



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, September 8, 2021
7:00 PM**

**Montrose Community Center
200 Center Avenue South
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
 - A. August 11, 2021 Planning and Zoning Commission Meeting Minutes
6. Resignation of Mr. Justin Emery
 - A. Accept Resignation of Commission Member Justin Emery
7. Election of Officer for Vice Chair
 - A. Elect Commission Member for Vice Chair Position
8. Public Hearing
 - A. To Consider a Zoning Code Amendment to Chapter 52: Animals, Related to Allowing Backyard Chickens
9. Old Business
10. New Business
 - A. Updates from City Planner

11. Next Meeting

A. Wednesday, October 13, 2021 to be held at the Montrose Community Center – 7:00 p.m.

12. Adjournment

*** * Please note that a quorum of the City Council may be present at the Planning and Zoning Commission Meeting. * ***

City of Montrose
Planning and Zoning Commission Meeting
Montrose Community Center
200 Center Avenue South
Wednesday, August 11, 2021
7:00 P.M.

1. CALL TO ORDER

Pursuant to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, August 11, 2021 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00pm.

2. ROLL CALL

Present: Commissioner Sylvia Henry
Commissioner Roger Fraumann
Commissioner Charles Smallwood
City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
Mr. Stephen Grittman, City Planner
Mr. Michael Sommerfeld, Deputy Treasurer

Absent: Commissioner Shawn Cuff
Commissioner Justin Emery

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve August 11, 2021 Planning and Zoning Commission Meeting Agenda with the addition of item “C. Developments – The Preserve and Rolling Meadows” under New Business. Commissioner Fraumann seconded the motion. Motion carried 3-0.

5. APPROVAL OF THE MINUTES

A. June 9, 2021 Planning and Zoning Commission Meeting

Commissioner Fraumann motioned to approve the Planning and Zoning Commission Meeting minutes of June 9, 2021 as written. Commissioner Henry seconded the motion. Motion carried 3-0.

6. NEW COMMISSION APPLICATION

A. The Planning and Zoning Commission considered an application for Ms. Catherine Neiberger.

Brief discussion was held regarding the application for Ms. Catherine Neiberger. Catherine had previously served on the Planning and Zoning Commission and resigned for personal reasons back in 2017. She is now interested in rejoining the commission with her previous knowledge and experience with Planning and Zoning.

Commissioner Henry motioned to approve Ms. Catherine Neiberger's application for the Planning and Zoning Commission. Commissioner Fraumann seconded the motion. Motion carried 3-0.

7. OLD BUSINESS

No Old Business.

8. NEW BUSINESS

A. Backyard Chicken Discussion

City staff and City Council have been approached regarding allowing backyard chickens several times in the past few months. This issue has been brought before the Planning and Zoning Commission several times, with it always being voted down. Staff requested the Planning and Zoning Commission have a discussion to see if they want to go forward with another public hearing on the matter.

The city planner stated that the City is considering a discussion of the various aspects of permitting chickens on residential property. This issue has been raised in the past, although the City has declined to change the ordinances to accommodate those requests.

Many communities have addressed this issue over the past several years, and there is a full range of treatment that has been applied. Of those, numerous communities have also declined to add chickens as an allowed use on residential property. The discussion below provides some of the background and reasons for those decisions.

On the other hand, a number of communities have entertained these types of changes, and the processing requirements range from very little documentation to very extensive applications, process and review. A summary of those options is also included below.

