

**MINUTES OF THE REGULAR MEETING
PLANNING COMMISSION
LITTLE CANADA, MINNESOTA**

AUGUST 10, 2023

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 10th day of August, 2023 in the Council Chambers of the City Center located at 515 Little Canada Road in said City.

Chair Taelor Johnson called the meeting to order at 5:33 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION: Boe, Johnson, Kulousek, Masrud, Thorson, and Youth Commissioner Lum. Absent: Buesing.

ALSO PRESENT: Community Development Director/ Planner Corrin Wendell and Administration Fellow Brian Reimers

ADOPT AGENDA

Commissioner Masrud made a motion to approve the agenda as presented. Commissioner Kulousek seconded the motion. The motion was unanimously approved.

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Commissioner Kulousek made a motion to approve the May 11, 2023 Planning Commission minutes as submitted. Commissioner Thorson seconded the motion. The motion was unanimously approved.

OPEN TO THE PUBLIC

No comments.

PUBLIC HEARING

COMMISSIONER BUSINESS: ZONING MAP AMENDMENT PUD – 99 COUNTY ROAD B EAST – CASE #1421

The Community Development Director presented a request for a Planned Unit Development (PUD) and Zoning Map Amendment for a 106-unit multi-family 55+ senior apartment development on land along the western edge of the Soo Line Railroad. The project will feature a four story, wood framed structure over one level of underground parking. She reviewed the flexibility requested through the PUD, noting that no variances are requested, and all other zoning standards would be met. She reviewed background information and reviewed the

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adjacent uses. She reviewed the zoning and future land use map and provided details about the site. She reviewed the proposed site plan and renderings. She reviewed the criteria that are used when considering a Zoning Map Amendment and related findings of staff. She provided additional explanation on how a PUD is used as a tool and more specifically how it would be used in this case related to site design, density and setbacks. She provided additional details on the staff review that has been completed and comments provided from different departments. She advised of the public agencies that have been notified and noted that they have not received any negative comments. She noted that the public hearing for this item will be held on September 13, 2023.

Commissioner Masrud asked and received confirmation that this number of stories and height would be allowed in other areas of the city. He commented that the ten additional units in density being requested would be about half of a floor and therefore seems to be a reasonable request.

Chair Johnson asked if there has been discussion with the County about traffic analysis, recognizing that there would be less traffic because of the senior occupants. She asked if there could be complications with the driveway and railroad.

The Community Development Director replied that the roadway would be built to City standard, there would just be a reduced setback between the roadway and property line.

Chair Johnson commented that perhaps there could be a light that flashes when there is a train, signaling that no left turns are allowed at that time.

The Community Development Director commented that she would review that with the County.

Commissioner Thorson asked the requested setback reduction from the required ten feet.

Zach Rosen, representing the applicant, commented that at County Road B east they have a setback of 15 feet. He believed the setback would be around nine feet, noting that they are working within the topography, keeping it to the east to the extent possible.

Chair Johnson asked if there are plans to mitigate the freeway noise along with the railroad noise.

Mr. Rosen provided details on the sound mitigation efforts they would be implementing in this project.

Aaron Diedrich, Lupe Development, commented that they are a local developer based in Roseville and reviewed some of their development experience. He commented that they do not believe affordable housing has to look affordable and focus on nice features and materials. He confirmed that this would be independent living and will remain senior living.

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Kulousek introduced the following motion:

***RECOMMENDING THE APPROVAL OF A PUD AND ZONING MAP
AMENDMENT TO REZONE 99 COUNTY ROAD B E, PID 072922430003 FROM C-
1, GENERAL COMMERCIAL TO R-3, HIGH DENSITY RESIDENTIAL***

The foregoing motion was duly seconded by Masrud.

Ayes (6). Nays (0). Motion passed.

**REPORTS FROM STAFF: CITY CODE CHICKEN AND FOWL ORDINANCE
DISCUSSION**

The Community Development Director provided some background information on this topic and its previous consideration. She stated that the intent tonight is to have discussion, they will then engage residents for input and bring back a draft ordinance to consider at the next meeting.

