



PLANNING COMMISSION MEETING AGENDA
REGULAR MEETING
TUESDAY OCTOBER 16, 2018

7:30 PM Regular Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. September 18, 2018 Planning Commission Meeting
 - b. October 2, 2018 City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** Richard and Kari Stromer (Applicant/Owner) requests that the City consider the following action for the properties located at 2828 County Line Road (PID No. 18-118-24-24-0003) in Independence, MN:
 - a. A minor subdivision to allow a lot line rearrangement between the two existing parcels.
5. **PUBLIC HEARING:** John Segal (Applicant) and MN Horsepower LLC (Owner) request that the City consider the following actions for the property Located at 9255 County Road 6 (PID No. 31-118-24-34-0001) in Independence, MN:
 - a. A minor subdivision to allow a rural view lot subdivision to divide the property; the northerly parcel consisting of ~10 acres, and the southerly parcel consisting of ~72 acres.
 - b. A conditional use permit allowing the following:
 - i. A commercial riding stable.
 - ii. An accessory building which is greater than 5,000 square feet.
6. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:
 - a. Chapter 5, Section 530.01, Subd. 3 Accessory Uses – Considering an amendment to the maximum height of an accessory structure. The City will discuss increasing the permitted height of detached accessory structures.



7. Open/Misc.

8. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, SEPTEMBER 18, 2018 – 7:30 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 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Thompson, Dumas, Gardner and Palmquist
STAFF: City Administrator Kaltsas, Administrative Assistant Horner
ABSENT: None
VISITORS: Geralyn McDonald, Doug McDonald, Lynda Franklin

3. APPROVAL OF MINUTES:

- a. August 21, 2018 Planning Commission Meeting
- b. September 4, 2018 City Council Meeting Minutes (For Information Only)

Motion by Gardner to approve the August 21 and September 4 minutes, second by Palmquist. Ayes: Phillips, Thompson, Gardner and Palmquist. Nays: None. Absent: None. Abstain. Dumas. Motion Approved.

4. **PUBLIC HEARING:** David Zoldahn (Applicant/Owner) requests that the City consider the following action for the property located at 440 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002):

- a. A minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels.

Kaltsas said the applicant is seeking a minor subdivision to allow a lot line rearrangement which would allow the north property to be expanded and the south property to be reduced. Both properties are considered buildable lots of record. Currently, the south property is approximately 22.5 acres and the north property is 2.5 acres. The applicant would like to essentially balance the properties so that the north property has more “buildable” area. The south property has the existing home and detached accessory buildings and would be 10 acres in the after condition. This would allow no restriction in the square footage allowed for detached accessory structures.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

- 1. The applicant meets applicable criteria relating to the existing accessory structures located on the south parcel. In the after condition, all structures will meet requisite setbacks.
- 2. In the after condition, the properties will have the following frontage on a public right of way and lot width to frontage ratios:

North Property:

Required Frontage: 300 LF
Required Lot Frontage to Depth Ratio: 1:4
Proposed Frontage: 501 LF (Kuntz Drive)
1215 LF (CSAH 6)
Proposed Lot Frontage to Depth Ratio: 1:2.5

South Property:

Required: 300 LF
Required Lot Frontage to Depth Ratio: 1:4
Proposed: 322 LF (Kuntz Drive)
Proposed Lot Frontage to Depth Ratio: 1:4

3. The applicant has requested the requisite percolation test to confirm that there is a primary and secondary on-site septic site for each property. The City should have confirmation prior to final approval. The size and general make-up of the property typically support the development of a primary and secondary site.

4. Access to the north property could be from either CSAH 6 or Kuntz Drive. Access to CSAH 6 would be subject to Hennepin County approval.

5. There is adequate space on the north property to construct a residence and associated accessory buildings.

6. Both properties are lots of record and no park dedication fees are required for either existing lot.

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.

2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.

3. Access to CSAH 6 will require the review and approval of Hennepin County.

4. The Applicant shall provide the legal descriptions, execute and record the requisite perimeter drainage and utility easements with the county within six (6) months of approval.

5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Public Hearing Open

Motion by Gardner to close the Public Hearing.

Public Hearing Closed

Motion by Palmquist to approve a minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels for the property located at 440 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002) per staff recommendations; second by Gardner. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain: None. Motion Approved.

5. **PUBLIC HEARING:** Doug and GERALYN McDonald (Applicants/Owners) request that the City consider the following action for the property located at 4976 South Lakeshore Drive in Independence, MN (PID No. 24-118-24-11-0013):
- a. A variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line.

Kaltsas said the applicant is seeking approval to remove and replace an existing legal non-conforming detached accessory structure located on the subject property. There is an existing detached accessory structure located on the property that does not currently meet the required side yard setback from the west property line. The existing garage is located 1.5 feet from the west side property line. The required setback for detached accessory structures is nine (9) feet. The applicant would like to raise the height of the building foundation to allow proper drainage of the site to go around the building and towards the lake without inundating the structure. In addition to raising the elevation of the existing structure, the applicant would like to change the roof line of the building so that they can access the building from a door on the south elevation. The existing garage has an off-centered roof line that can be seen from the photographs attached to this report. The applicant would like to construct a standard centered gabled roof on the new garage.

Staff has had correspondence with the applicant to discuss the existing and proposed detached garages on the property. The applicant did look at rebuilding the existing shed in its current location which would be permitted by the City. Ultimately the applicant determined that they would like the City to consider granting a variance to allow a new detached accessory garage to be constructed in the same location as the existing garage with three changes:

1. Raise the finished floor elevation of the new structure so that it sits 1.5 feet above the proposed new drainage swale.
2. Change the roofline of the new structure from an offset gable roof to a center gable roof.
3. Extend the structure 3 feet to the south while maintaining the 1.5-foot side yard setback.

The proposed garage would have the following setbacks:

Side Yard Setback:

Required: 9 feet from the side yard property line

Proposed: 1.5 feet from the side yard property line (variance of 7.5 feet)

REQUIRED 9'- SETBACK EXISTING/PROPOSED

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08) Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08) 520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that is generally consistent with similar variances granted for properties in this area.
- b. Many of the properties in this area have setbacks from the right of way or side property lines that do not meet the required setbacks.
- c. The character of the surrounding area is residential. The proposed garage expansion for a single family home is in keeping with the City's comprehensive plan.

There are several additional items that could be considered by the City:

1. Many of the surrounding properties have been granted relief from the requisite setback requirements due to the small size of the properties, unique lot layouts resulting from the historic nature of the structures on the properties and the change in nature of the homes from seasonal to permanent.
2. The neighboring property owner directly west that would have the most visibility of the garage has submitted a letter to the City stating that they support the requested variance.
3. The proposed garage would be very similar to the existing garage on the property.
4. The maximum impervious surface coverage for this property is .25% or 10,999 SF. The existing coverage is as follows:

House, walks, patio and deck: 4,953 SF
Driveway: 3,803 SF
Existing Garage: 575 SF
Total: 8,781 SF

The total coverage with the existing and proposed garage (plus 60 SF) would be within the allowable impervious coverage for this property.

5. The applicant has submitted a proposed drainage plan which indicates how the drainage will be addressed on the subject property.
6. The City allows up to 1,850 square feet of detached accessory structure for this property. The existing and proposed garage is approximately 600 SF and well within the allowable structure size.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant.

Public Comments: The City received a letter from the neighboring property owner located at 4986 South Lake Shore Dr. offering support for the request.

Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested variance.
3. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the garage will be permitted without an additional variance request.

Thompson asked if the only thing that makes this request legal non-conforming are the setbacks or if there are any other items. Kaltsas said it meets all the other criteria. Gardner asked about storm sewer plans and Kaltsas said they will be running pipe along the backside of the garage.

Public Hearing Open

McDonald said they are working with the county on the storm sewer plan and the grading is in place already. The reason for the variance is that the neighbor built a shed and raised their elevation. McDonald said the county requires a certain elevation of the shed for drainage purposes.

Motion by Gardner to close the Public Hearing.

Public Hearing Closed.

Motion by Gardner to approve a variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line for the property located at 4976 South Lakeshore Drive in Independence, MN (PID No. 24-118-24-11-0013); second by Palmquist. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain. None. Motion Approved.

6. **PUBLIC HEARING:** To consider a text amendment to Chapter 5, Section 510.05, Definitions and Chapter 5, Section 530.05, Subd. 4, Conditional Uses pertaining to small cellular wireless technology in City right of ways.

Kaltsas said the State of Minnesota adopted new regulations in 2017 pertaining to the regulation of placement of small cell technologies and distributed antennae systems (DAS) (See Example Images Below). Small cell equipment and DAS both transmit wireless signals to and from a defined area to a larger cell tower. They are often installed at sites that support cell coverage either within a large cell area that has high coverage needs or at sites within large geographic areas that have poor cell coverage overall. Situational needs dictate when cell providers use small cell towers, as opposed to DAS technology. Generally, cell providers install small cell towers when they need to target specific indoor or outdoor areas like stadiums, hospitals, or shopping malls. DAS technology, alternatively, uses a small radio unit and an

antenna (that directly link to an existing large cell tower via fiber optics). Installation of a DAS often involves cell providers using the fiber within existing utility structures to link to its larger cell tower.

Historically, many cities' ordinances address large wireless tower sites, but not small cellular towers or DAS. Cities can charge rent (up to a cap for small wireless siting) under the statute for placement of cell technology or DAS on existing or newly installed support structures, like poles or water towers; and, also, can enter into a separate agreement to address issues not covered by state law or ordinance. In addition to adopting specific regulations, many city zoning ordinances recognize structures as conditional uses requiring a permit. While cities may require special permits or variances to their zoning for siting of large cell facilities, under state law, small wireless facilities and wireless support structures accommodating those small wireless facilities are deemed a permitted use. The only exception to the presumed, permitted use for small wireless is that a city may require a special or conditional land use permit to install a new wireless support structure in a residentially zoned or historic district.

The City can regulate small wireless and DAS equipment in residential zoning districts by making new structures a conditional use rather than a permitted use. Based on the new legislation, the City can only regulate new equipment located in residential zoning districts and must allow new small wireless structures in all other commercial districts as a permitted use. Independence will also need to amend the City's Code of Ordinances pertaining to Rights of Way and the permitting of small cell and DAS technologies. The Rights of Way Ordinance will be reviewed and amended by action of the City Council at an upcoming meeting. The Planning Commission has the responsibility to review and recommend amendments to the Zoning and Subdivision Ordinances.

The City can now regulate small cell and DAS equipment in residential zoning districts by making the new structures a conditional use. Based on the new legislation, the City can only regulate new equipment located in residential zoning districts and must allow it in all other commercial districts as a permitted use. To ensure that the City has the most control over structures being located within City rights of way in residential zoning districts, the City would need to consider adding the following provision to Chapter 5, Section 510.05, Definitions and Chapter 5, Section 530.05, Subd. 4, Conditional Uses: Subd. 90. "Small Wireless Facility," means a wireless facility that meets both of the following qualifications:

- (a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (b) All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

Subd. 91. "Wireless Support Structure," means a new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Chapter 5, Section 530.05, Subd. 4, Conditional Uses:

- (l) New wireless support structures for small wireless facilities.

Summary:

Based on direction and discussion relating to the ordinance amendments proposed, staff will prepare a final ordinance amendment for City Council consideration and adoption.

Attachments: League Based on direction and discussion relating to the ordinance amendments proposed, staff will prepare a final ordinance amendment for City Council consideration and adoption.

Palmquist asked about rights-of-way and Kaltsas clarified that they were technically in zoning districts. He noted cities want the ability to regulate at the least the residential areas if nothing else. Kaltsas said new wireless support structures would be a conditional use.

Public Hearing Open

Lynda Franklin, 6615 Franklin Hills Rd., asked if it was Sprint or Verizon that was interested in putting these structures up. Kaltsas stated all the carriers are showing an interest. He noted small cell technology is going to continue to grow and be desirable for the carriers. Carriers need a more robust infrastructure due to data demands.

Marvin Johnson, 6325 Cty Rd. 6, stated this was not only a state issue but a federal issue as well and is a big concern for everyone.

Motion by Palmquist to close the Public Hearing.