Prohibiting Chickens in Residential Areas

The reasons for maintaining a prohibition depend largely on the community, but a sampling of those issues follows:

1. Neighbor complaints. For many communities that allow chickens, there are a variety of impacts that have occurred. Cities have received complaints over
 - The visual aesthetic of the coops and enclosures;
 - Occasional odors that can be generated by the chickens and/or the facilities;
 - Noise generated by the chickens (even hens);
 - Increases in predators (fox/coyotes; feral cats; etc.)
2. Abandonment. There have been instances where the interest in keeping chickens loses its attraction to the owner.
 - Hens no longer lay eggs. Some testimony has been given from "Chicken Rescue" individuals who have been overwhelmed by request to take chickens that have passed their prime laying years – 3-5 years for some.
 - Chickens no longer wanted. Some families find soon that the interest, or the work, in keeping chickens no longer fits their lifestyles. Finding homes for the chickens raises the same issues as above.
 - Structures remain after chickens leave. Some complaints have been raised over remaining, and often un-maintained, chicken enclosures long after there are no longer chickens on the property.
3. Management. Many cities have chosen not to permit chickens due to the size and/or expertise of staff in handling violations and complaints, settling neighbor disputes, reviewing and judging applications, etc. This aspect may be particularly relevant for Montrose, which maintains a small city staff.

Allowing Chickens in Residential Areas

There is a broad range of methods that cities have used in regulating or permitting chickens, when the city chooses to do so. These range from simple site plan reviews by staff, to permit approvals by Planning Commission and/or City Council, adoption of simple or highly complex ordinances, and licensing, either one-time licenses or regular (usually annual) renewals. The complexity of the process bears directly on the staff time and expertise in operating the licensing program.

The City of Delano adopted a very complex ordinance, with many specific regulations and rules for both the application process, as well as the ongoing operational aspects. Monticello allows chickens and their experience has been mixed, with highly motivated and focused licensees typically raising few complaints, but with more issues related to those who initiate chicken-raising but lose interest or ability. The City of Buffalo does not permit chickens.

It should be noted that some cities have followed the City of Minneapolis model of allowing chicken licenses following notification of, and approval by, adjoining neighbors. This approach is technically only permitted in the largest cities in Minnesota, which have different zoning authority than cities under 100,000 in population allowing them to rely on neighborhood review of zoning decisions.

Summary

Chickens can be a highly divisive issue for small communities. The connection to the rural landscape often results in an interest in pursuing rural actions, even though the community development pattern is more urban or suburban in character. The interest in residential chickens is most often brought by those would be responsible owners, and have the level of commitment needed to maintain their facility, the city is not likely able to ascertain in advance who will manage their use well, and then it becomes both a negative impact on neighborhoods, and a burden on the city to enforce its licensing or nuisance regulations.

There are certainly areas where chickens in residential areas have not caused problems. Unfortunately, there are numerous examples of the opposite. Introducing a rural or agricultural use into a suburban residential district is likely to raise issues that most residential neighbors did not anticipate as a part of their occupancy. While it is possible to manage for those impacts, it can require a significant amount of attention from the City to ensure that problems do not start – or escalate – into neighborhood conflicts.

If the City chooses to pursue this further, the issue will be balancing the City's up-front processing requirements with the City staff's capacity for both reviewing permit applications, and intervening when permittees fall short of their permit obligations and complaints come in. This aspect would be the next stage of discussion if the City goes forward.

Discussion was held between commission members regarding the positive and negative aspects of having backyard chickens including how much work and maintenance owning and caring for those animals can carry. Commission Member Henry shared that she had backyard chickens in the past and ended up getting rid of them due to the amount of work required to care for and maintain the chickens and the coops. Commission Member Henry also stated that people should have at least 1-2 acres of land if they want to have chickens because they take up so much room with the coop and that residents would have to dig down and place fences below the ground so the chickens could not dig themselves out of the coop. Buildings for chickens would need to be heated or climate controlled so they do not freeze in the winter. Commission Member Fraumann stated that he thought the current animal ordinance for the City of Montrose is very heavy with regulations for dogs, and does not address many other animals. Mr. Fraumann did some research from cities around the state and country and that most cities around the state have language about chickens and other "urban agriculture" animals. Mr. Fraumann went on to state that this new trend of urban agriculture allows people to have some of the benefits from farming without having to have a large farm or have to buy products from the factory farming industry. Commission Member Fraumann suggested the Planning Commission discuss issues surrounding bees as well as chickens since those are part of the urban agriculture and people are starting to keep bees to help the environment. Commission Chair Smallwood cautioned that since Montrose keeps its staff very small and that the city does not have the manpower to do enforcement checks on chickens to make sure people are taking care of them. So, if the city does start to allow backyard chickens, the ordinance needs to be carefully written to dictate the expectations of residents and enforcement expectations of staff.

