

**PLANNING & ZONING COMMITTEE  
MEETING AGENDA**  
**THURSDAY, OCTOBER 4, 2018 @ 7:00 P.M.**  
**ARLINGTON COMMUNITY CENTER**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Approve the Minutes.
  - A. September 6, 2018 – Regular Session.
5. Public Hearings.  
None.
6. Business.
  - A. Discussion: Zoning Within Former Orderly Annexation Area – Sibley County Consulting Zoning Administrator Kurt Bearinger.
  - B. Update: Ninkasi Hops CUP/Site Plan.
  - C. Keeping of Chickens/Ducks.
  - D. Rental Code.
7. Building Permit Report
  - A. August.
8. Other/Updates
9. Adjourn.

**A QUORUM OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING.  
NO OFFICIAL ACTION BY THE CITY COUNCIL SHALL OCCUR AT THIS MEETING**

**PLANNING & ZONING BOARD  
MEETING MINUTES  
OCTOBER 4, 2018**

The meeting was called to order at 7:00 p.m. by Chairperson Jim Kreft.

Members Present: Jim Carlson, Janet Deno, Dwight Grabitske, Darnell Halverson, Jim Kreft, Jennifer Nuesse, Councilmember Michelle Battcher

Members Absent: None

Also Present: PZ Adm. Cynthia Smith-Strack, Mayor Rich Nagel, City Adm. Pat Melvin, County Commissioners Joy Cohrs and Bill Pinske, County Attorney David Schauer

Motion by Grabitske, seconded by Battcher, and passed by unanimous vote to approve the agenda as presented.

It was noted that the September 6, 2018 minutes were not available for the meeting, but would be handed out at the next regular meeting.

It was noted that there were no public hearings scheduled.

Sibley County Commissioners Bill Pinske and Joy Cohrs and Sibley County Attorney David Schauer were present for the discussion about zoning within the former Orderly Annexation Area. Smith-Strack explained that when the Orderly Annexation Agreement was in place, the County's Comp Plan directed land use designation/zoning control to the City for the area located within the OAA, which was also considered to be part of the City's Urban Reserve District (URD). With the expiration of the Agreement the City no longer has a URD, properties within the OAA are in limbo as far as who has zoning control and the City's growth and orderly extension of utilities in the future is hindered. Smith-Strack commented that she was going to be attending a meeting with the Township to initiate a conversation about renewing an annexation agreement. It was noted that the Township was willing to discuss renewing the annexation agreement. Attorney Schauer talked about a state statute (462.357) that authorizes cities to expand outward up to two miles (extra territorial jurisdiction). It was noted that other cities within the County were operating under the extra territorial jurisdiction and did not have Agreements like Arlington did. Attorney Schauer commented that the City had several options available to consider. He added that zoning control and annexation were two separate things and encouraged the City to look at both. Mayor Nagel commented that there was a provision in the former annexation agreement that the City had to reimburse the Township for lost tax revenue over so many years for any property that was annexed. Smith-Strack commented that there are different methods of addressing tax revenue losses with each annexation agreement. It was the consensus to discuss this topic further at the next meeting after Smith-Strack meets with the Township.

Smith-Strack provided an update on the Ninkasi CUP. She stated that the Council adjusted the Planning Commission's recommended conditions for a conditional use permit (CUP) and site plan approval. The adjustments pertained to the Commission's review of landscaping plans and removed a stipulation requiring coniferous landscaping and the need for the Commission to approve a resubmitted landscape plan. Nuesse expressed concern that the Council's decision did not include a timeline to ensure when the landscaping would be done; whereby leaving no way to enforce the landscaping plan. Battcher questioned if timelines were set for other projects/CUP's. Smith-Strack stated that other CUP's issued previously had some type of timeline stipulated within them. Concern was expressed for the neighbors as they wanted some landscaping/buffer done right away, but without a timeline there would be no way to enforce it. Administrator Melvin commented that the Council felt that Ninkasi was receptive to the neighbors' concerns and had been more than accommodating. The Council wanted to be able to keep working/negotiating with them and give them flexibility.

Proposed code amendment language was reviewed pertaining to Chapter 11-Keeping of Animals. Smith-Strack commented that the Committee held initial discussion at their last meeting on the request to allow chickens in residential areas. She stated that the conversation included allowing ducks, changing the number allowed from four to six (total combined) and also about whether a permit should be required with neighbor notification. She stated that the proposed language does not include a clause to notify neighbors. Smith-Strack noted that she had talked to a couple of individuals who were opposed to allowing chickens/ducks for various reasons, including lot size (close proximity to property lines). It was noted that there are some residents who currently have chickens/ducks even though they are not allowed under the Code and it has been questioned to enforce or allow. The City Council wanted to look at allowing and amending the Code. Discussion was held on whether a minimum lot size or setback requirement was needed and whether neighbors should be notified or not. It was questioned who would enforce if Code was amended to allow the chickens. It was the consensus of the Committee that permission from the neighbors was not needed and neighbors do not need to be notified when permit is pulled. Coop containment was also discussed.

Motion by Grabitske, seconded by Deno, and passed by unanimous vote to recommend to the City Council to approve amendments to the Code-Chapter 11-Keeping of Animals as follows:

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY CODE RELATING TO ANIMALS.**

- I. THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 11.02 OF THE CITY CODE RELATING TO FARM ANIMALS IS HEREBY AMENDED AS FOLLOWS:**

**11.02 Farm Animals and Horses**

Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as agricultural zones, subject to any further restrictions contained in other City ordinances. Except that backyard chickens and ducks may be allowed in the R-1 One Family Residential District and the R-2 One and Two Family Residential District, subject to the following standards.

