

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

SEPTEMBER 14, 2023

Pursuant to due call and notice thereof a regular meeting of the City Council of Little Canada, Minnesota was convened on the 14th day of September, 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 5:30 p.m. and the following members of the Planning Commission were present at roll call:

PLANNING COMMISSION: Boe-Schmidt, Buesing, Carlson-Clark, Johnson, Thorson, and Youth Commissioner Lum

ALSO PRESENT: Community Development Director/ Planner Corrin Wendell and Communications Manager Laura Linehan

Absent: Commissioner Masrud and Commissioner Kulousek.

ADOPT AGENDA

The agenda was approved as presented.

MINUTES

Commissioner Boe-Schmidt made a motion to approve the August 10, 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: CONDITIONAL USE PERMIT – 2572 EDGERTON STREET – CASE #1420

The Community Development Director presented a request for a Conditional Use Permit (CUP) to allow for a new home with an attached garage with the total accessory structures not to exceed 1,500 square feet for the property located at 2575 Edgerton Street. She stated that the applicant proposes to demolish an existing house and rebuild a new home on the property with a new attached garage while there is an existing accessory structure on the property. She reviewed the

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zoning map, proposed site plan, and CUP details. She stated that the City Council will hold the public hearing at its October 11th meeting.

Commissioner Buesing asked if the existing accessory structure building would remain in place.

Jason Rizner, applicant, confirmed that the accessory structure would remain in place untouched.

Commissioner Buesing asked and receiving confirmation that the applicant owns both the subject property and neighboring property. He asked if the applicant would want to build a home in the middle of the lots.

Mr. Rizner replied that was not the way it worked out, but he did consider that. He commented that he believed this proposal would work better.

Chair Johnson reviewed the dimensions of the existing accessory structure and proposed garage. She asked if the garage is on the lowest floor of the home or the middle level.

Mr. Rizner replied that it is on the middle level of the home.

The Community Development Director commented that an accessory structure is not allowed without a principal structure and therefore there is a condition that the new home must be constructed in order for the accessory structure to remain.

Buesing introduced the following motion:

RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A NEW HOME WITH ATTACHED GARAGE WITH TOTAL ACCESSORY STRUCTURES NOT TO EXCEED 1,500 SQUARE FEET LOCATED AT 2572 EDGERTON STREET, PID 082922120008

The foregoing motion was duly seconded by Boe-Schmidt.

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

COMMISSIONER BUSINESS: CONDITIONAL USE PERMIT – 2410 DIANNA LANE – CASE #1422

The Community Development Director presented a request for a Conditional Use Permit (CUP) to allow a garage expansion with total accessory structures not to exceed 1,500 square feet for the property located at 2410 Dianna Lane. The applicant proposes to expand an existing garage, 598 square feet, to add an additional space onto the existing structure to create a three-car garage size of 858 square feet. She reviewed the zoning map, proposed site plan, and details of the proposed CUP. She reported that the public hearing would be held by the City Council at its October 11th meeting.

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Mike Kroll and Jean Huss, applicants, stated that they would like to enclose part of the carport as it has been a site on vandalism on three occasions. She commented that because of the seclusion it makes the area a great location for theft or other incidents. She noted that because there is already hard surface for the carport, this would not increase the hard surface of the property.

Commissioner Carlson-Clark asked if the entire garage would be reconstructed, or whether they would just be adding on.

Mr. Kroll replied that they will just be adding onto the existing garage.

Chair Johnson asked if the fence would remain in its place.

Ms. Huss replied that they could leave the fence in place, although they may move it a little to make more space for the trash cans.

Chair Johnson asked if there is room to move the fence and still meet the setback.

The Community Development Director commented that the setback would be dependent on the height of the fence and noted that she could speak with the property owners to determine the placement. It was determined that the fence could be moved about two feet without shortening the height of the fence.

Commissioner Thorson referenced the road encroachment that occurred and asked if that would be factored into the setback.

The Community Development Director confirmed that there would still be sufficient space with the new placement of the road.

Boe-Schmidt introduced the following motion:

***RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT
APPLICATION TO ALLOW A GARAGE EXPANSION WITH TOTAL ACCESSORY
STRUCTURES NOT TO EXCEED 1,500 SQUARE FEET LOCATED AT 2410
DIANNA LANE, PID 082922140022***

The foregoing motion was duly seconded by Thorson.
Ayes (6). Nays (0). Motion passed.

COMMISSIONER BUSINESS: CITY CODE ORDINANCE – TEXT AMENDMENT

The Community Development Director stated that tonight they will be continuing the discussion on backyard chickens. She introduced the Community Relations Manager who assisted with the

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survey. She provided background information on the keeping of chickens and the discussions/process thus far. She stated that a new draft ordinance was created which intended to merge together the thoughts and input of the Commission, residents, and staff.

The Community Relations Manager reviewed the results of the primary survey, which had 113 responses, as well as the secondary survey results which had 60 responses.

