

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, August 8, 2023

6:30 p.m.

Town Hall/Zoom

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: June 13, 2023
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Application for Amended Conditional Use Permit, 11490 Julianne Avenue N
 - B. PUBLIC HEARING, Draft Ordinance for Outdoor Storage
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

June 13, 2023

Present: Greg Anderson, Jim Huttemier, and Dan Gagliardi

Absent: David Tronrud, Matt Fritze

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

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. ELECTION OF OFFICERS, CHAIR AND VICE-CHAIR

MOTION by Commissioner Huttemier to elect Matt Fritze as Chair and Huttemier as Vice-Chair. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

4. APPROVAL OF AGENDA

MOTION by Commissioner Anderson to approve the agenda, as presented. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

5. APPROVAL OF MINUTES, November 9, 2022

MOTION by Commissioner Gagliardi to approve the November 9, 2022 Minutes, as presented. Commissioner Huttemier seconded the motion. MOTION carried unanimously.

6. NEW BUSINESS

PUBLIC HEARING, Consideration of Application for Conditional Use Permit, Eight Foot Fence, 8495 80th St. N – City Planner Swanson advised the Applicant and Owner, Chee Her, is requesting a Conditional Use Permit (CUP) to allow for agricultural production on a portion of their property that includes the construction of an eight (8) foot fence to protect the crop from nuisance animals such as deer. The Applicant and Owner will manage and operate the small agricultural operation from the property that will include off-site sales of the crop at local farmers markets on weekends. The proposed fence is located behind the principal structure along the property lines of the subject property.

A duly noticed public hearing is scheduled for June 13, 2023, and property owners within 1,320-feet were notified of the subject application.

Applicant and Owner: Chee Her	Site Size: 9.0 Acres (~5.6 Acres of agricultural crop contained within the fenced area)
Zoning: A2 - Agricultural Small Scale Future Land Use: Rural Residential/Ag	Request: Conditional Use Permit (CUP)
Address: 8495 80 th Street N. Grant, MN 55082	Location Description and PIDs: PID 2803021210004 Parcel lies south of 80 th Street N.

City Planner Swansons stated the Applicant is requesting a Conditional Use Permit (CUP) to allow for agricultural operations on a portion of their property and to construct an eight foot fence around the crop area of the subject parcel. The proposed fenced area is located behind (south) of the existing principal structure and is connected/south of the existing barn on the property. The purpose of the fence is to keep deer out of the agricultural field and protect the crop. The following summary of the proposed operations is provided:

- The Applicant is the owner of the property, and it is their primary residence. The property is homesteaded.
- The Applicant and their family members will be responsible for operations and management of the agricultural production.
- There are no employees proposed for the agricultural operations.
- The agricultural products (vegetables) are intended to be grown on site and brought to local farmers' markets for sale.
- There are no on-site retail sales proposed as part of this operation, all produce/vegetables will be brought off-site for sale.
- The proposed fence is 8-feet tall, and is a T-Post agricultural fence (T-Posts with Barbless wires). The area proposed to be fenced is approximately 5.62 Acres and this area would be used for agricultural production.
- Typical agricultural operations extend through the growing season (generally April through October/early November).
- While there are no specific hours of operation (typical farm activities are sun up to sun down during the growing season) the Applicant has indicated that Monday through Thursday will be field days tending to the vegetables and Friday through Sunday are the farmers market days (activities bringing vegetables off site for sale).
 - The narrative indicates that on farmers market days, traffic/trip pick up is generally 6 AM and return trips are 5 PM.

City Planner Swanson advised the City Code 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 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.”

Section 32-345 Agricultural Operations establishes that the City is a “Right to Farm” community; and expressly states that “Agricultural operations may occur on parcels of five or more contiguous acres in agricultural and residential districts...may include the production of farm crops, such as vegetables, fruit trees, grain and other crops and their storage on the area...” While this is expressly permitted, the Applicant has requested a CUP be granted to allow for the express permission to farm in the area and to permit the installation of the fence to protect the crop field. Subsection (h) of this section further stipulates that under certain conditions a CUP may be granted for agricultural activities.

Section 32-315 Fences does not expressly address agricultural fences, which has been an issue in the past since the function and design of such fences is different than what is generally addressed within the code. As such, several of the CUPs granted for other agricultural uses (such as commercial horse stables) have addressed fencing as part of their conditions.

The subject site is approximately 9.0 acres and is oriented north-south with the primary frontage along 80th Street North that forms the northerly property boundary. There is an existing principal structure (home) and accessory structure (barn) located on the property. That portion of the property lying south of the existing structures is an agricultural field. Adjacent properties are used primarily for rural residential uses.

The site is guided RR/AG – Rural Residential/Agricultural in the City’s adopted Comprehensive Plan. Land within the RR/AG land use designation is generally described as supporting rural residential and agricultural uses with limited non-residential uses that require a CUP. The proposed principal use of the property is residential use with agricultural production sold off-site as an accessory use. Both the rural residential use and agricultural production are consistent with the purpose and intent of the Comprehensive Plan.

