
MEMORANDUM



TO: Mayor & City Council
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist
SUBJECT: **Interim Use Permit for Chickens at 1412 16th Avenue North**
DATE: September 24th, 2020

BACKGROUND

Julia & Daniel Knapp have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 1412 16th Avenue North. The property is zoned R-1, Residential District.

The public hearing notice was sent to properties 350 feet from the site. On September 21st late in the afternoon three separate letters of non-support of the Interim Use Permit were received from neighbors. The letters are included in your packet. The Planning Commission held the public hearing on September 21st, 2020 and the applicant's addressed the letters.

During the discussion to the letters, it came to staff's attention that the applicants have three dogs and two cats. The Code of Ordinance, Title 5. Animals, states that no more than a combination of three domestic animals allowed on a property site in a combination of dogs and/or cats. The Planning Commission advised the applicants that two of the pets will need to be removed from the property site. The City of Princeton does not allow a kennel license that would allow more domestic animals and the applicants understood. They were not aware of the Ordinance.

Discussion followed on the maintenance and cleanup of the chickens. The applicants have been researching the best cleanup method for the manure and have determined that sand in the coop and run area will clump the waste and they will use a scoop to remove it and put it in the compost pile. The applicants understood that one of the conditions for removal of the Interim Use Permit is if there are complaints the permit can be revoked.

ANALYSIS

The housing and keeping of chickens in the R-1 District requires an Interim Use Permit. Chapter VI.BB lists the review criteria for the housing of chickens:

No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section IV.6 of the Zoning Ordinance and subject to the following conditions:

a. The keeping of any poultry besides chickens is prohibited.

Comment: This shall be a condition of approval.

b. Roosters are prohibited.

Comment: This shall be a condition of approval.

c. No more than four (4) chickens shall be housed or kept on any one residential lot in any area of the city zoned R-1, R-2, or R-3.

Comment: The applicant is requesting to have (4) chickens and understands this is the allowed limit, and will be a condition of approval.

d. Chickens shall only be allowed on single family home lots.

Comment: This condition is met, still will be a condition of approval.

e. Outdoor slaughtering of chickens in city limits is prohibited.

Comment: This shall be a condition of approval.

f. Chicken fighting shall not be allowed within city limits.

Comment: This shall be a condition of approval.

g. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.

Comment: This shall be a condition of approval.

h. Chickens shall not be housed in a residential house or an attached or detached garage.

Comment: The applicant has provided a layout of a chicken coop and run area that will be installed, still will be a condition of approval.

i. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

1) Located in the side or rear yard.

Comment: The applicant will have the coop located in the fenced area of their rear yard.

2) Meet the accessory structure setback requirements.

Comment: The proposed location meets the setback requirements.

3) Construction shall be adequate to prevent access by rodents.

Comment: Per the proposed coop design, it will be made out of plywood with 6' foot walls and a depth of 10' feet, totaling 60' square feet. The wire run will have a roof where the chickens are contained and will be 7' feet long.

j. A run or exercise yard is required to be provided and must be enclosed by a fence.

Comment: The applicants back yard is fenced and the run area will have it's own fencing.

k. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings 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 detectible on another property.

Comment: This shall be a condition of approval.

l. All food shall be stored in an enclosed, rodent proof container.

Comment: This shall be a condition of approval.

m. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

Comment: This shall be a condition of approval.

Interim Use Permit Review Standards: When reviewing the application for an interim use, the City shall base its judgement on the following factors it may deem appropriate for the specific property. The interim use may be granted if:

1. *The proposed use is an interim use listed in the district in which the application is being made.*

Comment: The keeping of chickens is an Interim Use in the R-1 District.

2. *The date or event that will terminate the use can be identified with certainty and continued.*

Comment: The Planning Commission shall recommend to the City Council a date or event that will terminate the keeping of the chickens. Staff would recommend that the keeping of chickens terminate when the current property owners sell the property. The Interim Permit can also be reviewed upon complaints.

3. *The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters.*

Comment: If the listed conditions are met, the interim use does not appear that it will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential.