Chair Johnson thanked staff for completing two rounds of surveys in order to gain input. She asked if the survey noted the regular construction survey for side yards, explaining that perhaps people were not aware of the typical side yard setback.

The Community Relations Manager confirmed that the typical home setback was referenced in the question as a frame of reference.

The Community Development Director stated that they did also include the setback for an accessory structure to provide that context. She provided an overview of the draft ordinance.

Commissioner Buesing asked if there is a specified size limit for coops, as other structures have a maximum size. He suggested a maximum height and square footage.

The Community Development Director reviewed the maximums for accessory structures.

Commissioner Carlson-Clark asked if this would be a fixed structure or movable structure, as coops can be in either format.

Chair Johnson noted that at the last meeting there was a discussion that classified a coop more as a gazebo. She stated that she does like the maximum height of 15 feet, similar to an accessory structure. She commented that because it was stated that four square feet per chicken is needed, if the maximum is ten chickens, perhaps the maximum size for the coop is then 40 square feet.

Commissioner Boe-Schmidt recognized the length of discussion at the last meeting when it was determined that they would not classify a coop as an accessory structure and therefore did not believe they should place these maximums on the coop.

Commissioner Buesing commented that there could be language which states four square feet per chicken as a maximum.

Chair Johnson commented that she would prefer to have the not to exceed number and clarified that would not include the space for the run. She noted that in the survey the option to use chickens for meat was favored and asked if the Commission still wanted to exclude that.

Commissioner Carlson-Clark commented that he read that as perhaps people would not want onsite butchering, but someone could take the chicken to an offsite location for that service.

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Chair Johnson noted that was discussed at the last meeting and there is nothing preventing dressing of a deer on private property, therefore someone should be able to do the same for a chicken. She commented that commercial operation would not be allowed on residential property. She confirmed the consensus that butchering for personal use would be allowed not in the view of the public and commercial operation would not be allowed.

Commissioner Carlson-Clark referenced the commercial statement and noted that people sometimes want to sell the eggs. He asked if that would be allowed.

Chair Johnson stated that she would support people sharing their eggs, but she would not want to create commercial endeavors.

Commissioner Boe-Schmidt referenced the use of the word drake and suggested that the waterfowl language be removed as that is not going to be allowed at this time. It was suggested that drake be changed to fowl.

Chair Johnson suggested a language change to ensure people are not feeding turkeys.

Chair Johnson welcomed input from the public.

Leanne Love, 555 Little Canada Road E, referenced the condition related to slaughtering and asked for clarification on culling using the example of disease. She asked if the entire yard needs to be fenced or whether it would just be the space for the chickens to prevent them from leaving the area.

Commissioner Buesing stated that it would interpret that as fencing an area for the chickens, although someone could fence their yard if they wanted.

Commissioner Thorson acknowledged the discussion from the previous meeting where they did not want to mandate fencing of an entire yard because some people have double lots.

Chair Johnson suggested adding the word optional before exercise yard to provide additional clarity.

Commissioner Boe-Schmidt suggested moving the language related to an exercise yard to a lower section. She commented that if someone wants to allow their chickens to roam in their yard, knowing the risks, perhaps that should be allowed. She noted that people that have dogs are not forced to have a fenced yard.

Commissioner Carlson-Clark commented that chickens are less trainable and tend to wander, defecate in other yards, and eat vegetation from neighboring yards therefore they require some type of containment.

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The Community Development Director commented that she would assume that an exercise yard is fenced.

Chair Johnson agreed that it could cause conflict between neighbors if chickens are allowed to roam in an unfenced yard. It was clarified that a chicken run would need to be enclosed and an exercise yard would also need to be fenced but would not need to be the entire yard. It was also confirmed that the language could be changed to include butchering and culling with an enclosed space.

Kristin Simon commented that they do make mobile fence areas that people can get for chickens.

Hellen Martin, 193 Birk Lane, commented that there were some people confused with the negative language used in the questions towards butchering/culling. She noted that most people will keep the height of the coop to a maximum height needed for them to walk into the coop. She agreed that culling should be allowed for chickens that are diseased or noted that sometimes people end up with a rooster. She commented that it would be impractical for people to use chickens for food when you can only keep ten and therefore most people will choose to keep them for eggs and as pets.

Rocky Amarr commented that he has farming experience and commented on the process of butchering. He commented that is done outdoors and provided input on the process. He commented that there are many things not being considered in this ordinance. He suggested that the person place the coop next to their own home rather than the fence near their neighbors. He commented on the amount of dung created by a hen and the smell of ammonia generated. He noted that the ordinance lacks language related to required cleaning. He noted that chickens fly and if the area is not enclosed, the chickens will fly. He stated that with the way lots are configured, he could have 30 chickens near his swimming pool because of how the lots converge. He commented that chickens are not clean animals and asked if lime would be required for remediation. He asked why the City would be allowing mini farms in an urban area. He noted that if people want farm fresh eggs, they could purchase them from more rural areas. He stated that most lots in the city are 75 feet wide and chickens make noise. He noted the chickens spread disease and manure and he did not think this is a good, well thought out idea.

