



RESOLUTION NO. 16-0412-02

A RESOLUTION GRANTING APPROVAL OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT AS REQUESTED BY HORESMAN, INC. FOR THE PROPERTY LOCATED AT 4505 COUNTY ROAD 92 N.

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Horseman, Inc., (the “Applicant”) submitted a request for an amendment to the Conditional Use Permit to allow an additional 40 horses to be boarded in association with the Commercial Riding Stable operation on the property located at 4505 County Road 92 N. (PID No.s 04-118-24-24-0001 and 04-118-24-21-0003) (the “Property”); and

WHEREAS, the Property is zoned Agriculture; and

WHEREAS the requested amendment to the Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on February 15 and March 16, 2016 to review the application for an amendment to the Conditional Use Permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has review all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by

Horesman, Inc. for an amendment to the Conditional Use Permit to allow 40 additional horses to be boarded in association with the Commercial Riding Stable per the City's zoning regulations with the following conditions:

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.

This resolution was adopted by the City Council of the City of Independence on this 12^h day of April, 2016, by a vote of ___ ayes and ___ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)