

**CITY OF GRANT  
PLANNING COMMISSION MEETING**

Tuesday, May 15, 2018

6:30 p.m.

Town Hall

*Please be courteous and turn off all electronic devices during the meeting.*

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: March 20, 2018
5. NEW BUSINESS
  - A. PUBLIC HEARING, Consideration of Application for Conditional Use Permit, 9080 Justen Trail N
6. OLD BUSINESS
7. ADJOURN

\*\*\*Upon adjournment of the regular Planning Commission meeting, the Planning Commission will call to order a Comprehensive Plan Work Session\*\*\*

# PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

February 20, 2018

**Present:** Matt Fritze, James Drost, Jerry Helander, Jeff Schafer, Jeff Geifer and Robert Tufty

**Absent:** John Rog

**Staff Present:** City Planner, Jennifer Swanson; City Clerk, Kim Points

## 1. CALL TO ORDER

The meeting was called to order at 6:34 p.m.

## 2. PLEDGE OF ALLEGIANCE

## 3. APPROVAL OF AGENDA

MOTION by Commissioner Schafer to approve the agenda, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

## 4. APPROVAL OF MINUTES, February 20, 2018

MOTION by Commissioner Tufty to approve the February 20, 2018 Minutes, as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

## 5. NEW BUSINESS

**PUBLIC HEARING, Consideration of Minor Subdivision Application, 11425 & 11335 Grenelefe Avenue North** – City Planner Swanson advised the Applicant Matt Owen on behalf of the Owners, Steve and Barb Cossack, is requesting a lot line rearrangement of the properties located at 11425 and 11335 Grenelefe Avenue North. The requested arrangement will transfer approximately 14.28 acres of land from 11425 to 11335 Grenelefe Avenue and will not create any additional lots.

A duly noticed public hearing was noticed for March 20, 2018 at 6:30 PM, and notices were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

### Project Summary:

Applicant & Owner:	Matt Owen (Applicant on behalf of Owners)
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	Steve & Barb Cossack (Owners)
PID:	0603021410001, 0603021420005
Address:	11425 & 11335 Grenelefe Avenue North
Zoning & Land Use:	A-1 & A-2
Request:	Lot Line Rearrangement (Minor Subdivision) to transfer approximately 14.28 acres from Parcel B creating a larger Parcel A. (see survey)

City Planner Swanson advised the Applicant is proposing a lot line rearrangement that will transfer approximately 14.28 acres of land from Parcel B (11425 Grenelefe) to Parcel A (11335 Grenelefe) result in two lots each in excess of 20-acres (See attached survey). No description was provided with respect to the intent or reason for the lot line rearrangement, and no details were provided within respect to any proposed improvements to either lot. There are no new structures included or proposed as part of this application; however, based on previous discussions with the Applicant the intent is to eventually build a principal residential structure on Parcel B which is currently vacant. There is an existing home located on Parcel A that at this time is proposed to remain in its current configuration but may be subject to redevelopment in the future.

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 32-246

Section 30-10 specifically regulates resubdivision and rearrangement applications, particularly as they relate to land which has already been platted. The proposed lot line rearrangement is of land contained within the Northridge Acres plat, and therefore staff would recommend review of this section prior to the meeting.

Parcel A is described as Lot 7, Block 3 of Northridge Acres and is located on the south curve of Grenelefe Avenue North before the roadway transitions to Granada Avenue. The existing parcel A is bordered by Grenelefe Avenue North on the west and contains approximately 390-feet of frontage. There is an existing home on Parcel A setback approximately 210-feet from the road (westerly property line), 166-feet from the northeasterly property line (side), 415-feet from the southeasterly property line (rear) and 200-feet from the southwesterly property line. The existing lot configuration is irregular in shape, and primary access is from the southerly curve in Grenelefe Avenue N. There is one accessory building, which is noted as a garage, on Parcel A with a total square footage of approximately 1,320 square feet. The existing home and detached garage are accessed by a single driveway that is approximately 225-feet from the roadway. The topography of the site generally slopes from north to south through Parcel A. A freshwater pond

classified in the National Wetland Inventory is located approximately 115-feet south of the existing principal structure. Trees line both the northern property line, partially southern property line, and many are dispersed around the existing home.

Parcel B is described as Lot 4, Block 3, Northridge Acres, is irregular in shape and is in a configuration often referred to as a “flag” lot. The Parcel extends to Grenelefe Avenue North with approximately 355-feet of frontage, with the majority of the parcel’s acreage located to the east of 11335 and 11365 Grenelefe Avenue N. The majority of Parcel B is vacant, with only a primary access and associated landscaping present. There are no existing structures on Parcel B, but there is a path/road improvement that appears to be gravel which loops through the property. The land is relatively flat with a general slope of north to south and the site is sparsely vegetated and appears to have some agricultural use based on aerials obtained on Washington County GIS (see attached). There appears to be a wetland present in the north eastern corner of the Parcel B per the National Wetland Inventory.

The proposed minor subdivision/lot line rearrangement of the total 63.88 acres results in no additional units. Parcels designated as A-1 and A-2 may be subdivided with a maximum of 1 dwelling unit per 10 acres. The proposed rearrangement does not affect density and exceeds the permitted density ranges of both land use designations. Further, the intent of the A-1 & A-2 land use designation is to promote rural residential and agricultural uses. The proposed lot line rearrangement is consistent with those objectives.

City Planner Swanson stated the following site and zoning requirements in the A-1 and A-2 districts are defined as the following for lot standards and structural setbacks:

<b>Dimension</b>	<b>Standard</b>
Lot Area	5 acres
Lot Width (public street)	300’
Lot Depth	300’
FY Setback – County Road (Centerline)	150’
Side Yard Setback (Interior)	20’
Rear Yard Setback	50’
Maximum Height	35’

The proposed subdivision is depicted on Attachment A. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

**Lot Tabulation:**

<b>Parcel</b>	<b>Size</b>	<b>Frontage/Lot Width</b>	<b>Lot Depth</b>
Parcel A	20.88 Acres	390.96’	~1,144’
Parcel B	42.99 Acres	355.0’	1753.32’

***As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width and lot depth.***

The existing homestead and accessory structures are located on Parcel A, are subject to the city's setback requirements because of the proposed rearrangement. The existing principal structure is setback approximately 210-feet from the right-of-way line of Grenelefe Avenue North and exceeds the City's minimum setback from a roadway. The created lot lines will extend the bounds of Parcel A resulting in greater setbacks from the rear yard lot line, and as identified in the Existing Conditions, the existing home and accessory building in the current configuration meet the City's setback standards. Given that the area to be transferred to Parcel A is located at the rear of the lot and will effectively extend the area; it is assumed that the Applicant may propose to construct an accessory building on this portion of the property. ***While there are no building plans provided or submitted as part of this application, staff would recommend including a condition that all future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.***

No new access or driveways are proposed as part of this application. There is an existing driveway that serves the existing home on Parcel A, and a driveway that provides access to Parcel B.

As previously stated there is one (1) accessory structure on the Parcel A which is approximately 1,320-square feet. As proposed in the lot line rearrangement, Parcel A and Parcel B will both be greater than 20 acres. Per section 32-313, parcels greater than 20-acres are permitted an unlimited number of accessory buildings and there is no restriction of total allowable square footage. It should be noted that other regulations, such as impervious surface coverage, setbacks, watershed district standards, along with any other regulatory standards will still be applicable, and proper permitting will be required for any new structure.