Mr. Riemer reviewed a brief history of previous consideration of this topic in Little Canada. He reviewed the different ordinances used by other communities. He reviewed some suggestions that they have gathered for a draft ordinance based on the input and experience of neighboring communities. He also reviewed the proposed update to City Code suggested thus far. He reviewed the next steps and welcomed input from the Commission and public.

Commissioner Thorson asked if the questions on the survey will align with the proposed updates.

Mr. Riemer confirmed that they would be using questions related to the proposed changes.

Commissioner Masrud referenced the accessory building rules and asked if that would apply to a dog run.

The Community Development Director replied that dog houses and gazebos are exempt from the standards at this time. She confirmed that there is a limitation on the number of accessory structures a property could have.

Commissioner Masrud commented that would seem conflicting as someone that wants chickens would most likely have a shed as well.

Commissioner Boe asked if there would be more details in the draft ordinance.

Mr. Riemer confirmed that there would be additional details as this was created to spark discussion and gain input.

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Chair Johnson asked the input desired at this time.

The Community Development Director replied that they would want input on whether keeping of chickens would be a good idea as well as input on the different parameters mentioned in the presentation.

Chair Johnson welcomed input from the members of the public in attendance.

Leanne Love, 555 Little Canada Road, commented that she and her husband are very pro chicken, and this is the only city they looking at that does not allow chickens. She commented that chickens are great for soil health, promote sustainable living, lower your carbon footprint, are great for children, and are great for the community. She noted that people with chickens often share eggs with their neighbors. She commented that when living in Minneapolis, she was not even aware her neighbor kept chickens. She did not agree that the entire backyard should be fenced as that could be wasteful and prohibitively expensive. She agreed that the coop and run should be fenced and/or covered, with enough space to promote healthy living for the chickens. She did not believe neighbor approval should be required, noting that approval is not required for dogs and dogs can be much more disruptive. She did not agree that the coop should be considered an accessory structure as someone would need to choose between a coop and shed, when supplies are often stored in a shed. She would like to see six chickens allowed. She commented that chickens are fun, quirky and entertaining to have around.

Hellen Martin, 193 Burke Lane, agreed with the comments of the previous speaker. She stated that Little Canada is late to the party on this topic and seems to have chosen the most restrictive aspects from neighboring communities. She commented that her neighbors have four dogs, and they did not have any input on that, noting that she trusted that the City has ordinances in place to regulate that activity and it should be the same for chickens. She also supported allowing six chickens, or more depending on the lot size. She strongly disagreed with the neighbor approval as a neighbor should not have control over what is done on her property, as there are regulations in place to ensure there are not issues. She commented that if a neighbor were to deny the request of another neighbor, that could also create conflict that did not previously exist. She commented that the run and coop should be fenced with proper fencing to provide protection from predators, noting that typical fencing does not provide that protection and therefore fencing the entire yard would not provide the desired benefit. She thanked the City for doing this research and being open to this concept. She commented that she does have a shed on her property and was told she did not need a permit because it was under a certain size. She commented that if someone could have a shed of that size along with a coop, she did not think that would create issues for people as they would have ample room to store supplies. She asked why this is titled "backyard chickens". She noted that she has a reverse pie shaped yard, therefore they do not really have a backyard and would need to place their chickens in the front with the proper screening.

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Mark Pederson, 969 Beam Avenue, thanked the City for putting together this information noting that he is excited that this is coming forward to Little Canada. He stated that they moved from Minneapolis where it is common to have chickens. He noted that he also had neighbors that kept chickens and they never experienced any issues. He stated that he is excited to introduce this experience to his children and have this experience as a family. He stated that perhaps pictures could be added to the presentation with pictures of chicken coops, noting that many kits look great and are smaller than you would think. He noted that chickens eat ticks, which is beneficial to everyone. He commented that there are wild turkey and geese that run through yards, and they would be more of a nuisance than kept chickens that remain in someone's yard.