The Planner, Mr. Stephen Gritman stated the most difficult thing about cities allowing chickens is the enforcement of the rules and ensuring chickens are being cared for. Mr. Gritman also stated that people who want chickens often want them initially and then abandon the chickens. Most people do not realize what they are getting into with all of the work involving chickens and will abandon or stop caring for them and then the birds die or get loose in town. Mr. Gritman cautioned about allowing chickens and that it comes down to people being personally responsible for the care and maintenance of chickens and a coop. Council Member Solarz said he would be in favor of having a public hearing to hear what people around town think of allowing chickens. Mr. Solarz also mentioned that this is a matter of personal responsibility for residents and that Delano's new ordinance allowing chickens is pretty comprehensive and would be a good starting place for the City.

The Planning Commission decided to go forward and allow a public hearing on backyard chickens to be held at the September 8, 2021 Planning and Zoning meeting.

B. Updates from City Planner

Mr. Stephen Gritman stated that there were not a lot of updates, except for The Preserve and Rolling Meadows, which will be discussed during item "C." There is a lot of development interest coming into the city, but just inquiries and interest at this time and nothing concrete.

Mr. Gritman stated that the developers of the Oувerson addition are still working on their final plans to present to council with all of the changes recommended by the Planning Commission. The city is still waiting on the developer to finish their plans and will hopefully be able to go to Council at the September 13, 2021 meeting.

C. Developments – The Preserve and Rolling Meadows

Mr. Stephen Gritman stated that himself and staff met with potential developers that are interested in both The Preserve and Rolling Meadows. Mr. Gritman stated that the Rolling Meadows development has an approved preliminary plat and that the new developers would like to revive this development with a different plat plan that deviates from the R-1 development standards. They have proposed three different "levels" of housing with some smaller lot sizes that would be around 50' wide lots, medium size lots that would be around 60-68' wide, and larger homes with 70' wide lots. Mr. Gritman stated that this would need to be a Planned Unit Development (PUD) and the developers would have to submit architectural plans for the individual buildings to ensure higher quality homes. The developers did mention that they would match the surrounding homes leading into the development with the larger, standard size homes and lots and work their way into the development with the smaller lot sizes. Commission Chair Smallwood stated that the market in general seems to be leaning toward smaller lot sizes, and smaller homes. The City of Montrose does not have a lot of variety from the standard R-1 single family homes. Commission Chair Smallwood stated he believes there would be demand for the variety of homes in the city. Mr. Gritman stated that the city would require a lot of detailed plans from the developer because of the variety of homes, HOA requirements, and PUD requests. Commission Member Fraumann asked how many of the homes would be slab-on-grade with no basement, but that information has not yet been supplied by the developer. Mr. Gritman stated that the developer will be asking for smaller side setbacks, especially for the smaller homes, which may be down to five feet. The developer was cautioned that small setbacks like this have been denied by the Planning Commission and Council before and that they will be questioned and development/design standards would have to be very high to allow that small of a setback between homes. The Planning Commission, in general, is interested with the developers going forward with submitting their plans to see what they could bring forward to improve the city. They are willing to consider a deviation from standard lot sizes and other R-1 standards.

Mr. Stephen Gritman stated that the developers also discussed The Preserve in that they would like to keep with the original plat plans to do rentals or ownership units that would be eight back-to-back units that are attached. The developer is wanting to see if this would be TIF eligible, but thinks it can be a workable project for them and are going forward with developing plans to submit to the city.