City Planner Swanson noted the Applicant submitted a site plan, aerial and proposed materials for the proposed operation. The following dimensional review is provided for review and consideration.

The following site and zoning requirements in the A2 district related to the proposed application. The following review is conducted focusing on the submitted site plan. Staff comment is in italics.

Dimension	Standard
Minimum Lot Area for Agricultural Production	5 Acres
Frontage on an Improved Public Road	300'
Front Yard	65'
Side Yard Setback (from street in case of corner lot)	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Fence Location/Height	If at property line, requires permit; up to 8' within the buildable area of a property

Proposed Use

The Applicant’s narrative describes their request for a CUP to expressly allow for agricultural production and sale of such agricultural product off-site at local farmers markets. Section 32-345 establishes Grant as a right-to-farm community, and it was common for commercial agricultural operations to be interwoven with rural residential uses. Over the past few years, the City has transitioned to a predominantly rural residential community, and as such the agricultural uses have become less common and the commercial agricultural plots (while still present) are less common especially on smaller properties. Additionally, since the proposed agricultural production is a smaller operation, they wish to use the “setback” area as part of the agricultural field and as such the 8-foot agricultural fence is proposed along the property lines.

As previously stated, the proposed agricultural operations are permitted, but staff understands that the Applicant is requesting a Conditional Use Permit (CUP) to secure the right to farm because they are concerned about protecting their agricultural rights given the adjacent predominantly residential uses. While this request is not common, we have evaluated similar requests (e.g. the covenants expressly protecting agricultural uses as part of the Farms of Grant project). As such, the Applicant’s request is being processed to protect the agricultural use and to establish where on the property the agricultural fence is permitted.

Given the request for a CUP, staff provides a draft of potential conditions related to the agricultural use that are provided in subsequent sections of this report.

Lot Area, Lot Frontage and Access

Lot Area

The subject property is approximately 9.0 acres and the area proposed to be contained within the fenced area is approximately 5.6 acres. The City's ordinance requires a minimum of five (5) contiguous acres for agricultural production and the proposed agricultural production area meets this requirement.

Lot Frontage

Per the submitted site plan and GIS records, the subject property has 300-feet of frontage on 80th Street N. The subject property meets this standard.

Access

The subject property is accessed by a single driveway from 80th Street North. The driveway is located near the eastern property line that connects to the existing home and accessory building. No new access is proposed for the use.

Setbacks (Agricultural Field and Fencing)

As shown on the proposed Site Plan, the agricultural operations will be located south of the existing principal and accessory structures on the site. The agricultural production area is proposed to be fully enclosed by an eight-foot-tall agricultural fence on the side and rear property lines. Section 32-315 Fences stipulates that fences up to 8-feet tall are permitted provided that 1) in the side yard that they meet the minimum yard setback; and 2) on the rear yard that they are setback a minimum of 8-feet from the property line. The City's ordinance does not contemplate agricultural fencing specifically, and therefore the appropriate setback and height has been addressed by the city as part of a CUP process or other land use permitting process in past applications.

As demonstrated on the attached aerial, the principal structure and accessory uses on the adjacent property to the west will have a direct view to the proposed agricultural operation. The presence of the agricultural fence will not alter this view or provide any sort of visual screening since its construction is essentially stakes and wire. However, it would potentially setback the operations by 20-feet from the property line (note that a farm road/drive could be located outside the fence to access the field, which would be permitted within 5-feet of the property line and that a 6-foot tall fence is permitted at the property line which

may also be an option).

The property lying east of the proposed operations is fully screened and enclosed by significant vegetation. However, again, if applying the strict application of the fence standards it must be setback 20-feet from the property line. The south property line (rear) adjoins the Mahtomedi School campus which has a row of evergreen trees that was a required condition of their CUP. As such, staff believes fencing along this property line will not adversely impact the adjacent property.

Given the conditions surrounding the proposed agricultural area, staff recommends discussion by the Planning Commission. Depending on public testimony, additional information and concerns of adjacent land owners may assist with identification of appropriate mitigation OR may clearly establish that the required setbacks must be met.

Operations

The Applicant submitted a narrative describing the proposed agricultural operations. Their intent is to use an approximately 5.6-acre portion of their property as an agricultural plot to grow vegetables and to sell the crops at local farmers markets throughout the area. The operations and management of the field will be conducted by the Applicant and their family and no employees are proposed. Daily activities are summarized as follows:

- Monday through Thursday: Field Days. Hours of operations will not exceed sun-up to sun-down and no exterior lighting of the fields is proposed (this is standard for farmers hours).
- Friday through Sunday: Farmers Market sale days. Pick-up of product typically around 6 AM and drop off/return around 5PM.
- No retail sales from the site are proposed.

