



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, April 12, 2023
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. January 11, 2023 Planning and Zoning Commission Meeting Minutes
6. Public Hearing
 - A. To Consider a Request for an Amendment to the City Code Related to an Allowance for Keeping Chickens on Certain Residential Property
7. Old Business
8. New Business
 - A. Updates
9. Next Meeting
 - A. Rescheduled to Wednesday, May 24, 2023 to be held at the Montrose Community Center – 7:00 p.m.
10. 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, January 11, 2023
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, January 11, 2023 at 7:00pm.

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

2. ROLL CALL

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

Absent: Commissioner Shawn Cuff

Staff Present: Ms. Jessica Bonniwell, City Administrator
Mr. Stephen Grittman, City Planner

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the January 11, 2023 Planning and Zoning Meeting Agenda as presented. Commissioner Fraumann seconded the motion. Motion carried 4-0.

5. APPROVAL OF THE MINUTES

A. October 12, 2022 Planning and Zoning Commission Meeting Minutes

Commissioner Henry motioned to approve the October 12, 2022 Planning and Zoning Commission Meeting Minutes as presented. Commissioner Fraumann seconded the motion. Motion carried 4-0.

6. ELECTION OF OFFICERS

A. Planning Commission Chair

Commissioner Neiberger nominated Commissioner Smallwood for Commission Chair. Commissioner Fraumann seconded the nomination. Commissioner Smallwood accepted the nomination. Motion for

nomination of Commission Chair carried 3-0-1 with Commissioner Smallwood abstaining from the vote.

B. Planning Commission Vice-Chair

Commissioner Smallwood nominated Commissioner Fraumann for Commission Vice-Chair. Commissioner Henry seconded the nomination. Commissioner Fraumann accepted the nomination. Motion for nomination of Commission Vice-Chair carried 3-0-1 with Commissioner Fraumann abstaining from the vote.

C. Planning Commission Secretary

Commissioner Neiberger nominated Commissioner Henry for Commission Secretary. Commissioner Smallwood seconded the nomination. Commissioner Henry accepted the nomination. Motion for nomination of Commission Secretary carried 3-0-1 with Commissioner Henry abstaining from the vote.

7. OLD BUSINESS

No Old Business

8. NEW BUSINESS

A. Updates from City Planner

Mr. Gritman gave updates on the following development items:

The Preserve – A Request for Proposal has been advertised and the city in order to hopefully get the property developed.

Creekside Hollow – Developer was denied cost-sharing request for creek crossing and seems to still be working toward their final plat development. The preliminary plat has been approved with a lot of requirements for the final plat.

Northridge 6th Addition – Developer may seek an amendment to their final plat due to the tree replacement ordinance amendment that was approved in late 2022.

Ouverson Addition – Developer is now asking for zoning changes to a higher density in order to make project work financially.

South Ridge – Developer is currently in process of requesting an annexation from the city in order to move forward with development of that area. City Staff has requested the developer submit a concept plan since the developer has requested several meetings with staff and commissions already and they are still in their concept planning phase. The city is currently working on a solution to the waste water treatment plant being nearly at capacity which would impact approvals for the South Ridge Development.

Mr. Gritman stated the above items are the actual in-process developments, but the city has had other interest from development groups for various commercial and housing projects.

9. NEXT MEETING

A. Wednesday, February 8 to be held at the Montrose Community Center – 7:00 p.m.

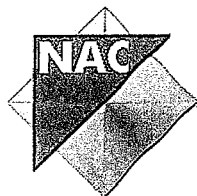
10. ADJOURNMENT

Commissioner Henry motioned to adjourn the meeting at 7:15 p.m. Commissioner Fraumann seconded the motion. Motion carried 4-0.

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose



NORTHWEST ASSOCIATED CONSULTANTS, INC.

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 Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Montrose Mayor and City Council
 Montrose Planning Commission

FROM: Stephen Gritman

DATE: April 6, 2023

MEETING DATE: April 12, 2023

RE: Montrose – Chickens in Residential Areas

FILE NO: 801

This memo forwards a reprint of a prior memorandum from September of 2021 related to a consideration of allowing chickens on residential property. The City Council has directed the Planning Commission to hold a new hearing on the item, which was rejected by the Planning Commission when it was previously considered. The Council has asked the Commission to study and comment on Delano's ordinance regulating chickens, and forward a recommendation to the City Council for their consideration. A second memo was written at that time, and is also included with this as additional background. Finally, a copy of Delano's existing language is included for your reference and discussion.

At the August 2021 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.