The existing home on parcel A is currently served by a septic system that will continue to be used for the existing homestead. Both the septic system and well are located on Parcel A. ***Staff would recommend including a condition that any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County.*** The Applicant did not provide or submit soil borings for Parcel B. The resulting vacant Parcel B is in excess of 20-acres, and when considered in conjunction with the provided information and aerial data appears to contain adequate area on which a septic system could be constructed. ***Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.***

There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is vacant and no home is designed yet for the lot no well has been installed. ***Staff would recommend including a condition that if and when a new home is proposed on Parcel B that***

***the appropriate permits to install a well must be obtained prior to the city issuing a building permit.***

The Applicant is proposing to rearrange/re-subdivide the lots into a new configuration. As stated within Section 30-10 resubdivision of lots that have been platted is permitted provided that the right to do so was established within Sec. 30-10 (c). A copy of the Final Plat for Northridge Acres Block 3 was not provided, or a copy of a Development Agreement, which must be submitted to demonstrate that the rearrangement is permitted. ***Staff would recommend that a condition be added that evidence/documentation in a form acceptable to the City as detailed within Section 30-10 (c) be submitted prior to approval of any subdivision.***

Additionally, the Applicant is proposing to rearrange the subject properties and will not re-plat the resulting lots. As such, some of the requirements such as substantially straight lot lines, etc., are not considered in this staff report. The Planning Commission and City Council must determine if the proposed transfer by metes and bounds, and the irregular shape of the rearrangement is acceptable. This discretion is provided for within Section 30-9 (1) which states the following, “In the case of a subdivision resulting in two or less parcels situated in a locality where conditions are well defined, the city council may exempt the subdivider from complying with some of the requirements of this section.”

As previously discussed, if and when development or redevelopment of Parcel A and Parcel occurs proper permits for installation of wells, septic systems, or driveways will be subject to review and approval of the appropriate permitting authorities.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

If the Planning Commission recommends Approval, the following draft Conditions are provided for your consideration:

- 6 The Applicant shall provide acceptable verification in the form of a Final Plat or Development Agreement of Northridge Acres that the platted lots are permitted to be rearranged.
- 7 All future structures and improvements, accessory and principal, must comply with the city’s wetland buffer setback requirements for Parcel A and Parcel B.
- 8 All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application for both parcels.

- 9 Any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County prior to the City issuing a building permit.
- 10 A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.
- 11 If and when a new home is proposed on Parcel B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.

Commissioner Tufty moved to open the public hearing at 7:00 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. Paul Rogesheske, 11365 Grenelefe came forward and stated he is the President of the North Ridge Acres Association. The 60-acre lot has to remain as it accounts for the smaller lots. There are also covenants in place stating the use has to be residential. He requested the Planning Commission table the request until the homeowner can come speak to the Association.

Ms. Teresa Urbanak, 11595 Grenelefe, came forward and stated all the neighbors are following the covenants and it is unethical that this property owner does not have to.

Commissioner Tufty moved to close the public hearing at 7:14 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

City Planner Swanson stated the City does not get involved with covenants. It is up to the neighbors to adhere to them. The application does not create any new lots. There are two current lots and two lots will remain so the density is not relevant. There is no feasible way to subdivide the larger parcel and meet the City ordinances.

Mr. Matt Owen, Applicant, came forward and explained the curved shape of the lot line adjustment in terms of the current driveway and extensive trees that have been put in. There are no physical changes being proposed to the lots and no further subdivision. The only plan is for a single family residential unit on the larger parcel.

Commissioner Tufty moved to recommend approval of Minor Subdivision application as presented. Commissioner Helander seconded the motion. MOTION carried unanimously.

This item will be on the regular Council agenda April 3, 2018.

**B. PUBLIC HEARING, Consideration of Variance Application, Ordinary High-Water level Setback for Ground-Mounted Solar system, 11541 Ironwood Avenue N** – City Planner Swanson advised the Applicant (“Applicant”), All Energy Solar, on behalf of the Owner Anna Firshman (“Owner”) has requested a variance from the required ordinary high-water level (“OHWL”) setback on a natural environment lake for installation of a new ground-mounted solar PV system on the property located at 11541 Ironwood Avenue North, Stillwater, MN 55082. The proposed system is a residential ground-mounted system and would be located south of the existing principal structure and north of Mann Lake. The Applicant has indicated after studying the existing site, that the proposed location would achieve the most adequate conditions for solar collection, and as a result has requested this variance.

The following staff report summarizes the requested variance, and existing conditions of the site.

Applicant: All Energy Solar Owner: Anna M Firshman	Site Size: 28.12 Acres Location: 11541 Ironwood Avenue North, Stillwater, MN 55082 Zoning & Land Use: A-1
Request: Variance from setback requirements to construct a ground mounted solar PV system within the required 200-foot setback from a natural environment lake.	

The Applicant, on behalf of the Owner, is requesting a variance from the required setback from Mann Lake, which is classified as a natural environment lake. A summary of the Applicant’s narrative and submitted application is provided as follows:

- The proposed project would construct and install a new ground-mounted solar PV system on the subject parcel.
- The current property is used as a principal resident, and there is an existing home and an accessory structure on site.
- The site is naturally constrained by Mann Lake which is located to the south of the existing home and accessory building, and there are additional wetland areas on the northern portion of the property.
- The Applicant has stated that they have performed various analyses and concluded that the proposed location would result in the most adequate location for solar collection on the property.
- The Owner has been awarded a rebate from the Minnesota Solar Rebate program, and the Applicant states that rebates are based on the amount of “actual, real time production of the solar array and a more efficient system will result in the best rebate amount possible...”
- After site evaluation, the Applicant contends that the best location for the ground-mounted solar array is within the required setback. The Applicant’s materials identify that the proposed system would encroach into the required setback from the Ordinary



High Water Level (OHWL) approximately 36-feet given a 150-foot setback. However, based on the City's ordinances the required structural setback is 200-feet, thus resulting in an encroachment of approximately 86-feet into the required setback.

City Code Sections 32-59 and 32-60 establish the criteria to review and approve variance requests. The variance application process requires the Applicant to prepare a statement of reasons why the request is made describing the hardship (or practical difficulty) describing how, "the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this chapter or its amendments and no other reasonable alternate use exists; however, the plight of the landowner must be due to physical conditions unique to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district....Economic considerations alone shall not constitute a hardship." The Applicant's statement can be found in Attachment A.

The subject property is located on the east side of Ironwood Avenue North and is on the north side of Mann Lake. The existing home and accessory building are accessed by a single driveway from Ironwood Avenue North, which appears to be a shared driveway with the property directly west of the subject site. The site is sparsely vegetated with planted/landscaped trees primarily along the property lines and shorelines, offering some buffering and privacy from adjacent homes and roadways. Per the Applicant's narrative topographical conditions include natural swales and a highpoint where the homesite is located. Based on the National Wetlands Inventory (NWI) the shoreline of Mann Lake is designated as a likely wetland area, which extends northwest into the property on the eastern half of the lot (See Attachment B). Mann Lake is listed on the Public Waters Inventory (PWI) as protected water #82-121 and is classified as a natural environment lake. There is an existing principal structure and accessory building which are generally located near the center of the subject property. As indicated on an aerial view, the majority of the site appears to be mowed or in some type of low ground cover with intermittent manicured vegetation. In addition to Mann Lake, the northeastern portion of the property is designated within the FEMA flood zone or is within a wetland.

