



Approved:

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, AUGUST 9, 2023
6:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Chair Paul Vijums called to order the regular Planning Commission meeting at 6:30 p.m.

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Brad Bjorklund, Shelley Blilie, Joshua Collins, Kurtis Weber, and Jonathan Wicklund.

Absent: Commissioner Arlene Mitchell.

Also present were: Community Development Director Jessica Jagoe, Senior Planner Elena Fransen and Councilmember Emily Rousseau.

APPROVAL OF AGENDA – AUGUST 9, 2023

Commissioner Wicklund moved, seconded by Commissioner Weber, to approve the August 9, 2023, agenda as presented. The motion carried unanimously (6-0).

APPROVAL OF MINUTES

June 7, 2023 – Planning Commission Regular Meeting

Commissioner Weber moved, seconded by Commissioner Wicklund, to approve the June 7, 2023, Planning Commission Regular Meeting as presented. The motion carried unanimously (6-0).

PLANNING CASES

- A. **Planning Case 23-013; Zoning Code Amendment to Chapter 13, Section 1325.05, Design Standards – Fences – Public Hearing**

Senior Planner Fransen stated at their February 21st work session, the City Council had a preliminary discussion on if, or how, City ordinances may be restrictive to residents wanting to remodel or add-on to their home. City staff was directed to survey neighboring cities to compare

Arden Hills’ residential setback requirements. Additionally, city staff was asked to assemble a list of previously identified code amendments to allow for further Council discussion to occur on the prioritization of amendment reviews. City staff brought back the requested information to the City Council at their April 17th meeting. Staff provide a list of ordinance amendments that were previously tasked to proceed directly to the Planning Commission for the first review once a Senior Planner was onboard and as staff time allowed. While others would need to be brought back to the City Council for further discussion and direction at a future work session. Staff reviewed the proposed list of ordinance amendments that were part of the City Council work session discussion.

Senior Planner Fransen explained the City Council consensus was to proceed with the proposed amendments as outlined. Staff was directed to bring forward the fence ordinance amendments to the Planning Commission for the first review and to hold a public hearing. Following the public hearing, the draft ordinance language with recommendation of the Planning Commission would be brought to the City Council for subsequent discussion and adoption.

Senior Planner Fransen reviewed the Overview of Ordinance Amendments and provided the Findings of Fact for review:

1. The City of Arden Hills is proposing to amend ordinance language to create design and materials standards for fences in residential zoning districts.
2. The proposed ordinance would create language for evaluating a temporary fence in all zoning districts.
3. The proposed ordinance will add a maximum height design standard for fences in the business and industrial zoning districts.
4. The proposed ordinance will include amendments to the language of the City Code to Chapter 13 – Zoning Code within Section 1325.05, Subd. 4 for Fences.
5. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.

Senior Planner Fransen reviewed the options available to the Planning Commission for Planning Case 23-013 for Zoning Code Amendments to Chapter 13 Section 1325.05 – Subd. 4D of the Arden Hills City Code for Fences:

1. Recommend Approval
2. Recommend Approval with Amendments
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Bjorklund commented on the language regarding allowed building materials and asked why shrubbery, concrete, brick, stucco or masonry fencing was not allowed.

Community Development Director Jagoe explained staff did look at adjacent communities ordinances to see what community standards they had in place for fences. She explained she did not exclude any building materials, but rather those were less commonly seen fencing options and could be reviewed by staff on a case by case basis. She noted if there were fencing options

the Planning Commission did not want to see, the Commission could make this known to staff and the City Council.

Commissioner Weber believed a brick or masonry fence would be addressed under the wall portion of City Code.

Community Development Director Jagoe reported this was the case.

Commissioner Weber noted living hedges were addressed within the proposed ordinance. He asked if a chicken wire fence around a garden was guided by this ordinance.

Community Development Director Jagoe stated chicken wire fencing would be allowed as a temporary fence.

Commissioner Weber supported chicken wire fencing being in place for more than 120 days because a garden's growing season was closer to five or six months.

Community Development Director Jagoe reported this portion of the code language could be amended.

Commissioner Bjorklund stated he was concerned with the cost for a fence permit. He believed that his existing chicken wire fence for his garden was not off putting to his neighbors. He feared that other types of fences would be exclusionary.

Senior Planner Fransen explained a fence permit would cost residents \$65.

Commissioner Bjorklund supported the City having fee waivers in place for existing permanent chicken wire fences that are in place around gardens.

Chair Vijums suggested permanent fencing be discussed at a future date. He noted this ordinance addressed temporary fencing. He asked how staff came about with the 120 day time limit for temporary fencing.

Community Development Director Jagoe stated staff set this parameter based on the seasonality of the described temporary fencing types.

Chair Vijums supported the length of time for temporary fences being closer to six months than 120 days. He believed this made more sense for garden fencing and snow fencing.

Commissioner Weber commented on the seasonality of snow fencing and how they may be in place longer than 120 days. He supported snow fences being taken down when the snow melts.

Chair Vijums suggested temporary fences be allowed for 150 days. The Commission was in agreement with this recommendation.

Commissioner Bjorklund recommended staff consider drafting language on how to address temporary fencing that surrounded major construction sites.

Community Development Director Jagoe commented on how the ordinance language could be amended to allow for temporary fencing to be in place for grading projects and major construction sites. She reported the last sentence in the third bullet point could read: silt and or construction fencing associated with a permit issued by the City is exempt from a zoning permit as a temporary fence.

Chair Vijums supported this language change.

Chair Vijums opened the public hearing at 6:57 p.m.

Chair Vijums invited anyone for or against the application to come forward and make comment.

There being no comments Chair Vijums closed the public hearing at 6:57 p.m.

Commissioner Weber moved and Commissioner Bjorklund seconded a motion to recommend approval with amendments of Planning Case 23-013 for Zoning Code Amendments to Chapter 13 in Section 1325.05- Subd. 4.D of the Arden Hills City Code to add language in the city code establishing criteria for a temporary and permanent fence in all zoning districts as well as set a maximum height for fences in the Business and Industrial Zoning Districts as presented in the August 9, 2023 Report to the Planning Commission with draft ordinance language changes to allow temporary fencing to be in place for 150 days and for the last sentence of the third bullet point to read: silt and or construction fencing associated with a permit issued by the City is exempt from a zoning permit as a temporary fence. The motion carried unanimously (6-0).

B. Planning Case 23-014; Zoning Code Amendment to Chapter 13, Section 1325.02, Accessory Uses – Lower-Potency Hemp Edible Sales – *Public Hearing*

Community Development Director Jagoe stated on July 1, 2022, the Minnesota Legislature adopted an amendment that permits the sale of edible cannabinoid products that contain no more than 0.3% of tetrahydrocannabinol (a derivative of hemp). The amendment was enacted with very few regulations in place. Several cities adopted a moratorium in order to allow adequate time to study the matter. On August 22, 2022, the City of Arden Hills adopted Interim Ordinance 2022-006 establishing a one-year moratorium prohibiting the sale, testing, manufacturing, and distribution of products containing tetrahydrocannabinol (THC). It is important to note this moratorium does not apply to products containing THC related to the Medical Cannabis Program as administered by the Minnesota Department of Health, provided the activity is conducted in accordance with state law regarding medical cannabis. Interim Ordinance 2022-006 will expire on August 22, 2023.

Community Development Director Jagoe reported as of May 31, 2023, there has also been a recent state law change relating to adult use marijuana/cannabis. This state law includes language for cities to have the authority to impose a moratorium on the sale of full-strength products until January 1, 2025 in order to allow further review and future discussions as the new law continues to be interpreted. The Office of Cannabis Management (OCM) is still taking shape and they will license retailers. Cities will be required to register local adult cannabis retailers and conduct compliance checks. Eventually, the OCM will have sample language and forms to provide to cities. The City Council directed city staff at their work session on July 17, 2023, to work with