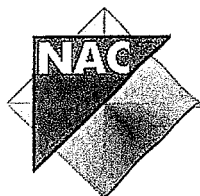
In most cities where chickens are allowed (many cities use the same approach Montrose currently uses, prohibiting them), the following categories of issues are addressed in some fashion:

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.



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MEMORANDUM

TO: Montrose Mayor and City Council
 Montrose Planning Commission

FROM: Stephen Gritman

DATE: April 6, 2023

MEETING DATE: April 12, 2023

RE: Montrose – Chickens in Residential Areas

FILE NO: 801

As discussed in the companion memo, this material is provided from 2021 as background information for the Planning Commission's reconsideration of allowing and regulating chickens in residential areas of the City.

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.

ORDINANCE NO. 2020-_____

CITY OF DELANO
WRIGHT COUNTY, MINNESOTA

A CITY CODE AMENDMENT ADDRESSING THE KEEPING
OF CHICKENS IN RESIDENTIAL ZONING DISTRICTS

THE CITY COUNCIL OF THE CITY OF DELANO
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 406.01 of the Delano City Code – ANIMAL REGULATIONS AND LICENSES Subdivision 1 Definitions is hereby amended to add the following:

“Brooding” means the period of chicken growth when supplemental heat must be provided due to the bird’s inability to generate enough body heat.

“Chicken” means a domesticated bird that is kept as a pet or serves as a source of eggs or meat.

“Coop” means the structure used for the keeping or housing of chickens.

“Free Range” means allowing the chickens to leave their designated coop and run with or without supervision.

“Hen” means a female chicken.

“Rooster” means a male chicken.

“Run” means a fully enclosed and covered area attached to a coop where the chickens can roam.

Section 2. Chapter 406.01 of the Delano City Code – ANIMAL REGULATIONS AND LICENSES Subdivision 24 is hereby amended to add the following:

Subd. 24. Keeping of Chickens

A. The keeping and maintaining of chickens shall be allowed in all residential districts by issuance of a chicken keeping license in accordance with Chapter 401.01 of this Code, and subject to compliance with the following standards:

1. The keeping of chickens shall only be allowed on properties that are legal conforming lots of record in their respective zoning district.

2. The keeping of chickens shall only be allowed in the following zoning districts:
 - a) R-A, Rural/Agricultural District
 - b) R-E, Single Family Estate Residential District
 - c) R-1, Single Family Residential District
 - d) R-2, Single Family Residential District
 - e) R-3, Single Family Residential District
 - f) R-4, Single and Two Family Residential District. Provided that the parcel contains a single-family home. Two (2) family homes are prohibited from keeping chickens on the property.
 - g) R-5, Single and Two Family Residential District. Provided that the parcel contains a single-family home. Two (2) family homes are prohibited from keeping chickens on the property.
3. Only a property owner shall be eligible to obtain a chicken keeping license for their property. In the case of properties where the owner does not reside on the property, written permission from the property owner must be obtained for the property to receive a license. In no case shall a property contain more than one license for the keeping of chickens.
4. A maximum of four (4) hen chickens shall be allowed per property.
5. The keeping of roosters, peacocks and waterfowl shall be prohibited.
6. The chickens shall be housed within an enclosed accessory building (coop and run) subject to the requirements of Part C of this Section.
7. Fencing used to contain chickens shall comply with Part C. of this Ordinance.
8. The license holder of the chickens shall control animal manure and dispose of it properly. No household waste (i.e. kitchen scraps) shall be used as chicken feed. The license applicant shall submit a narrative for a management plan that includes the following:
 - a) How the coop / run will be cleaned.
 - b) How manure will be collected, stored, and disposed of.
9. The feeding of chickens shall only take place inside the chicken coop / run.

10. The chickens must always remain inside the coop / run. Allowing chickens to “free range” is strictly prohibited.
 11. If eggs are harvested, they shall not be offered for sale from the premises.
 12. Grains and food stored on the premises shall be kept in rodent-proof containers and kept inside the principal building or an accessory building on the property.
 13. Slaughtering of chickens and “cockfighting” are prohibited.
 14. All grass and weeds shall be maintained in accordance with Chapter 805.01 Subdivision 3-A of the Delano City Code.
 15. Any diseased or sick chickens shall be disposed of immediately in accordance with 406.01-Subdivision-14 of this Ordinance.
 16. Any chickens that are deceased must be either buried immediately or removed from the property immediately in accordance with the Minnesota Board of Animal Health Livestock Carcass Disposal Guide; the Minnesota Pollution Control Agency; and any other applicable laws and guidelines.
 17. The fee for the chicken keeping license shall be as set forth by the City Council in the City’s Fee Schedule.
- B. A chicken keeping license application shall include the following:
1. A scaled site plan that shows the location, size, and configuration of the coop / run; the location of the principal structure on the property; and all accessory structures on the property.
 2. The proposed setbacks of the coop / run to the property lines and adjacent homes.
 3. An illustration or photograph of the coop / run intended to be constructed as and a list of all materials to be used for construction.
- C. A chicken coop / run shall adhere to the following requirements:
1. The coop / run shall comply with applicable accessory building area requirements of the district in which it is located.
 2. A coop / run shall not be placed closer than ten (10) feet to any lot line, except no coop / run shall be placed in a front yard or side yard, and in no event shall a coop / run be placed closer than fifty (50) feet of any dwelling unit other than the owner’s property.