4. *Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*

Comment: It does not appear the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

CONCLUSION/RECOMMENDATION

Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for the Interim Use Permit, as listed in the Zoning Ordinance, the recommendation is as follows:

The Planning Commission recommends to the City Council to approve the Resolution #20-52 for the Interim Use Permit to keep chickens at 1412 16th Avenue North *if the applicants remove two of the domestic animals from their household without delay so they are in compliance with the Ordinance* and subject to the following conditions (as listed in the Ordinance):

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a) Located in the side or rear yard.
 - b) Meet the accessory structure setback requirements.
 - c) Construction shall be adequate to prevent access by rodents.
 - d) If the coop is 120 SF or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.

9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding 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 detectible on another property.
10. All food shall be stored in an enclosed, rodent proof container.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
12. The keeping of chickens terminate when the current property owners vacate the property.
13. The Interim Use Permit can be reviewed upon complaints.

Encl:

Neighbor letters

Site Plan, Coop Design, and Applicants Memo

1317-15th Ave N

To whom it may concern,

9/21/20

Some weeks ago our neighbor approached us about him wanting to raise chickens in his backyard. He lives SW of us, my boyfriend and I. At first we were kind of surprised that he would want to raise chickens in town. We really were not sure how to react but thought because of our location it would not affect us.

When he left we talked it over and decided we did not want the smell and the winds would blow from the southwest towards our home. We do not want to be unneighborly but we have to say no to him raising chickens near our home.

We feel he couldn't keep the smells at bay. Years ago my boyfriend spoke to him about his cats coming over to our garden and pooping in it. Our neighbor's remark was 'its my wifes cats' and nothing changed. His cats have been peeing on our deck and we have chased them back to our neighbors home. We keep our distance and try to keep his cats off of the deck and yard. We try to stay friendly but have become bitter over the cats issue. If he can't take care of the cats or have any regard for us as neighbors we don't think he can care for the chickens.

612-418-6216

Lorraine Nelson Donald J. Beh

September 21 2020

Dear members of the city council

I am writing regarding the issue of chickens on 16th avenue. The owners at the address in question already have 3 dogs that bark constantly when I am in my own backyard.

They also have 2 cats that they allow to roam outside around the neighborhood. These cats are always coming over on my deck and around my house and spraying and using my yard and garden as their litter box. It has gotten so bad that the north east corner of my basement has been sprayed so much I am constantly using odor ban to get rid of the smell and it is now starting to permeate into my basement.

I do not feel chickens would be a good idea as the chicken coops eventually start smelling no matter what you do. I have a sibling that uses the hemp substance for chicken coops and she has stated to me that it helps for a little bit but the chicken coop will still start stinking. And how does the owner plan on getting rid of such bedding that will be used in coops. That is not something that can be placed in our garbage cans.

Cherryl Knight
1315 North 15 Avenue

A handwritten signature in black ink, appearing to read 'Cherryl Knight', written in a cursive style.

763-389-3412

Received 9-21-20 4:22 P.M.

Sept 21, 2020

I am writing regarding the
issue of raising chickens at

1412 16th Ave No.

We do not feel that chickens
are a good idea as they
already have 3 dogs & cats as
well. Chickens are for areas
that have acreage & away from
someone else's property. How would
they control the smell as well.

Thank you Katy Sewel & Tamara Lenhart
1313 15th Ave No Lenhart

The Chicken Coop will Be sitting Where
TRAILER is now and ~~is~~ within Set Back LAWS.
I think it 5 feet on Side of Property & 10 feet
on BACK of Property but now possible.