Recently the city amended its ordinances to allow for residential solar systems provided certain conditions were met. To address residential solar energy systems Chapter 32 was amended to add in Division 5 which provided definitions and regulations of both roof-mounted and ground-mounted residential solar installations. The following zoning review is provided for the proposed ground mounted system for consistency with **Section 32-457 Residential Solar Energy Systems subsection (c) Ground Mounted – solar equipment** establishes criteria for siting a ground mounted system and the sections which are applicable to the requested variance are the following:

- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.

*There is an existing principal structure on the property, and the proposed ground-mounted system will be accessory to the principal use. This criterion is met.*

- (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.

*The location of the proposed ground mounted system is setback approximately 150-feet from the westerly property line, which is adjacent to a neighboring residential use. The proposed location meets this ordinance requirement.*

- (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City's ordinances.

*Lake (shoreland) and wetland setbacks are regulated in Chapter 12 Section 12-260. The ordinance provides that structures must be setback 200-feet from a natural environment lake. As proposed this criterion is not met, and therefore the Applicant has requested a variance. Further analysis regarding the variance from the setback standards can be found in subsequent sections of this report.*

- (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.

*The proposed ground mount system includes approximately 569 square-feet of solar panels configured in a ground mount array. As proposed, this criterion is met.*

- (5) The equipment or device may not exceed a height of 15 feet.

*As shown in the submitted plan set it appears that the maximum height of the system is 12'10". The Applicant should confirm that this is the maximum tilt and represents the maximum height.*

- (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.

*This criterion is not evaluated because the Applicant's narrative suggests that the system will not be visible from adjacent properties or public right of way. Further evidence of this statement, which may include cross sections or other topographic analysis, should be provided to determine appropriate screening if an acceptable location for the system is identified.*

- (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.

*The Applicant provided evidence from an engineer that the system will be constructed according to building and electrical codes.*

- (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.

*This is a general standard that staff would recommend be included as a condition of approval, if approval is recommended.*

- (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.

*The Applicant stated that the installation will not be visible from adjacent properties. As noted in item #6, further evidence that the installation is not visible should be provided.*

- (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

*To be determined after evaluation, and necessary conditions identified in the review process.*

As noted in Item #3, the proposed ground mounted solar array will encroach into the OHWL setback of Mann Lake. The structure setbacks from natural environments are established in Chapter 12 of the City's Code, Section 12-260 subsection (a)(1) which breaks down the applicable standards for public waters by type, unclassified and classified water bodies.

The following description of the variance and standard is identified in the following table:

Classes of Public Waters	Required	Description
Natural Environment	200'	Lake, natural environment, means generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables, exposed bedrock, and unsuitable soils.

City Planner Swanson stated the following review is provided for consideration of the requested variance. There are four (4) criteria established to define a 'hardship' or 'practical difficulty' within the ordinance, as provided in previous sections of this report that must be evaluated when

considering a variance request. For purposes of this report, the following criteria area numbered, and referenced in the remaining sections of this report.

1. The proposed use of the property and associated structures in question cannot be established under the conditions allowed by the Zoning Ordinance or its amendments and no other reasonable alternate use exists.
2. The plight of the landowner must be due to physical conditions unique to the land, structure, or buildings involved and are not applicable to other lands, structures, or buildings in the same zoning district.
3. These unique conditions of the site cannot be caused or accepted by the landowner after the effective date of the Zoning Ordinance or its amendments.
4. Economic considerations along shall not constitute a hardship.

Summary:

Standard	Required	Proposed	Variance	Description
OHWL	200' (structures)	114' +/-	86' +/-	The Applicant's site plan identifies the OHWL which is denoted with a red dotted line. It is unclear the source of the information to determine the OHWL. Additionally, the Applicant identified a 150-foot setback which is denoted with a yellow dashed line. The City's ordinance identifies a 200-foot setback, so this line would need to be adjusted and resubmitted for evaluation.

The Applicant states that the proposed location of the ground-mounted solar array is the best based on several conditions which is summarized as the following:

- (1) A roof-mounted system would not provide an ideal tilt angle and orientation, resulting in lower energy production compared with the current proposed location.

*Response: While the roof-mounted system is stated as not 'ideal', it does not eliminate it as a viable solution. Based on Criteria #1, a hardship is not established based on the narrative and materials submitted.*

- (2) It is less visible from the right of way or neighboring parties compared with other ground-mounted locations.

*Response: Section 32-457(c)(2) and (6) identify visual impact of neighboring properties as a consideration. However, the ordinance allows for screening through vegetation and other means. Further, no evidence was provided to support this*

*statement as no other alternate locations were identified in the submitted materials. Based on Criteria #1, a hardship is not established based on the materials submitted.*

- (3) The current proposed ground-mounted location provides the most adequate access to sunlight and other locations would require excessive removal of existing vegetation and alterations of the ground.

*Response: The Applicant stated that other locations were evaluated, and that the proposed location is far superior in generating adequate access to sunlight. The aerials and submitted materials do not demonstrate significant vegetation on-site so it is unclear what vegetation would need to be removed. Further the majority of the vegetation appears to be planted and heavily landscaped. If alternate locations had been identified a more thorough review of this statement could be made. Based on Criteria #1 and #3, a hardship is not established based on the materials submitted.*

- (4) Topographical conditions including; the natural swale south of the house and the floodplain to the north limit alternative locations.

*Response: Staff agrees that there are significant site constraints on the property which limit the area on which a ground-mounted system could be located. However, the materials submitted lack the detail to be able to confirm this statement. No topographical data was provided to confirm that there would not be adequate area to site the system in alternate locations outside of applicable setbacks. Additionally, based on the materials submitted the Applicant acknowledges that there are alternate locations, they are just not their preferred locations. Based on Criteria #1 and #2, a hardship is not established based on the materials submitted.*

- (5) A roof mounted system would be 8% less productive due to the lack of adequate sunlight and furthermore, affects the owner's ability to receive a rebate from the Minnesota Department of Commerce: Made in Minnesota Solar Rebate Program. According to the applicant the difference equates to a system warranted for 25 years that pays for itself in six years compared to one that pays for itself in 18 years. The time in which a solar system pays for its self is directly related to how much solar radiation it receives daily and that is directly attributed to the location and tilt angle of the solar PV system.

*Response: While staff understands the desire to install the most efficient system possible, the Criteria for a variance explicitly states that economic considerations alone do not constitute a hardship. Further, the statement confirms that other locations are available, that would still be productive, just not as productive as the selected location. Based on Criteria #4, a hardship is not established based on the materials submitted. However, staff does believe this is a reasonable basis to support the variance request provided other practical difficulties could be demonstrated.*

- (6) An excerpt from Minnesota Statute 462.357, Subd. 6, Paragraph 2 stating that “practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems”.