Commissioner Boe-Schmidt commented that Little Canada is one of the only cities that does not allow this activity and none of the other cities are reporting issues of that nature. She stated that perhaps within enforcement there should be more language related to disposal of waste.

Commissioner Thorson asked if hygiene is included in the regulations of other cities.

The Community Development Director commented that they do reference the requirements from the Department of Health that would need to be followed but acknowledged that they could pull that language out to add clarity.

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Commissioner Thorson stated that the more descriptive the language could be the better.

Mr. Amarr referenced all the predator animals that exist in the city.

Chair Johnson noted that scent, hygiene, etc. would fall under the category of nuisance. She acknowledged that there will be lost chickens because of the wild animals that exist. She noted that Little Canada is an island in terms of allowing chickens and the other communities are not having issues, therefore the City is trying to find the right way to approach this issue and allow the keeping of chickens for those that are passionate about it.

Commissioner Buesing asked if staff reviewed the ordinances from all the other cities and whether lot size is specified.

Commissioner Thorson commented that it would be smart to define nuisance and list those elements.

Commissioner Buesing commented that perhaps the coops should not be allowed in side yards because of the small width of some yards.

Commissioner Boe-Schmidt commented that not everyone has a large backyard, and their side yard is larger, so in that instance, the side yard would be allowed.

Commissioner Buesing stated that he would prefer to require the coop to be within ten feet of a home, to keep it away from other homes.

Commissioner Boe-Schmidt commented that there would be a permitting process, so the plan would be reviewed.

Commissioner Buesing stated that if the Code allows, someone could have a coop 12 feet from a neighbor's pool.

Commissioner Boe-Schmidt commented that perhaps the neighbor with the chickens does not like the pool. She did not favor limiting the location to only backyards.

Commissioner Buesing suggested making the setback larger for a side yard.

Chair Johnson stated that the setback could be increased larger, contrary to the results of the survey.

Commissioner Buesing suggested increasing the side yard setback.

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Commissioner Carlson-Clark noted that if a home could be built 7.5 feet from the property line, he would tend to think that would be sufficient.

Commissioner Buesing suggested using 15 feet for the side yard setback.

Commissioner Boe-Schmidt commented that the maximum suggestion in the survey was 10 feet.

Chair Johnson stated that if the setback for a home is 7.5 feet, she would consider that the most impactful and would not think a chicken coop would be more impactful.

Commissioner Buesing stated that his concern would be with the smell and other nuisances that arise from chickens.

Chair Johnson suggested adding scent to nuisances.

Commissioner Thorson again noted that the nuisances should be spelled out.

Chair Johnson noted that most people that choose to keep chickens will be meticulous in the keeping of those chickens.

Commissioner Buesing stated that he is not worried about those people, but there will be other people that will not follow the rules. He suggested a ten-foot setback for the side yard.

Commissioner Lum commented that she would also be concerned with noise if a coop is close to a neighbor's home.

Chair Johnson noted that increased side yard setback could be included in the recommendation from the Commission.

**COMMISSIONER BUSINESS: COMPREHENSIVE PLAN AMENDMENT –
SIDEWALK AND TRAILS MAP**

The Community Development Director presented the request for a Comprehensive Plan amendment which would create an updated pedestrian trail and sidewalk map. She reviewed the existing map to the proposed updated map. She noted that the City Council will hold a public hearing for this item at its October 11th meeting.

Commissioner Buesing asked if the update would include the trails through the 15 acres being developed.

The Community Development Director confirmed that those trails are included in the updated map. She noted that the Twin Lake trail will be updated as existing as that has been completed.

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Commissioner Thorson commented that he finds the Labore sidewalk as not much use.

The Community Development Director commented on the open house meetings they have been having on the Labore sidewalk plans. She encouraged Commissioner Thorson to attend the next meeting to provide input.

Chair Johnson believed that the main intention would be to provide a safe pathway for children to get from their home to the trail.

Boe-Schmidt introduced the following motion:

***RECOMMENDING THE APPROVAL OF THE COMPREHENSIVE PLAN
AMENDMENT TO UPDATE THE SIDEWALK AND TRAILS MAP***

The foregoing motion was duly seconded by Thorson.
Ayes (6). Nays (0). Motion passed.

REPORTS FROM STAFF

The Community Development Director welcomed the new Commission member.

Commissioner Carlson-Clark introduced himself.

The Community Relations Manager also introduced herself.

REPORTS FROM COMMISSIONERS

Chair Johnson commented that she would be interested in changing the requirement to not have garage CUPs come before the Commission if they are conforming to City Code standards.

There being no further business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Amanda Staple
TimeSaver Off Site Secretarial, Inc.