Kristen Simon, 2545 __ Street, commented that she supports the keeping of chickens as it is sustainable and nutritious. She noted that chickens will also kill mice. She commented that four chickens would have a hard time staying warm in the winter. She reviewed elements that can be used to mitigate different factors of chicken keeping. She noted that kitchen scraps can go to chickens, which decreases the amount of waste going to the landfill. She stated that the chain link fence would keep the chickens in their yard, but different fencing would be needed to protect from predators. She did not believe that coops should be considered accessory structures as you can get smaller coops that are movable. She noted that the larger coops that people can walk inside could fall under that type of permitting.

The Community Development Director asked where people purchase their chickens.

Ms. Simon commented that you can purchase chickens online through different hatcheries. She stated that six chickens would be the minimum she would suggest as chickens do not lay eggs every day and decrease production in the winter months. She provided additional details on egg production, noting that most chickens lay eggs for two to three years and then production slows down which is why some people may choose to stop after that time.

Chair Johnson asked what people do if they have to cull or if they have a rooster.

Ms. Simon provided details on that process. She noted that some people rehome the chickens as others keep them as pets because of other benefits such as pest control. She did not believe that neighbor approval should be needed as the only time they make noise is a short noise when the egg is laid. She commented on the nutritional value of eggs, noting that most store-bought eggs are already a month or two old. She noted that it also provides a great educational experience for those with children.

Ms. Martin commented that she has been following discussions on social media and there are groups devoted to rehoming chickens to be kept as pets.

Mayor Fischer thanked the residents for providing input, noting that he is the only member of the current Council that was present for the discussions in 2017. He stated that he is pleased with the feedback and information gathered. He stated that this is draft language and the first concept

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to generate this type of discussion and they will build from here. He stated that all the comments tonight are focused on chickens exclusively whereas the ordinance contains fowl, noting that other types of fowl could generate other issues.

Ms. Simon replied that her friend has chickens and ducks and ducks are much messier. She suggested that they limit to only chickens as most people desire those for egg production.

Chair Johnson stated that perhaps that is a recommendation from this conversation, that they begin with just chickens at this time and if there is a desire to open to more types of fowl, they could consider that in the future.

Commissioner Masrud commented that he agrees with the comments of the residents. He referenced the Roseville situation which does not have any regulation and noted that he has not heard about any issues that have resulted from that and therefore would support the absolute minimum requirements. He commented that chickens are easy animals and did not believe neighbor consent should be required. He did not believe there should be an application fee if an application is even required. He commented that a setback of 20 feet seems very far into someone's yard and believed that five feet would be more reasonable. He stated that the restrictions related to animal welfare seem to make more sense. He also agreed that roosters should not be allowed. He stated that slaughtering could go either way and there are fishers and hunters that kill animals in the city all the time. He believed that this level of restriction would continue to keep the City behind the times.

Commissioner Lum referenced the neighbor consent and asked if 80 percent would mean that 80 percent of your neighbors would have to agree to you having chickens.

Mr. Riemer provided additional details on that concept, stating that if there are four surrounding neighbors, three or more would need to approve. He stated that the proposed ordinance was based on the best practices of the other cities they reviewed, and nothing is set in stone, they are simply gathering input before drafting an ordinance to consider.

Commissioner Lum stated that she is not familiar with chickens and asked some problems that would require neighbor consent. She stated that there are a lot of dogs that live on her cul-de-sac, and they cause a lot of noise.

Mr. Riemer commented that based off the research, the other cities did not comment on why that was required in the code. He acknowledged that it would be a setback from someone getting their application approved and perhaps some cities are using that to deter people from keeping chickens.

Commissioner Kulousek asked if staff checked with White Bear Lake or Vadnais Heights, as those communities allow chickens.

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Mr. Riemer replied that he did not check those cities and could do so.

Commissioner Boe stated that she would not want to require training as that would be something additional for staff to monitor but would be happy for the City to share that information that residents may choose to pursue on their own.

Chair Johnson stated that perhaps a hybrid model could be developed as she would be concerned for chickens. She noted that people may get chickens that have no knowledge, and she would want to ensure the animals are treated properly. She stated that perhaps the City could offer classes through parks and rec to educate people on this topic to promote responsible animal ownership.