*Response: Preceding this statement within the statutes is also a statement that a variance request on this basis must also be in harmony with the City’s ordinances. Ironically Section 12-255 Shoreland Zoning and Protection provides a list of reasons why the ordinance is established, and the most applicable based on information submitted and provided, are to (2) Regulate the alteration of shorelands of public waters; and to (3) Regulate alterations of the natural vegetation and the natural topography along shorelands. There is no information provided by the Applicant that would suggest installing the system within the shoreland setback area would not be in opposition to the intent and purpose of the ordinance. Based on information provided, the Applicant does not demonstrate how the proposed variance would be in harmony with the city’s ordinances.*

Based on the information submitted, it is difficult to determine whether there are additional/alternate site locations that could support the proposed structure outside of applicable setbacks because the site plan does not denote the setback accurately. Additionally, no source was provided to the OHWL, and it is unclear what information was used to establish the boundary. As such, staff would recommend that an updated site plan be prepared if the Planning Commission considers recommendation of the variance to accurately demonstrate the encroachment. Regardless of the site plan, the lot is approximately 28 acres and based on the scale of the proposed solar array as shown on the site plan there appears to be enough area outside of setbacks where the ground mounted solar system could be constructed. To provide additional clarity, staff researched the FEMA flood zone areas as well as the National Wetland Inventory to determine the extent of the impact on the site based on those data sources (See Attachments B and C). As shown on the maps, there appears to be significant areas outside of the designated floodplain and wetland area. In addition, the Applicant noted the presence of underground systems/utilities which staff assumes is the septic system and drainfields. While this does occupy a significant portion of the upland/buildable area, staff believes there still remains area outside of setbacks that would not conflict with the septic system. Since this analysis is completed without the benefit of an updated site plan, if the Applicant can demonstrate that this analysis is inaccurate then staff would recommend an exhibit be prepared that demonstrates the constraints and provides proper source data so that the information can be verified.

As written, the Applicant acknowledges that the proposed location would be the most ‘adequate’ but does not discount that there are likely other areas on site where the system could be constructed. Several of the points of justification provided by the Applicant reference topography and visual access as part of the justification for siting the system in the proposed location. However, a topographic map and any supporting visual study were not submitted with the application to demonstrate the visual impact (or potential impact created in alternate locations). If this constraint is a reasonable justification from the perspective of the Planning

Commission, then staff would recommend that an exhibit(s) be prepared demonstrating how the visual impact is reduced given the current location. The topographical and vegetation removal conditions are described as limiting factors but do not completely disallow the installation of the system in alternate locations. If topographical conditions are a limiting condition, then a map or figure should be provided that demonstrates this constraint.

The proposed location of the solar PV system is within the buffer pertaining to Mann Lake, which is listed on the Minnesota Department of Natural Resources Public Waters Inventory as (#82-121). If the planning commission and city council recommend approval of the variance then staff would recommend a condition that prior to construction the MNDNR will need to review installation of the proposed system and obtain all necessary permits.

The following draft findings related to the hardship (practical difficulty) are provided for your review and consideration:

- The Applicant's submitted materials do not demonstrate a hardship based on the City's criteria for consideration and evaluation.
- Alternate locations are available to site either a ground-mounted solar array or to install a roof-mounted system.
- No detail regarding topography of the site was provided, and therefore statements within the Applicant's narrative regarding prohibitive conditions cannot be verified.
- The proposed encroachment into the shoreland setback on a natural environment lake is not in harmony with the intent and purpose of the city's ordinances.
- The efficiency of the system and economic impact cannot be considered alone as justification for a hardship based on the City's criteria, and the Applicant did not demonstrate a hardship based on the remaining criteria.

Staff is seeking a recommendation from the Planning Commission regarding the application. Based on the information submitted Staff recommends denial of the variance. If the Planning Commission recommends denial, staff will prepare a resolution with the draft findings as provided. Alternatively, the Planning Commission could do the following:

- Recommend approval of the requested variance with findings and conditions.
- Table the action and request additional information from the Applicant. If the Planning Commission requests additional information, staff would request, at a minimum the following:
  - Updated site plan to reflect appropriate setback
  - Alternate locations considered, and corresponding site impacts/considerations
  - Visual Analysis to include cross sections demonstrating impact of existing location, and alternates considered

- Updated narrative describing how the encroachment is in harmony with the intent and purpose of Article VII. Shoreland Zoning and Protection, Chapter 12.

Commissioner Schafer moved to open the public hearing at 7:40 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Ms. Mickelle, Giefer, 1192 Imperial, came forward and stated it does sound like there are other viable options for a location. She stated it is important to follow the ordinance and she is not in favor of granting a variance.

Ms. Tina Lobin, 11034 Irish Avenue, came forward and stated she prefers solar panels be placed on a roof. She would be able to see it in the yard when facing the lake and there are other places to put it.

Commissioner Tufty moved to close the public hearing at 7:43 p.m. Commissioner Schafer seconded the motion. Motion carried unanimously.

Ms. Kirstin Sachowitz, Applicant, came forward and stated the updated maps that were distributed limits alternate location. She pointed out the flood plain and swale indicating the trenching would have to go all the way around the house. That would result in over 350 feet just to trench at a cost of \$10,000. No other locations will work. She stated the plan is meeting harmony with intent. Solar energies increase property values but also benefit the environment. The proposed locations is heavily screen by trees and the roof plan faces south east so it could not lay flat. The savings of the current plan result in over \$1,000 per year over a roof plan.

Ms. Fishman, owner, came forward and stated the roof would make the panels more visible to more people than the proposed location. The barn won't support the panels and there is a steeper swale by the house so it can't be located there.

Commissioner Schaffer moved to recommend denial of the Variance Application, 11541 Ironwood Avenue. Commissioner Helander seconded the motion. Motion carried unanimously.

This item will appear on the regular Council agenda April 3, 2018, 7:00 p.m.

## **6. OLD BUSINESS**

There was no old business.

## **7. ADJOURNMENT**

MOTION by Commissioner Tufty to adjourn the meeting at 7:17 p.m. Commissioner



Drost seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points  
City Clerk

DRAFT



## STAFF REPORT

**To:** Planning Commission Members  
Kim Points, City Clerk

**Date:** May 8, 2018

**RE:** Application for a Conditional Use Permit (CUP) to board up to five (5) Horses on property located at 9080 Justen Trail N.

**CC:** David Snyder, City Attorney

**From:** Jennifer Haskamp  
Consulting City Planner

### Summary of Request & Background

The Applicants and Owners Phillip and Kristy Gusick made an application for a Conditional Use Permit (CUP) in November of 2017 to permit boarding of up to five (5) horses on their property. The initial application was deemed incomplete, and additional information was needed for staff to complete its review. In late March 2018 staff received the additional information as requested, and the following staff report provides a review and analysis of the Applicant's CUP request.

### Public Hearing & Notice

A duly noticed public hearing was published for May 15, 2018, and letters were mailed to individual property owners within 1/4-mile of the subject project informing them of the application request and public hearing.

### Project Summary

Applicants & Owners: Kristy and Phillip Gusick	Site Size: 5.38 Acres
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9080 Justen Trail N. Lot 6 Block 1, Victoria Station	PIDs: 1503021330005

The Property Owners and Applicants (hereafter referred to as "Applicants") are requesting a CUP to allow for boarding of up to five (5) horses on their residential property. As indicated in the Applicant's narrative, the requested CUP is for personal use and no commercial boarding operations are proposed as part of this application. The following summary of the existing site improvements as described within the Applicant's narrative (Attachment A), and shown on the site plan, are provided:

*Existing Homestead:* There is an existing homestead located on the property which is the residence of the Applicants. Three of the four lot lines are bordered by right-of-way and the primary frontage of the property and access is from the easterly property line which is Justen Trail N.