3. The coop / run shall be located closer to the principal structure on the property than any adjacent residential dwelling.
4. The coop / run shall be completely screened from view of adjacent properties and rights-of-way.
5. The coop / run shall be constructed in a workmanship fashion and shall match the principal structure on the property in color. The coop / run must be fully enclosed on all sides and top with one of the following materials:
 - a) Pressure-treated lumber.
 - b) Metal fencing intended for an animal closure.
 - c) Lumber intended for outdoor use such as cedar, teak, or redwood provided that it is painted to match the existing principal structure or other accessory structures on the property.
 - d) Materials commonly found on the exterior of a principal structure such as asphalt shingles, vinyl siding, metal siding, stucco, cement fiber, painted wood, or brick.
 - e) Other materials approved by City Staff.
6. In no case shall the following materials be used for the construction of a chicken coop or run:
 - a) Corrugated metal.
 - b) Rusted metal of any kind
 - c) Cinder block.
 - d) Lumber not intended for exterior use.
 - e) Plywood, particle board or similar material.
 - f) Plastics of any kind.
 - g) Tarp or poly material of any kind.
 - h) Gypsum board.
7. The coop shall provide a minimum of four (4) square feet per animal in the coop; and the run shall contain a minimum of four (4) square feet per animal. In no case shall the footprint of the coop / run be larger than 200 square feet. If the coop is elevated two (2) feet above the ground so the chickens

can access the space beneath, that area may be counted as a portion of the minimum run footprint.

8. The height of the coop / run shall not exceed eight (8) feet in height.
9. The coop / run shall count against the property's number of accessory structures; and shall count against the property's accessory building square footage allowance.
10. In no case shall an existing accessory structure on the property that does not conform to these requirements be used as a chicken coop / run.
11. The chicken coop / run must be anchored to the ground.
12. Before a chicken coop / run can be used, it must be inspected by an agent of the City for compliance with this ordinance.
13. The coop / run shall not cause drainage to leave the property.
14. If the license holder is no longer keeping chickens, the coop / run shall be removed from the property within one year of the chickens being removed from the property.

D. Enforcement.

1. A chicken keeping license shall expire for any of the following reasons:
 - a) If chickens are removed from the property for a period of one year.
 - b) The license is revoked as outlined in Chapter 401.01 Subdivision 3.
 - c) A violation occurs as outlined below.
2. If a property receives three (3) or more valid complaints regarding the keeping of chickens, the chicken keeping license shall be revoked and the chickens must be removed from the property within thirty (30) days of the date of revocation. The license holder may appeal to the City Council for reinstatement of their license in accordance with Chapter 401.01 Subdivision 3 of the Delano City Code. Intent to appeal the revocation must be done in writing within thirty (30) days of the date of revocation.
3. Any violation of this Section shall be considered a nuisance per Chapter 801.01 Public Nuisance Affecting Health; and is subject to an administrative fine in accordance with the Chapter 105.02 Administrative Citations and Fines; and / or license revocation in accordance with Chapter 401.01 of the City Code.

- 4. If a property has a chicken keeping license revoked, the property is not eligible for a new license unless a conveyance of the property has occurred, and the previous license holder no longer resides on the property.
 - 5. The chicken keeping license shall apply only to the named applicant, shall not run with the land, and may not be transferred. It shall automatically terminate upon the vacation of the property by the applicant.
- D. Appeal of chicken license revocation. If a chicken keeping license is revoked per Chapter 406.01 Subdivision 24-C. above, the license holder can file an appeal to the City Council under Chapter 401.01 Subdivision 3.

Section 3. This ordinance shall take effect and be in full force after its passage and publication.

ADOPTED this 21st day of July, 2020 by the City Council of the City of Delano.

CITY OF DELANO

By: _____
Dale J. Graunke, Mayor

ATTEST:

By: _____
Paula Bauman, City Clerk

AYES:

NAYS: