

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, JUNE 20, 2017 – 6:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Dumas, Gardner, Thompson and Palmquist
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas
ABSENT: None
VISITORS: Jan Gardner, Darwin Lemke, Linda Ostberg, Gary Ostberg, Brent Visser

3. Approval of minutes from the May 16, 2017 Planning Commission Meeting.

Motion by Gardner, to approve the minutes of the May 16, 2017 Planning Commission Meeting, second by Palmquist. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

4. **PUBLIC HEARING:** Gary and Lynda Ostberg (Applicants) request that the City consider the following actions for the property identified by (PID No. 33-118-24-14-0003) and located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN:

- a. A conditional use permit allowing the following:
 - i. A commercial riding stable.
 - ii. A bunkhouse
 - iii. An accessory building which is greater than 5,000 square feet.

The property is located on the south side of CSAH 6 and just west of Game Farm Road N. The property has no existing structures and is comprised of open pasture, a woodland area and wetlands. The property has the following characteristics:

Property Information: County Road 6 (PID 3311824140003)
Zoning: Agriculture
Comprehensive Plan: Agriculture
Acreage: 39.92 acres

The applicants have a purchase agreement in place to acquire the property subject to the City's approval of a conditional use permit. The applicants are seeking approval to construct a new home, stable and associated indoor and outdoor riding arenas, paddocks, pastures and future caretaker apartment on the subject property. The proposed accessory structure (barn and riding arena) would exceed 5,000 square feet and therefore, also requires a conditional use permit.

The proposed horse farm would be used as a commercial riding stable. The horse barn would house 12 stalls. The applicant anticipates that they would have between 8-12 horses on the property. 2-4 horses would be their own animals with 8-10 horses boarded on the property. The applicants have noted that their

daughter is a trainer and would be providing lessons and riding her horses on the property. The proposed accessory structure is comprised of the horse barn, alley connection and indoor riding arena. The square footage of the proposed accessory building breaks down as such:

Horse Barn	4,902 SF
Alley Connection	308 SF
Arena	18,000 SF
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TOTAL SF	23,210 SF

In addition to the indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse within the proposed riding arena to house a property caretaker. The applicant has prepared a proposed site plan which delineates the location of the proposed accessory structure, paddocks, pastures and principle residence. The layout of the buildings and site features takes advantage of the natural topography and maintains separation from the existing wetlands and farmed wetlands. The proposed accessory building would be constructed of pre-finished metal. The City is waiting for the on-site septic report confirming the availability of a primary and secondary on-site septic location. It is anticipated that this information will be provided prior to City Council consideration of the application.

The applicant has had the property evaluated for potential wetlands. It was noted that there are two farmed wetlands located on the farmed portions of the property. One is located just south of CSAH 6 along the west property line and one located nearly in the center of the property. The applicant has designed the property to fully avoid conflict with the subject wetlands. The applicant has prepared a storm water plan which includes details for the construction of two water quality ponds in the location of both farmed wetlands.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The existing property is currently vacant with no existing structures. The property has historically been farmed. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is comprised of approximately 39 acres. Of the 39 acres, approximately 25 acres is useable upland. Applying the City's standard, the site would accommodate 38 animals using the gross acreage or 24 animals using the upland acreage. The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit. The 12 horses proposed by the applicant would fit within the allowable number of animal units on the property.

Following are additional detail relating to the commercial riding stable operation:

1. The owners of the 8-10 horses will be visiting the site three to four times per week for 2-3 hours at a time to ride.
2. Deliveries and farriers will be on site periodically once every few weeks.
3. Horse trailers will occasionally be brought on site to pick up or drop off horses going to horse shows, the veterinarian, etc...
4. The manure will be hauled off-site once every few weeks.
5. Standard garbage removal will occur once per week.
6. Landscaping, including new trees, will be provided around the buildings. No trees will be planted within pastures or paddocks.
7. The pastures and larger paddocks will be seeded with a pasture seed mix.

8. The applicant will have a designated parking area for 10 vehicles, including one accessible parking space, located adjacent to the proposed accessory structure and just off the main access road.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. They are wanting to utilize the natural topography so will situate the building along the tree line. The driveway would accommodate the proposed facility as well as the home. There's not a whole lot that around this property. We did receive the primary and secondary septic site locations this week, and they're located on the western edge of the site.