*Main Barn:* There is an existing barn that is approximately 45' x 42' with a total of 1,890 square-feet that is located about 100-feet west of the principal structure. As indicated within the Applicant's narrative, there is



shelter for up to four (4) horses within the barn structure. A floor plan of the barn is provided as Attachment C.

*Pasture Area:* As described within the narrative, and shown on the aerial, the pasture area is entirely fenced in and the fence line generally follows property lines and encloses the area west of the barn. Based on the aerial and GIS information there is approximately 2.8 acres of land fenced in and used for the pasture area.

*Main Access and Parking:* There is one driveway access to the property from Justen Trail North which provides access to the existing home and barn. There is no additional parking beyond the existing attached garage and driveway. No additional access or parking is proposed as part of this application.

*Utilities:* The existing homestead is currently served by a private well and individual septic system. No changes are proposed as part of this application.

*Operations:* The Applicants' narrative describes the reason for the requested CUP to allow for personal boarding of up to five (5) horses on their residential property. As stated, typically only four horses (4) would be present on the property because the existing facilities only provide permanent/year-round shelter for four horses. However, at certain times and weather permitting a fifth horse may be present. There are no commercial boarding activities, events, breeding or any other commercial use proposed as part of this application.

## **Review Criteria**

According to the City Code, Conditional Use Permits are subject to the process and review criteria stated in City Code Section 32-152. The City Code further states the following for consideration when reviewing a Conditional Use Permit (32-141):

“(d) In determining whether or not a conditional use may be allowed, the City will consider the nature of the nearby lands or buildings, the effect upon traffic into and from the premises and on adjoining roads, and all other relevant factors as the City shall deem reasonable prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.”

(e) If a use is deemed suitable, reasonable conditions may be applied to issuance of a conditional use permit, and a periodic review of said permit may be required.”

Further Section 32-146 lays out nine specific standards to consider when reviewing a request for a conditional use permit.

Additionally, Sections 32-328 Horse Boarding and Training; and 32-337 Livestock provide additional criteria when considering CUPs for the proposed use.

## **Existing Site Conditions**

The subject lot is approximately 5.38 acres, is regular in size and is described as Lot 6 Block 1 of the Victoria Station subdivision. The subject parcel is bordered on three sides by roadways, including the rear (west) which is Jamaca Avenue North, the side yard (south) and front yard (east) which are bordered by Justen Trail



North. The existing home and barn are accessed via a single driveway to the easterly property line and Justen Trail North. The lot is relatively open with some vegetated buffers along property lines and near the existing home. There is an existing home, barn, and fenced pasture area that are proposed to support the horse boarding operations.

A wetland delineation was not submitted as part of this application, however, based upon the National Wetland Inventory (NWI) and GIS information there do not appear to be any wetlands on site.

**Comprehensive Plan Review**

The site is guided A-2 Small Scale Agricultural which promotes rural residential and agricultural uses. The principal use of the property for a single-family rural residential homesite with an accessory barn which is generally consistent with the goals for the A-2 land use designation as stated within the Comprehensive Plan.

**Zoning/Site Review**

The City of Grant zoning ordinance permits “Horse Boarding and Training Facilities” for operations that exceed 1 horse per 2 grazable acres with a Conditional Use Permit. The following review is provided with respect to how the proposed project conforms, is consistent, or inconsistent with the zoning and site regulations.

**Dimensional Standards**

The following site and zoning requirements in the A-2 district regulate the site and proposed project:

Dimension	Standard
Lot Size	5 acres
<i>Grazable Acres</i>	<i>1 Horse per 2 Grazable Acres</i>
Frontage – public road	300'
Front Yard Setback	65'
Side Yard Setback	20'
Rear Yard Setback	50'
Height of Structure	35'
Fence	May be on property line, but not within any ROW
Driveway Setback	5'
Parking Lot setback	10' from ROW
Wetland Setback Structure (Buffer)	75' (50')

Lot Size/Area: Section 32-337(f) of the ordinance requires a minimum of 5-acres for the keeping of domestic farm animals (horses) and requires a minimum of 2-acres of grazable land. The subject parcel is approximately 5.4 acres excluding right-of-way, and meets the minimum lot size for the keeping of horses.



Based on available data it appears that there approximately 4 acres of grazable land per the City's definition. Per Section 32-337 subsection (g) the lot size would permit the keeping of 2 horses without a CUP.

*The existing lot meets the city's minimum standards for lot size and area for the keeping of horses. The existing lot size would permit the keeping of two horses, and the request to permit an additional three (3) horses requires a conditional use permit for greater density as described in Section 32-337 subsection (h).*

Setbacks & Frontage: The subject property is a corner lot and has primary frontage from Justen Trail North which forms the eastern property boundary. The rear lot is bordered by Jamaca Avenue North (CR-9). The existing home is setback approximately 130-feet from the north and south property lot lines (side yards) and 137-feet from the easterly property line (front). The barn is situated in the rear yard and is setback approximately 390-feet from the west property line (rear), 116-feet from the north and 169-feet from the south property line (side yards). ***All yard setbacks of both the existing home and the barn meet or exceed the City's ordinance setback requirements. The existing principal structure meets the City's frontage requirements and front yard setbacks. No additional improvements or new structures are proposed as part of this application.***

Accessory Building  
(Barn)

Parking Area (Location & Spaces): As stated, the Applicants are not proposing to conduct any commercial boarding or other business activities on the subject property. Parking for the existing home includes an attached garage, and driveway which provides access to both the principal structure and barn. Based on the narrative, the number of visitors anticipated to the home as a result of the horse boarding is not substantially different than any other residential property in the City. ***Based on the operations as proposed, staff does not believe any additional parking is warranted on site and the Applicants and any visitors have sufficient area to park cars and/or horse trailers on the site.***

Driveway/Circulation: The principal structure and accessory buildings are accessed from a single gravel driveway which connects to Justen Trail North. The Applicants have stated that the proposed boarding is for personal use and no events or other commercial activities are proposed as part of this application. Therefore, it is anticipated that the Applicants have the ability to control traffic and timing of large vehicles and/or trailers entering and exiting the site. ***Based on the proposed operations, and the existing site layout the driveways and circulation appear adequate to allow for safe ingress and egress into the operations.***

Architecture, Building  
Height, Accessory

The Applicants submitted a floor plan for the barn that is used to support the operations. The height of the structures is not known; however, the buildings are existing at the date of this permit application and no changes are proposed to the



Structure Floor Plans: existing structures.

Barn:

The floor plan submitted for the Barn shows area for four (4) horse stalls, run-in area, feed and tack and hay storage. The Applicants are requesting permission to have up to five equines on the property; but have stated that typically there will be only four horses on the property and that between the pasture area and barn there is adequate space to contain the horses. Staff conducted research on a previous application to understand what facilities are necessary, particularly in winter and summer (inclement weather), for horses through the University of Minnesota Extension Services. Based on that research, it seems that the only necessary 'improvements' are to make sure that there is a shelter/wind break area available for all horses during winter months. In this case, the barn provides adequate permanent shelter of four horses as indicated within the narrative. At times when a fifth horse is present, the Applicants should be cognizant of inclement weather and provide alternate shelter/wind breaks or not have more than four horses on site. ***As proposed, up to four horses may be on the site permanently, and the Applicant shall follow their narrative with respect to the appropriate times to have a fifth horse on site.***

Utilities (well and septic):

The existing home is served by a well and individual septic system, which are both located on the Site Plan (Attachment B). The Applicant stated within the narrative that they have pulled water service and electrical services to the barn since they purchased the property in 2016. The existing well is located south of the home, and the septic system is located north of the home, and both are located outside of the fenced pasture area. ***As constructed and installed, the existing utilities meet setback requirements and there are no known additional improvements needed to support the proposed operations.***

Manure Management Plan/MPCA

While the City's ordinance states that a feedlot permit for the proposed use is required from the MPCA, as researched for a previous application, given the size and scale of the proposed operations a feedlot permit is not applicable.

The Applicants submitted a Manure Management Plan as part of this application which identifies three manure management strategies including spreading, composting and removal. Their primary strategy is spreading within the pasture which requires management by dragging to ensure even spreading to prevent build up and to reduce the fly population. The methodology also supports revitalizing of the pasture. Additionally, a small compost pile has been established on the property which can be used as fertilizer. Finally, if spreading and composting is not available, excess manure is removed that cannot be adequately spread or composted. A small compost site is shown on the site plan located north of the existing home and barn, and setback approximately 105-feet from the existing septic system and drainfields.

Staff researched these practices through the University of Minnesota extension services and found this methodology to be recommended, provided proper



spreading and composting practice is followed. The Applicants provided a letter from a Graduate Research Assistant at the University of Minnesota extension services that also details additional strategies for the pasture to optimize its operation by “limiting inputs, maximizing production, and reducing environmental impacts.” (Attachment

***Based on staff’s research, and materials presented, provided the Applicant follows the Manure Management Plan as submitted, staff believes these practices are adequate and meets the City’s ordinances.***

#### Pasture Management

Given the relatively small pasture area, the Applicants provided additional narrative and support for permitting the number of horses on the property. As indicated by the letter dated August 5, 2017 from Graduate Research Assistant Michelle DeBoer, the pasture area should be adequate based on the recommendation. The recommendation by Ms. De Boer is to install a dry lot to maximize pasture productive. The dry lot is recommended to be approximately 400 square feet per horse, which is equivalent to approximately 2,000 square feet. As previously stated the pasture area is approximately 2.8-acres or 121,968 square feet, allow for the practices as recommended by Ms. DeBoer. ***With proper management, based on the supporting materials, it appears that adequate pasture area is available to support the requested number of horses on the property.***

#### Fence

The Applicant has stated that they have repaired portions of the fence since acquiring the property in 2016. An important aspect of the operations is to contain the horses, which requires that the fence be kept in good repair. ***Staff would recommend including a condition that the fence line must be managed, maintained and kept in good repair to ensure horses remain on the property.***

#### Engineering Standards

There are no site improvements proposed or considered as part of this application. The existing facilities, access driveway and gravel areas are proposed to be used for the operation. Since no site improvements to the site, the City Engineer does not have any additional comments.

#### Other Agency Review

The property is located within the Brown’s Creek Watershed District (BCWD), and the Applicants have stated that they have contacted the BCWD and no permits are required to continue operations at the facility. (see attached description dated September 12, 2017). ***Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

#### Draft Conditions



The following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

1. The Applicants shall be permitted to keep four (4) horses on the property permanently and are permitted to have up to five (5) horse on a temporary basis on the subject property.
2. The Applicant shall follow the manure management plan as provided with this application. If any changes are proposed, a revised manure management plan shall be submitted to the City and placed in the property file.
3. All operations on site shall meet the MPCA's noise standards and regulations.
4. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
5. Any future expansion or intensification of the Horse Boarding operations shall require an amendment to the Permit. Intensification shall include, but not be limited to, any commercial boarding operations, events, or the permanent keeping of additional horses.
6. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
7. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.

**Action requested:**

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The Horse boarding operations use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazable acres is conditionally permitted per the City's zoning code.
- The Horse boarding operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse boarding operations is compatible with the existing neighborhood.





- The Horse Boarding operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Horse boarding operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

***Attachments***

Exhibit A: Narrative dated October 2017

Exhibit B: Site Plan dated March 1, 2018

Exhibit C: Supplemental Information, including building floor plans, submitted May 2018

Exhibit D: Manure Management Plan (undated)

Exhibit E: Letter from Michelle DeBoer, University of Minnesota, August 5, 2017

Exhibit F: Statement regarding Brown's Creek Watershed District, September 12, 2017

Exhibit G: Application dated October 27, 2017

Rev.	Change Description	ECR#	Date

**PIN** 15.030.21.33.0005  
**Address** 9080 JUSTEN TRL N  
**Owner** GUSICK PHILLIP R & KRISTY L  
**Class** Residential

**AREA**  
 TOTAL ACRES: 5.38  
 TOTAL SQUARE FEET: 234,353



**Energy Solutions**  
 INTERNATIONAL, INC.

Confidential  
 This Drawing is the property of Energy Solutions International, in General and in Detail, it shall not be copied or any of its contents revealed to outside parties without the written Consent of International. All Rights Reserved.

Permissible Tolerances Unless Otherwise Specified  
 Decimals +/- .031  
 Angles +/- 1 Degree

Drawn By:	Checked By:	Scale:	Sheet:
MWT		1" = 100'	1 of 1

Title: **9080 Justen Trail North**  
 CNC Prog#: \_\_\_\_\_  
 Drawing# \_\_\_\_\_

City of Grant  
P.O. Box 577  
Willernie, MN 55090



Phone: 651.426.3383  
Fax: 651.429.1998  
Email: clerk@cityofgrant.com

Application Date:	
Fee: \$400	Escrow: \$3,000

## CONDITIONAL USE PERMIT

Certain uses, while generally not suitable in a particular Zoning District, may, under certain circumstances be acceptable. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to the issuance of the Permit and/or periodic review may be required. The Permit shall be granted for a particular use and not for a particular person or firm.