Commissioner Thorson agreed with the comments of Commissioner Masrud, but would support an application fee, even if that is \$30.

Chair Johnson asked for input on considering a coop as an accessory structure.

Commissioner Kulousek stated that she does not support that as people may already have a shed for gardening in addition to their garage and therefore could then not have chickens.

Commissioner Thorson commented that a coop could have artistic expression and therefore would not want to govern that under building standards.

Chair Johnson referenced the size exemption for sheds, noting that perhaps that could work for chicken coops.

The Community Development Director replied that sheds up to 200 square feet do not require a permit.

Chair Johnson stated that if a coop could be under that size, she would not think it would be considered an accessory structure. She referenced the issue of fencing and stated that she likes the idea of a run being fenced as a requirement. She stated that she does like the idea of covering the run to protect from birds of prey but would not see that as a requirement.

Commissioner Thorson noted double lots on Edgerton and stated that it would not make sense to require someone to fence the entire yard.

Chair Johnson stated that she has a large fence, but half of her backyard is a watershed and therefore it cannot be fully fenced.

Commissioner Kulousek commented that those living on a lake cannot fence their entire yard either.

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Chair Johnson asked if there would be a permit required for fencing. She asked the typical procedure for chicken fencing.

Nicholas Love, 555 Little Canada Road, commented that he likes the conversation about the run as the coop and run are separate structures, although sometimes connected. He stated that people typically bury the fence line to prevent predators from getting underneath. He stated that coops and runs range in size and scale and provided some examples.

The Community Development Director stated that accessory structures are allowed up to 15 feet in height, but a gazebo is not regulated. She stated that the maximum fence height is 6.5 feet, whereas a fence under four feet would not require a permit.

Chair Johnson asked if four feet would be sufficient for chicken fencing.

Mr. Love replied that it would be difficult to maintain.

Mayor Fischer suggested that staff be allowed to do the related research.

Commissioner Masrud asked if garden fencing requires a permit.

The Community Development Director replied that does not require a permit as there are not footings.

Mr. Love commented that if there is a desire to protect the chickens from all predators, you could still have the ground post and bury the fencing down further. He commented that often, people have the feed and water in the run and therefore if the run were covered and at the height of a four foot fence, that would be difficult for taller people.

Chair Johnson referenced the issue of setbacks, noting that a 20-foot setback was mentioned. She asked if that would be addressed in the survey.

Mr. Riemer confirmed that would be included in the survey. He stated that 20 feet was the average setback of the regulations that were reviewed. He noted that distance is a movable target that they will develop.

Chair Johnson stated that the language used in surveys can be very guiding. She stated that perhaps the question is asked in a multiple-choice answer format, rather than asking about whether four chickens should be allowed, or a 20-foot setback used. She noted that if specific targets are included, people are led to believe that is what will be suggested.

Mr. Riemer commented that it is set up to be a three-part answer: agree, disagree, or neutral with a comment section below for additional input to be provided.

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Chair Johnson commented that if the question is do you agree with a 20-foot setback for a coop, that is not setup to be neutral and would be concerned with the guiding that would be done through that format. She commented that it would make the person think that is the proposed regulation. She believed that there were other ways to ask those questions to gain better answers and responses. She noted that people often do not choose to enter additional information and if they are unsure as to how to answer the question, they will sometimes stop taking the survey.

The Community Development Director commented that they can modify the survey to perhaps include ranges for certain items, such as the number of chickens and setback.

Commissioner Boe commented that they could use multiple choice to identify different ranges and also have an “other” option that would allow the person to enter in an additional answer.

Chair Johnson moved to the topic of neighbor consent. She agreed with the comments that could create ire between neighbors. She noted that approval is not required for someone to get a dog and they arguably create a larger nuisance in terms of waste and noise.

Commissioner Kulousek stated that the City used to allow the keeping of chickens and asked if the reason was known as to why that was stopped.