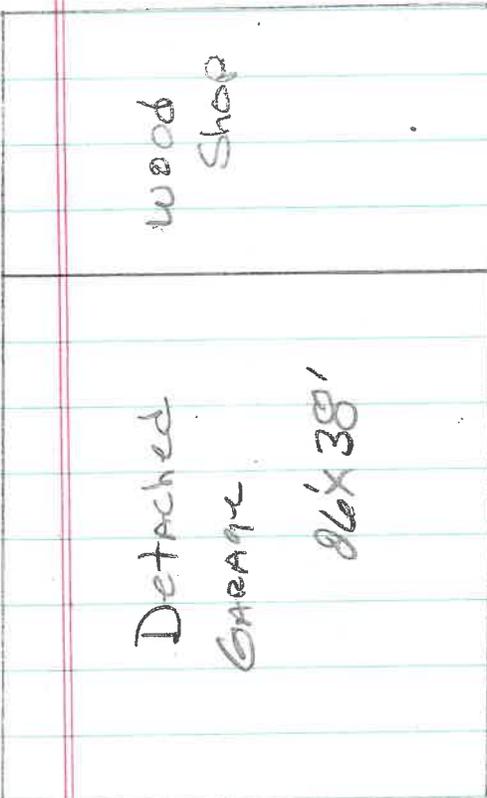
2017 Loreline

Chain Link Gate

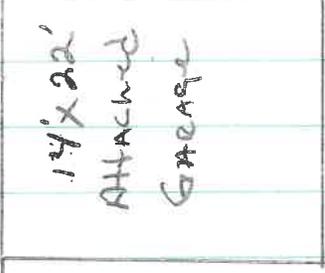
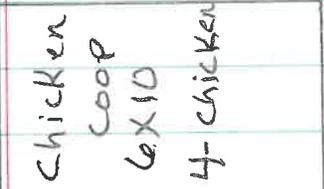
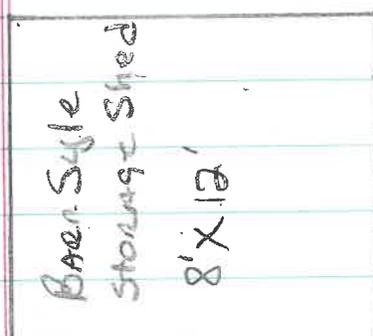
Cedar Wood Privacy

Chain Link

Ron & Debbie Jensen's Property



Wood Shop



24' x 40' House

Bob Blackweiders Property

1/1/15 AIL

Original

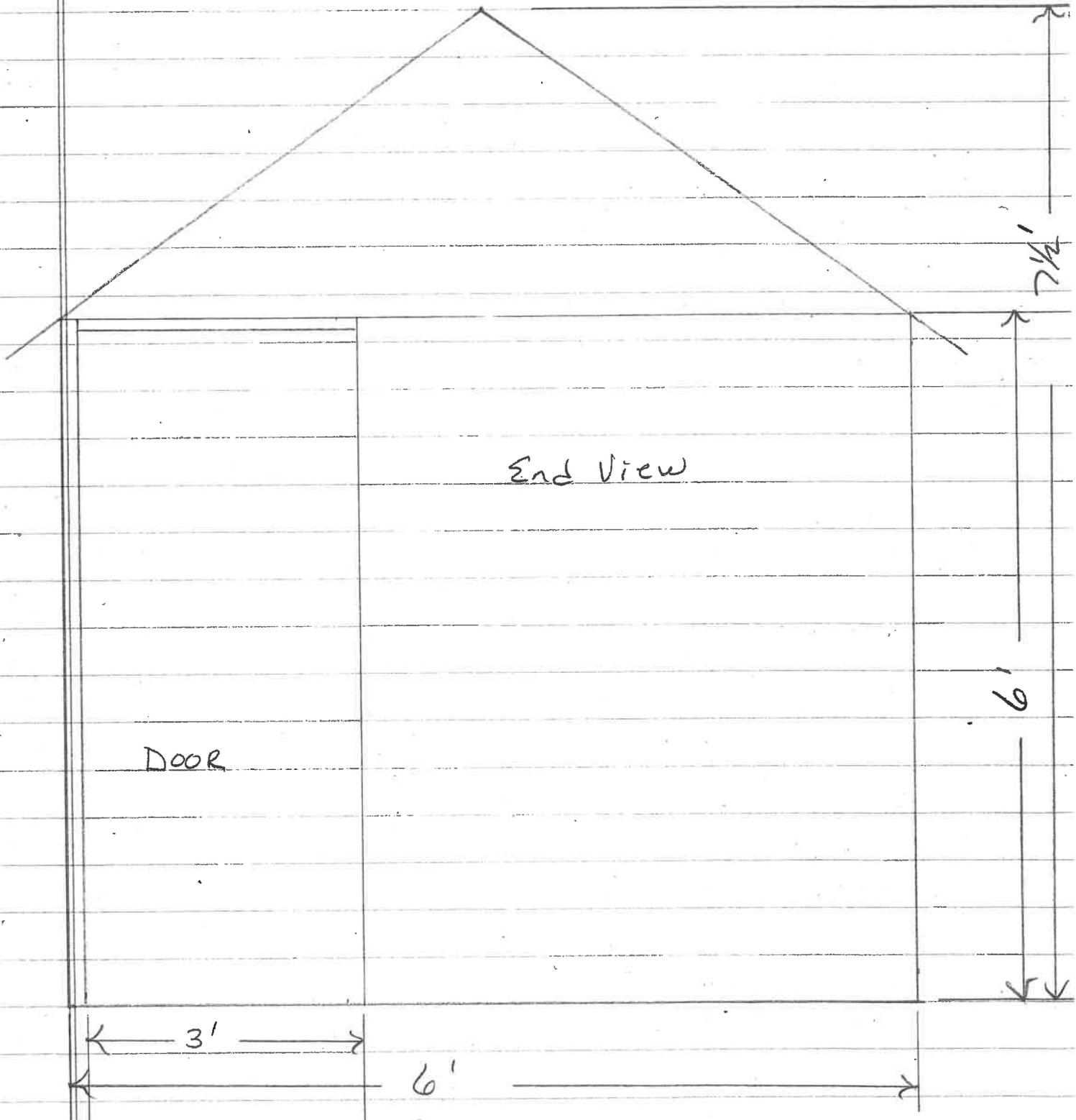
Hen House - is Plywood Boxwork. Floor 3' off of ground $4\frac{1}{2}$ ' High