With respect to operations, staff recommends consideration of the following conditions:

- ***No retail sales from the site are permitted as part of the CUP. If, in the future any sales from the site, including but not limited to, a roadside stand is proposed an amendment to the CUP may be required.***
- ***Vehicle/truck idling must be minimized to the extent possible during load-up on Farmers Market days. Pick-up/loading must be completed efficiently with minimal idling.***
- ***All parking must be handled on-site, if other family members***

not residing on the property assist with the production (Field Days) and/or loading on Farmers Market days.

City Planner Swanson noted there are no improvements to the site identified as part of the application.

The property is within the Rice Creek Watershed District, and it is the Applicant's responsibility to obtain any necessary permits. While not stated in the application, if an additional well for irrigation is needed in the future all permits must be obtained. The Applicant is responsible for obtaining any other permits that are needed regarding the sale of agricultural products from the site.

Staff is recommending approval of the CUP for Agricultural Uses and an Agricultural Fence. The following draft conditions are provided for your review and consideration.

1. Agricultural Production of vegetables and similar crops for off-site sale is permitted in the designated area identified on the site plan.
2. Off-site sale of agricultural products Friday through Sunday is permitted.
3. The agricultural production area must be a minimum of 5-acres of the subject property.
4. The agricultural fence up to 8-feet is permitted to enclose the proposed agricultural field area.
5. The agricultural fence must be setback a minimum of ___-feet from side (east and west) yard property line.
6. The agricultural fence may be located on the rear (south) property line.
7. The fence, once installed must be maintained and kept in good condition.
8. All permits must be obtained from the MDH and/or MnDNR, if an irrigation well is installed onsite.
9. No retail sales at the site are permitted as part of the CUP. If, in the future any sales from the site, including but not limited to, a roadside stand is proposed, an amendment to the CUP may be required.
10. Vehicle/truck idling must be minimized to the extent possible during load-up on Farmers Market days. Pick-up/loading must be completed efficiently with minimal idling.
11. All parking must be handled on-site, if other family members not residing on the property assist with the production (Field Days) and/or loading on Farmers Market days.

MOTION by Commissioner Gagliardi to open the public hearing at 6:56 p.m. Commissioner Anderson seconded the motion. MOTION carried unanimously.

Mr. Mike Sienkowski, 8537 80th St N, came forward and stated his property abuts the east line of the applicant's property. He stated he will basically be looking at the fence 24/7. He stated he believes there are wetlands on the property and the type of fence proposed is not attractive. He stated he does not want to look at it at the farm field has always been a pasture.

Mr. Brian Boyle, 8375 80th St. N, came forward and stated there are standards for operating a farm. There was a fence on the property previously for the animals. The concern is that a T-Post should be buried more than two feet deep. Any effects of the fencing will have impacts to property values. The operation of a farm itself is not concerning.

MOTION by Commissioner Anderson to close the public hearing at 7:05 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

Mr. Chee Her, Applicant, came forward and stated a 20-foot setback would cut down on the growing area. He is proposing the eight-foot fence to be located where the current fence is. The proposed fencing type is the least invasive type of fence and it will be maintained every day. There is also a buffer between the properties.

City Planner Swanson advised wetlands are not typically excluded from agricultural use. The City Code does not have design standards for fencing. A building permit may be required for the fence in which the Inspector looks at the construction of the fence.

Commissioner Gagliardi stated he has an issue with the T-Post type fence as it may sag. There are many other fencing types that look better and are more secure.

Through discussion, the Planning Commissioners added conditions relating to a more detailed fence design be submitted, the applicant work with City staff on structural issues and post locations prior to the Council meeting, maintain the line of site (opacity) near 100% and maintain the existing fence line.

MOTION by Commissioner Anderson to recommend approval of the requested CUP based on all conditions outlined as well as the added conditions. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

This item will appear on the regular Council agenda June 27, 2023, 6:30 p.m.

Storage Ordinance Discussion – City Planner Swanson advised a exterior storage survey was sent to the City Council to gather input regarding storage within the City of Grant. She asked the Commissioners to think about exterior storage in terms of commercial and personal use within the City. More input will be gathered by the City Council and a draft ordinance will be presented to the Planning Commission at a future meeting.

7. OLD BUSINESS

There was no old business.

8. ADJOURNMENT

MOTION by Commissioner Anderson to adjourn at 7:38 p.m. Commissioner Gagliardi seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

DRAFT



STAFF REPORT

To: Planning Commission
Kim Points, City Clerk/Administrator

Date: July 31, 2023

CC: Brad Reifsteck, PE, City Engineer
Nick Vivian, City Attorney

RE: Application for an Amended Conditional Use Permit for 11490 Julianne Avenue North

From: Jennifer Haskamp, AICP
Consulting City Planner

Background

In 1997 a Conditional Use Permit (CUP) was granted for the property located at 11490 Julianne Avenue North to allow for a “horse boarding and training facility, for a dog kennel permit, for dog training and sheep herding trials, for duck herding trials, and for live-in apartments.” The CUP has 19 conditions under which the operation has operated for the past 25+ years, and condition (G.) states, “Any change in the plans or construction of any other facility not specifically permitted in this Permit shall require an Amended Conditional Use Permit.”