<b>PARCEL IDENTIFICATION NO (PIN):</b>		<b>ZONING DISTRICT &amp; COMP PLAN LAND USE:</b>
<b>LEGAL DESCRIPTION:</b>		<b>LOT SIZE:</b>
<b>PROJECT ADDRESS:</b>	<b>OWNER:</b> Name: Phillip & Kristy Gusick Address: 9080 Justen Trail No City, State: Stillwater, MN 55082 Phone: 651-592-4662 Email: kristy@psm-marketing.com	<b>APPLICANT (IF DIFFERENT THAN OWNER):</b>
<b>BRIEF DESCRIPTION OF REQUEST:</b> Requesting a Conditional Use Permit to house up to five horses on our property		
<b>EXISTING SITE CONDITIONS:</b>		
<b>APPLICABLE ZONING CODE SECTION(S):</b> <i>Please review the referenced code section for a detailed description of required submittal documents, and subsequent process.</i> 1. Division 5. Conditional Use Permits 32-141 through 157		

### Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list


AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Site Plan:</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>▪ Property dimensions</li> <li>▪ Area in acres and square feet</li> <li>▪ Setbacks</li> <li>▪ Location of existing and proposed buildings (including footprint, and dimensions to lot lines)</li> <li>▪ Location of utilities</li> <li>▪ Location of well and septic systems on adjacent properties</li> <li>▪ Location of current and proposed curb cuts, driveways and access roads</li> <li>▪ Existing and proposed parking (if applicable)</li> <li>▪ Off-street loading areas (if applicable)</li> <li>▪ Existing and proposed sidewalks and trails</li> <li>▪ Sanitary sewer and water utility plans</li> </ul> <p>COPIES: 4 plans at 22"x34", 20 plans at 11"x17"</p>

Application for: **CONDITIONAL USE PERMIT**  
City of Grant


<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Grading/Landscape Plan:</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>Grading Plan</li> <li>Vegetation, landscaping, and screening plans including species and size of trees and shrubs</li> <li>Wetland Delineation</li> <li>Buildable area</li> <li>Topographic contours at 2-foot intervals, bluff line (if applicable)</li> <li>Waterbodies, Ordinary High Water Level and 100 year flood elevation</li> <li>Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Architectural/Building Plan (if Applicable):</b> All full scale plans shall be at a scale not smaller than 1" = 100' and include a north arrow</p> <ul style="list-style-type: none"> <li>Location of proposed buildings and their size including dimensions and total square footage</li> <li>Proposed floor plans</li> <li>Proposed elevations</li> <li>Description of building use</li> </ul> <p>COPIES: 4 plan sets 22"x34", 20 plan sets 11"x17"</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>Written Narrative Describing your request:</b> A written description of your request for the Conditional Use will be required to be submitted as a part of your application. The description must include the following:</p> <ul style="list-style-type: none"> <li>Description of operation or use</li> <li>Number of employees (if applicable, if not state why)</li> <li>Sewer and water flow/user rates (if applicable, if not state why)</li> <li>Any soil limitations for the intended use, and plan indicating conservation/BMP's</li> <li>Hours of operation, including days and times (if applicable)</li> <li>Describe how you believe the requested conditional use fits the City's comprehensive plan</li> </ul> <p>COPIES: 20</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Statement acknowledging that you have contacted the other governmental agencies such as Watershed Districts, County departments, State agencies, or others that may have authority over your property for approvals and necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mailing labels with names and address of property owners within ¼ mile (1,320 feet).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Paid Application Fee: \$400
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Escrow Paid: \$3,000
<b>MATERIALS THAT MAY BE REQUIRED UPON THE REQUEST OF THE CITY PLANNER</b>		
<input type="checkbox"/>	<input type="checkbox"/>	<b>Survey of the property:</b> An official survey, by a licensed surveyor, must be submitted with the application. The survey shall be scalable and in an 11" x 17" or 8 ½" x 11" format.
<input type="checkbox"/>	<input type="checkbox"/>	Electronic copy of all submittal documents

This application must be signed by ALL owners of the subject property or an explanation given why this not the case.

We, the undersigned, have read and understand the above.

  
Signature of Applicant

10/26/17  
Date

  
Signature of Owner (if different than applicant)

10/26/17  
Date

October 2017

Dear City of Grant Planning Commission, City Council and City Planner-

We would like to respond to the formal complaint that was made recently regarding the amount of horses we have on our property at 9080 Justen Trail North. Being newer to the community of Grant, we have recently been made aware of the ordinance requiring two acres per horse and therefore would like to provide some context as to our request for a 'Conditional Use Permit (CUP).' As you contemplate our request for a CUP, we ask that you take into consideration the following narrative about our situation.

#### **BACKGROUND**

We acquired our property on August 1, 2016 via a 'for sale by owner' process after we knocked on the former owner's door in July of 2015 to ask them if they would consider selling their property to us. Surprisingly, they were actually interested in selling their home but did not want to move until the summer of 2016. We were thrilled about this news because making the move would help us accomplish three goals; getting our kids into a much better school district, allowing us to move our horses onto our own property, and getting us (Phil and I) back to our country roots in the rural-based community of Grant so we could raise our daughters the same way we were raised.

#### **WHY WE HAVE HORSES**

Our horses play an extremely important role in our family as we compete nationally in the sport of "Polocrosse." (Polocrosse is an equine sport that is similar to the sport of polo, but is played on a much smaller field, and is played with a lacrosse type racket and a foam-like ball.) Our two daughters (Kasey, age 16 and Carolyn, age 12) play along with me (Kristy). The Polocrosse tournaments we compete in are held in locations across the country and frequently require us to travel to locations such as Texas, Colorado, Tennessee, Alabama and Montana. We have really invested in this sport because it allows us to travel as a family to locations across the country with our horses. We are extremely grateful for the 'windshield time' we've been able to spend together as a family as we travel to these various tournaments together. Because we often travel over 1,000 miles per tournament, we have a horse trailer that holds 5 horses so we can each bring the horses we are going to compete with in that tournament along with a spare horse for our family in case one of our horses is injured. We are also required to bring a horse that we can throw into what's called an 'umpire pool' which allows for those individuals who are serving as umpires for the weekend's tournament to ride while umpiring our games.

Generally, we typically only have four horses at our home as our property only provides adequate shelter for four horses. However, from time to time, there may be five horses at our house, weather permitting. We also occasionally have visiting friends from out of state who bring their horses – or our daughters have their friends over, along with their horses, for a sleepover. We would also like to communicate are not boarding any horses for other people nor do we ever plan on boarding any horses for money on our property.

Having grown up in rural communities, both Phil and I know first-hand the sense of responsibility children gain when they must care for their own animals on a daily basis. Before moving to our home in Grant, we were boarding our horses at a facility in Hugo. However, as our kids got more serious about the sport of Polocrosse and horses in general, we both strongly believed that they needed to have the opportunity to take part in the daily responsibility of taking care of their own horses. That is what inspired us to make the move to a hobby farm.

The other skill our kids have gained through the opportunity to take care of their own horses and participate in the sport of Polocrosse is an incredible sense of independence. At the tournaments, they are required to completely care for their own horse which includes knowing how to feed them, saddle them, and set up “electronic pens” for their horses at every location we go to. Through this sport, they have also met friends from all over the country – and from other countries as well – due to the immense amount of traveling we have done.

### **MANAGEMENT OF OUR PROPERTY**

Having grown up on a large, well-managed Standardbred racehorse breeding farm in Michigan, I learned the importance of maintaining your equine property. My family took an amazing amount of pride in having one of the most beautiful equine properties in the state of Michigan. In fact, on weekends our farm was a local destination for people to come visit because it was a picturesque farm with well-cared for mares and babies in beautifully manicured pastures. This is the level of care our family has esteemed to have with our property and our horses here in Grant.