9. NEXT MEETING

A. Wednesday, September 8, 2021 to be held at the Montrose Community Center - 7:00pm.

10. ADJOURNMENT

**Commissioner Henry motioned to the adjourn the Planning and Zoning Commission Meeting at 8:05 p.m.
Commissioner Fraumann seconded the motion. Motion carried 3-0.**

Charles Smallwood
Chair
City of Montrose

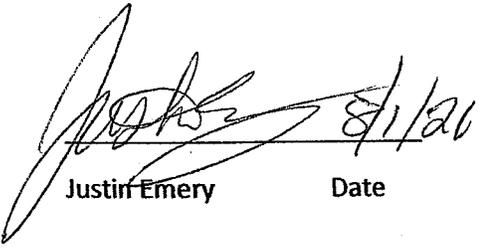
ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose

City of Montrose

Planning and Zoning Committee

I, Justin Emery, am going to resign from my position on the planning and zoning board as of Aug 4th, 2021.


Justin Emery Date



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
 Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Montrose Mayor and City Council
 Montrose Planning Commission

FROM: Stephen Grittman

DATE: August 4, 2021

RE: Montrose – Chickens in Residential Areas

FILE NO: 801

The City is considering a discussion of the various aspects of permitting chickens on residential property. This issue has been raised in the past, although the City has declined to change the ordinances to accommodate those requests.

Many communities have addressed this issue over the past several years, and there is a full range of treatment that has been applied. Of those, numerous communities have also declined to add chickens as an allowed use on residential property. The discussion below provides some of the background and reasons for those decisions.

On the other hand, a number of communities have entertained these types of changes, and the processing requirements range from very little documentation to very extensive applications, process and review. A summary of those options is also included below.

Prohibiting Chickens in Residential Areas

The reasons for maintaining a prohibition depend largely on the community, but a sampling of those issues follows:

1. Neighbor complaints. For many communities that allow chickens, there are a variety of impacts that have occurred. Cities have received complaints over
 - a. The visual aesthetic of the coops and enclosures;
 - b. Occasional odors that can be generated by the chickens and/or the facilities;
 - c. Noise generated by the chickens (even hens);
 - d. Increases in predators (fox/coyotes; feral cats; etc.)
2. Abandonment. There have been instances where the interest in keeping chickens loses its attraction to the owner.

- a. Hens no longer lay eggs. Some testimony has been given from “Chicken Rescue” individuals who have been overwhelmed by request to take chickens that have passed their prime laying years – 3-5 years for some.
 - b. Chickens no longer wanted. Some families find soon that the interest, or the work, in keeping chickens no longer fits their lifestyles. Finding homes for the chickens raises the same issues as above.
 - c. Structures remain after chickens leave. Some complaints have been raised over remaining, and often un-maintained, chicken enclosures long after there are no longer chickens on the property.
3. Management. Many cities have chosen not to permit chickens due to the size and/or expertise of staff in handling violations and complaints, settling neighbor disputes, reviewing and judging applications, etc. This aspect may be particularly relevant for Montrose, which maintains a small city staff.

Allowing Chickens in Residential Areas

There is a broad range of methods that cities have used in regulating or permitting chickens, when the city chooses to do so. These range from simple site plan reviews by staff, to permit approvals by Planning Commission and/or City Council, adoption of simple or highly complex ordinances, and licensing, either one-time licenses or regular (usually annual) renewals. The complexity of the process bears directly on the staff time and expertise in operating the licensing program.

The City of Delano adopted a very complex ordinance, with many specific regulations and rules for both the application process, as well as the ongoing operational aspects. Monticello allows chickens and their experience has been mixed, with highly motivated and focused licensees typically raising few complaints, but with more issues related to those who initiate chicken-raising but lose interest or ability. The City of Buffalo does not permit chickens.