The Applicant and Owner, Jaime Benner, is proposing to construct a new accessory building on the property for a classroom, conference room, and public restroom to support the operations. Because a new building, and additional uses are proposed, an amendment to the CUP is required as stipulated within the conditions.

Public Hearing

A duly noticed public hearing is scheduled for August 8, 2023 and property owners within 1,320-feet were notified of the subject application.

Application Summary

Applicant/Owner: Jaime Benner	Site Size: 34.66 Acres
Zoning (Land Use): A1 (RR/AG)	Request: Amended Conditional Use Permit (CUP) to permit for the construction of a new accessory building with a conference space, office, classroom and public restroom to support the site operations
Address: 11490 Julianne Avenue Grant, MN	Location Description and PIDs: PID 03021130003 – generally located north of Julianne Avenue and south of Soo Line Railroad right-of-way



The Applicant is proposing to Amend the existing Conditional Use Permit to allow for the construction of a new approximately 720 SF accessory building. The Applicant summarizes the use of the building in their narrative as:

- A-Frame type building
- Office space
- Public restroom
- Conference room
- Classroom/teaching area

As noted in the application, these operations were formerly housed in the historic wood barn on the site which had to be removed and demolished for safety reasons. While these uses may have been conducted in a previous accessory building (barn) the uses were not explicitly identified in the CUP (see attached CUP). The Applicant states that the new structure will fulfill the needs/demands to have formal instruction area that is a part of the operations. The Applicant further notes that the proximity of the new building near the existing residence will allow for monitoring and security of the building when not in use.

In addition to the proposed accessory building, the Applicant further describes the following plans/improvements in the narrative:

- Remodel/Update the existing farmhouse: the structure only has two bedrooms, and it may be desirable to update/remodel the home to include more bedrooms at some time in the future. Plans were not submitted as part of this application, but remodeling of the home would likely be permitted without an amendment to the CUP since it is technically the principal residential structure on the parcel.
- Equine and Canine Hydrotherapy Facility (pool): the narrative states that an “addition of an equine and canine hydrotherapy facility (pool) with access designed to accommodate equestrian use” is also planned. However, this is not shown on the plans, and it is unclear where this facility would be located – whether internal to an existing structure or whether a new structure would be needed.
- Replacement barns may also be added in the future. Replacement of any existing barns are not noted on the plan and it is stated as a future condition; therefore, the contemplated replacement cannot be reviewed as part of this application.
- Clean Energy Improvements. Plans to incorporate clean energy generating equipment on the roof of the Steel Barn or other suitable locations. Plans were not submitted regarding this request.
 - Plan to install charging stations to owner/resident manager house (principal structure) and the customer parking for electric vehicles. Plans indicating location of these facilities were not submitted regarding this request.

Review Criteria

The City Code addresses amendments to existing CUPs in Section 32-152 that states, “An amended conditional use permit application may be administered in a manner similar to that required for a new conditional use permit...” As such, the Application to amend the CUP is processed accordingly, and the



requested amendment is to consider only those portions of the operations and/or facility that are proposed to change. The City Code 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.”

The purpose of this amendment is not to consider the use of the property as permitted within the CUP, but is intended to consider the proposed improvements/modifications including the new accessory building, and the additional uses as described in the narrative.

Existing Site Conditions

The site is approximately 34.66 acres with approximately 0.37 acres of right-of-way on Julianne Avenue North and is bordered on the north by the Soo Line Railroad right-of-way. The site is irregular in shape and is oriented north-south with the south property line along Julianne Avenue North providing access to the operations. The topography is relatively flat with small rolling hills. The property is improved with an existing residential home (principal structure) and five accessory buildings that range in size from 185 square feet to 18,076. The existing home is located on the east side of the property and is setback approximately 56.6-feet from the east property line (side yard). The property includes four barns, one that is attached to the three-bedroom employee housing (this is noted as the Stone Barn in the application materials). There is both indoor and outdoor riding arenas on the property that are used for equestrian use. There are several pastures on the property, and the area that is comprised of the active horse operations is fully fenced.

Comprehensive Plan Review

The site is guided AG/RR – Rural Residential in the City’s adopted Comprehensive Plan. Land within the AG/RR land use designation is generally described as supporting rural residential uses with limited commercial and institutional uses as identified and allowed within the City’s zoning ordinance. The existing horse boarding and training facility, with accessory uses, is consistent with the City’s goals and objectives to support commercial agricultural uses. The proposed amendment does not change the use of the site for a horse boarding/training commercial operations which is identified as a compatible use within the City’s Comprehensive Plan and supporting Zoning Ordinance.

Zoning/Site Review

The Applicant submitted a Site Plan for the proposed amendment (See attached Exhibits, Boundary/Topographic Survey with Site Plan and Strobos Residence architectural plans). The following dimensional review is provided for review and consideration.