Chair Johnson commented that perhaps that was due to concern for predators. She had questions about whether or not the coops need to be heated or are self-heating, as she would not want to see a fire generated.

Ms. Simon commented that adult chickens will self-regulate in the coop. She stated that the only time heat is needed is with baby chicks. She commented that baby chicks would not be outside in the winter months and once they feather out, they would go out to the coop. She confirmed that electricity would not be required for a coop.

Chair Johnson stated if there were an empty lot owned by a trust, it would be difficult to get approval from that entity. She did not believe neighbor consent would be productive.

The Community Development Director noted that neighbors change over time, therefore that approval would not seem to make sense. She noted that neighbor consent was previously required for a variance and that has changed over time, therefore the concept of neighbor consent may be outdated.

Chair Johnson asked for details on screening that would be required for the instance of the resident with the unique shaped lot. She referenced the concept of butchering a chicken and asked if a deer could be butchered in a garage. She stated that perhaps that is permitted within an enclosed area.

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Commissioner Kulousek stated that perhaps it is only allowed if being used for personal purposes and not commercial purposes.

Chair Johnson stated that would bring up the concept of commercial sales.

Commissioner Boe commented that with the scale of what is being proposed to be allowed, she would not imagine a large profit margin. She stated that if someone were generating more eggs than they could eat, she would not have a problem with them selling eggs at the farmers market.

Ms. Simon commented that there is a difference between laying chickens and meat chickens and that could be specified in the ordinance.

Ms. Martin commented that people that want chickens are not going into this to start a business. She commented on the amount of time required and with the restrictions it would seem to be an unlikely problem. She asked if the class would be required or whether that resource would simply be shared. She asked about the potential to allow coops in the side yard. She commented that using the term best practices would not seem to apply as it seems that staff chose the most stringent practices used by others.

Chair Johnson commented that perhaps there should be a survey question asking whether a care class should be required.

Ms. Martin commented that there are so many resources available at the library and online and it is not that difficult to learn that information. She noted that there are also varying opinions as to what would be best. She stated that she is not against education but does not feel it should be required.

Commissioner Boe did not believe that question should be on the survey. She noted that she was not required to take a class to have her dog. She did like the idea of offering a program but not requiring it. She stated that she believes they are trying to get away from having a coop in the front yard and perhaps that should be the focus rather than specifying the backyard.

Chair Johnson asked who would respond to complaints about animal neglect.

The Community Development Director replied that would be addressed through code enforcement.

Chair Johnson stated that she likes the idea of permitting as that keeps this issue on the radar, allows the City to track the activity and provides the opportunity to distribute educational materials.

Commissioner Masrud stated that he would ask that be consistent with other animals that people keep such as dogs, cats, birds, etc.

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Ms. Martin commented that Roseville has no requirements and asked if any harm has come of that. She stated that if there have not been any problems, they could consider following that approach as well.

Chair Johnson commented that she has a friend that lives in Roseville and the chickens from their neighbor often come into their yard. She noted that her dog kills rabbits that come into the yard and therefore if a chicken were to come into her yard, her dog would likely kill it. She stated that she would want to prevent that situation and therefore there should be some type of restriction to prevent free range chickens.

Ms. Martin commented that if someone were going to free range their chickens, they would be taking on their own risk.

Mr. Riemer commented that Roseville did not have data to backup what they are doing because they do not have regulations; therefore, they cannot give information on what is happening or not happening.

Chair Johnson stated that perhaps they could ask if Roseville has received complaints about chickens as that could give them some answers. She thanked everyone that gave input tonight.

**REPORTS FROM STAFF: UPCOMING ITEM – COMPREHENSIVE PLAN
AMENDMENT – SIDEWALK AND TRAILS PLAN**

The Community Development Director stated that this would be coming forward at the next meeting for review.

The Community Development Director commented that the Council appointed a new member to join the Commission at the September meeting, which will fill the seats.

REPORTS FROM COMMISSIONERS

No comments.

There being no further business, the meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Amanda Staple
TimeSaver Off Site Secretarial, Inc.