**11.02.01 Definitions**

Backyard Chicken. **"Backyard Chicken or Duck"** shall mean a female chicken or female duck 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.

Drake. **"Drake"** shall mean a male duck.

Rooster. **"Rooster"** shall mean a male chicken.

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

**11.02.02 Keeping of Backyard Chickens and Ducks.**

- 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 and ducks, 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 and/or ducks 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 And/Or Ducks Allowed. A person may keep up to four (4) six (6) backyard chickens and/or ducks on a residential property, provided:

1. The parcel where the backyard chickens and/or ducks are kept is within a Residential District as provided for in Chapter 31-Zoning of the Arlington City Code;

2. The keeper of the backyard chickens and/or ducks resides in a detached dwelling at the parcel at which the backyard chickens are kept;
  3. The owner of the subject parcel obtains a backyard chicken/duck permit from the City, issued in compliance with this Chapter.
- C. Permit Required: A permit is required for the keeping of backyard chickens and/or ducks.
1. Those desiring to keep backyard chickens and/or ducks 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/ducks shall be set by City Council on the fee schedule.
  2. The application shall include:
    - a. The number of chickens and/or ducks 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. Such other and further information as may be required by the City Administrator; and
    - d. The required fee.
  3. The City Administrator and/or designee shall process the application.
  4. 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.
  5. 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 and Ducks.
1. The keeping of roosters as a backyard chicken is prohibited.
  2. Backyard chickens and/or ducks shall not be raised or kept for the purpose of fighting.
  3. Backyard chickens and/or ducks 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/ducks must have access to an enclosed coop meeting the following minimum standards:
    - a. The enclosed coop may not occupy a front or street-side corner yard.
    - b. The enclosed coop shall be setback a minimum of ten (10) feet any property line. The enclosed coop shall not exceed ten (10) feet in height.
    - c. The enclosed coop shall be similar in color to the principal structure on the lot and in general be in harmony with residential uses in the locale.
    - d. The enclosed coop must be built to protect the backyard chickens/ducks from extreme heat or cold.
    - e. The enclosed coop shall be at all times maintained in good repair and sanitary condition.
    - f. The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.
  5. All backyard chickens/ducks shall have access to a run meeting the following minimum standards:
    - a. The run shall be a fully-enclosed and contained area attached to a coop where backyard chickens/ducks can roam unsupervised.
    - b. The run shall be setback at least ten (10) feet from all property lines and not located in a front or street-side corner yard.
    - 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 residential zoning classifications.
    - e. The run shall be at all times maintained in good repair and a sanitary condition.
  6. The following minimum sanitation standards shall be observed at all times:

- a. All premises on which backyard chickens/ducks 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 detectable on another property. Failure to comply with these conditions may result in the City Administrator and/or Enforcement Officer removing backyard chickens/ducks from the premises or revoking the backyard chicken/duck permit.
- b. All grain and food stored for backyard chicken/duck permit shall be kept indoors in a rodent proof container.
- c. Backyard chickens/ducks shall not be kept in such a manner as to constitute a Nuisance as provided for under the City Code.
- d. Persons no longer intending to keep backyard chickens/ducks on the subject property shall notify the City in writing and remove the enclosed coop and run.
- e. 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 of Arlington on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

Richard Nagel, Mayor

Patrick Melvin, City Administrator

Smith-Strack commented that at the August meeting the Planning Commission expressed interest in meeting with rental property owners to review the proposed rental code framework. She questioned how the Committee wished to proceed with this. It was suggested to hold a workshop session and invite the landlords/property owners to it. It was also suggested to send out a survey with the hopes of getting more involvement. Kreft pointed out that the property owners/landlords had been invited to a public meeting a few months back and the majority did not attend that meeting and felt another meeting wasn't the answer. He commented that no matter what gets put together as far a rental code, not every property/landlord will be happy with it or parts of it. It was suggested to have a smaller group of property owners/landlords work with the Planning Commission on the rental code framework. PZ Adm. Smith-Strack was asked to send out the list of property owners/landlords (from the previous public meeting) to the Committee members; each member was asked to review the list and select 2-3 names from the list and bring them to the next meeting for consideration for the smaller group.

The August Building Permit Report was reviewed. Nuesse questioned City Administrator Melvin if the building permit fees were being looked at during budget discussions. He stated that he and the building official had talked about the way the City was being billed as compared to other cities.

Deno commented that numerous residents were complaining about the noise/humming coming from the new business at the southern edge of town. Smith-Strack stated that an Interim Use Permit was issued for outdoor storage. The noise is not coming from the outdoor storage, rather the operations itself. Smith-Strack commented that the property is zoned I-2, which manufacturing/production is a permitted use. MPCA has standards for noise that could address this. City Administrator Melvin stated that the City has met with the business about the noise complaints and they are pursuing options to reduce the noise. It was also noted that odor has been an issue on the same property. City Administrator Melvin stated the business is aware and addressing this also.

Motion by Grabitske, seconded by Nuesse, and passed by unanimous vote to adjourn the meeting at 8:30 p.m.

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PZ Adm. Cynthia Smith-Strack

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Chairperson Jim Kreft