Dimensional Standards

The following site and zoning requirements in the A1 zoning district for horse boarding facilities/operations which includes the most restrictive regulations and performance standards related to the proposed amendment. The following review is conducted focusing on the proposed accessory building for which plans were submitted. Please note that the improvements noted in the narrative that are not shown on the site plan are not included in the dimensional review since it is unclear where the improvements are planned and/or proposed. As such, those proposed improvements are addressed following the dimensional review.

Dimension	Standard
Minimum Lot Area	5 Acres
Frontage	300'
Front Yard Setback	65'
Side Yard Setback (from interior lot lines)	20'
Rear Yard Setback	50'
Height of Structure	35'
Accessory Buildings (# and Total SF)	No limit on parcels > 20 Acres
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')
Impervious surface coverage	50%
Floor Area Ratio	30%

Lot Area, Coverage and Accessory Building Standards

The subject property is approximately 34.66 acres, which is consistent with the land area associated with the 1997 CUP. On parcels greater than 20-acres, there are no restrictions on the number of permitted accessory buildings or the maximum square feet permitted.

The proposed accessory building is approximately 720 square feet as denoted on the site plan. As noted in the submission materials, there are four barns on the property, one of which is attached to the three-bedroom apartment (employee housing).

As proposed, the lot exceeds 20-acres and therefore there is no limit on the number or total square feet permitted for accessory buildings. ***The proposed addition of a new accessory building complies with the minimum lot area and accessory building standards for number and total square feet.***

The Site Plan includes a tabulation of the impervious surface area on the site today, and with the additional accessory building. The proposed building has minimal impact on the impervious surface coverage on the site and approximately 4.6% of the site is covered. ***As proposed, the impervious surface coverage on the site complies with the City's ordinance.***



Setbacks

As shown on the Site Plan, the proposed accessory building is located northeast of the existing house. The accessory building is setback approximately 30-feet from the east property line, and is setback approximately 675-feet from the front property line. ***As proposed, the location of the new accessory building meet all setback requirements.***

Architectural/Building Plans

The architectural/building plans are submitted and attached to this staff report (labeled as Strobos Residence.) As shown, the plans are described as a “Single Family Residence.” The exterior architecture matches with the Applicant’s description that it is an “A-Frame” type of building. However, the floor plan does not correspond to the described used in the narrative. The narrative states that the accessory building will include, “...an office and small conference room with a public restroom for customer use and to provide security for business records and a locus for classroom teaching...” and later describes it as “...an office, restroom, and small conference, classroom, or teaching area to replace the facilities former located in the historic wood barn...”

The floor plan identifies internal spaces as Entry, Living, Sauna, Bath, Office and Loft. The proposed building floor plan does not match with the narrative description, and it is unclear how the space would function to support the proposed uses. Further, the building appears to be constructed to a residential standard, but the proposed uses as described support commercial horse boarding operation which may require certain commercial building standards to be met (e.g. public restroom would need to be ADA compliant). Further, there is no parking area denoted near the new structure and if training/classroom spaces, public restroom, etc., are proposed in this location, parking is required including an ADA parking stall.

Based on the submitted plans, it is unclear how the Applicant intends to use the building as it appears to be a residential structure and does not match the description of use in the narrative. Staff requests discussion by the planning commission, and clarification from the Applicant regarding the floor plan and the proposed uses.

Potential conditions to consider include that 1) the floor plan must be updated to reflect the described use in the narrative, that 2) the building must included an ADA compliant bathroom stall if intended to be used for customers, 3) approximate room layout provided to demonstrate uses/table setup, etc., to demonstrate occupancy of the structure especially the training/classroom space.

Parking

The Applicant’s narrative describes the proposed accessory building as a place for instruction, classroom, conference spaces, public restroom, etc. The building location is proposed near the existing farmhouse and is accessed from a long gravel driveway and small turnaround area. The narrative further describes that this building will replace the uses that formerly took place in one of the other barns on the property that was removed. The relocation of the uses near the



existing home does not account for the parking that may be required to support the operation in this area. ***Further detail should be provided regarding parking near the proposed accessory building. Additionally, if the intent is that it is a public restroom and commercial facility, then an ADA compliant stall is likely required.***

Section 32-374 establishes parking ratios for off-street parking based on the proposed use of a structure. While the exact floor plan is unknown, staff assumes one of the spaces would be for a “classroom/instruction” and that the whole building may be used for conference and/or office space. Based on this assumption, 3 spaces would be required for the classroom, and 1 space for every 200 square feet is required for office/conference space. Since the exact breakdown is unknown, staff estimates that approximately 5 or 6 parking spaces are required based on the overall building size and contemplated uses.

Potential conditions to consider include 1) a parking area/lot must be placed near the accessory building to support the classroom and training facility; 2) that an ADA compliant stall must be located near the building to support the use; 3) a grading and surface plan for the parking lot must be reviewed and approved by the City Engineer and Building Official.

