

**TOWN of MAY  
WASHINGTON COUNTY, MINNESOTA  
OFFICIAL PLANNING COMMISSION MINUTES  
November 19, 2020**

The Planning Commission for the Town of May held their regular monthly meeting on Thursday, November 19, 2020 via video/telephone conference. Members in attendance were John Arnason, Steve Magner, Don Rolf, Chad Nelson, Walter Peterson, Jason Husveth, Mitchell Otterson, and Lester Rydeen. Also present was Town Clerk/Treasurer Linda Tibbetts (at the Town Hall), Board Member William Voedisch and Alan Brixius in place of Town Planner Nate Sparks. Planning Commission Chair Arnason called the meeting to order at 7:02 p.m.

**Minutes from March 26, 2020 Planning Commission Meeting**

Arnason moved, seconded by Rolf, to approve the March 26, 2020 minutes as presented. By Roll Call Vote: Arnason: YES; Magner: YES; Rolf: YES; Nelson: YES; Otterson: YES; Husveth: ABSTAIN; Peterson: YES; and Rydeen: YES. Motion passed.

**Kennel Ordinance Amendment**

Sparks sent a draft of Ordinance 2020-04, an Ordinance Amending Article 501. Animal Control of the Town Code, Specifically by Amending the Definitions of Kennels in Section 501.01, and Further Amending Section 501.14 as to the Types of Kennels Allowed by the Town, the Performance Standards and the Approval and Permitting Process and Fees, for Each, to members prior to the meeting for their review.

The replacement language would be as follows:

- A. In General. It shall be unlawful to operate any kennel unless a Private Kennel Permit (PKP) or a Small Business Kennel Interim Use Permit (IUP) has been secured from the Town Board in advance. Such permit will designate for example the number of dogs allowed, the activities that are allowed and basic care of the dogs. A Private Kennel needs a PKP and a Small Business Kennel needs Small Business IUP, prior to its establishment or operation. Any kennel not meeting the definitions in 501.01 or the requirements of this section, is strictly prohibited. All Kennels operating under a permit issued by the Town shall adhere to the following performance standards:
1. For a Small Business (Kennel) IUP the minimum lot size is as stated in the Town's Small Business Ordinance, Article 402.
  2. For Private Kennels, the minimum lot size is as follows: if all dogs belong to the owner, 2.5 acres. If at least one dog does not belong to the owner, 5.0 acres.
  3. There shall be a fenced yard and/or proper dog enclosures present to prevent the running at large or escape of dogs confined therein.

4. All feces must be picked up on a daily basis and stored in such a manner so as not be visible from any location outside the borders of the property, and so as to not become a nuisance.
  5. Basic animal husbandry care must be followed, including humane treatment, the provision of food, water and shelter from the elements.
  6. The operation must not become a nuisance as defined by Article 506: Nuisances of this Code.
  7. A kennel IUP may be modified from time to time by the Town Board for failure to conform to required restrictions, limitations or prohibitions.
  8. The provision of the following services is strictly prohibited in Private Kennels: grooming, vet care, boarding and other services typically provided to dogs.
- B. Private Kennel. A PKP may be issued by the Town Board as an accessory use for residential property. No more than six dogs over the age of six months may be kept on any premises under a PKP. All such kennels must meet the requirements of 501.14.A. The procedure for processing a private kennel permit shall be:
1. An application shall be submitted upon the form supplied by the Town and the fee paid as required by the Fee Schedule in Section 1301.05.
  2. All applications shall be accompanied by the required submittal information as stated in 704.04.E, which includes a site plan to scale and narrative describing the operation.
  3. Once an application has been deemed complete, a public hearing following the notice procedures set forth in Section 704.04.H.2 shall be held by the Town Board. Neighbors shall be given written notice of the hearing.
  4. The Town Board shall consider the request against the performance standards found in Section 501.14.A, the review criteria in 704.04.A, and the compatibility of the proposed operation with the site's Zoning.
  5. The Town Board may grant a PKP by a majority vote and may place any conditions on the approval deemed necessary to meet the requirements of this Ordinance and other Ordinances of the Town Code.
- C. Small Business Kennel. Kennel operations that come under the definition of a Small Business must adhere to the requirements of this Article 501 as well as Article 402: Small Business Permit. A Small Business Kennel IUP shall specify any restrictions, limitations, conditions or prohibitions which the Town Board deems reasonably necessary to protect any person or neighbor from unsanitary conditions, unreasonable noise or odors, annoyance, excessive traffic, to protect public health and safety, and to ensure humane and orderly treatment of the dogs. A public hearing is required and the IUP will be crafted to fit the operation.
- D. Limits on the number of dogs. The limits on the number of dogs that may be kept on a site are as stated herein. If the number of dogs on a site exceeds these limits,

this is a violation of the Town Code and must be remedied as directed by the Town.

- E. Dogs must receive proper care, including food and water, shelter from the elements, and a clean and uncrowded environment, or the operation may be found in violation of this Ordinance.
- F. Violations of the Town's Nuisance Ordinance Article 506 are of special concern. Nuisance violations may include but are not limited to: noise (e.g. barking); smells (feces); unhealthy conditions such as the unmanaged accumulation of feces; any activities that would deprive neighbors from enjoying their property.
- G. Revocation. The Town Board may revoke any permit for violations of the terms of the permit, violations of this Ordinance or violations of any other ordinance of the Town Code. Notice of the violation will be given by the Town to the operator, with a reasonable time to cure such violation. Upon failing to cure, the operator of the Kennel shall be given ten (10) day notice and opportunity to appear before the Town Board for purposes of hearing such action to revoke.