Public Hearing Closed

Thompson stated this has a positive angle as well as this type of technology is what will enable people in the agricultural areas to access faster internet service. He noted it was more cost-effective technology than fiber but also understands the need for some control on implementation.

Motion by Thompson to approve the draft language in the text amendment to Chapter 5, Section 510.05, Definitions and Chapter 5, Section 530.05, Subd. 4, Conditional Uses pertaining to small cellular wireless technology in City right of ways; second by Gardner. Ayes: Phillips, Gardner, Thompson, Dumas and Palmquist. Nays: None. Absent: None. Abstain. None. Motion Approved.

7. Open/Misc.

Kaltsas provided an update on Conditional Use Permits. He said there are approximately 90 CUP's currently. Kaltsas said Staff has worked over the last two years to weed out the CUP's that were non-compliant or no longer in use. Staff physically inspected CUP's and determined compliancy. Kaltsas said owners were notified of compliance status and many that were not compliant have been brought into compliancy by these efforts. He said there were about a dozen that were still outstanding, and they have been notified that as of November they may face revocation if there is no response. He noted CUP's are memorialized with the land and go with the land for perpetuity unless they are found to be in violation at some point and revoked.

Thompson thanked Kaltsas for the great work on this and getting it cleaned up. He asked if other cities ever put CUP's into specific categories. Kaltsas said cities do consider the number of CUP's in certain areas and some have provisions of separation of different uses.

8. Adjourn.

Motion by _____ to adjourn at _____ p.m.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

DRAFT

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 2, 2018 –6:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Grotting, Betts and McCoy

ABSENT: None

STAFF: City Administrator Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: Dave Zoldahn, GERALYN McDonald, Doug McDonald, Anita Volkenant

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes From the September 18, 2018 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18290-18321. Check number 18289 to WHPS Provided Separately.
- c. Approval of Election Judges for the November General Election.
- d. First and Second Quarter Building Permit Information – For Information.

Motion by Betts, second by Grotting to approve the Consent Agenda items. Ayes: Johnson, McCoy, Grotting, Betts and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Johnson asked Senator Dave Osmek to speak and give an overview of legislative actions. He noted the success of securing the Highway 12 legislation and bonding package. Osmek stated funding was approved for Loretto to tap into the Met Council sewer system and there were also funds approved for the railroad crossing to be updated which includes the crossing at Townline Road.

Johnson thanked Osmek and noted Herta as well in getting the funding through for the Highway 12 initiative and said it was very much appreciated. Osmek said he will continue to work with Hennepin County and MnDOT on any roadblocks that may come up, so the project may keep moving along.

Johnson asked what the priorities are for the Legislature coming up this year. Osmek stated one of his priorities are roads and bridges.

Grotting asked about progress on registration tabs and charges associated with that. Osmek said they are making progress and noted that vehicles are being inappropriately assessed and causing underpayment or overpayment on tabs and this is due to a software issue and its interpretation. He said in 2017 when the software was first implemented there were known flaws in the system.

Spencer attended the following meetings:

- Planning Commission Meeting
- Klaers Century Farm Celebration
- Maple Plain Comprehensive Plan Open House
- Highway 12 Press Conference and Open House

Grotting attended the following meetings:

- Planning Commission Meeting
- LMCC work
- Highway 12 Press Conference and Open House
- Conversation with WHPS about taking over fire permits issuance at the City

McCoy attended the following meetings:

- Planning Commission Meeting
- Highway 12 Press Conference and Open House

Betts attended the following meetings:

- Highway 12 Press Conference and Open House

Johnson attended the following meetings:

- Planning Commission Meeting
- Community Action Partnership Hennepin County Finance Meeting
- Election Training
- Met Council Land Use Advisory Committee Meeting
- National League of Small Cities phone calls with Sarah Lindsey
- Orono School Board Meeting
- Elim Homes meeting with Tessa
- Love INC. strategic planning committee meeting
- Visited the Mound High School new Performing Arts Center
- Regional Council of Mayors tour of 3-M
- Hennepin County Recycling Open House Public Hearing
- Highway 12 Press Conference and Open House

Horner attended the following meetings:

- Election Training
- Highway 12 Press Conference and Open House

Kaltsas attended the following meetings:

- Upper Midwest APA Conference and selected speaker

7. David Zoldahn (Applicant/Owner) requests that the City consider the following action for the property located at 440 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002):

- a. **RESOLUTION 18-1002-01** considering approval of a minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels.

Kaltsas noted the property is located south of CSAH 6 at the southeast corner of CSAH 6 and Kuntz Drive. There is an existing home and several detached accessory structures located on the southern property. The northern property does not have any existing structures. The majority of the property is currently tillable land with some wetlands located on the far east side of the property.

The applicant is seeking a minor subdivision to allow a lot line rearrangement which would allow the north property to be expanded and the south property to be reduced. Both properties are considered buildable lots of record. Currently, the south property is approximately 22.5 acres and the north property is 2.5 acres. The applicant would like to essentially balance the properties so that the north property has more “buildable” area. The south property has the existing home and detached accessory buildings and would be 10 acres in the after condition. The 10-acre lot size will allow no square footage restrictions for detached accessory structures.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. The applicant meets applicable criteria relating to the existing accessory structures located on the south parcel. In the after condition, all structures will meet requisite setbacks.
2. In the after condition, the properties will have the following frontage on a public right of way and lot width to frontage ratios:
3. The applicant has provided the City with the requisite percolation tests confirming that there is a primary and secondary on-site septic site for each property.
4. Access to the north property could be from either CSAH 6 or Kuntz Drive. Access to CSAH 6 would be subject to Hennepin County approval. Hennepin County has noted that access onto CSAH will not be permitted at this time.
5. There is adequate space on the north property to construct a residence and associated accessory buildings.
6. Both properties are lots of record and no park dedication fees are required for either existing lot.
7. The City will require the requisite drainage and utility easements for both properties.

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners found that the request for the lot line rearrangement met all applicable criteria and was straight forward. Commissioners asked about access onto CSAH 6 and it was noted that Hennepin County had reviewed the

proposed minor subdivision and will not allow access. The Planning Commission recommended approval to the City Council of the requested minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. Access to CSAH 6 will require the review and approval of Hennepin County.
4. The Applicant shall provide the City with the legal descriptions, execute and record the requisite perimeter drainage and utility easements with the county within six (6) months of approval.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Motion by McCoy, second by Betts for approval of RESOLUTION 18-1002-01 of a minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels for the property located at 440 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002): Ayes: Johnson, McCoy, Betts and Spencer. Nays: None. Absent: None. Abstain: Grotting. MOTION DECLARED CARRIED.

8. Doug and Geralyn McDonald (Applicants/Owners) request that the City consider the following action for the property located at 4976 South Lakeshore Drive in Independence, MN (PID No. 24-118-24-11-0013):

- a. **RESOLUTION 18-1002-02** considering approval of a variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line.

Kaltsas said the subject property is located at 4976 South Lake Shore Drive. The property is located on Lake Independence off South Lake Shore Drive. There is an existing home and detached garage on the subject property.

He noted the applicant is seeking approval to remove and replace an existing legal non-conforming detached accessory structure located on the subject property. There is an existing detached accessory structure located on the property that does not currently meet the required side yard setback from the west property line. The existing garage is located 1.5 feet from the west side property line. The required setback for detached accessory structures is nine (9) feet. The applicant would like to raise the height of the building foundation to allow proper drainage of the site to go around the building and towards the lake without inundating the structure. In addition to raising the elevation of the existing structure, the applicant would like to change the roof line of the building so that they can access the building from a door on the south elevation. The existing garage has an off-centered roof line that can be seen from the photographs attached to this report. The applicant would like to construct a standard centered gabled roof on the new garage.

Staff has had correspondence with the applicant to discuss the existing and proposed detached garages on the property. The applicant did look at rebuilding the existing shed in its current location which would be

permitted by the City. Ultimately, the applicant determined that they would like the City to consider granting a variance to allow a new detached accessory garage to be constructed in the same location as the existing garage with three changes:

1. Raise the finished floor elevation of the new structure so that it sits 1.5 feet above the adjacent drainage swale.
2. Change the roofline of the new structure from an offset gable roof to a center gable roof.
3. Extend the structure 3 feet to the south while maintaining the 1.5-foot side yard setback. There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where:

- 1) the variance is in harmony with the general purposes and intent of this zoning code;*
- 2) the variance is consistent with the comprehensive plan;*
- 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that is generally consistent with similar variances granted for properties in this area.
- b. Many of the properties in this area have setbacks from the right of way or side property lines that do not meet the required setbacks.
- c. The character of the surrounding area is residential. The proposed garage expansion for a single-family home is in keeping with the City's comprehensive plan.

There are several additional items that could be considered by the City:

1. Many of the surrounding properties have been granted relief from the requisite setback requirements due to the small size of the properties, unique lot layouts resulting from the historic nature of the structures on the properties and the change in nature of the homes from seasonal to permanent.
2. The neighboring property owner directly west that would have the most visibility of the garage has submitted a letter to the City stating that they support the requested variance. In addition, this property owner recently constructed a new detached accessory structure on their property. During the construction of the adjacent detached accessory building, the drainage along this property line was generally corrected.
3. The proposed garage would be very similar to the existing garage on the property.
4. The maximum impervious surface coverage for this property is .25% or 10,999 SF. The existing coverage is as follows:

House, walks, patio and deck: 4,953 SF

Driveway: 3,803 SF

Existing Garage: 575 SF

Total: 8,781 SF

The total coverage with the existing and proposed garage (plus 60 SF for the 3-foot addition) would be within the allowable impervious coverage for this property.

5. The applicant has submitted a proposed drainage plan which indicates how the drainage will be addressed on the subject property.

6. The City allows up to 1,850 square feet of detached accessory structure for this property. The existing and proposed garage is approximately 600 SF and well within the allowable structure size.

Kaltsas said ultimately the City will need to find that the criteria for granting a variance have been met by the applicant.

Public Comments:

The City received a letter from the neighboring property owner located at 4986 South Lake Shore Dr. offering support for the request.

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked for additional information relating to the drainage on this property. The property owner noted that they had worked with Hennepin County Land and Water on a design for the drainage between the existing garage and new detached accessory structure on the adjacent property. Commissioners noted that the applicant could rebuild the existing building and that the proposed building was similar in size and height to the building proposed.

Commissioners asked if the new building conformed in all other aspects to the City's ordinances. Staff noted that it was fully in conformance outside of the side yard setbacks. Commissioners found the variance to meet the criteria of the City and recommended approval to the City Council.

The Planning Commission recommended approval to the City Council for the requested variance with the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested variance.
3. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the garage will be permitted without an additional variance request.
4. The Applicant shall record the City Council Resolution within six (6) months of the Council Approval

Betts asked if the new building would be raised higher. Kaltsas said the grading has been done. Johnson noted part of this is due to what the neighbors had done on their property. McDonald noted the new structure would be raised a foot and half higher. Johnson asked what direction the flow of water would be going, and McDonald confirmed that it would be flowing to the lake. Betts said it appeared on the picture that the floor was damp. McDonald said that at times water can be free flowing in front of the shed. Grotting asked if the neighbors work affected this was permitted. Grotting said that this would be something to note in the future.

Motion by Betts, second by McCoy for approval of RESOLUTION 18-1002-02 considering approval of a variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line for the property located at 4976 South Lakeshore Drive in Independence, MN (PID No. 24-118-24-11-0013): Ayes: Johnson, Grotting, McCoy, Betts and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. Open/Misc.

10. Adjourn.

Motion by Grotting, second by Spencer to adjourn at 7:10 p.m. Ayes: Johnson, McCoy, Grotting, Betts and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

City of Independence

Request for a Minor Subdivision to Permit a Lot Line Rearrangement for the Property Located at 2828 County Line Road

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: October 16, 2018
Applicant/Owner: Richard and Kari Stromer
Location: 2828 County Line Road

Request:

Richard and Kari Stromer (Applicants/Owners) request that the City consider the following action for the property located at 2828 County Line Road, Independence, MN (PID No. 18-118-24-24-0003):

- a. A minor subdivision to allow a lot line rearrangement that would shift the north-south property line east to align with the existing creek.