Lighting

The submitted site plan does not identify any proposed lighting of the area where the accessory building will be located. If the building is proposed to be used for training or other instruction the building may need to be provided on the structure and/or in the parking area. ***Staff recommends including a condition that all lighting must be hooded and downcast and must comply with Section 32-321 of the City Code.***

Engineering Standards

The proposed accessory building is approximately 720 square feet, and will require some additional site improvements to support the intended use (parking area, ADA parking stall, etc.) ***Given that some of these improvements are not shown and/or known, staff recommends including a condition that the City Engineer must review and approve the final construction plan once complete.***

Other Agency Review

The property is located within the Valley Branch Watershed District. It is the Applicant’s responsibility to submit the plans, once complete, to the watershed district and to obtain any necessary permits based on the proposed improvements.

Proposed Use - Analysis

As described, the Applicant intends to use the proposed accessory building for instruction, classroom, conference space, etc. These uses, as described in the narrative, seem compatible and consistent with the horse boarding operations and facilities; however, it was not expressly identified in the 1997 CUP. As such, further information from the Applicant should be provided indicating the following:



- What is the anticipated classroom/training schedule?
- How many occupants/students are anticipated?
- What are the anticipated hours of operation?

This information will be helpful to determine whether the proposed use of the accessory building is consistent and supportive of the current horse boarding operation, and if so, to document the uses within the amended CUP.

Other Uses/Improvements Described in the Narrative

The narrative included a list of other improvements desired and/or contemplated by the Applicant for the property, but details of the improvements were not provided. The following analysis and recommendations regarding the Applicant's proposed changes are provided for the consideration of the Planning Commission:

- *Modernize (improve/modify) the Farmhouse:* The existing farmhouse is the principal structure, per the City Ordinance. The home is also expressly identified as a structure within the CUP. The proposed expansion/modernization provided it is connected to, and a part of, the principal structure would likely be a permitted use. As such, a building permit would be required, but an Amendment to the CUP would not likely be required. No changes to the CUP are recommended.
- *Equine and Canine Hydrotherapy Facility:* The Applicant indicates that an equine/canine hydrotherapy facility (pool) is planned. This facility is not identified on the submitted plans, and it is unclear if it is a separate facility or would be contained within one of the existing structures. Since the details were not provided there are two options, 1) request additional information from the Applicant regarding the location, size, facility, etc., in which this use would be located so that it can be properly reviewed; or 2) exclude it from the permitted uses within the CUP and clearly indicate that once the plans are known regarding this facility that an Amendment to the CUP would be required.
- *EV Charging Station.* Staff believes that this request is reasonable, provided such facilities are only for Idylwood customer/occupant use. The City ordinances do not expressly address charging stations for supporting commercial uses. Staff recommends including a condition, if approved, that the charging station location, if outdoors, should be submitted for review and approval by the City Staff, and the proposed placement near the operation's customer parking area is reasonable. Additionally, staff recommends that the condition also note that the EV Charging station is intended only for the clients/patrons of Idylwood, and are not intended to be a public/commercial charging station.
- *Energy Improvements.* Many of the improvements discussed in the narrative regarding energy improvements are permitted, or permitted with a Certificate of Compliance (e.g. ground mounted solar arrays). As such, staff recommends including a condition in the CUP that generally states alternative energy improvements are subject to appropriate permitting procedures. All improvements must comply with the City's ordinances in place at the time of application.

Additional Discussion

Staff is recommending discussion with the application regarding the following:

- Intended use of the Accessory Building. The narrative does not match the floor plan submitted.



- Operations of new Classroom Accessory Building. Further discussion regarding frequency of classroom instruction, bathroom use, conference space use, etc., should be provided to better understand the intensity of the use.
- More information regarding the equine and canine hydrotherapy facility. It should be determined whether this permit amendment addresses this facility/use.

Requested Action

The Planning may consider and make the following recommendations:

1. *Recommend Denial of the Amended Conditional Use Permit (CUP).* Potential findings may include:
 - a. The described activities in the Applicant's narrative do not match the submitted architectural plans. Notations regarding the use of the Accessory Building are primarily residential uses including a sauna, living space and bathroom while the narrative describes a conference room, offices, training room, and public restroom.
 - b. A parking plan to support the Accessory Building is not provided, and is required if the accessory building is to be used for customers/clients of the horse boarding facility and operation.
 - c. No plans were submitted for the hydrotherapy facility, and therefore the potential impact and use cannot be evaluated adequately.
 - d. No plans were submitted for the energy improvements, and therefore it cannot be evaluated adequately.
 - e. No plans were submitted for the electric vehicle (EV) charging stations and therefore cannot be evaluated adequately.
2. *Recommend approval of the Amendment Conditional Use Permit subject to conditions.* If the Planning Commission determines that sufficient information has been provided to make a decision, staff recommend consideration of including the following conditions (note that all existing conditions within the 1997 CUP would remain valid, except those explicitly amended by the follow conditions). The following draft conditions are provided for your review, comment and modification:
 - The construction of a new approximately 720 square foot accessory building is permitted. The use of the building must be for office, small conference room, classroom, teaching area and public restroom.
 - The architectural plans must be updated to reflect the uses as requested by the Applicant, and as approved within the CUP.
 - The Applicant shall work with the building official on the updated architectural plans to ensure that the building meets commercial building standards.
 - An ADA compliant restroom must be provided.
 - A parking lot and/or parking plan must be added to the site plan for review and approval by City Staff. A minimum of six (6) parking spaces must be provided. Such plans for the parking area must be reviewed and approved by the City Engineer.
 - One ADA compliant parking stall must be provided.
 - If applicable, the Applicant must upgrade the septic system per Washington County Environmental Services requirements to support the new accessory building (public restroom)