The proposed kennel ordinance change is an update that clarifies some limits on private kennels. The Town Code states that you can have up to three dogs and to exceed that number, you need a kennel permit. The current ordinance states that there are two types of kennels: small business and private. The small business kennel requires a small business interim use permit and a minimum of ten acres. The private kennel just states that you need a conditional use permit.

The ordinance change caps the number of dogs in a private kennel at six. Then it states that you need a "private kennel permit" which goes to the Town Board for a public hearing. The permit requires you to have a minimum of 2.5 acres to have a private kennel permit and then five acres to have any dogs not owned by the owner on site.

There will still be two kinds of kennels: a private kennel and a small business kennel. A private kennel application would come before the Town Board without the need of the Town Planner or Planning Commission. The small business kennel application would be more detailed.

The private kennel application fee and escrow would be \$100 (up from \$25) and \$600, respectfully. The small business kennel application fee and escrow would be \$100 and \$1,200, respectfully. With the escrow fees, neighbors would be notified and a notice published in the newspaper of record. Whatever funds are not used would of course be returned to the applicant.

The board feels that once a homeowner owns four dogs or more, the neighbors need to be notified, hence the fee for the private kennel application.

Members voiced concern over the cost of \$700 in obtaining a kennel permit if a resident has four dogs. Further, the members voiced concern over the annual fee charged of \$150 for a small business kennel and \$25 for a private kennel. A small business kennel should be subject to an annual inspection, according to Voedisch.

Tibbetts reported that public notice was published in the Town's legal newspaper, posted on the Town's website, and posted outside the town hall. Tibbetts reported she did not receive any citizen telephone calls, emails, or letters regarding the Public Hearing, nor was anyone present at the Town Hall.

Arnason moved, seconded by Otterson, to approve Ordinance 2020-02 regarding private kennels and small business kennels with the recommendation the board reduce the escrow amount that is required for a private kennel permit from \$600 to \$200. By Roll Call Vote: Arnason: YES; Magner: YES; Rolf: YES; Nelson: YES; Otterson: YES; Husveth: Yes; Peterson: YES; and Rydeen: YES. Motion passed.

### **Chicken Ordinance Amendment**

Sparks sent a draft of Ordinance 2020-04, an Ordinance Amending the May Zoning Ordinance Regarding the Limited Keeping of Chickens to members prior to the meeting for their review. Voedisch

9. Limited Keeping of Chickens.
  - (a) Limited Keeping of Chickens. The limited keeping of up to 5 (five) hen chickens as an accessory use to a single-family residence is permitted on parcels of 2 (two) acres but less than 5 (five) or more in area is allowed, subject to the following regulations:
    1. A permit from the Town is required. Such permit shall be issued by the Town Clerk upon showing that the applicant has demonstrated compliance with the regulations of this ordinance.
    2. Hen chickens are permitted and roosters are prohibited.
    3. Chickens shall be kept in a confined area on the property. Chickens shall be kept on the property at all times and not allowed to wander off the property.
    4. Chickens shall not be housed in the dwelling or attached garage.
    5. In Section 705.05: B. 4. the Town Code allows one accessory structure less than 120 square feet in area may be placed on the property and is exempt from the Town's accessory structure regulations. Such a structure may be used to house chickens. The setback for such structure shall be a minimum 50 feet to the side and rear lot lines. No such structure is permitted in the front yard. Any structure greater than 120 square feet shall adhere to the Town's accessory structure regulations including setbacks for buildings housing animals.
    6. Chickens may be slaughtered on the property in locations that are not visible to the public or adjacent properties.

7. All food for the chickens shall be kept in rodent-proof containers stored within a building.
8. Chicken droppings shall be managed in such a way so as not to become a health concern or an odor nuisance.
9. The Town may enter the property to inspect for compliance with the terms of a permit issued under this ordinance.

Currently, the Town Code only allows farm animals on lots greater than five acres in size. Keeping small numbers of chickens has become a hobby for some people on residential property. The code is proposed to be amended to allow for a small number of hen chickens (5) on lots 2-5 acres with a permit from the town. The permit would be issued by Town Staff. Surrounding cities and townships around May have adopted similar ordinances.

The amended changes, in part, include: Hens only, no roosters; parcels of two acres, less than five acres; permit required; kept in confined area, not a house or garage; accessory building under 120 square feet; rodent proof food container; and feces need to be managed.

Discussing regarding modifying the minimum acreage from 2 to 2.5 was discussed. A member suggested outlining that a chicken needs 2.5 square feet in a coup and therefore would like that language added. Another member asked that the provision for getting a permit through the town clerk be removed to mirror the Town Code on other farm animals.

Otterson moved, seconded by Rydeen, to approve Ordinance 2020-04 as written with the exception striking Section 9, 1 suggesting the permit and adding into No. 5 the 2.5 square feet per chicken housing. By Roll Call Vote: Arnason: YES; Magner: YES; Rolf: YES; Nelson: YES; Otterson: YES; Husveth: Yes; Peterson: YES; and Rydeen: YES. Motion passed.

Arnason moved, seconded by Rydeen, to adjourn the meeting. By Roll Call Vote: Arnason: YES; Magner: YES; Rolf: YES; Nelson: YES; Otterson: YES; Husveth: Yes; Peterson: YES; and Rydeen: YES. Motion passed.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Linda M. Tibbetts  
Clerk/Treasurer