Run - is 2x4 constructed 6' High 1 door and extends under

Hen House to make the Run 6' x 10'. There will be

3' wide wire buried in ground on all 4 sides of coop & run.

I Plan on using tin for roof unless tin is not approved by City.



Nesting Box

Hen House

Nesting Box

Run

Top View

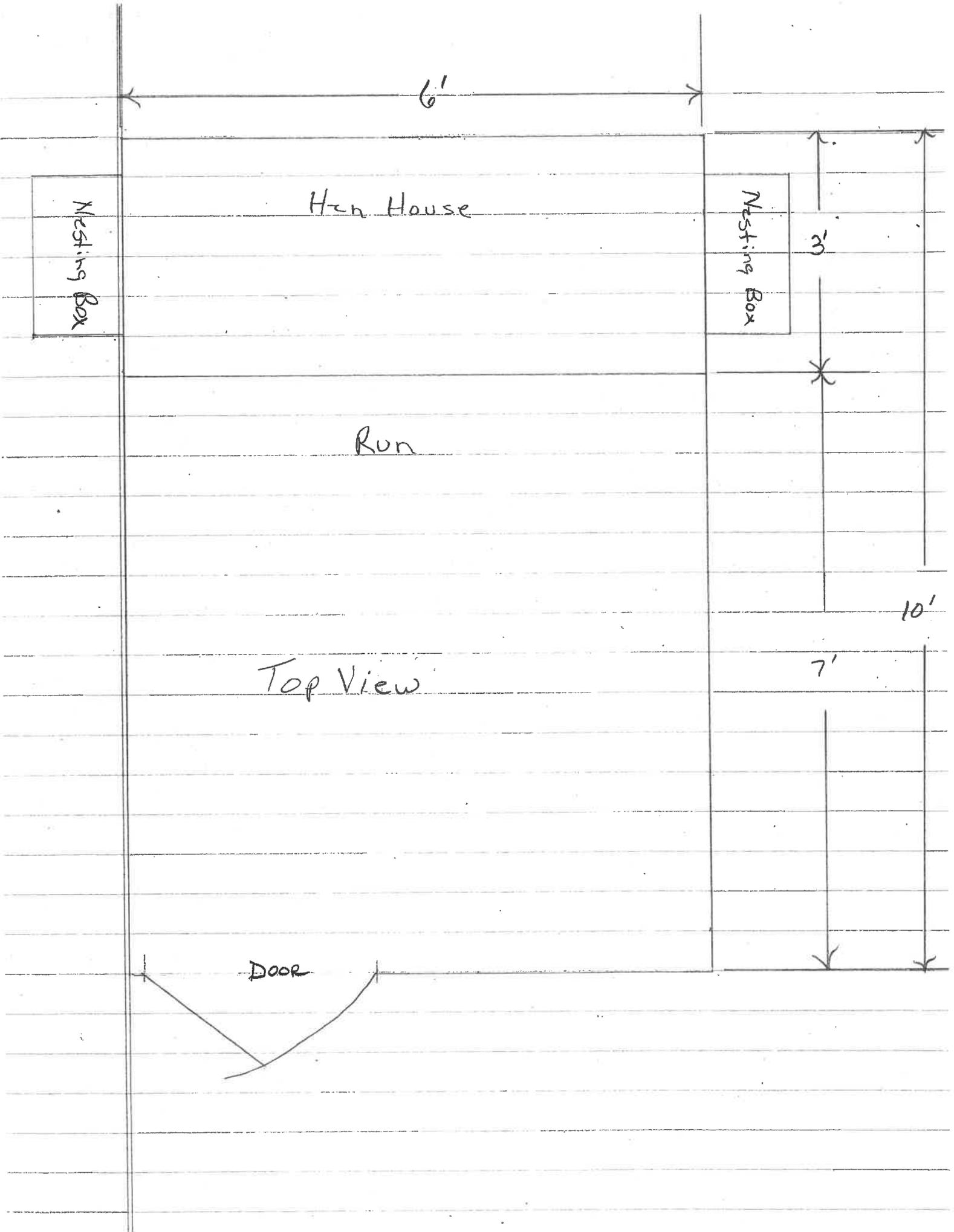
Door

6'

3'

10'

7'



RESOLUTION #20-52

**A RESOLUTION AUTHORIZING AN INTERIM USE PERMIT FOR JULIA & DANIEL
KNAPP TO ALLOW THE RAISING AND KEEPING OF CHICKENS AT
1412 16TH AVENUE NORTH, IN THE R-1 RESIDENTIAL DISTRICT**

Legal Description: Lot 16, Block 2, Pine Grove Acres, PID #24-680-0270, City of Princeton, Mille Lacs County, Section 29, Township 36, Range 26

WHEREAS, Julia and Daniel Knapp have submitted an application for an Interim Use Permit for raising and keeping of chickens on their property located at 1412 16th Avenue North; and

WHEREAS, the property is zoned R-1 Residential District; and

WHEREAS, the housing and keeping of chickens in R-1 District requires an Interim Use Permit; and

WHEREAS, the applicants have to be in compliance with the Code of Ordinance that states only three domestic animals allowed on a property site in a combination of dogs and/or cats; and

WHEREAS, the Planning Commission met and held a public hearing on September 21, 2020 and recommended approval of the Interim Use Permit, subject to the following conditions:

1. The keeping of any poultry besides chickens is prohibited.
2. Roosters are prohibited.
3. No more than four (4) chickens shall be housed.
4. Outdoor slaughtering is prohibited.
5. Chicken fighting shall not be allowed.
6. Leg banding of all chickens is required. The bands must identify the owner's name, address, and telephone number.
7. A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - a) Located in the side or rear yard.
 - b) Meet the accessory structure setback requirements.
 - c) Construction shall be adequate to prevent access by rodents.
 - d) If the coop is 120 SF or larger, a building permit is required.
8. A run or exercise yard is required to be provided and must be enclosed by a fence.
9. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its

surrounding 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 detectible on another property.

10. All food shall be stored in an enclosed, rodent proof container.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
12. The interim Use Permit shall terminate when the applicants vacate the property.
13. The Interim Use Permit can be reviewed upon complaints.

NOW, THEREFORE, BE IT RESOLVED, that the Princeton City Council does hereby authorize the Interim Use Permit to allow the raising and keeping of chickens at 1412 16th Avenue North.

ADOPTED this 24th day of September, 2020.

This instrument was drafted by:

City of Princeton
705 2nd Street No.
Princeton, MN 55371

ATTEST:

Shawna Jenkins Tadych, City Clerk

Brad Schumacher, Mayor