- Full plans, including architectural design and site location, are required for any hydrotherapy facility and/or pool. Such plans were not included or provided, and therefore, is not approved as a part of this CUP Amendment.
- Any proposed facilities, not expressly approved by the CUP and Amended CUP, shall require an Amendment to the CUP.
- EV charging stations must be generally located near the customer parking areas on the site. The charging stations are permitted for use by the patrons/clients of the Idylwood Operation only and are not permitted as a commercial public charging station.
- Alternative energy sources, including solar installations, must comply with the City Ordinances and all applicable permits must be obtained.

Attachments

Attachment A: Application

Attachment B: Site Plan and Architectural Plans



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

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

CONDITIONAL USE PERMIT

Application Date:	June 12, 2023
Fee: \$400	Escrow: \$3,000

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.

PARCEL IDENTIFICATION NO (PIN): 0303021130003		LOT SIZE: 34.66 Acres
PROJECT ADDRESS: 11490 Julianne Ave N Stillwater, MN 55082	OWNER: Name: Jaime Benner Address: 11490 Julianne Ave City, State, Zip: Grant, MN 55082 Phone: 6123819131 Email: idylwoodmn@gmail.com	APPLICANT (If different from Owner): Name: Address: City, State, Zip: Phone: Email:
BRIEF DESCRIPTION OF REQUEST: Update Conditional Use Permit of November 12, 1997 to reflect updates in equestrian training per 2023 standards		
APPLICABLE ZONING CODE SECTION(S): Please review the referenced code sections for a detailed description of required submittal documents, and subsequent process. - Division 5. Conditional Use Permits 32-141 through 157, others		

Required Signatures

*** Note: All parties with a fee interest in the real estate must sign this application before the City will review for completion! ***

Applicant

Name: Jaime Benner
(Please print)
Address: 11490 Julianne Ave N
City, State, Zip: Grant, MN 55082
Phone: 612-385-9131
Cell Phone: 6123859131
Email: idylwoodmn@gmail.com
Signature: Jaime Benner Digitally signed by Jaime Benner
Date: 2023.06.11 18:11:10 -05'00'
Date: June 11, 2023

Fee Title Property Owner (If different from Applicant)

Name: _____
(Please print)
Address: _____
City, State, Zip: _____
Phone: _____
Cell Phone: _____
Email: _____
Signature: _____
Date: _____

Checklist:

Please review the attached checklist. Minnesota State Statute 15.99 provides the City of Grant 15 business days to determine the application's completeness. Completeness depends on whether or not the applicable checklist items are fulfilled and submitted with your application.

Review Deadline and Timeline:

All applications must be received by the deadlines as posted on the City's website. Failure to submit by the date shown may result in a delay in the scheduling of the application for public hearing. Meeting the deadline does not guarantee that an application will be heard at the next meeting. To improve likelihood of appearing on an agenda, it is recommended that applications be submitted earlier than the deadline.

According to Minnesota State Statute 15.99 a Conditional Use Permit has a Statutory review period of 60 days, with the City's ability (which includes city staff and consultants) to extend the review for an additional 60 days if necessary due to insufficient information, directive to provide additional information, the tabling or postponement of an application, lack of quorum, or schedules.

Application for Planning Consideration Fee Statement:

(Please read carefully and understand your responsibilities associated with this land use application)

The City of Grant has set forth a fee schedule by City Ordinance as posted on the City's website. The City of Grant often utilizes consulting firms to assist in the review of projects. The consultant and city rates are available upon request. By signing this form, the Applicant accepts sole responsibility for any and all fees associated with the land use application from the plan review stage; the construction monitoring stage; and all the way to the release of any financial guarantees for an approved project. In the event the Applicant fails to make payment of all fees associated with the project, the City of Grant will assess any unpaid or delinquent fees related to this application or project against the subject property. If a project is denied by the City Council or withdrawn by the Applicant, the fees associated for the project until such denial or withdrawal, remain the Applicant's responsibility.

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

Applicant

Fee Title Property Owner

(If different from Applicant)

Jaime Benner Digitally signed by Jaime Benner
Date: 2023.06.11 18:10:52 -05'00'

Signature

Signature

Jaime Benner

Printed Name

Printed Name

June 11, 2023

Date

Date

** For Applicant's use and records

Conditional Use Permit Checklist:

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.

