

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – September 18, 2018
Minutes

Members Present: Jim Burns, Frank Mendez, John P Fahey, Mark Willems

Members Late: Scott Smith

Members Absent: Gabrielle Theis, Jim Ische

Staff Present: Jason Mielke, Emily Schmitz

Pursuant to due call and published notice thereof, the September 18, 2018, regular meeting of the Carver County Planning Commission was called to order by Chairman Burns at 7:00 p.m.

Minutes – A motion was made by Willems and seconded by Fahey to approve the minutes from the August 21, 2018 meeting. All voted aye. Motion carried.

Chairman Burns called for the first item on the agenda. The applicants were not present at this time, so Chairman Burns proceeded to the next agenda item to give them an opportunity to arrive.

File #20180018 – Jerome & Samantha Hancock – Chairman Burns called the public hearing to order at 7:01 p.m. to consider a request by Jerome & Samantha Hancock. The purpose of the public hearing was to consider a request for an equestrian facility pursuant to Chapter 152 of the County Code. The property is in Sections 8 and 9 of Waconia Township.

The following were present: Jerome Hancock, Samantha Hancock, Fred Radde, William Lobitz, Robert McMichael

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Letter from the applicant

Exhibit E – Site map

Exhibit F – Letter to the Planning Commission and Waconia Township dated September 11, 2018, and attachments

Mielke explained the applicants have a purchase agreement on an approximate 84-acre parcel, which has an existing house, farm buildings and pasture area. They are requesting a Conditional Use Permit to construct a personal riding area approximately 84' x 162' in size, with an attached 30' x 60' stable addition. Mielke used an aerial photo to illustrate the property and building locations. Currently, the intent is to use the facility as a

personal riding arena, however, they would like the possibility to be able to board other horses in the future. The number of animals (animal units) on the property will be limited to 9 because a portion of the property is in the Shoreland Overlay District. It may be possible to have animals in areas outside of the Shoreland area, however, that would need to be addressed and approved by the Feedlot Officer. The stable design includes indoor hay and equipment storage, reducing the need for outside storage. It also includes 8 box stalls, tack room, feed room, utility room, and bathroom. Any additional buildings associated with the equestrian facility, or a change from personal to commercial use, would require discussion with the Land Management Department to determine if a new CUP would be necessary. A compliance inspection on the existing septic system is required as a point of sale of the property. The septic inspector has indicated that a separate holding tank will be necessary for the restroom in the equestrian facility and will be obtained as a part of the building permit process. The Feedlot Officer has reviewed the request and will work with the applicants if the animal unit densities increase beyond 9. The DNR has reviewed the request and had no concerns. Waconia Township heard the request and recommended approval at their August 27th meeting. Mielke read the conditions for consideration if the request is approved.

Sue Goede, representing Waconia Township, confirmed the Township's recommendation for approval based on the information that was given to them.

Ms. Hancock confirmed that their intent is to keep the facility as a personal riding arena. If it would become an economic issue, they would consider boarding a few horses as allowed.

Robert McMichael, 12955 Co Rd 30, asked about monitoring the facility for compliance and how enforcement is handled.

Mielke explained the process of how complaints are handled and that staff and/or other agencies would work with the property owner to restore compliance with the permit before any legal action takes place.

Mr. McMichael stated he was opposed to the request.

Fred Radde, 7320 Polk Av, stated he supported the applicants' request. He asked that the property owners be aware of the location of the ditch and tile on the property and explained the importance that the drainage is not obstructed by anything to block the water flow from Goose Lake. He asked that caution be used when driving trucks, horse trailers, or other large equipment that may break or crush the tile line.

Ms. Hancock stated they talked extensively with the Township Board concerning the ditch and the Board members offered to locate the tile line, so the Hancock's are aware of the location. They plan to have the access to the riding arena coming off of the main driveway and will design it so that they will not be crossing over the ditch.

Mr. Hancock also confirmed the location of the access to the proposed riding arena using

an aerial map.

Chairman Burns asked if any reference or regulations concerning the ditch were addressed in the staff report or conditions.

Mielke stated the staff analysis only identified that the township ditch is on the property. He stated that a condition can be added to regulate activity near the area of the ditch if requested.

Burns suggested that a condition be added that the property owners will work with the Township to protect township Ditch #1.

A motion was made by Fahey and seconded by Mendez to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:16 p.m.

Willems asked if there would be water in the riding arena and if a new well will have to be bored.

Ms. Hancock confirmed they are planning to dig a new well for the facility.

A motion was made by Willems and seconded by Mendez to **approve and adopt Resolution #18-05** incorporating the findings of fact and staff recommendations, including a condition with language to protect Township Ditch #1, approving the Conditional Use Permit for an equestrian facility. All voted aye. Motion carried.

File #20180017 – Jeffrey & Rachel Swanson – Chairman Burns called the public hearing to order at 7:19 p.m. to consider a request by Jeffrey & Rachel Swanson. The purpose of the public hearing was to consider a request for an equestrian facility pursuant to Chapter 152 of the County Code. The property is in Section 26 of Watertown Township.

The following were present: Jeff Swanson, Scott Hoese

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Letter from the applicant

Exhibit E – Site map

Exhibit F – Letter to the Planning Commission and Watertown Township dated September 11, 2018, and attachments

Schmitz explained that applicant's request to construct a personal indoor riding arena with a barn and stable on their approximate 166-acre parcel. The proposed structure would be approximately 118' x 236' in size, with an 18-foot overhang on the north side for hay storage. There would be 12 stalls on the west end and the riding arena would be

to the east. The applicants plan to house their 3 horses, 1 pony and 4 beef steers in the structure. A 100' x 100' gravel parking area would be on the north side to accommodate farm equipment and trucks and trailers. The riding arena is proposed for personal use only. The existing hay barn will be removed to place the proposed arena further from the protected wetland to the north. The applicants have applied for a variance to be closer than the required 100-foot setback from the wetland. The DNR has reviewed both the CUP and variance requests and has no comments or concerns, as long as the setback does not interfere with the shore impact zone which is 50 feet from the water level. An erosion and sediment control permit would be required prior to any grading work being conducted at the site. The property does have a newly installed septic system with a compliant COC. The applicants have agreed to comply with any requirements of Watertown Township as the road authority. Watertown Township heard the request at their September 4th meeting and recommended approval. Schmitz read the proposed conditions for consideration if the request is approved.

Mr. Swanson stated he also has a manure management plan in place which he offered to submit if necessary.

Scott Hoese, representing Watertown Township, stated the township had no objection to the request. He stated that there was lengthy discussion at the township meeting about animal units and that a new feedlot is prohibited in the shoreland area. He stated that Mr. Swanson may have calves or steers or chickens or other animals and suggested that the language referring to animal units in the conditions be termed 'less than 10' rather than identifying a maximum of '9', because of the State regulations of different sizes of animals.

Mielke stated that the Feedlot Officer would need to approve the language used to condition the number of animal units to whatever he can enforce by the ordinance.

Burns asked if the condition referencing animal units could be amended with language that the Feedlot Office can enforce.

Schmitz stated that the language could be amended to 'less than 10'. The Feedlot Office will be the authority to enforce the number of animal units that are allowed.

Mr. Swanson stated the building plans include 12 horse stalls, however, they will not all be used permanently, but could house a friend's horse on a day when they are riding. He compared it to a guest bedroom in a house.

A motion was made by Smith and seconded by Willems to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:27 p.m.

Willems asked why a CUP is necessary for a personal riding arena on an agricultural parcel.

Mielke replied that the Zoning Code requires a CUP for all riding arenas, whether they

are for personal use or commercial use.

Schmitz also stated that horses are considered recreational and not agricultural, which requires the structure to comply with the building code.

Mr. Swanson confirmed that in Minnesota horses are not considered agricultural animals.

A motion was made by Mendez and seconded by Fahey to **approve and adopt Resolution #18-06** incorporating the findings of fact and staff recommendations, approving the Conditional Use Permit for an equestrian facility. All voted aye. Motion carried.

At this time, the applicant, Jonathan Foss, was not present, however, the Board decided to continue with the public hearing anticipating he may be coming.

File #20180015 – Jonathan Foss – Chairman Burns called the public hearing to order at 7:29 p.m. to consider a request by Jonathan Foss. The purpose of the public hearing was to consider a request for an accessory structure pursuant to Chapter 152 of the County Code. The property is in Sections 5 & 6 of Laketown Township.

The following were present: Mike Klingelhutz

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Letter from the applicant dated August 22, 2018

Exhibit E – Site map

Exhibit F – Letter to the Planning Commission and Laketown Township dated September 6, 2018, and attachments

Schmitz stated the applicants request to construct an approximate 40' x 60' accessory structure on their parcel in Sections 5 & 6 of Laketown Township. This proposed structure would replace an existing 16' x 32' shed located on the easterly side of the proposed building site. The additional size of the proposed structure would exceed the maximum allowed personal storage space on a parcel of this size by approximately 444 square feet. The building would be used to house property maintenance equipment. The adjacent 'home office and workshop' would be remodeled to include a bathroom, deep sink most likely with a holding tank and would be for residential use only. Plans would be reviewed as a part of the building permit process. The applicants have also applied for a variance for a reduced setback from a DNR protected watercourse which will be heard on October 3rd. The DNR has reviewed the request and had no objections as long as the structure is not located within the Shoreland Impact Zone. A compliance inspection will be required on the existing septic system. Laketown Township heard the request at their August 27th meeting and recommended approval. Schmitz read the conditions for consideration if the request is approved.

Mike Klingelhutz, representing Laketown Township, stated the applicant was present at the Township meeting. He confirmed the Township's approval of the request.

A motion was made by Smith and seconded by Willems to conclude the public hearing. All voted aye. Motion carried. The public hearing was concluded at 7:35 p.m.

A motion was made by Fahey and seconded by Mendez to **approve and issue Order PZ20180020** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit for an accessory structure. All voted aye. Motion carried.

Other Business

Mielke informed the Board that the Planning & Water Department is in the process of hiring a planner to continue working on the 2040 Comprehensive Plan.

Paul Moline, P & W Department Manager, is planning to conduct a workshop with the Planning Commission, possibly in November, to familiarize the Board with issues and potential changes. At this time, few comments have been received about the Comp Plan and the public review comment period ends at the end of October.

Mielke distributed and explained the information from the DNR concerning the floodplain ordinance, based on updated FEMA mapping. There is a deadline of December 21, 2018, to amend/adopt the ordinance relating to the floodplain portion of the Zoning Code. He stated he has been working with the DNR to revise and incorporate the new language. He stated the public hearing will be held at the October Planning Commission meeting.

Burns asked if it would be possible to obtain copies of the old and new floodplain maps to view the changes and become familiar with them before the public hearing.

Adjournment

A motion was made by Willems and seconded by Fahey to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:50 p.m.