Property/Site Information:

The subject properties are located south of Hwy. 12, west of Nelson Road and East of County Line Road. There is an existing home and accessory buildings located on the west property. The home is accessed via Maria Rd. There is a creek that bisects the property from north to south. The property has upland pasture as well as a stand of mature trees. The property has the following site characteristics:

Property Information: 2828 County Line Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: (BEFORE) East Parcel - 9.48 acres

West Parcel - 9.98 acres

Acreage: (AFTER) East Parcel 4.32 acres (Tract A)

West Parcel 16.02 acres (Tract B)



Discussion:

The applicants approached the City about the possibility of subdividing their property into two lots in 2017. At that time the applicant and the City believed that there was one property with a total of 19 acres. The City considered and denied a variance to allow the subdivision of a property in the AG-Agriculture zoning district that was less than 40 acres.

Since the City denied the application for a variance and minor subdivision in 2017, the applicant has further reviewed the title for the property. The applicant has discovered that the property is actually comprised of two underlying and individual properties that were never formally combined by the City. The previous owner of the property combined the property identification numbers for tax purposes at the County, but never formally combined the properties with the City. The City's attorney has reviewed the title evaluation prepared by the Applicants attorney and agrees with the findings. As a result, the City recognizes the two individual properties.

Within the AG-Agriculture zoning district, the subdivision of property is prohibited with the exception of lot line rearrangements and rural view lot subdivision. The applicant is proposing

to rearrange the lot line by moving the north-south property line to the east to align with the centerline of the existing creek. The west property has an existing home and accessory structures that are accessed via Maria Rd. to the west. The proposed new property would have the following detail:

Min. Lot Size:	2.5 Acres (Buildable Upland)
Proposed Lot Size:	4.32 Acres
Min. Lot Frontage Required:	250 Lineal Feet
Lot Frontage Proposed:	440 Lineal Feet
Min. Upland Acreage Required:	2.5 Acres
Upland Acreage Proposed:	2.76 Acres

The remainder property with the existing home and accessory structures would not be negatively impacted as a result of the proposed subdivision. The proposed new parcel would not create any non-conformities or reduced setbacks relating to the remainder property, the existing home or accessory buildings. There are several additional considerations that should be noted by the City when considering this request:

- a. The east property will be accessed via Nelson Road.
- b. The Applicant had previously completed the requisite report verifying that both properties can accommodate a primary and secondary on-site septic system. The locations of the sites are shown on the attached survey.
- c. The proposed lot line rearrangement would create two properties that meet all other applicable criteria of the City's zoning ordinance.
- d. The Applicant has prepared the requisite 10 foot drainage and utility easements around the perimeter of both properties.

The proposed Tract A would be required to pay the City's Park Dedication fee. For this property, the park dedication fee amount is \$3,500.00. This fee will need to be paid prior to recording the subdivision.

Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.

$$4.32 \text{ acres} = \$3,500$$

Planning Commission Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested variance and minor subdivision with the following findings and conditions:

1. The proposed minor subdivision request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.
2. The Applicant shall provide, execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
3. The Applicant shall pay the park dedication fees in the amount of \$3,500 prior to the applicant receiving final approval to record the subdivision by the City.
4. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

- Application/Narrative
- Applicants Attorney Title Evaluation Letter
- Existing and Proposed Survey



PLANNING APPLICATION

Case No.

Type of application

- ☒ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication
- ☐ Rezoning ☐ Conditional Use Permit ☐ Variance ☐ Ordinance Amendment ☒ Subdivision
- ☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan ☐ Final Site & Building Plan ☒ Other Lot Line Rearrangement

Site Location— Additional addresses on back and legal description attached

Property address 2828 County Line Rd SE, Delano MN PID 18 118 24 24 0003

Proposal -Full documentation must accompany application

Move lot line as described in survey

Applicant

Name Kari & Rick Stromer Email stromerk1@gmail.com

Address 2828 County Line Rd SE Delano MN 55328

Phone (612) 710-6167 Additional phone/contact

Printed Name KARI STROMER Signature Kari Stromer

Owner Information (if different from applicant)

Name Email

Address

Phone Additional phone/contact

Printed Name Signature

Office Use Only

Date

9-11-18

Application Amount

2000.00

Check #

2479

Accepted By

T. Gronstal

Escrow Paid

Check #

Date Accepted by Planner

City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others— all applications are reviewed on a case-by-case basis.

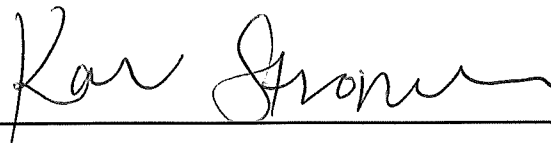
Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/ or if additional information is needed to adequately review the subject request. ***To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/ Administrator at least one week prior to submittal.*** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2018 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are noted on the current fee schedule. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: _____



Date: 8/21/18

Owner Signature (if different): _____

Date: _____

July 25, 2018

By Email

Mark Kaltsas
City of Independence
1920 County Rd. 90
Independence, MN 55359
Email: Mark@Terra-Mark.com

Re: Lot line rearrangement for 2828 County Line Road SE, Delano, MN

Dear Mr. Kaltsas:

As we discussed briefly last week, I represent Kari and Richard Stromer, the owners of the real property at 2828 County Line Road SE, Delano, MN 55328. My clients are interested in pursuing a lot line rearrangement concerning the two adjoining parcels that they own with the following legal descriptions:

Parcel 1:

The South 1/3 of the East Sixty rods of the Southeast 1/4 of the Northwest 1/4 of Section 18, Township 118, Range 24 except road.

Parcel 2:

The West 20 rods of the Southeast 1/4 of the Northeast 1/4 of Section 18, Township 118, Range 24, Hennepin County, Minnesota and the South 1/2 road of the West Half of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota.

These parcels were owned by separate and distinct owners until 1968, when they were acquired by Jacob and Lorraine Thomas and first owned in common. The Thomases acquired Parcel 1 in 1966 from Equity Capital Company pursuant to a warranty deed dated April 21, 1966 and recorded as Doc. No. 3602974. The Thomases acquired Parcel 2 in 1968 from John and Florence Otto and Louise and Kermit Zabel pursuant to a warranty deed dated September 30, 1968 and recorded as Doc. No. 3739533. After the Thomases' deaths, on November 13, 2012, the two parcels were sold by the Estate of Jacob Thomas to the Stromers. Attached as Exhibit A to this letter is a copy of the deed from the Estate of Jacob Thomas to my clients, which reflects the two distinct legal descriptions of the two parcels.


While the county tax assessor treats these two parcels as a single property for tax purposes, I am not aware of any formal process having been undertaken to combine them. Furthermore, the City of Independence does not have an ordinance that automatically merges two contiguous parcels when jointly owned by the same owner. See e.g. *Murr v. Wisconsin*, 137 S. Ct. 1933, 1947 (2017); *Ness v. Crow Wing County*, 2007 WL 4390601 (Dec. 18, 2007). Therefore, these two parcels remain distinct.

Furthermore, for the purpose of a lot line rearrangement, the City Code defines a "lot" as "a parcel of land separated from other parcels by legal description and meeting the physical standards of this section." (Code § 500.03, Subd. 11) Here, the two parcels meet this definition because they are separated by legal description and I believe they meet the requirements of the section.

For reference, attached as Exhibit B to this letter is a copy of a historical half section map on which I have indicated the location of Parcels 1 and 2. Attached as Exhibit C is a half section map where I have superimposed the approximate location of the proposed new lot line, should a lot line rearrangement be permitted. We believe that the property will comport with all requirements for a lot line rearrangement without the need for a variance. The resulting lots will be: (1) slightly under 5 acres and (2) approximately 15 acres, respectively.

I look forward to speaking with you further about this matter.

Regards,


Rob Shainess
Attorney at Law
rob@capstonelaw.com

cc: Kari Stromer (by email)

Box 160 Title Recording Services

(Top 3 inches reserved for recording data)

DEED OF SALE Minnesota Uniform Conveyancing Blanks
by Individual Personal Representative to Joint Tenants Form 10.5.4 (2011)

DEED TAX DUE: \$ 782.00

DATE: November 13, 2012

(month/day/year)

FOR VALUABLE CONSIDERATION, Jacob C. Thomas, Jr.

(insert name of each Personal Representative)

as Personal Representative of the Estate of Jacob Carl Thomas, Sr., aka Jacob C. Thomas, Sr., aka Jacob Thomas, Sr., aka
Jacob Thomas

Decedent, single ☐ married ☐ at the time of death
(check applicable box)

(if "married" is checked, then attach a Consent of Spouse (Form 70.1.1))

("Grantor"), hereby conveys and quitclaims to Richard G. Stromer and Kari Stromer:

(insert name of each Grantee)

("Grantee"), as joint tenants, real property in Hennepin County, Minnesota, legally described as follows:

Legal description attached as Exhibit A

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☐ The Seller certifies that the Seller does not know of any wells on the described real property
- ☒ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: 665429)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

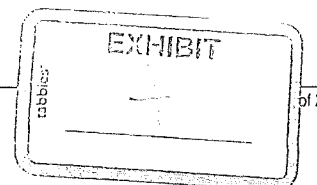
Jacob C. Thomas Jr.
(Signature of Personal Representative) Jacob C. Thomas Jr.

(signature of Personal Representative)

Title Recording Services, Inc. 665429
79 Western Ave N
St. Paul, MN 55102 WM6538
HENNEPIN A WATERMARK BASIC

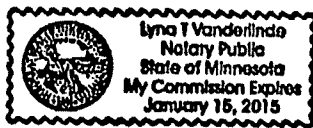


WD



State of Minnesota, County of WrightThis instrument was acknowledged before me on November 30, 2012 by Jacob C. Thomas, Jr.
(month/day/year) (insert name and of each Personal Representative)as Personal Representative of the Estate of Jacob Carl Thomas, Sr., aka Jacob C. Thomas Sr., aka Jacob Thomas, Sr. *, Decedent.
*aka Jacob Thomas

(Stamp)



(Signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)Watermark Title Agency
7601 France Avenue So., #201
Edina, MN 55435

File No: WM6538L

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)Richard G. Stromer and Kari Stromer
2828 County Line Road
Delano, MN 55328

Exhibit A
Legal Description of Property

The West 20 rods of the Southeast 1/4 of the Northwest 1/4 and the South 1 rod of the West 1/2 of the Northwest 1/4 of Section 18, Township 118, Range 24, Hennepin County, Minnesota.

AND

The South 1/3 of the East 60 rods of the Southeast 1/4 of the Northwest 1/4 of Section 18, Township 118, Range 24.

ABSTRACT PROPERTY

FOR INFORMATIONAL PURPOSES ONLY:

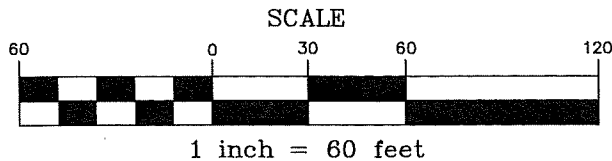
Property Address: 2828 County Line Road, Delano, MN 55238

File Number: WM6538L

Certificate of Survey

Prepared for:
Kari Stromer

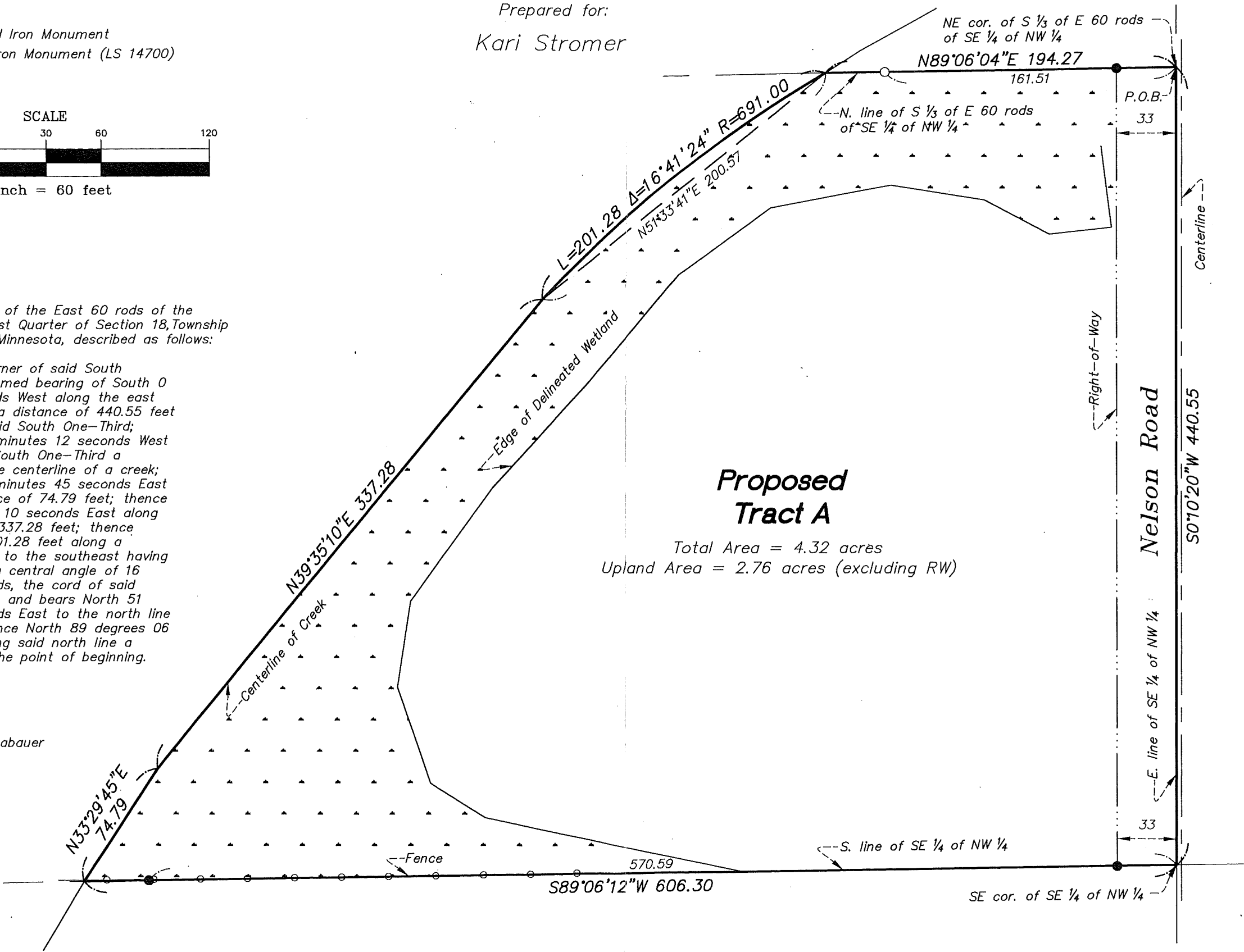
- Legend
- Found Iron Monument
 - Set Iron Monument (LS 14700)



Proposed Tract A
That part of the South One-Third of the East 60 rods of the Southeast Quarter of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the northeast corner of said South One-Third; thence on an assumed bearing of South 0 degrees 10 minutes 20 seconds West along the east line of said South One-Third a distance of 440.55 feet to the southeast corner of said South One-Third; thence South 89 degrees 06 minutes 12 seconds West along the south line of said South One-Third a distance of 606.30 feet to the centerline of a creek; thence North 33 degrees 29 minutes 45 seconds East along said centerline a distance of 74.79 feet; thence North 39 degrees 35 minutes 10 seconds East along said centerline a distance of 337.28 feet; thence northeasterly a distance of 201.28 feet along a non-tangential curve concave to the southeast having a radius of 691.00 feet and a central angle of 16 degrees 41 minutes 24 seconds, the cord of said curve is 200.57 feet in length and bears North 51 degrees 33 minutes 41 seconds East to the north line of said South One-Third; thence North 89 degrees 06 minutes 04 seconds East along said north line a distance of 194.27 feet to the point of beginning.

Note:
Wetland delineated by Jeremy Donabauer of A.G. Wetland Services, Inc.



Proposed Tract A

Total Area = 4.32 acres
Upland Area = 2.76 acres (excluding RW)

Job Number:	8416
Book/Page:	LL
Survey Date:	4/21/17
Drawing Name:	stromer.dwg
Drawn by:	DMS
Revisions:	5-04-17 (description)

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Paul B. Schoborg
Paul B. Schoborg

Date: **MAY 4, 2017** Registration No. 14700

SCHOBORG LAND SERVICES INC.

763-972-3221 8997 Co. Rd. 13 SE Delano, MN 55328
www.SchoborgLand.com

Bearings based on assumed datum.

Certificate of Survey

Prepared for: Kari Stromer

Proposed Tract A

That part of the South One-Third of the East 60 rods of the Southeast Quarter of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota, lying easterly and southeasterly of a line hereinafter referred to as "Line A". Said "Line A" described as follows:

Commencing at the southeast corner of said South One-Third; thence on an assumed bearing of South 89 degrees 06 minutes 12 seconds West along the south line of said South One-Third a distance of 606.30 feet to the centerline of a creek also being the point of beginning of said "Line A"; thence North 33 degrees 29 minutes 45 seconds East along said centerline a distance of 74.79 feet; thence North 39 degrees 35 minutes 10 seconds East along said centerline a distance of 337.28 feet; thence northeasterly along said centerline a distance of 201.28 feet along a non-tangential curve concave to the southeast having a radius of 691.00 feet and a central angle of 16 degrees 41 minutes 24 seconds, the cord of said curve is 200.57 feet in length and bears North 51 degrees 33 minutes 41 seconds East to a point on the north line of said South One-Third a distance of 194.27 feet westerly of the northeast corner of said South One-Third and said line there terminating.

Subject to a perpetual easement for drainage and utility purposes over, under and across that part of the interior of the tract described above, lying 10 feet from within and parallel with the boundaries of said tract, except the East 33.00 feet thereof. Also the West 10.00 feet of the East 43.00 feet thereof.

Proposed Tract B

The West 20 rods of the Southeast Quarter of the Northwest Quarter and the South 1 rod of the West Half of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County Minnesota.

AND

That part of the South One-Third of the East 60 rods of the Southeast Quarter of the Northwest Quarter of Section 18, Township 118, Range 24, Hennepin County, Minnesota, lying westerly and northwesterly of a line hereinafter referred to as "Line A". Said "Line A" described as follows:

Commencing at the southeast corner of said South One-Third; thence on an assumed bearing of South 89 degrees 06 minutes 12 seconds West along the south line of said South One-Third a distance of 606.30 feet to the centerline of a creek also being the point of beginning of said "Line A"; thence North 33 degrees 29 minutes 45 seconds East along said centerline a distance of 74.79 feet; thence North 39 degrees 35 minutes 10 seconds East along said centerline a distance of 337.28 feet; thence northeasterly along said centerline a distance of 201.28 feet along a non-tangential curve concave to the southeast having a radius of 691.00 feet and a central angle of 16 degrees 41 minutes 24 seconds, the cord of said curve is 200.57 feet in length and bears North 51 degrees 33 minutes 41 seconds East to a point on the north line of said South One-Third a distance of 194.27 feet westerly of the northeast corner of said South One-Third and said line there terminating.

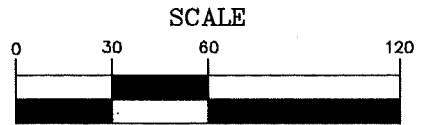
Subject to a perpetual easement for drainage and utility purposes over, under and across that part of the interior of the tract described above, lying 10 feet from within and parallel with the boundaries of said tract, except the South 1 rod of the West Half of the Northwest Quarter.

Note:

1. Wetland delineated by Jeremy Donabauer of A.G. Wetland Services, Inc.
2. Septic design done by Halling Engineering, Inc. of Webster, MN.
3. The Hennepin County Map for the north, half of Sec. 18-118-24 indicates a two road named Maria Rd. over the southwest portion of the Tract B. A description for said road right of way was not provided or obtained. This survey attempts to show the approximate easterly termination of the road right of way based on said county map.
4. The east line of the west 20 rods and the west line of the east 60 rods overlap each other. This discrepancy could result in future issues with the descriptions of surrounding parcels. It is suggested to consult an attorney to resolve these potential issues.

Legend

- Found Iron Monument
- Set Iron Monument (LS 14700)



Bearings based on assumed datum.

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Paul B. Schoborg
Paul B. Schoborg

Date: SEPT. 6 2018 Registration No. 14700

**A SCHOBORG
LAND SERVICES
INC.**

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Job Number: 8416

Book/Page: LL

Survey Date: 4/21/17

Drawing Name: stromer.dwg

Drawn by: DMS

Revisions: 5-04-17 (description)

9-06-18 (Tract B, add easements)

City of Independence

Request for a Minor Subdivision to Permit a Rural View Lot and a Conditional Use Permit to Allow a Commercial Riding Stable on the Property located 9255 County Road 6

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 16, 2018
<i>Applicant:</i>	MN Horsepower, LLC
<i>Property Owner:</i>	Jeanne Arenholz, Trustee
<i>Location:</i>	9255 County Road 6

Request:

MN Horsepower LLC (Applicant) and Jeanne Arenholz, Trustee (Owner) request that the City consider the following actions for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0001) in Independence, MN:

- a. A minor subdivision to allow a rural view lot subdivision to divide the property; the northerly parcel consisting of ~10 acres, and the southerly parcel consisting of ~72 acres.
- b. A conditional use permit allowing the following:
 - i. A commercial riding stable.
 - ii. A detached accessory building which is greater than 5,000 square feet.

Property/Site Information:

The property is located on the south side of CSAH 6 near the intersection of CSAH 6 and CSAH 157. The property is comprised of an existing home, barn and several additional detached accessory structures. The property has pasture areas, paddocks and is heavily wooded. The property has the following characteristics:

Property Information: 9255 County Road 6
Zoning: *Agriculture*
Comprehensive Plan: *Agriculture*
Acreage: *82.53 acres*



Discussion:

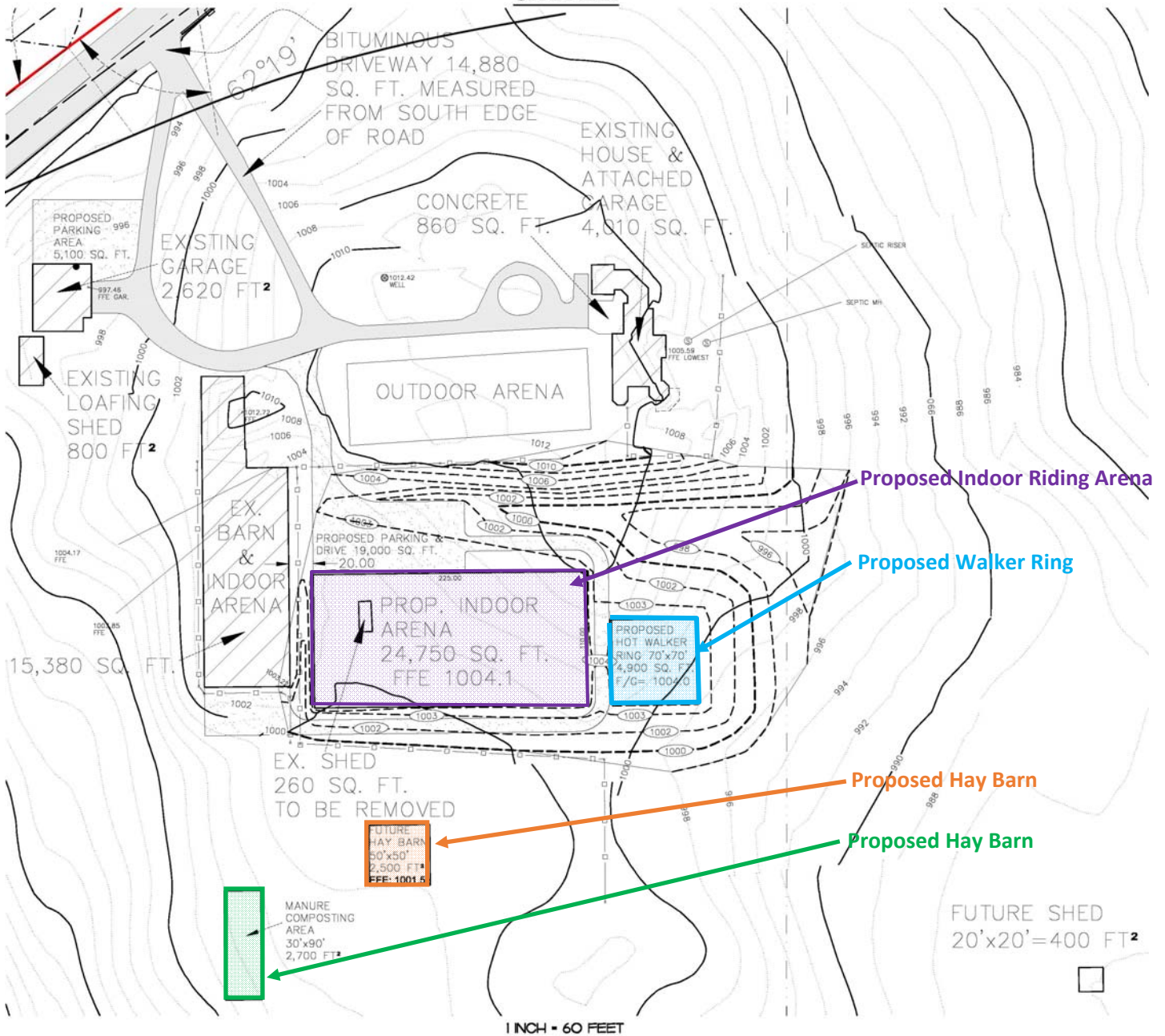
The Applicant approached the City about purchasing the subject property and converting the private horse facilities into a commercial riding stable. In addition, the Applicant would like to subdivide the portion of the property that is separated by and lies north of CSAH 6 using the rural view lot subdivision provisions. The existing property has a home, existing barn/indoor riding arena and several additional detached accessory structures. The property has a conditional use permit which allows a non-rental guest apartment. The Applicant currently operates a commercial horse facility on a property in Minnetrista and has been looking for a permanent home in this area. The Applicant will be living on the property. The Applicant is asking the City to consider granting a conditional use permit for a commercial riding stable that would allow the boarding of up to 50 horses on the property along with the construction of a new indoor riding arena that would be larger than 5,000 sf. Both requests require a conditional use permit from the City.

The proposed commercial boarding stable would have the additional following characteristics:

NOTE: Applicants narrative attached to this report may have several discrepancies from the report. The information in this report is the most current information and should be considered.

1. The existing horse barn is two stories and has eight stalls, storage space and a tack room.
2. The proposed indoor riding arena would be 24,750 sf and would have 30 additional stalls.
3. There is an existing 2-bedroom non-rental guest quarters attached to the existing home. The Applicant is proposing to continue using the conditional use permit for the guest quarters and would likely have 1-2 full time employees housed on the property.
4. The applicant is proposing to have a maximum of 50 horses boarded on the property at any time.
5. Access to the property for the boarders would be permitted only between the hours of 7:00 am and 10:00 pm daily.
6. The Applicant would have regular deliveries of shavings which typically come via a single-axel truck weekly or less.
7. The Applicant would have a Ferrier come to the site to shoe the horses on a regular basis. This would likely result in weekly visits. The horses are shod every 5 weeks.
8. There would be regular weekly garbage service to the property.
9. Manure is proposed to be composted on-site using a three-bin system (additional information provided by the applicant and attached to this report). The applicant would like to use the compost on the property. The applicant has shown the location of the compost bin area on the site plan. The City would require soil testing prior to land application of any manure/compost on site.
10. Hay would be delivered to the property. This is usually done 5-10 times during the summer and a few times during other parts of the year as needed. Generally, there would be approximately 12 days a year that hay is delivered to the property.
11. The Applicant would typically have between 5 and 15 guests coming to the property during the week with up to 20-25 guests coming on weekends. During the summer months there would be more activity during the daytime hours. During the school year there would be more activity occurring after school or in the evenings.
12. The Applicant is proposing to have between 4 and 8 clinics per year with no greater than 50 attendees. The clinics would be held during the regular hours of operation.
13. The Applicant has prepared a site plan that shows the location of the existing and proposed buildings. The Applicant is proposing to initially construct the indoor riding arena. The plans indicate the future location of an automated walker building and hay barn. The City is being asked to consider approval of the complete site plan and build out.

SITE PLAN



Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. 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 82 acres in the before condition. Should the City approve the rural view lot subdivision, the remainder property will have approximately 72 acres. Most, if not all of the 72 acres is useable upland. There are a few small possible wetlands located on the property. Applying the City's typical standard, the site would accommodate 71 animals using the gross 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 the property and maintain 1/3 acre of open pasture per animal unit. This property is heavily wooded and has approximately 18 acres of open pasture without the removal of existing woodlands. The open pasture areas on this property in the existing condition (minor tree removal would need to occur on the western portion of the property) would accommodate 50 horses using the City's standard of 1/3 acre per horse (50 horses/1/3 acre per horse = 16.7 acres of open pasture).



The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) 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 proposes 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 conditional use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The following considerations should be noted by the City:

- This property has a geographic and topographical advantage that not all properties have as it relates to a commercial riding stable. The existing home, existing barn and proposed new indoor riding arena would be predominantly screened from CSAH 6 as well as the surrounding properties. The location on CSAH 6 aids the proposed use in that it would not negatively increase traffic on CSAH 6 due to the high traffic volume.
- The proposed use as a commercial riding stable generally fits into the character of the surrounding area and is in keeping with the City's Comprehensive Land Use Plan.
- The applicant has prepared a grading, drainage and storm water plan for the proposed site improvements. The existing home and accessory buildings generally sit at the highest point on the site and the topography slopes away in all directions. The City is in the process of reviewing the grading, drainage and storm water plan. Any comments resulting from the plan review will need to be addressed by the applicant and will be subject to the approval of the City Council. The City's approval of this project will also be subject to the Pioneer Sarah Creek Watershed Management Commissions approval of the proposed site improvements.
- The City discussed lighting with the applicant. The applicant is aware that all proposed lighting will be full cut-off type lighting. The City will work with the applicant to obtain the cut sheets and detailed plan for the proposed lighting. All building lighting will need to comply with the City's lighting standards. The outdoor riding arena could be artificially illuminated, but would need to comply with applicable site lighting requirements. The City typically reviews building and site lighting during the building permit review process.

- Delano Fire Department is in the process of reviewing the proposed site plan. Any changes and or modifications resulting from the Fire Department review will need to be fully addressed by the Applicant.
- The Applicant has provided the City with additional information relating to the replacement and upgrade of the on-site septic system. The City is working with the Applicant on the septic upgrade/replacement.
- The applicant will be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease. The number and location of the soil samples will be determined by the City.
- The applicant shall manage the pasture areas by rotating their use during the growing months. A minimum of 70 percent vegetative cover shall be maintained on the pasture areas during the growing season.

Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a private horse facility, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable.

Minor Subdivision to Allow a Rural View Lot

In addition to the conditional use permit, the applicant is requesting a minor subdivision to permit a rural view lot. The property is currently bisected by CSAH 6. The portion of the property located north of CSAH 6 is approximately 10.21 acres. The acreage is measured to the Center of the road and includes the road right of way for CSAH 6.

The City's zoning ordinance allows Agriculture property to realize one rural view lot for every 40 acres of property. The 82-acre parcel could realize two rural view lot subdivisions.

The proposed subdivision would create a new 10-acre lot that would allow for a new home to be constructed on the property and meet all applicable building setbacks. The Applicant is working with the City relating to the location of the primary and secondary septic sites for the north property. The newly created lot does not have any non-buildable property. The City has criteria relating to rural view lot subdivisions. The proposed lot meets the criteria as follows:

Proposed/Required Lot Conditions for Parcel B

Required Minimum Lot Size (maximum size is 10 acres):	2.5 acres (buildable upland)
Proposed Lot Size:	10.21 acres (~20,000 of right of way)
Required Lot Frontage:	300 lineal feet

Proposed Lot Frontage: 1,233 lineal feet (779 If CSAH 6, 454 If Nelson Road)

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel B - ~1:1.15 (778:900)

The applicant will be required to provide the requisite drainage and utility easements for Parcel 2 (Section 500.15, Subd.'s 1 and 2). Parcel 1 will likely be further subdivided in the future and at that time the City will capture the necessary drainage and utility easements.

The remaining Parcel 1 could potentially realize one (1) additional rural view lot. The City has submitted the proposed subdivision to Hennepin County for review. Access to the property will be from Nelson Road. There does not appear to be any adverse effects on the surrounding or subject properties in the after condition as a result of this minor subdivision to permit a rural view lot. The proposed lot fits into the character of the surrounding area and is in keeping with the general characteristics of the properties on Nelson Road.

The newly created Parcel 2 will be required to pay the City's requisite Park Dedication fee. For this property the requirement is \$7,250 (\$3,500 + \$3,750). This fee will need to be paid prior to recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,
plus \$750 per acre for each acre over 5 acres*

Neighbor Comments:

The City has not received any written or oral comments regarding the proposed conditional use permit or minor subdivision.

Recommendation:

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

1. The proposed conditional use permit and minor subdivision requests meet all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The conditional use permit will include the following conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.

- b. Any new signage shall comply with all applicable standards of the City's ordinance and require a sign permit.
 - c. No more than 50 horses shall be boarded on the property.
 - d. 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.
 - e. 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.
 - f. The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease. The number and location of the soil samples will be determined by the City.
 - g. The applicant shall manage the pasture areas by rotating their use during the growing months. A minimum of 70 percent vegetative cover shall be maintained on the pasture areas during the growing season.
 - h. The hours of operation are: summer 7:00 am – 10:00 pm.
 - i. Eight (8), one day, horse training clinics will be permitted per year and shall comply with the following provisions:
 - The horse clinics shall occur during the permitted hours of operation.
 - No more than 50 participants shall be permitted at each clinic.
 - j. No renting of hack horses shall be permitted.
 - k. No riding on adjacent private land unless authorized by owners.
 - l. No parking or standing of vehicles on County Road 6 shall be permitted at any time.
 - m. Utilize appropriate management practices to control flies and odor.
 - n. 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.
3. The applicant shall pay for all costs associated with the review and recording of the resolution for a minor subdivision and conditional use permit.

4. City Council approval of the conditional use permit and rural view lot subdivision is subject to the following:
 - a. The applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.
 - b. The applicant shall provide all requisite information and or revisions to the proposed grading and drainage plans in accordance with the review by the City's water resource consultant.
 - c. The applicant shall provide all requisite information and or revisions to the proposed plans based on the Fire Department review.
 - d. The applicant shall provide all requisite information and or revisions to the proposed plans based on Hennepin County review of the proposed subdivision.
 - e. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.
 - f. The Applicant shall pay the park dedication fees in the amount of \$7,250 for the newly created Parcel 2, prior to the City recording the subdivision.
 - g. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
5. The remaining Parcel 1 will have one (1) remaining rural view lot eligibility.
6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Application
2. Applicants Narrative
3. Site Plan/Survey



PLANNING APPLICATION

Case No. _____

Type of application

- ☒ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication
- ☐ Rezoning ☒ Conditional Use Permit ☐ Variance ☐ Ordinance Amendment ☐ Subdivision
- ☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan ☐ Final Site & Building Plan ☐ Other _____

Site Location— Additional addresses on back and legal description attached

Property address 9255 County Rd 6

PID 3111824340001

Proposal -Full documentation must accompany application

Conditional Use for horse stable, building over 5,000 sq ft
Commercial riding stable, agricultural storage building (hay),
accessory structure for riding arena and equine exerciser

Applicant

Name John Segal Email jmsaga@outlook.com

Address 2130 Sandy Lane, Mound, MN 55364

Phone (952) 237-3727 Additional phone/contact _____

Printed Name John Segal Signature [Signature]

Owner Information (if different from applicant)

Name MN Horsepower LLC Email _____

Address 11876 Wiles Rd Coral Springs FL 33065

Phone 954-440-8342 Additional phone/contact _____

Printed Name Andrea Kallberg Signature [Signature]

Office Use Only

Date 9-11-2018 Application Amount \$2,000 Check # 2434 Accepted By [Signature]

Escrow Paid _____

Check # _____

Date Accepted by Planner _____

City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others— all applications are reviewed on a case-by-case basis.

Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/ or if additional information is needed to adequately review the subject request. ***To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/ Administrator at least one week prior to submittal.*** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2018 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are noted on the current fee schedule. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: _____

Date: _____

Owner Signature (if different): _____

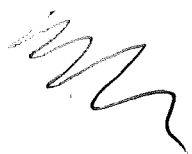
Date: _____

Conditional Use for Riding Stable

- Property is 78 acres with no documented low lands
- Moving operating business existing in Minnetrista that has outgrown current facilities
- Animal density – 70 horses maximum
 - 30 horses boarded at farm maximum, clients coming 2-3 hrs/day from 3-5 days per week
 - Remainder will be owned as personal horses, lesson horses, sales horses or breeding horses
- Loop style driveway with parking for clients in dedicated gravel lot with proper drainage or retention pond as needed
- Hours of operation will be 7am – 10 PM. This is not a public farm and anyone entering or leaving will need code to proposed driveway gate.
- Business will consist of the following:
 - Boarding horses
 - Teaching lessons on owners own boarded horses
 - Training of boarded horses
 - Teaching lessons on owned lesson horses
 - Occasional clinics (4-8/year) with no more than 50 attendants
 - Occasional events – would like to continue to allow the hunt to host hunter pace in addition to onsite schooling shows with own clients
- All parking will be on site
- Existing driveway is asphalt and new gravel driveways and parking areas will be maintained for dust control
- Modify existing fencing to accommodate service driveway for service vehicles, delivery, and vendor loading and unloading
- Manure will be composted in proposed area in woods behind outdoor arena using a 3-bin system with turnover to reduce odor and aid in fly control. Compost will be used for hay fields and crop field on the north side of 6.
- Add gravel to flat area near shop for trailer parking
- Trailers coming in and out to shows, approx. 1-2 times per month
- Replacing in compliant septic system with new system as required by the city, will service existing house and new facilities.
- Vendors will be visiting throughout the month
 - Farrier – once per week
 - Veterinarian – weekly and as required for emergencies
 - Shavings – weekly or biweekly as needed
 - Hay – only during months of hay production or as needed in winter
 - Standard refuse removal – will use vendor to provide dumpster to be picked up bi-weekly

Conditional Use for Therapy with Horses/Leadership Training/Corporate Training

- Phase II



- Lesson horses to be used for programs
- No more than 25 participants at a time

Conditional Use for Building over 5000 sq ft (Indoor Riding Arena)

- Proposed indoor arena, bathroom facilities, observation room, kitchen, meeting room (235x110) (25,850sq ft)

Signage

Grading Permit

- Prepare building site for new indoor and accommodate proper drainage and installation of new septic system
- Bank, new infrastructure for vendor delivery

Building Permit

- Building housing indoor

Perimeter Fencing/Front Gate

- Setbacks?
- Permit?

Building Permit for Cabin in the woods for Personal Use

Outdoor lighting for outdoor arena

Drainage

- Grading and preparing building site will control drainage going both east and west as building site will be at the top of a hill
- Any remaining drainage or collection areas will be directed to a holding pond/catch basin to be used to irrigate pastures, outdoor arenas, and dust control
- Watershed district permits?

Phase II

- Covered hot walker/eurociser
- hay barn

- expansion of stalls into the remainder of current existing indoor arena which will be used for shavings and hay storage until phase II is complete

How to Compost and Use Horse Manure

If you care for horses on your own place then you have, no doubt, wondered about what to do with that huge mound of manure and stall waste generated by your horse. In fact, one horse can create a serious pile in no time – one horse produces about 50 pounds of manure per day, over eight tons per year. Add to that the 8 to 10 gallons of urine a horse generates in one day and the wheelbarrow or more of bedding you use each day. You can see that in no time at all you will have a virtual manure mountain!

There are other concerns for the mismanaged manure pile as well – horses allowed to graze near their own manure are quickly reinfested by larva that hatch from the worm eggs. Runoff from soggy manure piles can cause serious surface and ground water contamination problems. In King County there are ordinances that strictly control these issues. Then there are the associated odor and fly problems – if you live close to others this may concern your neighbors as well.

Composting horse manure is an excellent manure management technique, especially useful for backyard or small farm owners. Larger horse facilities or those using equipment (tractors) to manage their composting process can also develop a composting system. Design help for larger operations and additional manure management assistance is available from the King Conservation District, the USDA Natural Resources Conservation Service or King County Livestock Programs (see “For More Information” at the end). Individual consultants may also be able to help you assess your manure management options and resources.

The benefits of composting horse manure are many and include:

- reducing the possibility of parasite reinfestation in your horse – the heat generated in the composting process kills worm eggs as well as pathogens and weed seeds.
- reducing flies by eliminating their breeding ground.
- reducing odors – a properly managed compost pile should smell “earthy” and pleasant.
- reducing the volume of material you have piled up – the composting process will reduce the size of the pile by about 50% (this will take about 2 to 4 months).
- providing you with a free, easy source of compost -- a valuable soil amendment for your pastures, garden or yard. Your horseless neighbors may find it a valuable commodity as well!
- reducing the chance of manure-contaminated runoff from your property reaching surface or ground waters in your area.
- making your property more pleasing for you and your neighbors to look at and enjoy.

This handout will give you information on how to build and use a horse manure composting system that you can employ without the aid of a tractor. This system is designed for a backyard or small farm operation with 1 to 5 horses. You can tailor your composting system to meet your needs depending on how many horses you have, the amount and type of bedding material you use, and how you plan to use the finished compost. If you plan to use a tractor you will need a much sturdier design. Contact one of the resources agencies listed at the end of this handout for additional design help.

Building A Manure Composting System

1. Select a site for your composter.

Look for a high, level area on your property – don’t put your composter in a low-lying area or it will turn into a soggy mess. Remember you must locate your composter far away from creeks, ditches, wetlands or other waterbodies – you can check with local authorities for specific regulations on this. Choose an area according to your zoning regulations to avoid zoning issues or problems with neighbors. A location that’s convenient to your stall and paddock areas will make the chore of cleaning up easier and less time consuming.

2. Decide on the number of bins you’ll need.

You will need at least two bins, maybe a third for convenience. A two-bin system works by piling manure and stall wastes in one bin. When that bin is full allow it to compost and start filling the second bin. Once the first bin is done composting you can start using the finished compost material. For convenience or if you have several horses you may want to consider going to three bins. This allows one bin for the daily stall wastes, another bin that is full and in the composting stage, and a third bin for the finished compost to be removed and used at your leisure.

3. Purchase materials.

A list of materials and tools needed is included at the end of this handout. It costs about \$200 per bin for materials depending on the type of wood you use and the cost in your area. Feel free to improvise and experiment by choosing materials available in your area, which will work for you and your situation.

4. Build the bins.

Following the design in this handout, one person can easily build this compost bin system in a weekend.

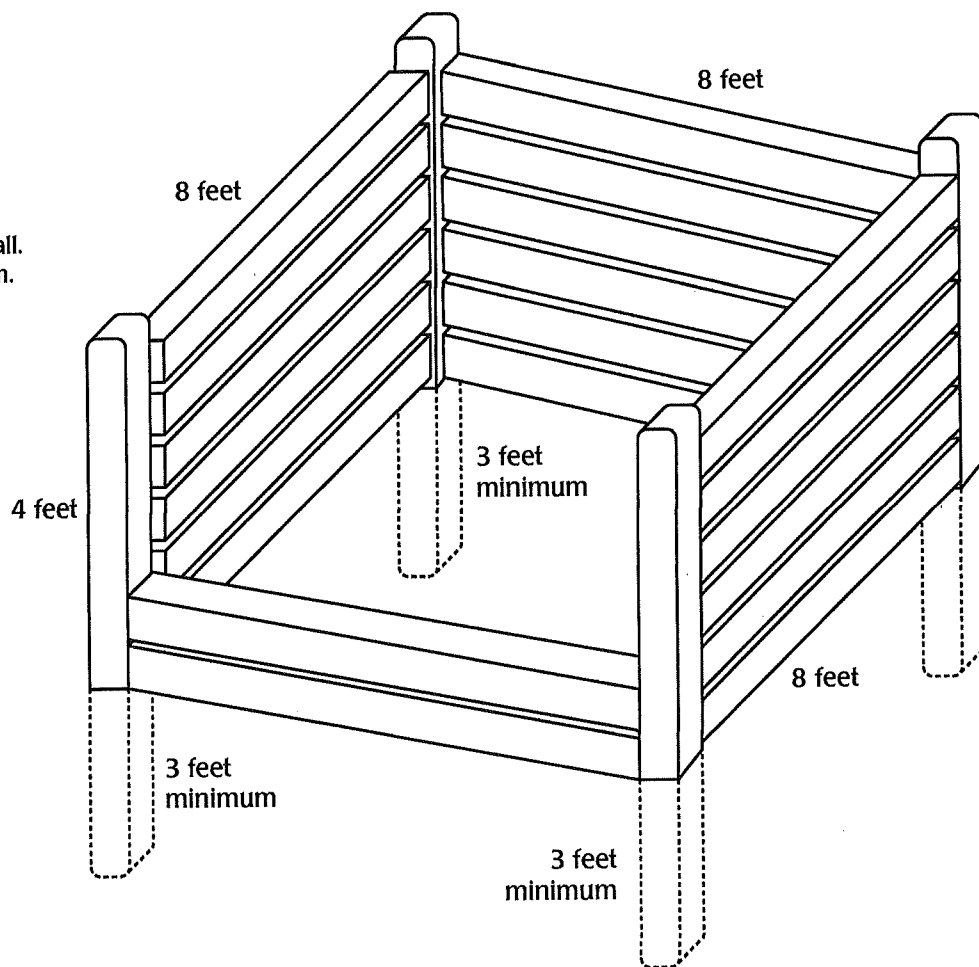
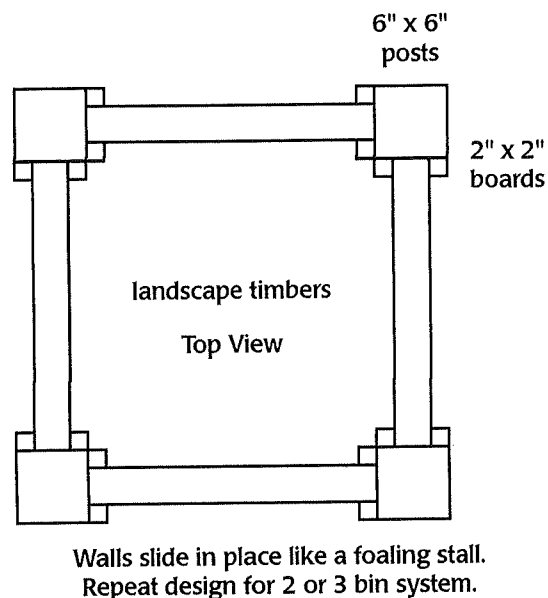
For three 4'x 8'x 8' bins, the following list of equipment and supplies are needed:

SUPPLIES

8 - 8' x 6" x 6" treated posts
40 - 4' x 2"x2" treated boards
110 - 8' landscape timbers (or similar wood)
160 - 3" deck screws
tarp (or plastic sheet) to cover top of each bin

EQUIPMENT

drill with screwdriver head & drill bit
25' tape measurer
chain saw or hand saw
carpenter's level
post hole digger
tamping rod or similar tool



NOTE: number of landscape timbers will depend on the type and width of the timbers you purchase and how tall you wish to make your bins.

Managing the Compost System

This includes tarping, turning and watering. Like most living things, the microorganisms that break down the manure and bedding are aerobic and require air and water. Too much or too little of each can cause problems.

1. Piling.

Begin by piling the daily manure and stall wastes in one bin. When that bin is full leave it and start filling the second bin. And so on for the last bin. In 2 to 4 months the first bin should be finished done composting you can start using the compost from that bin.

2. Cover your bins.

This can be done with a tarp, plastic sheet or a roof. A cover of some sort will prevent your piles from becoming a soggy mess in the winter and too dried out in the summer. Covering them also prevents the nutrients you're saving for the garden from being washed out into the surface water and causing other problems.

3. Aeration.

Turning the compost-to-be allows oxygen to get to the bacteria and organisms that break down the material into dirt-like structures. This keeps the process aerobic, an "earthy" smelling process. If the compost becomes anaerobic – without air – it will have a foul, undesirable odor. How often you turn it determines how quickly your compost will be ready. However, unless you have access to a small tractor or enjoy a good workout, turning the pile can be difficult. Air will permeate through the pile to a depth of about 2 feet. An easy way to get air to the center and avoid turning the pile as frequently is to insert a couple of 5 foot PVC pipes into the center of the pile. Use a drill to put holes along pipes. The pile will still need to be turned occasionally to get the manure on the outside into the center so the heat from the composting process can kill parasites and weeds.

4. Water.

Your compost material should be about as damp as a rung out sponge. In the summer water your compost with a garden hose when you turn it. An easy way to add water is just to hose down the manure in your wheelbarrow before you dump it in the pile.

5. Finished compost.

If you follow the guidelines above, your compost could be ready in as short as one month! However, depending how often you turn it and whether it stays damp, it will probably take between one to three months to finish, perhaps slightly longer in the winter. You will know when your compost is ready when the material looks evenly textured and crumbly like dirt and no longer like the original material.

6. Uses for compost.

Compost is a rich soil enhancement that improves the health of both plants and soil and helps to retain moisture. Spread compost in pastures during the growing season no more than a 1/2" layer at a time and 3 to 4" per season. It can be also added to the soil of houseplants, gardens or flowerbeds – or shared with horseless neighbors.

Check out the resources listed below and seek help if you need it. But now at least you will know that when manure happens you have a wonderful plan to make compost happen!

Alayne Renee Blickle, a life-long equestrian, and her husband Matt Livengood live in Maple Valley, WA where they raise AQHA horses on their 10-acre demonstration farm and compete in reining events. Alayne is the creator and director of Horses for Clean Water. HCW teaches environmentally sensitive horsekeeping practices through classes, farm tours, workshops and individual site consultations. Alayne is a contributing writer for publications such as Equus. Contact HCW at 425-432-6116 by email at ARBlickle@aol.com. Visit the HCW website at <http://members.aol.com/arblickle/>

For More Information on Composting Horse Manure

- **Natural Resource Conservation Service** works with farmers and ranchers on issues relating to wise use of the natural resources, such as pasture, manure and mud management. You can find the number for your NRCS office listed in the phone book under federal government, US Department of Agriculture, Natural Resource Conservation Service. In King County contact the NRCS at 206-764-3410.
- **Conservation Districts** also work with farmers and livestock owners, often for smaller, non-commercial places on similar land management practices. You can contact your local Conservation District by calling the NRCS office. The NRCS will be able to tell you the name, location and phone number of your Conservation District. In King County contact the KCD at 206-764-3410.
- **Cooperative Extension** – contact your county cooperative extension office to get more information on pasture and manure management for horses, as well as composting. They can be located in the phone book under your state land-grant university (if you have trouble locating them ask for help from your public library's reference librarian). In King County contact WSU Cooperative Extension King County at 206-205-3100.
- **Your county solid waste department** may also be able to help you with more information on composting or other ideas for manure management. Many counties (or city solid waste department) offer Master Composter classes, which although geared towards the backyard gardening-type composter, will still provide you with more information and understanding on the compost process. In King County contact KC Solid Waste Division's Compost Hotline at 205-296-4466.
- **Other county programs** are available to assist you as a livestock owner. In King County for more information on livestock programs, zoning regulations and other manure management programs contact King County Livestock Programs, 206-296-1471. This program supports the raising and keeping of livestock in King County by overseeing the implementation of the Livestock Management Ordinance. It also promotes the education of livestock best management practices and provides cost sharing for farm plan installation.
- **Many books** are available in the library on composting. A good source for information on agricultural composting is the *On-Farm Composting Handbook*, distributed by Northeast Regional Agricultural Engineering Service, 152 Riley-Robb Hall, Cooperative Extension, Ithaca, NY, 14853-5701. Phone 607-255-7654 or FAX 607-255-4080, or Email at NRAES@cornel.edu .
- **Horses for Clean Water** – a program run and supported by horseowners promoting environmentally sensitive horsekeeping; offering classes, workshops, farm tours and individual consultations on topics such as pasture, mud and manure management; 425-432-6116, email: ARBlickle@aol.com, website: <http://members.aol.com/arblickle/>

Troubleshooting the Compost Process

SYMPTOM	PROBLEM	SOLUTION
The compost has a bad odor.	Not enough air.	Turn the pile, add more PVC pipes.
The compost has a bad odor and is soggy.	Not enough air and/or too wet.	Mix in dry ingredients like straw or shavings, add PVC pipes and cover with a tarp.
The inside of the pile is dry.	Not enough water.	Add water when turning the pile. Should be as damp as a wrung out sponge.
The compost is damp & warm in the middle, but nowhere else.	Pile is too small.	Collect more raw material and mix it into the old ingredients. Piles smaller than 3' square have trouble holding heat.
The pile is damp and smells fine, but is not heating up.	Too many shavings, wood chips or bedding (carbon source) and not enough manure (nitrogen source).	Mix in a nitrogen source (straight manure, fresh grass clippings, blood meal or ammonium sulfate).

*Funding provided by
King County Department of Natural Resources Solid Waste Division and
King County Department of Natural Resources Livestock Programs.*

BOUNDARY SURVEY ~for~ John Sega
~Part of~ SW 1/4 & SE 1/4, Sec.31, T.118, R.24, Hennepin County, MN

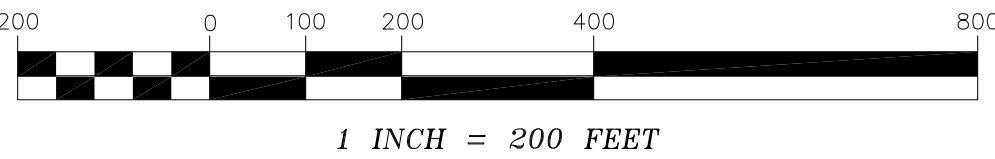
BENCHMARK

BENCHMARK:
HENNEPIN COUNTY CONTROL POINT "GOLF"
ELEV=960.10 (NAVD88)

WEST 1/4 CORNER
SEC.31, T.118, R.24
(A.K.A. NW COR.-SW 1/4)

NORTH

GRAPHIC SCALE



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 45356
- ⊕ DENOTES HENNEPIN COUNTY CAST IRON MONUMENT
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ✓ DENOTES GUY WIRE
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES SANITARY SEWER MANHOLE
- DENOTES SOIL BORING. (BY OTHERS)
- DENOTES LIDAR CONTOURS
- DENOTES TREE LINE
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES PAVER SURFACE

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 5SEP18.
- Bearings shown are on the Hennepin County Coordinate System NAD83 (86 adj).
- Address of surveyed parcel:
9255 County Road No. 6
Independence, MN
- This survey was prepared without the benefit of title work.
Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Contours shown are based combination of ground topography and LIDAR information downloaded from the Minnesota DNR MnTOPO website.

Parcel 1, Proposed Description

That part of the following described tract lying southerly of the centerline of County State Aid Highway Number 6, Plat 5, according to the record Document No. 3844152, Hennepin County, Minnesota:

That part of the Southwest Quarter and part of the Southeast Quarter of Section 31, Township 118, Range 24, Hennepin County, Minnesota described as follows: Commencing at the northwest corner of said Southwest Quarter; thence Easterly along the north line of said Southwest Quarter 1922.10 feet to the point of beginning of the tract to be described; thence southeasterly, deflecting to the right 81 degrees 15 minutes, 904.40 feet to the centerline of Hennepin County Highway Number 6; thence southwesterly, deflecting to the right 62 degrees 19 minutes, along said centerline 124.20 feet; thence southwesterly 348.57 feet, along said centerline along a tangential curve concave to the southeast, having a radius of 2863.33 feet and a central angle of 6 degrees 58 minutes 30 seconds; thence southwesterly, along said centerline tangent to the last described curve 318.15 feet; thence southwesterly, along said centerline along a tangential curve concave to the northwest, having a radius of 1346.50 feet and a central angle of 0 degrees 03 minutes 50 seconds, a distance of 1.50 feet to the intersection of a line drawn south from a point on the north line of said Southwest Quarter distant 1485.00 feet east of the southwest corner of said Southwest Quarter to a point on the south line of said Southwest Quarter distant 1485.00 feet east of the southwest corner of said Southwest Quarter; thence southerly, along the last described line 1227.24 feet to the south line of said Southwest Quarter; thence easterly, along said south line of the Southwest Quarter 1099.00 feet to the southeast corner of said Southwest Quarter; thence easterly, along the south line of said Southeast Quarter 561.00 feet (34 rods); thence north parallel with the west line of said Southeast Quarter 2528.76 feet to the centerline of said Hennepin County Highway Number 6; thence southwesterly, deflecting to the left 126 degrees 53 minutes 04 seconds, along said centerline 536.86 feet; thence northwesterly, deflecting to the right 106 degrees 31 minutes 51 seconds right along the centerline of a village road 379.00 feet to a point on the west line of said Southeast Quarter; thence northerly, along said west line 75.00 feet to the northwest corner of said Southeast Quarter, the last two described courses being the west line of that tract deeded by Washington Rader and wife to Jacob Bryant by Warranty Deed dated April 30, 1870, Book 24 of Deeds, Page 284; thence westerly, along the north line of said Southwest Quarter 636.54 feet to the point of beginning.

This tract is subject to any and all easements of record.

Parcel 2 Proposed Description

That part of the following described tract lying northerly of the centerline of County State Aid Highway Number 6, Plat 5, according to the record Document No. 3844152, Hennepin County, Minnesota:

That part of the Southwest Quarter and part of the Southeast Quarter of Section 31, Township 118, Range 24, Hennepin County, Minnesota described as follows: Commencing at the northwest corner of said Southwest Quarter; thence Easterly along the north line of said Southwest Quarter 1922.10 feet to the point of beginning of the tract to be described; thence southeasterly, deflecting to the right 81 degrees 15 minutes, 904.40 feet to the centerline of Hennepin County Highway Number 6; thence southwesterly, deflecting to the right 62 degrees 19 minutes, along said centerline 124.20 feet; thence southwesterly 348.57 feet, along said centerline along a tangential curve concave to the southeast, having a radius of 2863.33 feet and a central angle of 6 degrees 58 minutes 30 seconds; thence southwesterly, along said centerline tangent to the last described curve 318.15 feet; thence southwesterly, along said centerline along a tangential curve concave to the northwest, having a radius of 1346.50 feet and a central angle of 0 degrees 03 minutes 50 seconds, a distance of 1.50 feet to the intersection of a line drawn south from a point on the north line of said Southwest Quarter distant 1485.00 feet east of the northwest corner of said Southwest Quarter to a point on the south line of said Southwest Quarter distant 1485.00 feet east of the southwest corner of said Southwest Quarter; thence southerly, along the last described line 1227.24 feet to the south line of said Southwest Quarter; thence easterly, along said south line of the Southwest Quarter 1099.00 feet to the southeast corner of said Southwest Quarter; thence easterly, along the south line of said Southeast Quarter 561.00 feet (34 rods); thence north parallel with the west line of said Southeast Quarter 2528.76 feet to the centerline of said Hennepin County Highway Number 6; thence southwesterly, deflecting to the left 126 degrees 53 minutes 04 seconds, along said centerline 536.86 feet; thence northwesterly, deflecting to the right 106 degrees 31 minutes 51 seconds right along the centerline of a village road 379.00 feet to a point on the west line of said Southeast Quarter; thence northerly, along said west line 75.00 feet to the northwest corner of said Southeast Quarter, the last two described courses being the west line of that tract deeded by Washington Rader and wife to Jacob Bryant by Warranty Deed dated April 30, 1870, Book 24 of Deeds, Page 284; thence westerly, along the north line of said Southwest Quarter 636.54 feet to the point of beginning.

