



MEMORANDUM

TO: Sunfish Lake City Council
FROM: Michelle Barness
DATE: March 30, 2016
RE: Sunfish Lake – Conners Administrative Permit for
Chicken and Bee Keeping
FILE: 211.02

4/5/16 CC
Mtg.
Agenda Item
6a

BACKGROUND AND ANALYSIS

Dan and Martha Conners are requesting City approval for the keeping of chickens and bees on their adjoining properties located at 205 and 145 Salem Church Road. Both the chicken and bee keeping areas are to be located on 145 Salem Church Road, which abuts the parcel at 205 Salem Church Road containing the principal structure. Letters from the property owner describing the project are included with this memorandum as Exhibit A, and a site plan for the location of the animal keeping areas on the subject property are included as Exhibit B.

Section 1225.01.E of the Zoning Ordinance allows for the keeping of farm animals on residential property subject to the review and approval of an Administrative Permit. Administrative Permits do not typically require Planning Commission or City Council approval, only verification by City staff that the proposed project is in compliance with the requirements of the Zoning Ordinance. However, staff would like guidance from the Council on how best to interpret the requirements for keeping farm animals due to a potential conflict in the application of the standards. The following is drawn from Zoning Ordinance Section 1225.01.E:

1. Except as herein provided, farm or other non-domestic animals may be allowed within the City subject to the approval of an administrative permit by the City Forester. The consideration involving the approval or denial of an administrative permit shall include, but not be limited to:
 - a. The notification of immediately abutting property owners and an assessment of the possible negative impacts upon such properties.
 - b. The adequacy of the site and buildings to accommodate the animals in question.**
 - c. The public health, safety, and general welfare concerns posed by the animals in question.

d. The ability of an animal enclosure to meet the following setback and locational standards (where other setback or locational standards can apply to buildings and structures used for enclosures, the more restrictive requirements shall apply):

(1) The animal enclosure may not be located closer to the boundary line of an adjacent property than to the principal structure on the animal owner's property, and not less than twenty-five (25) feet from the lot line.

(2) Maintain a twenty-five (25) foot setback from wetlands or public waters wetlands as defined in Section 1202.02 of this Ordinance.

2. Approval of an administrative permit may be issued for a period of one (1) year after which the permit may be reissued for periods of up to three (3) years. In cases where complaints from neighbors have been received or where there has been a change in conditions or violations, a renewal shall require City Council approval and at their discretion, may be processed in accordance with the procedural requirements of an Interim Use Permit.

The applicants are proposing to keep 2 chickens in a new cedar sided chicken coop. The combined coop/run enclosure will measure approximately 24 square feet (4 feet wide by 8 feet long), and will be located approximately 180 feet from the nearest property line to the north and 120 feet from the nearest property line to the south. It is slightly closer to the principal structure on the subject property than to the nearest lot line. The forester will likely walk the site and further discuss the chicken enclosure with the applicants to verify the adequacy of the coop to accommodate the animals. However, it is apparent to staff at this time that the chicken keeping area conforms with the minimum location and setback standards described above.

The applicants are also proposing to place 5 Standard Langstroth cedar bee hives designed for raising backyard bees on their property. The bee hives are approximately 24" long and 16" wide, and will be located approximately 90 feet from the nearest property line to the north and 140 feet from the nearest property line to the south. This location meets and substantially exceeds the minimum setback requirement of 25 feet, however the hives will not be located closer to the principal structure than to the nearest lot line.

The applicant has described that for animal health the bee hives ideally need to be (1) sheltered from the North wind, (2) in a position where they get southern exposure to the sun, (3) not too close to water or wetlands, (4) ideally near open fields that are free of pesticides and contain wild flowers. In their view the perfect spot for the hives is along the northern property line of 145 Salem Church Road up against the dense woods on Richard Bancroft's property (90 Salem Church Road) and near the Bancroft's open field. In this location the proposed bee keeping area is ideal for animal health, which is a requirement of Section 1225.01.E. of the Zoning Ordinance. Further, the property owner has explained that in the proposed location the bee hives will not be close to any residence or to any children's play area.

A conflict arises in the interpretation of Zoning Ordinance requirements for animal keeping areas. On one hand the proposed bee keeping area will meet and greatly exceed minimum setback requirements, but will not be located closer to the principal structure than to the nearest lot line as required. On the other hand, the proposed location is ideal for animal health, which is also a requirement for keeping animals on the site.

Adjacent property owners were notified of the requested administrative permit for animal keeping on March 29, 2016 and are required to provide any feedback by the end of the day on April 5, 2016 (prior to the City Council meeting that evening). Neighbors received a site map illustrating the proposed location of the chicken and bee keeping areas. Feedback from neighbors may provide insight on how the animal keeping proposal is perceived with regards to location. It is possible that no comments will be received, which would imply that neighbors have no significant concerns.