As a graduate from Colorado State University which is one of the top equine universities in the country with a minor in Equine Science, I was required to take classes in equine management, nutrition, and pasture management. Because managing our property and taking excellent care of our horses is extremely important to us, we adhere to the following procedures:

- Consistently mowing and dragging our pastures to ensure management of weeds and manure
- Providing hay for our horses daily which is primarily fed in hay nets or hay ‘huts’ to reduce the amount of waste
- Removing and composting excess manure. We also have some friends and neighbors who are using our manure for fertilizer for their gardens. Please see our site plan for the composting site on our property. And if needed, any additional manure is removed by neighbors John David of Grant, MN and/or Ernie Trettel of Hugo, MN. (Please Note: we are following the recommendations of University of MN Pasture Management expert, Michele DeBoer)
- Following nutritional guidelines for ‘sport horses’ (aka equine athletes) as prescribed by my brother Kevin Isley who is a Certified Equine Nutritionist for ‘Uckele Health and Nutrition’ based in Blissfield, Michigan (who will serve as a reference if needed)
- Following the guidelines for equine worming, teeth floating and shots as suggested by our vet clinic, Stillwater Equine (who will also serve as a reference for our care if needed)
- Regularly having our horses’ hooves trimmed and maintained by our farrier, Dale Blomquist (who will also serve as a reference if needed)
- Taking regular riding lessons to continue to improve our skills from professional trainer and coach, Danielle Koeppen (who will also serve as a reference if needed)

- Removing any manure that is left by our horses on the road when we ride down the road to exercise our horses. (Our neighbor Sarah Hoban can serve as a reference to this fact if needed)
- Maintaining an active membership in the "Grant Trail Rangers" which is a non-profit corporation, established in 1978 to promote responsible horseback riding and cross-country skiing in Grant Township. To ensure the continued opportunity for these recreational experiences, this group has established a permission-based system of private horse and ski trails throughout the City of Grant. (President of the Grant Trail Rangers, Tamara Cameron, can also serve as a reference if needed)

### **PROPERTY IMPROVEMENTS**

Since taking possession of the property, we've made the following improvements:

- Replaced and improved the fencing
- Took measures to control gopher issues
- Installed water service from our home to the barn
- Installed electrical service to the barn
- Removed several dead and/or dying trees
- Installed eaves on the barn
- Cleaned out the clutter from the barn and surround area
- Consistently mowing the entire property on a regular basis, including the pastures
- Adding additional soil around the base of the barn to eliminate mud and erosion
- Dragging the pastures regularly to ensure there is no manure or weed buildup

### **IN CONCLUSION**

Our experience since moving to Grant in August 2016 has been nothing short of outstanding. We have thoroughly enjoyed meeting and interacting with our neighbors, taking care of our horses and sending our daughters to Mahtomedi Middle School and High School. It is our top priority to continue to maintain and improve our property as we take an extreme level of pride in caring for it – and for our horses. Our horses are like family members to us and they are playing an important part in the development of our daughter's sense of responsibility, leadership and independence.

While this busy stage of life with our kids and horses is likely only going to last a few more years, we are grateful for this time together with our kids while we have it.

**Our specific request is to have no more than five horses with occasional visiting horses**

Thank you for allowing us to share our story and for the opportunity share to request a CUP. We appreciate your time and consideration.

Sincerely,

Phil and Kristy Gusick  
9080 Justen Trail North  
Stillwater, MN 55082

September 12, 2017

To Whom It May Concern:

On September 12, 2017 I contacted the Brown's Creek Watershed District and spoke to Karen Kill regarding my application for a 'Conditional Use Permit' to have additional horses on our property in the City of Grant. I told Karen that I was required to contact her office per the CUP application to see if there was any additional permits or applications she needed us to complete.

Per my conversation with Karen on that day, she stated that she did not need anything from us at this time.

Please let us know if there is anything else you need us to do regarding this particular step in the application process.

Thank you,

Phil and Kristy Gusick  
9080 Justen Trail North  
Stillwater, MN 55082



Jill Linse, MD  
5894 Otter Ridge Circle  
White Bear Lake, MN 55110  
651-249-6882

August 1, 2017

To Whom It May Concern:

I am writing to emphasize the importance of the Gusicks' horse ownership. I have been their family physician for over twenty years and have delivered both of their daughters. Their fifteen-year-old daughter, Kasey, has autism. It is well established that equine therapy greatly improves an autistic person's social development. The social interaction developed with horses is transferable to human interactions. Over the years, Kasey has far exceeded expectations in a number of aspects of her life, especially socially.

In addition, it is well known that team sports build confidence and social skills. The entire Gusick family participates in equine polocrosse teams, which has been especially beneficial for Kasey. The family trains their own horses, and the daughters learn responsibility by helping in daily chores.

Please take Kasey Gusick's autism into consideration when making allowances in the Gusicks' house ownership.

Sincerely,

Jill Linse, MD

August 5, 2017

Kristy Gusick  
9080 Justen Trail N.  
Grant, MN 55082

Dear Kristy,

It was a pleasure visiting with you and seeing all of the work you have put into your farm.

Following our visit, I have made some recommendations for your pasture, based on our practical and scientific understanding of both horses and forages. Our recommendations are meant to optimize your operation by limiting inputs, maximizing production, and reducing environmental impacts.

Your manure management plan currently set in place is acceptable; which includes having an area to stockpile manure for at least 180 days and having the manure hauled away twice a year. I will also send you more information regarding the composting plan we discussed during our visit.

In regard to the pasture, installing a dry lot or sacrifice area would help maximize your pasture productivity. The dry lot should be 400 ft<sup>2</sup> per horse. When grass is down to 3 – 4", you can mow and drag the pastures, as you have currently been doing, and then keep your horses on the dry lot to allow the pastures to rest and regrow uniformly.

If you have any questions or concerns, please do not hesitate to contact me using the information listed below.

Best Regards,

Michelle DeBoer  
Graduate Research Assistant  
PHD Candidate, Equine Studies  
University of Minnesota  
Schu23343@umn.edu  
612-750-8633

August 5, 2017

Kristy Gusick  
9080 Justen Trail N.  
Grant, MN 55082

Dear Kristy,

It was a pleasure visiting with you and seeing all of the work you have put into your farm.

Following our visit, I have made some recommendations for your pasture, based on our practical and scientific understanding of both horses and forages. Our recommendations are meant to optimize your operation by limiting inputs, maximizing production, and reducing environmental impacts.

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If you have any questions or concerns, please do not hesitate to contact me using the information listed below.

Best Regards,

Michelle DeBoer  
Graduate Research Assistant  
Schu23343@umn.edu  
612-750-8633

## ***Specific Manure Management Plan for Gusick Property***

We are implementing a manure management plan for our property that consists of a combination of manure spreading, composting and manure removal.

Our primary manure management strategy is spreading. With the amount of property we have, we are able to spread our manure on our pasture – and then drag it on a regular basis to ensure it spreads evenly and does not build up. It is our main priority to keep the manure spread so it doesn't build up which will help keep the fly population down as well as keep the manure revitalizing the pasture.

Our secondary manure management strategy is composting. We are educated on the process of composting manure and have established a small composting pile which is being used for fertilizer / gardening purposes when its ready.

Our third manure management strategy is the removal of any excess manure that cannot adequately be spread or composted. We have made arrangements with local large farm owners to remove our excess manure as needed.

The strategy we use varies on the time of year, amount of rain and sun. Because of the variety in weather conditions in Minnesota, it's important that we are able to utilize all three various strategies to keep our manure managed effectively, keep the fly population to an absolute minimum and also keep the odor of manure as non-existent as possible.

Sincerely,

Phil and Kristy Gusick

