSES TO BE DISPOSED OF AS SOON AS POSSIBLE AFTER DEATH, USUALLY INCINERATION OR RENDERING, OR OFFSITE COMPOSTING.
12. THE KEEPING OF CHICKENS TERMINATE WHEN THE CURRENT PROPERTY OWNERS SELL THE PROPERTY.

UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED.

Moller said the City Council is an open meeting and the neighbors can come. The Council will have the final approval.

Barbian suggested that the applicant put some grass seed down in the area where the coop had been on the property line.

The Planning Commission reviewed the Findings of Fact:
1. Is the proposed use an interim use listed in the district in which the application is being made? Yes.
2. Is the date or event that will terminate the use can be identified with certainty and continued? Yes.
3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters? Yes.
4. Would permission of the use not impose additional costs on the public if it is necessary for the public to take the property in the future? Yes.

The Commission recommends approval of a Interim Use Permit based upon the Findings of Fact, with the noted conditions.

OLD BUSINESS: None

NEW BUSINESS:
A. CHAPTER V-ZONING ORDINANCE, SECTION F, AND CHAPTER VI, PERFORMANCE STANDARDS, SECTION Q.2 DESIGN STANDARDS, DRIVEWAY MATERIALS

Barbian said he would like the Planning Commission’s clarification of what they determine is the hard surface material for a driveway. Normally it is asphalt or cement.

Erickson said hard surface is asphalt, concrete, or brick. Something that cannot be picked up by the tire and dragged onto the street and is dustless. Hot mix would be a good wording.
DeWitt handed out photos of a new home that put in broken up asphalt that was put down and rolled over with heavy machinery.

Erickson said that is crushed asphalt and not a hard surface. That is a good base material.

DeWitt said that the Ordinance allows a year to put in the driveway if the season is at an end and they cannot get it in. The property owner would have to put down an escrow. We are wondering if we need to put better wording in our Ordinance that states what the hard surface material is.

Erickson suggested look at what wording other communities have in their Ordinance.

Reynolds said that Minneapolis restricts how much asphalt and concrete is allowed. They want material that does allow drainage.

Stoeckel said they used this product at the airport and it is not working good. It was being picked up by the airplane propellers. Should just be an underlayment.

Erickson said this product last approximately five to seven years and then breaks up.

Staff will let the property owner know that they will have to put down hot asphalt for their driveway.

Land Use Next:

B. LAND USE PLAN, CURRENT AND PROPOSED

Barbian said a property owner that has 40 acres of land is considering putting in storage units on his land. Not the full 40 acres. He wanted the Planning Commission Board to look at the current 2008 Land Use Map and the draft copy that is near completion and have their thoughts on the idea. Mille Lacs County does not have a Future Land Use Plan instead they just has zoning. The City has a Future Land Use Plan and a Sherburne County has one also, but Mille Lacs County does not. This is a base for the Transportation Plan and is identified as a need. Barbian would like the Planning Commission to review the maps and see if there is a better use for this land. The property owner wants to put this land to use for something. He showed the Planning Commission the property site. He asked Stoeckel if Princeton Township would be open to discuss a Future Land Use Plan map.

Stoeckel said not this year, next year he believes it would be good to bring it to the Township Board.

Barbian said with the Transportation Plan it would have the areas laid out for higher use.

Johnson said the church on 33rd Street by Fog Lake, there is 120 acres of farm land and that would be good to get into the city because the city services run to it.
Barbian asked if there are any ideas on this 40 acre site.

Erickson said it does not look like a good residential site.

Barbian said it would be a long time for this to be used as a commercial lot. Why not do a ¾ acre residential sites and well and septic.

Johnson said Princeton township allows 1 ¼ acre lots to build on.

Barbian said a community system and convert into a line. We do not have much buildable land in the city to build on. The Land Use Plan would show were houses could be put in. Farmers are approached by Developers and then they come to the City on what they would like to do with the land. Barbian will meet with the property owner and discuss his site more.

COMMUNICATION AND REPORTS:
A. General Planning & Reports
Barbian said that there was the first Downtown Façade meeting with the architects. On August 27th at 3:30 P.M. will be another meeting with WSB Engineering. He has received a proposal from the first one and will hold that until he gets the one from WSB. If anyone from the Planning Commission would like to attend they are welcome. Eldon Johnson attended the first meeting.

Barbian will work on having a Transportation Plan with the two counties and townships and look at where traffic should be. The Airport want the air space protection plan in place and adjustments to the Comprehensive Plan. They want to have the air space reserved and the Comprehensive Plan has not been adopted yet.

Erickson said that Brent Titcomb who is on the Airport Board had called him and he expressed the need to keep air space available so larger air crafts are able to come here and also the fuel needs to be updated.

Stoeckel asked if the masterplan of the ownership been cleaned up yet.

Barbian said the Airport Engineer is working on it.

Stoeckel said the cross wind runway is off the plans, but needs a joint powers meeting to finalize it. MN requires a longer glide path. The old landing bed could extend 500 feet.

Erickson said Brent Titcomb believes the airport would be beneficial to the community.

Barbian said he is enthusiastic and knowledgeable about the airport. The Comprehensive Plan should be finalized soon. Maybe next month for the Planning Commission meeting to discuss it and make a recommendation to the City Council to proceed with it. Take another look at it and
make any recommendations they would like to it. Mille Lacs County has a zoning map and not a future land use map. Would the Planning Commission Board like it to be converted to a Future Land Use Plan. We could make a recommendation of how we would like the land to be used.

B. City Council Minutes for July 2018
The Planning Commission Board had no comments.

HALLIN MOVED, SECOND BY MOLLER, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 5 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:34 P.M.

ATTEST:

_________________________________________  ____________________________________________
Dan Erickson, Chair                          Mary Lou DeWitt, Comm. Dev. Assistant