

September 4, 2018

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Greg Amundson, Jan Hogle, Perry Rynders, Travis Loeffler and Chair Dan Squyres. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Council member Chris Ness was also in attendance.

Chair Squyres called the meeting to order at 7:00 p.m.

**APPROVAL OF AGENDA, MINUTES**

Discussion of the Open Meeting Law was added to the end of the agenda. **Rynders, seconded by Loeffler, moved to approve the agenda as amended. The motion carried 5-0.**

**Hogle, seconded by Loeffler, moved to approve the August 7, 2018 meeting minutes as presented. The motion carried 5-0.**

**DISCUSSION ON ORDINANCE AMENDMENT REGULATING LIVESTOCK OPERATIONS**

A public hearing was held at the August 7<sup>th</sup> Planning Commission meeting on the keeping of domestic fowl on small residential lots, and reduced setbacks for the structures used to shelter them. The Commissioners recommended approval, but since have heard comments from residents on the proposed limits. The Commissioners requested further discussion of the ordinance amendment to address the concerns.

Planner Buss recapped the current ordinance and the proposed ordinance amendment to make changes only to parcels that are smaller than 5 acres. The issue appeared to be with the lowered density of 5 chickens per acre on lots up to 5 acres. Currently the ordinance allows 10 fowl per acre for lots smaller than 5 acres. Chair Squyres said it wasn't the Commission's intention to lower the limits and they should try to come up with a reasonable standard. Buss explained that ordinances from nearby communities were reviewed in crafting the proposed ordinance on the keeping of chickens and adopting typical accessory structure setbacks for the poultry shelters was recommended.

After much discussion, the Commissioners concluded that a limit of 5 chickens/fowl be allowed on properties less than one acre. For acreage greater than one and less than five, density would be a tiered approach allowing 10 chickens per acre with increased setbacks of the coops as the density increases.

Property Size	Maximum Number of Fowl	Structure Setback from Neighboring Dwelling
Less than 1.0 acre	5	20 feet
1.0 to 1.99 acres	10	40 feet
2.0 to 2.99	20	40 feet
3.0 to 3.99	30	60 feet
4.0 to 4.99	40	80 feet

It was determined that domestic fowl numbers could be prorated to the acreage: 2.5 acres allows for a maximum of 25 fowl. The ordinance amendment would continue to prohibit roosters, Guinea fowl and peacocks on properties less than 5 acres.

Ryan Senechal, 14937 197<sup>th</sup> Street, said that these are more sensible numbers, but questioned the language prohibiting the free range of poultry found in Section 4.16(D)8 and that coops must be fully enclosed, including overhead areas, in Section 4.16(B)5. He asked that these be replaced with a statement that chickens must be kept on the owner's property. Planner Buss stated that this language came from a "healthy keeping of chickens" document, and it's up to the Commissioners to decide what regulations are right for Scandia. Commissioners agreed that the rules should be simplified and were in consensus to remove sentences #5 and #8 in paragraph B and replaced with the statement that "chickens must be kept on the owner's property".

It was agreed that sentence #6 should be amended to match the requirements of accessory structures: "If the coop is larger than ~~200~~ 120 square feet, the owner shall obtain a building permit."

In further discussion the Commissioners decided that language in Section 4.16(A) be removed that requires an Administrative Permit for keeping more than 5 chickens.

Mr. Senechal asked about sentence #11 that states the City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating a reported violation or to ascertain compliance or noncompliance with the City Code. It was explained that this would be the City's action in response to any complaints. It was noted that the reference to a Certificate of Compliance should be removed from #11.

Mr. Senechal questioned the prohibition of roosters, and asked if the City could wait to regulate that if it became a problem. Planner Buss explained that this is common in other ordinances for small properties. Zoning regulations anticipate potential issues and impacts to neighboring properties. Once a use is established, it is difficult to get rid of. Ordinances are developed in a thoughtful, wise way and roosters can be annoying.

Due to the number of changes to the proposed ordinance, Commissioners were in consensus to schedule a public hearing on this revision at the October 2, 2018 meeting.

#### **DISCUSSION ON ORDINANCE AMENDING CHAPTER 2, SECTION 4.24 REGULATING SWIMMING POOLS**

Planner Buss introduced a proposed amendment to the performance standards listed in Chapter 2, Section 4.24 for swimming pools covers. The current language allows pool covers or other protective devices as long as they provide the same degree of protection as a fence, gate and latch. How to interpret this was recently questioned. Building Official Chuck Preisler suggested clarifying the standard that only pool covers that meet the most recent ASTM Standard are

allowed, and must be sufficient to support the weight of 500 pounds minimum and completely cover or enclose the pool.

The Commissioners agreed that this language amendment would simplify the definition, and called for a public hearing on the ordinance amendment for the October 2, 2018 meeting.

### **DISCUSSION ON REQUEST FROM US SOLAR TO RECONSIDER THE SOLAR ORDINANCE**

Jane Qualey, project development analyst at US Solar, attended the August 7<sup>th</sup> Planning Commission with a request to have the City reconsider a community solar garden ordinance. The Commissioners had a number of concerns that they would like to see addressed, specifically limiting the number of interconnection poles to a single pole within Xcel's easement. Staff provided Qualey's email response, but Chair Squyres stated that it did not answer his questions.

Administrator Soltis explained that Xcel has control of the interconnection configuration within their easement outside of the solar development, and it is hard to control here. They can do whatever is essential for the solar system once it hits their easement. Planner Buss stated her agreement with this description.

Soltis told the Commissioners to send their additional questions to him and he will forward them on to Qualey for further discussion at a future meeting.

### **DISCUSSION ON OPEN MEETING LAW**

Administrator Soltis provided a handout from the League pertaining to Open Meeting Law and the use of social media. Soltis explained that back and forth communication should be limited, Commissioners must not take a position or offer opinions that are not in a public meeting forum, and should invite the public to attend the meeting where the issues will be discussed. Soltis reminded the Commissioners that the ex parte communication section of the site visit guidelines should be related to use of social media as well.

### **ADJOURNMENT**

**Loeffler, seconded by Rynders, moved to adjourn the meeting. The motion carried 5-0.**

The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk