

## City of Independence

### ***Request for an Amendment to the Conditional Use Permit to Allow 80 Horses to be Boarded in Association with the Commercial Riding Stable on the Property located at 4505 County Road 92 N.***

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*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* April 12, 2016  
*Applicant:* Horseman, Inc.  
*Property Owner:* Horseman, Inc  
*Location:* 4505 County Road 92 N.

#### ***Request:***

Horseman, Inc. (Applicant/Owner) requests that the City consider the following actions for the property located at 4505 County Road 92, Independence, MN (PID No.s 04-118-24-24-0001 and 04-118-24-21-0003):

- a. An amendment to the existing Conditional Use Permit to allow an increase to the number of horses permitted on the subject property.

#### ***Property/Site Information:***

The property is located on the west side of County Road 92 N., north of CSAH 11. There are two properties which comprise the overall farm and commercial riding stable. There is a large barn with indoor riding arena along with several additional accessory buildings. The property is made up of primarily open pasture areas and an existing wetland/drainage area. The property has the following characteristics:

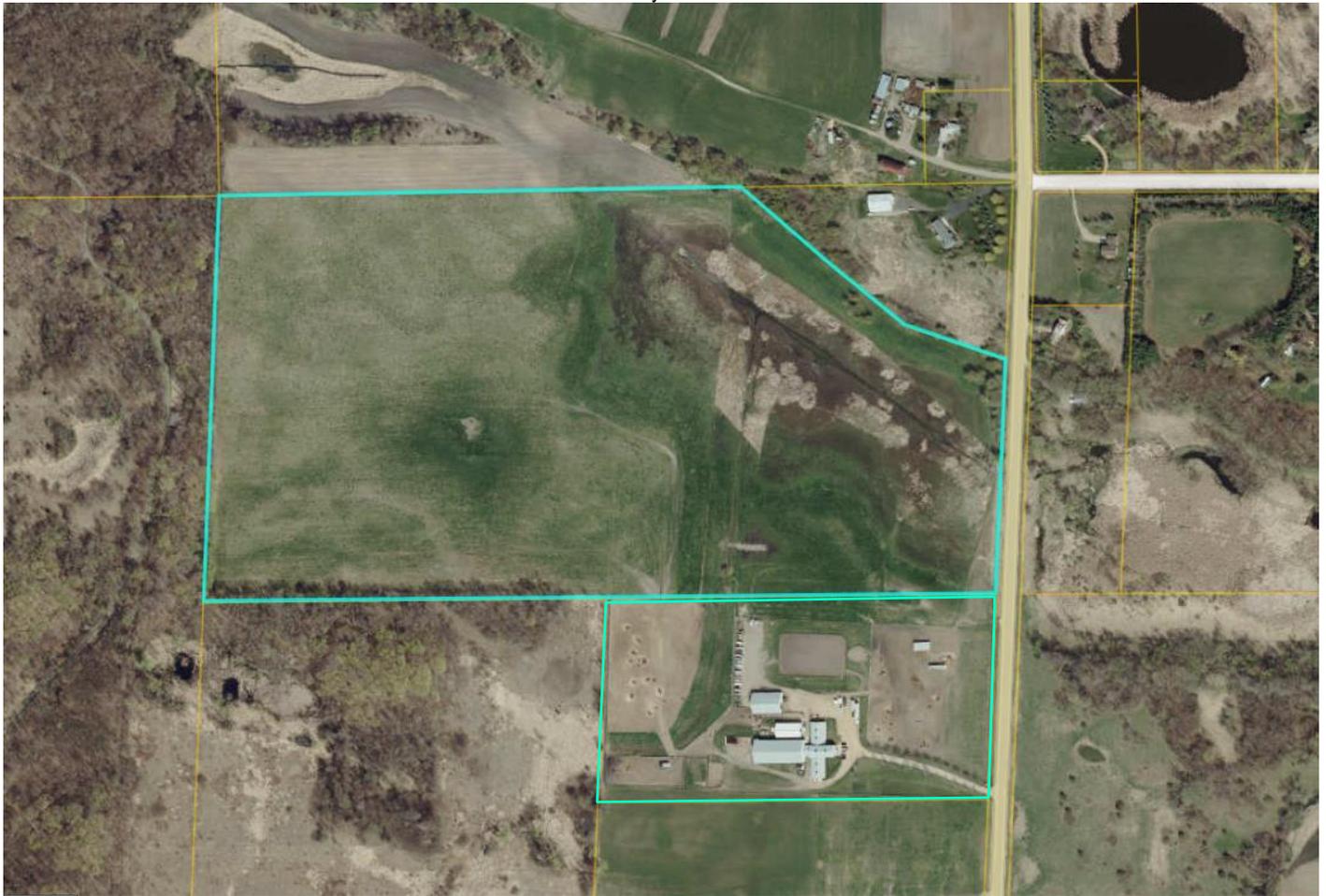
Property Information: **4505 County Road 92 N.**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Property 04-118-24-24-0001 Acreage: *20.96 acres*

Property 04-118-24-21-0003 Acreage: *71.52 acres*



***Discussion:***

**UPDATE:**

This item was tabled at the February, 2016 Planning Commission meeting to allow the City additional time to consider the comments provided by Three Rivers Park District relating to storm water runoff. The City's water resource consultant has reviewed the comments and provided the City with additional information to consider. Staff visited the property and reviewed the existing operation in more detail with the applicant. Staff offers the following additional notes for further consideration:

1. The applicant had previously worked with the MPCA to install a concrete manure collection structure. The applicant collects the manure from the barn and utilizes the structure to retain the manure until it is hauled off-site or land applied. The City is recommending that the applicant 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.

2. The applicant has fenced off the drainage way and the majority of the wetland area identified by the City's water resource consultant. The fenced area includes an extensive vegetative buffer on both sides of the drainage way and wetland. No additional buffering or fencing is necessary.
3. The applicant currently manages the three large pastures areas by rotating their use during the growing months. The City could include a condition in the approval which would require that a minimum of 70 percent vegetative cover is maintained on the pasture areas during the growing season.
4. The City could additionally consider requiring annual monitoring of the surface water in the wetland / ditch system as a condition of the approval. Many industrial users have been required to conduct stormwater grab sampling in recent years as a condition of the MPCA's Industrial Permit. This method would directly monitor the nutrient levels in the surface water itself and assure that watershed impacts have been mitigated. We would recommend that two samples be obtained, one on the east side of the ditch near CR 92 and one on the west side, just prior to discharge.

The subject property has historically had a conditional use permit to operate a commercial riding stable which was granted in 1987 (see attached resolution). The conditional use permit was amended in 1994 to allow the applicant to split off an approximately 7 acre parcel on the northeast corner of the property. In 2015 the applicant approached the City about possibly adding a small addition to the front of the existing barn. The proposed addition initially considered included the possibility of adding a third bedroom to the care takers apartment. At that time, the City noted that the expansion may trigger the need to request an amendment to the conditional use permit. During that initial meeting with the applicant, the City discussed that the existing conditional use permit allowed for 40 horses on the property. The applicant stated that they currently have as many as 80 horses on the property and would like to amend the conditional use permit to be consistent with their current use.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The original conditional use permit allowed for 40 horses to be boarded on the subject property. 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 approximately 92 acres. Of the 92 acres, the staff has calculated that approximately 20-25 acres is wetland/drainage way and 6 acres is covered with existing buildings and or parking areas. The applicant provided a calculation that indicates only 6 acres of land that is encumbered by drainage ways or wetlands. The City has historically calculated animal unit allotment based on gross acreage and not net acreage.

The applicant is now seeking permission to allow up to 80 horses on the subject property or double the number initially permitted. Based on the application of the City's zoning ordinance, approximately 90 horses would be the maximum permitted on this property. There are many recommended acreage standards for the management of horses on a given property. Ultimately the proper pasture and manure management is critical for maintaining and sustaining the land and managing the potential impacts of manure runoff. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. Staff is seeking direction from the City relating to the number of additional animal units that should be permitted by the City.

The applicant has a current feedlot permit that was recently renewed with the Minnesota Pollution Control Agency. The permit approved indicated that there were 70 horses currently being boarded on the property. The applicant also has an active manure management plan for the 70 horses on the property. The City would require the applicant to maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and retain a minimum of 1 acre per animal unit of gross acreage as required by the City's ordinance.

In addition to having a manure management plan, the applicant has made improvements to the storm water runoff from the property based on discussions and recommendations from the Minnesota Pollution Control Agency.

The applicant is proposing to comply with all other provisions of the initial conditional use permit. The City is not aware of any additional complaints or concerns relating to the operation of the commercial riding stable on this property.

The criteria for granting an amendment to the 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 form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the continued operation of the proposed commercial riding stable with the applicant. Given the location of the property on County Road 92 N. adjacent Three Rivers Park District property, the orientation of the buildings and their relationship to the surrounding properties, it is possible for the City to find that the amendment to the conditional use permit meets the minimum requirements for granting an amendment to the conditional use permit.

**Planning Commission Comments:**

Commissioners reviewed the request and solicited feedback from the public. Commissioners reviewed the recommendations from the City's water resources consultant, Three Rivers Park District and Pioneer Sarah Creek WMO. Commissioners agreed that the soil testing should be included as a condition of the approval and noted that the Horesman have made significant improvements to the property to enhance water quality. Commissioners wanted the City to work with the surrounding property owners to ensure that water quality is not degraded. With this in mind, the Commissioners recommended that the City work with Three Rivers and the applicant to determine the number of soil samples to be taken on the site prior to land application of the manure. Commissioners recommended approval with the noted conditions and findings.

**Neighbor Comments:**

Three Rivers Park District and Pioneer Sarah Creek WMO have provided verbal and written comments pertaining to the requested amendment. The City has not received any additional written or oral comments regarding the proposed amendment to the conditional use permit.

**Recommendation:**

The Planning Commission recommends that the City Council approve the request for an amendment to the conditional use permit with the following conditions and findings should be included:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be amended to include the following additional conditions as follows:
  - a. No more than 80 horses shall be boarded on the property.
  - b. 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.
  - c. The applicant shall maintain the existing fencing and associated vegetated buffer which separates the drainage way and wetland areas.
  - d. The applicant shall manage the three large pastures 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.
  - e. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution. The City shall cause for the applicant to review the soil

conditions annually and prior to any manure application to the property.

- f. The applicant and facility must operate in compliance with the permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
  - g. Horse shows will require special approval from the City.
  - h. No renting of hack horses.
  - i. No riding on private land unless authorized by owners.
  - j. No parking on public roads.
  - k. Utilize appropriate management practices to control flies and odor.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

***Attachments:***

1. Property Pictures
2. Letter from Applicant
3. Acreage Exhibit from Applicant
4. MNPCA Feedlot Registration Approval Letter
5. Site plan
6. Memo from Hakanson Anderson and Associated Exhibits
7. Letter from Three Rivers Park District
8. Letter from Pioneer Sarah Creek Watershed Management Commission

## Attachments

*4505 County Road 92 N (Looking west)*