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. No more than 12 horses shall be boarded on the property.
4. The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
5. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
6. The hours of operation are: summer 7:00am-10:00pm.
7. Horse shows or training clinics with more than 50 attendees will require special approval from the City.
8. No renting of hack horses.
9. No riding on private land unless authorized by owners.
10. No parking on public roads.
11. Utilize appropriate management practices to control flies and odor.

12. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.

13. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

Thompson asked if this was comprehensive. Are there driveway issues with Highway 6? Kaltsas stated it would be all inclusive. This is an existing lot of record so it's a buildable lot according to the City's current ordinances. They'd have to go through County for access to property which County would have to do. If they came tomorrow with building permit, we could approve it for the single family home or accessory building not larger than 5,000 sq ft. This approves building larger than 5,000 sq ft, conditional use for commercial riding piece to allow boarding, and the bunkhouse. Those are what we are considering here tonight. Kaltsas assured this is the correct process to go through. Gardner asked who would be living in house, and Kaltsas replied the applicants would. Palmquist questioned regarding the topography what the truck/trailer parking would be like. Kaltsas noted it's a large facility, and there should be space to accommodate additional parking. Ostberg said they have a small horse trailer and on the south side of building is where they would store these. She also added that there is room if they need to expand the parking area.

Public Hearing Open

Gardner asked if there had been any public comment, and Kaltsas confirmed there had been no written or verbal comments. Palmquist asked question to Applicant and storing and parking trailers there. Ostberg said they didn't anticipate any storage. They use a commercial shipper which isn't stored there. They would keep 1-2 on site for emergency purposes. She said she didn't think it was a big enough space for the commercial shipper to turn around, the south side would be utilized for that. Deliveries would also be made on the south side. Gardner noted location of paddock, and confirmed with the applicant that they could be moved if necessary. Ostberg noted the pasture areas are hayed. Ostberg stated RAM, their contractor, is quite experienced with these kinds of projects. Palmquist complimented the applicants on the completeness of their application.

Brent Visser of 361 Game Farm Road went to the podium, just south of the property. He had a concern regarding the 8-10 owners visiting their 12 horses 3-4 times per week during the hours of operation. He felt the number of horses would be a concern-adding 12 would add more traffic going down Game Farm toward the Luce Line. Now there are a few that go by, but not many. This is about ½ mile for them to get to the trail which would also create more manure. These hours of operation are during our quiet times. Lighting could be an issue-outdoor lighting may be needed for the outdoor arena. Last year they had a fox hunt and there were trucks and trailers lining the road. One trailer blocked Visser's driveway. Regarding the conditions for granting a conditional use permit, he disagreed that the proposed use will not have a detrimental effect on the use and enjoyment because of the extra traffic they'd see on Game Farm, and due to the hours of operation felt they would have extra noise during their quiet time. Visser also felt this would affect the hunting that they do. He stated offensive odors, dust could be an issue, and he's not convinced a commercial business really fits in to the area. This would have an adverse on their lives. Utilize management control on flies and odors-hard for him to imagine this wouldn't be an issue. He felt it would be more natural for a home and a barn.

Ostberg commented they didn't anticipate much use of Game Farm or the Luce Line for the horses. These are show horses. There will be no outdoor lighting. In the winter they will be indoors where they will have lighting. There will be deliveries maybe around 7:00 a.m. Hours will be more like 9-6. Phillips asked about the frequency of clinics, and Ostberg didn't anticipate any outdoors. Kaltsas stated that it's in there so that

if there were something that would bring more than 50 people, it would be a special permit through the City. This is standard language. Ostberg said that if they have any it would be in December or March so they would be indoors with less than 50 attendees. Phillips asked about dust control on the driveway. Gardner asked if it would be a gravel driveway, to which Ostberg confirmed it was. Gardner suggested they have the City do it for them. Ostberg stated that her husband has a car collection so would want to reduce any gravel time if possible. Dumas asked about manure management, and Kaltsas stated the generic permit is on file with MPC which is required. Kaltsas said Ostberg's will haul their manure off-site which is a better option than land applying. This is Ag, a horse farm is permitted 38 animals are permitted. What isn't permitted is boarding.