This tract is subject to any and all easements of record.

EXISTING IMPERVIOUS SURFACES

EXISTING BARN & INDOOR ARENA: 15,380 SQ. FT.
EX. BITUMINOUS DRIVEWAY: 14,880 SQ. FT.
EX. HOUSE & ATTACHED GARAGE: 4,010 SQ. FT.
EXISTING GARAGE = 2,620 SQ. FT.
EXISTING CONCRETE = 860 SQ. FT.
EX. SHED, TO BE REMOVED = 260 SQ. FT.

TOTAL EX. IMPERVIOUS SURFACES: 38,010 SQ. FT.
38,010 SQ. FT./PARCEL 1 AREA OF 3,150,259 SQ. FT.

TOTAL IMPERVIOUS PERCENT OF PARCEL 1= 1.2%

PROPOSED IMPERVIOUS SURFACES

EXISTING BARN & INDOOR ARENA: 15,380 SQ. FT.
EX. BITUMINOUS DRIVEWAY: 14,880 SQ. FT.
EX. HOUSE & ATTACHED GARAGE: 4,010 SQ. FT.
EXISTING GARAGE = 2,620 SQ. FT.
EXISTING CONCRETE = 860 SQ. FT.
EX. SHED, TO BE REMOVED = NOT COUNTED
PROPOSED INDOOR ARENA = 24,750 SQ. FT.
PROP. PARKING (BY EX. GAR.) = 5,100 SQ. FT.
PROP. PARKING & DRIVE = 19,000 SQ. FT.
FUTURE HAY BARN = 2,500 SQ. FT.
FUTURE SHED = 400 SQ. FT.

TOTAL PROP. IMPERVIOUS SURFACES: 89,500 SQ. FT.
89,500 SQ. FT./PARCEL 1 AREA OF 3,150,259 SQ. FT.

TOTAL IMPERVIOUS PERCENT OF PARCEL 1= 2.8%

NOTE ON GRADING

The proposed grading will yield an excess of approximately 4,800 Cu. Yd. (This does not include the addition of any soil corrections, gravel or hold-down).

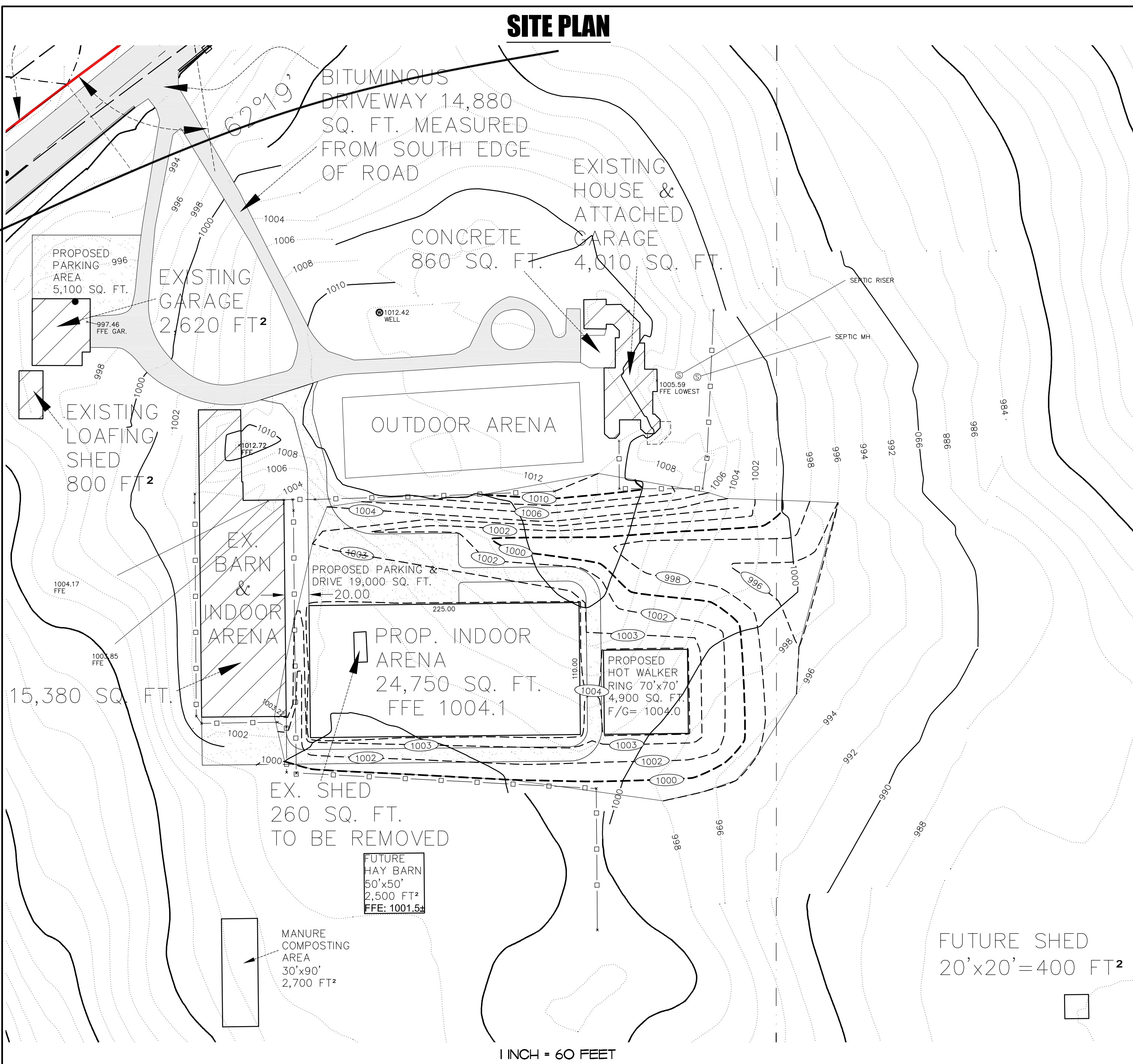
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CHECK BY: KDN	SCANNED <input type="checkbox"/>	
1		
2		
3		
NO.	DATE	DESCRIPTION
BY		

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

KURT D. NELSON
Date: 11SEP18 License No. 45356

E. G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Avenue SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025 Fax (320) 587-2595

SITE PLAN



FUTURE SHED
20'x20'=400 FT²

City of Independence

Consideration to Amend Chapter 5, Section 530, Maximum Height Permitted for Detached Agricultural Storage Buildings, Barns, or Other Structures, Accessory to an Existing Single-Family Dwelling.

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: October 16, 2018

UPDATE:

Staff has put together six examples of the most recently approved detached accessory structures. The information prepared will be presented at the Planning Commission Meeting in a more formal presentation. Based on the information presented, it is anticipated that the Planning Commission will have additional discussion. No formal direction will be sought at the meeting and the item will be further reviewed at a future Planning Commission Meeting.

Discussion:

In 2013 the City updated the accessory structure ordinance to establish a more proportional relationship between the amount of detached accessory structure square footage allowed on a property and the size of the property. In practice, the new ordinance has worked well and there have been no variances granted relating to the size of a detached accessory structure since the amendment. One area of the ordinance that was changed at the same time was the maximum height permitted for detached accessory structures. The City has received concerns and comments from property owners relating to the maximum height permitted. The City has also granted two (2) variances relating to the maximum height of detached accessory structures. The general concern is that the maximum height permitted varies based on the height of the principal structure. If a resident has a single-level home, the maximum height of a detached accessory structure is limited to the single-level home height. This causes some issues for residents with larger properties that would like to have a larger detached accessory structure but have a single-level home.

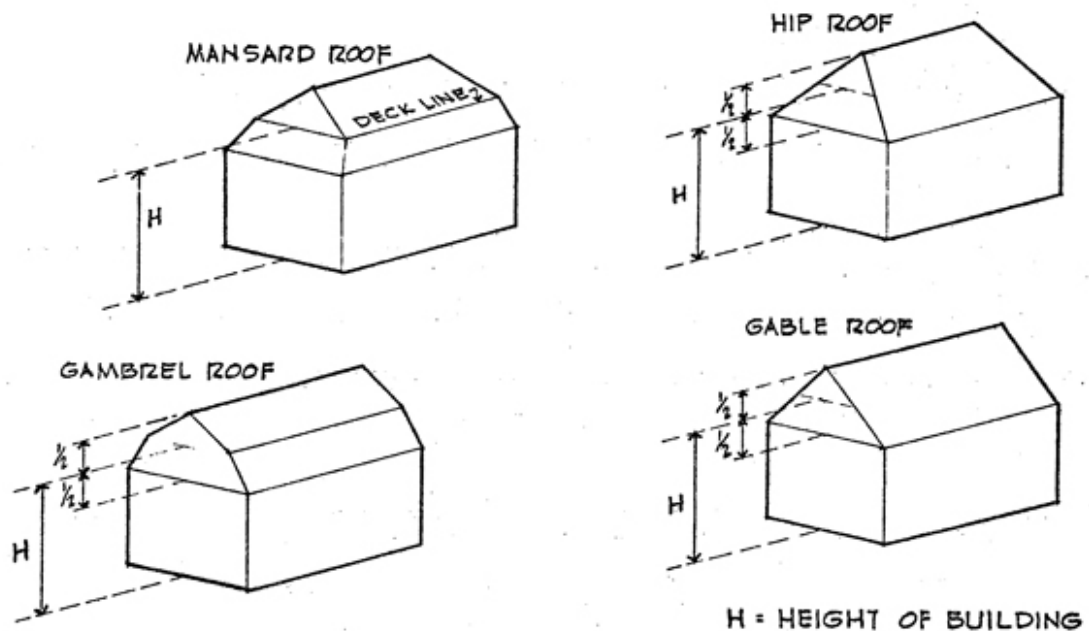
Staff has looked at the permitted heights of accessory structures from surrounding communities.

City Accessory Structure Comparison Table	
Jurisdiction	Height
Independence	height of principle structure
Winsted	1 story/16 feet
Delano	20 feet or height of principal***
Waconia	20 feet***
Minnetrista	height of principal structure
Mound	height of principal structure
Mayer	17 feet
Maple Plain	1 story/16 feet***
Victoria	24 feet/12 feet
Watertown	12 feet
* Cannot be located in front yard	
** Over 1,000 requires CUP	
*** Measured to Peak of roof	

It should be noted that not all communities allow as large of a detached accessory structure as the City of Independence. Staff would like to further discuss the maximum permitted height of detached accessory structures with the Planning Commission.

The City's current ordinance states the following:

³ The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.



In application of the ordinance over the past 5 years, the City has consistently had requests for detached accessory structures that have heights (measured to the midpoint of the roof) in the 20-25-foot range. Many of the single-level homes measure closer to 17-20 feet in height measured to the midpoint of the roof. This typically leaves single-level property owners with an issue when considering building a detached accessory structure.

When the City considered the height in 2013, there was a general consensus that detached accessory structures should be proportional and subordinate to the principle structure on the property. In order to help achieve the subordinate relationship, the maximum height of the detached accessory structure was limited. Due to the wide array of property size, building architecture and other factors, many of the proposed detached accessory structures do not have a significant relationship with the principle structure.

Staff is seeking Planning Commission feedback and discussion on this issue and offers the following for further consideration:

1. The City could consider establishing a maximum height in lieu of the relationship with the principle structure. This could be a two-part maximum height that establishes a minimum permitted or the height of principle structure, whichever is greater (i.e. the maximum height permitted is 25 feet or the height of the principle structure, whichever is greater).
2. The City could consider establishing a single, maximum height for all detached accessory structures (i.e. the maximum height for all detached accessory structures is ____ feet).
3. The City could consider establishing a variable scale that is proportionate to the size of the property (i.e. the maximum height permitted for detached accessory structures on properties less than 2.5 acres is ____ feet, the maximum height permitted for detached accessory structures on properties greater than 2.5 acres, but less than 10 acres is ____ feet, the maximum height permitted for detached accessory structures on properties greater than 10 acres is ____ feet).