It should be noted that some cities have followed the City of Minneapolis model of allowing chicken licenses following notification of, and approval by, adjoining neighbors. This approach is technically only permitted in the largest cities in Minnesota, which have different zoning authority than cities under 100,000 in population allowing them to rely on neighborhood review of zoning decisions.

Summary.

Chickens can be a highly divisive issue for small communities. The connection to the rural landscape often results in an interest in pursuing rural actions, even though the community development pattern is more urban or suburban in character. The interest in residential chickens is most often brought by those would be responsible owners, and have the level of commitment needed to maintain their facility, the city is not likely able to ascertain in advance who will manage their use well, and then it becomes both a negative impact on neighborhoods, and a burden on the city to enforce its licensing or nuisance regulations.

There are certainly areas where chickens in residential areas have not caused problems. Unfortunately, there are numerous examples of the opposite. Introducing a rural or agricultural use into a suburban residential district is likely to raise issues that most residential neighbors did not anticipate as a part of their occupancy. While it is possible to manage for those impacts, it can require a significant amount of attention from the City to ensure that problems do not start – or escalate – into neighborhood conflicts.

If the City chooses to pursue this further, the issue will be balancing the City's up-front processing requirements with the City staff's capacity for both reviewing permit applications, and intervening when permittees fall short of their permit obligations and complaints come in. This aspect would be the next stage of discussion if the City goes forward.

**NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Montrose Mayor and City Council
Montrose Planning Commission

FROM: Stephen Gritman

DATE: September 2, 2021

RE: Montrose – Chickens in Residential Areas

FILE NO: 801

At the August Planning Commission meeting, the Commission called for a public hearing to discuss the potential for amending the City's ordinance to accommodate chickens on residential property. The staff summary for that discussion is attached to this memorandum. The purpose of this supplemental report is to help frame the public discussion at the public hearing.

As noted previously, the current zoning ordinance includes poultry in the list of farm animals, which are not allowed in residential districts. To accommodate requests for chickens, the City would have to amend the zoning ordinance to exempt chickens from that prohibition, and create an ordinance structure for permitting chickens in those cases.

In most cities where chickens are allowed (many cities use the same approach Montrose currently uses, prohibiting them), the following categories of issues are addressed in some fashion:

1. No roosters, hens only.
2. Number of chickens – the lower threshold ordinances will allow four, with some cities more, and sometimes, variably increasing numbers by the size of the lot.
3. Properties excluded from the allowance – lot size, single family use or otherwise, adjacency to certain other sensitive land uses.
4. Limitations on the coop and enclosure.
 - a. Minimum and maximum sizes.
 - b. Containment, and protection from wild animals.
 - c. Materials (e.g., materials and/or colors similar to those on principal structure)
 - d. Whether the coop is included in the accessory building requirements.

- e. Coop location – rear yard; setbacks; screening from neighboring property; etc.
- 5. Cleanliness and site conditions.
- 6. Feed Storage.
- 7. Administrative requirements:
 - a. Permit from City required?
 - b. Permit application information?
 - c. Annual, Permanent, or renewable permitting?
 - d. Permit fees?
- 8. Enforcement:
 - a. Capacity of staff.
 - b. Enforcement Penalties or Forfeiture.
 - c. Qualifications for further permitting.
 - d. Removal requirements or discontinuation.

These items may or may not be a part of any amendment that the City may consider, depending on the City's approach to the issue. As noted in prior discussions, many passionate supporters may be willing, and even enthusiastic, about a rigorous set of standards and diligently follow all requirements. Even so, this can still lead to issues, however, many such supporters are in favor of permitting to avoid arbitrary complaint-based enforcement.

The issue in many cases is with those who enter into chicken ownership without adequate awareness of the time and dedication required to comply with the rules, as well as to avoid conflicts with neighbors. It is these cases that the City would need to be prepared for if the amendment was to be considered.

If the Planning Commission, and ultimately the City Council, decide to proceed, a discussion of the above points should occur, and staff can prepare an ordinance to address that direction.