CONCLUSION AND RECOMMENDATION

Planning staff has discussed with the City Forester how best to interpret applicable zoning ordinance requirements in order to process the administrative permit for chicken and bee keeping at 205 / 145 Salem Church Road. We both agree that this unique situation warrants some flexibility in the interpretation of zoning standards. The proposed bee keeping area appears conforming in that the hives meet and comfortably exceed the minimum setback requirement, the area will be screened by distance and existing tree coverage, and the animals will be located to accommodate optimal animal health. However, staff does not wish to approve the administrative permit without consulting the Council regarding the appropriate interpretation and application of Section 1225.01.E of the Zoning Ordinance. Staff requests Council discuss the issues raised here and review the attached site map with animal keeping areas identified to provide staff guidance on how best to proceed.

c: Catherine Iago, City Clerk
Tim Kuntz, City Attorney
Don Sterna and Eric Eckman, City Engineers
Mike Andrejka, Building Official
Jim Naves, City Forester
Ron Wasmund, Septic System Inspector
Dan and Martha Conners

DANIEL K. CONNERS/ MARTHA J. CONNERS
205 SALEM CHURCH ROAD
SUNFISH LAKE, MN 55118

RECEIVED MAR 11 2016

March 9, 2016

Michelle Barnes
Consulting Planner, City of Sunfish Lake
Northwest Associated Consultants, Inc.
4150 Olson Memorial Highway
Suite 320
Golden Valley, MN 55422

Dear Ms. Barnes,

Enclosed is the additional information you requested from me to supplement my application for a *permit* to have (1) *bee hives* as well as my permit to have (2) *chickens* on my property at 205 Salem Church Road in Sunfish Lake, Minnesota.

Bee Hives

Location – see site map attached

Hive type – Standard Langstroth cedar hive, purchased commercially and specifically designed for raising bees in your backyard

Hive number – 1-5 hives

Area description – The area around the proposed hive site is a mix of a wild fields and forest. Far away from any neighbors, mowed lawn or children's play area.

Chicken Coop

Location – see site map attached

Coop type – Attractive, cedar sided, commercially made chicken coop for backyard chicken coops (I am still researching these).

Number of chicken – 1-10

Area description – Within sight of our back deck, on the edge of our mowed lawn. Far away from any neighbors.

Respectfully,



Dan Connors

Michelle Barness

From: Daniel Conners [dconners@mac.com]
Sent: Wednesday, March 16, 2016 3:31 PM
To: Michelle Barness
Subject: Re: Sunfish Lake - Admin Permit

Hello Michele,

Thanks for your reply, I will attempt to answer your question below.

1. Size of structure(s)

Bees - I will use standard bee hives that are approximately 24” long and 16” wide. Each hive gets taller throughout the season, as the bees fill the hive with honey I add additional “supers” to the top of the hive. I assume that no hive will ever be taller than 4’ tall.

Chickens - I envision a small, semi-portable structure with wheels so that it can be moved around the yard a bit. Approximately 4’ x 8’ in size. I see many examples of these on the internet with the “chicken run” being underneath the “chicken house”. I have not purchased anything yet pending approval of the permit.

2. Location of the Chickens and Bee Hives

I understand the city’s concern regarding the location of the bee hives. I share that concern regarding that location for both the safety of people in the area and for the ultimate health and survival of the bees.

For the people in the area, I clearly do not want the hives too close to any residence or children’s play area. Even though honey bees are not aggressive or hostile, it’s always better to not bother them. Having the hives in an out of the way location helps limit human interference.

Bees for some unknown reason have become very fragile and their survival is delicate. Ideally they need to be (1) sheltered from the North wind, (2) in a position where they get southern exposure to the sun, (3) not too close to water or wetlands, (4) ideally near open fields that are free of pesticides and contain wild flowers. In my view, the perfect spot for the hives on my property is along my northern property line up against the dense woods on Bancroft’s property, yet near the Bancroft’s open field. In that location the hives are far away from human traffic, sheltered from the wind, in direct sunlight and on dry ground. However, I do understand that that ideal location may not be closer to my residence than it is to my property line.

If in order to secure the permit, the City requires a different location, I am happy to oblige. However, I respectfully ask that the City allow the current requested location of the bee hives on a trial basis.

For the chickens, I will place the coop closer to my residence than it is to the property line.

Respectfully,

Dan

Daniel K. Conners
205 Salem Church Road
Sunfish Lake, Minnesota 55118

Cell phone (651) 690-3800