Motion by Gardner to close the Public Hearing.

Public Hearing Closed

Palmquist brought up whether drainage would be an issue. Kaltsas said Hakanson is reviewing this and they seem to be in agreement with the applicants engineer. There are two holding ponds and the building is 23,000 sq ft so it will be able to capture run-off. Palmquist confirmed that drainage for the neighboring properties would not be an issue. Thompson wondered whether the building permitting process, and Hakanson's findings will ensure this is a safe project, and Kaltsas assured him it was. We are fairly well regulated. Phillips thought we'd be remiss if we didn't address dust control, and wondered why the number of parking spaces was not mentioned. Kaltsas said dust control is great, and the parking issue is not necessarily an issue. He felt 10 spaces was enough, as there is not a great standard for this. Their description of how they'd use their 10 spaces would adequately accommodate. Gardner noted it's not like a shopping center, that often times horse trailers are driving on the grass. Thompson wondered if when crossing over into commercial space, it makes us wonder if there was more involved-such as where and how do they turn around. Kaltsas felt this was adequate to accommodate their needs. Turn around on outside of the facility. Ostberg said it may be gravel, and Kaltsas said we could add that. Thompson asked if there was a public safety fire truck turn around issue. Kaltsas said he did not receive any comments regarding this. We will confirm that access road outside the building. Phillips asked if the lighting issue would be addressed, and Kaltsas said we could include as a condition no outdoor lighting. Phillips recapped that the subjects of adequate parking, best management for dust control, and no artificial lighting outdoors should be addressed.

Motion by Palmquist to approve the request for a conditional use permit to allow a commercial riding stable, a bunkhouse and an accessory building which is greater than 5,000 square feet subject to adding provisions for adequate parking, best management employed for dust control measures and no artificial lighting allowed on the outdoor arena, second by Thompson. Ayes: Gardner, Palmquist, Dumas, Thompson and Phillips. Nays: None. Absent: None. Abstain: None. Motion approved.

5. PUBLIC HEARING: A proposed text amendment to the City of Independence Ordinances as follows:

- a. Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units- Amending/ adding language that will allow a basement or mechanical/ utility room as a part of an accessory dwelling unit without being counted towards the total square footage.

Kaltsas noted this clarify language around the total square footage for accessory dwelling units.

Public Hearing Open

No comments or questions.

Motion by Palmquist to close the Public Hearing, second by Gardner.

Public Hearing Closed

Motion by Gardner to approve the proposed text amendment to Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units- Amending/ adding language that will allow a basement or mechanical/ utility room as a part of an accessory dwelling unit without being counted towards the total square footage, second by Palmquist. Ayes: Gardner, Palmquist, Dumas, Thompson and Phillips. Nays: None. Absent: None. Abstain: None. Motion approved.

6. Meeting/ Schedule Update

Kaltsas noted the City Council is changing their meeting times and there were some inquiries as to whether Planning needed to make some schedule changes also. He said after August the Council meeting dates will change to the 1st and 3rd Tuesdays. Kaltsas said Planning Commission could meet on the same night but the time would be changed to 7:30 p.m. instead of 6:30 p.m. Phillips said a later start could get too late for Public Hearings. Phillips said it is not a workable solution and maybe a different day needs to be selected for the Planning Commission meeting.

7. Open/ Misc.

Kaltsas noted the City is conducting CUP reviews. Dumas asked how many they were. Kaltsas said they were actively going down the list and addressing each CUP. He said there were between 75-80 total.

Phillips said he would like to add a discussion under new business around Commercial Equestrian operations. Specifically he wants to address outdoor arenas and lighting and the operations built on or near wetlands. He said there needs to be a filter strip requirement to protect the wetlands. Phillips said it would be nice to have this discussion by the end of the year. Thompson asked if this could be looked at holistically instead of case by case.

8. Adjourn.

Motion by Gardner, second by Palmquist to adjourn at 7:30 p.m. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion approved.

Respectfully Submitted,

Beth Horner
Recording Secretary