COPIES: One (1) Electronic copy of full submission; Two (2) 11x17 half-scale scalable hard copy plan sets.

■ **Site Plan:** All plans must be to-scale, scalable, and include a north arrow.

- Property dimensions
- Area in acres and square feet
- Identified setbacks (Front, Side, Rear)
- Identify Buildable area (if applicable)
- Location of existing and proposed buildings (including square footage, foot print, and dimensions to lot lines)
- Location of existing utilities, drainfield locations
- Location of current and proposed curb cuts, driveways and access roads
- Existing and proposed parking (if applicable)
- Off-street loading areas (if applicable)
- Existing and proposed sidewalks and trails (if applicable)
- Sanitary sewer and water utility plans (if expansion is needed)

■ **Existing Conditions:**

- Aerial of site and adjacent properties
- Location of all wetlands (NWI, or similar)
- Topographic contours at 2-foot intervals
- Water bodies, Ordinary High Water Level, 100-year flood elevation

■ **Grading Plan (if applicable):** All plans must be to-scale, scalable, and include a north arrow.

- Grading Plan
- Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated
- Stormwater Plan and Calculations (if applicable)

□ **Landscape Plan (if applicable):** All plans must be to-scale, scalable, and include a north arrow.

- Landscape plan identifying species and size of trees and shrubs
- Screening plan

■ **Architectural/Building Plan (if applicable):** All plans must be to scale, scalable, and include a north arrow.

- Location of existing and proposed buildings and their size including dimensions and total square footage
- Proposed floor plans (if applicable)
- Proposed elevations (if applicable)
- Description of building use for proposed CUP

■ **Written Narrative Describing your request:** 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:

- Description of operation or use
- Number of employees (if applicable, if not state why)
- Sewer and water flow/user rates (if applicable, if not state why)
- Any soil limitations for the intended use, and plan indicating conservation/BMP's
- Hours of operations, including days and times (if applicable)
- Describe how you believe the requested conditional use fits the City's Comprehensive Plan

Conditional Use Permit Checklist:

- Statement acknowledging that you have contacted the other governmental agencies such as watershed districts, Washington County departments, state agencies, or others that may have authority over your property for approvals and necessary permits.

- Paid Application Fee: \$400

- Paid Escrow*: \$3,000 *Any remaining funds, after expenses, are returned to the Applicant. Expenses incurred over \$3,000 will be billed to the Applicant.

Materials that may be required upon request:

- Survey of the Property: An official survey, by a licensed surveyor, may be requested with the application. The survey shall be scalable and either Full Scale, or Half Scale (11"x17") as requested by the Zoning Administrator.

- Full scale plans at a scale not smaller than 1"=100'

- Sanitary and stormwater plans.*** Sanitary and/or stormwater plans may be requested depending on the proposal of the Conditional Use Permit.

- Wetland Delineation.*** If the proposed project is near a potential wetland boundary or setback, delineation may be required to fully evaluate and approve, or deny, the Conditional Use Permit.

Check List

Site Plan

Landscape and survey were submitted in paper form with the building Permit. An abbreviated electronic copy is attached.

Existing Conditions

Existing conditions are shown on the Site Plan.

Grading Plan

A grading plan was submitted along with the landscape, survey and architectural building plans. A copy is provided herewith.

Landscape Plan

Not applicable.

Architectural/Building Plan

Two full copies of the architectural and building plan were submitted with the application for a building permit.

Written Narrative

To follow:

Written Narrative Describing your request: 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:

•

Description of operation or use

Idylwood Equestrian Center was first established as a nationally recognized equestrian training facility by Han Senn in the interwar period. However, the property was an horse training facility well before that – perhaps as early at the 19th Century which is the age of the original owner/resident manager residence. Thus, while well over 50% of the City of Grant has been converted to residential use, Idylwood equestrian Facility remains one of the primary and prime agricultural treasures of the City. That said, as time passes, renovations and updates to accommodate 21st Century living and recreation are required especially in order to maintain Idylwood as the superior agricultural use to which it is committed and has been dedicated. In particular, and in summary, I propose to modernize the living facility to expand the housing to permit a family of four to living comfortably, to add an office and small conference room with a public restroom for customer use and to provide security for business records and a locus for classroom teaching, and, consistent the City's Comprehensive Plan, use the resources of our precious land, sun, and wind, to shift energy use from carbon generating propane to being fully electric and having electric generating capacity on site – carefully done to preserve the vistas and permit customers who will be shifting to electric vehicles to continue to enjoy recreation at Idylwood.

Over time, the facility has incorporated four barns, one adjoining the three-bedroom employee housing (“Stone Barn”), and the other three stand-alone barns. The larger or “Steel” barn also includes a heated indoor arena for equestrian use. Heat, of course, in Minnesota, is a precious resource but thankfully, we have underground thermal conditions that permit heat pumps, abundant sun that can be captured on the roof of the Steel Barn – hidden from view—and magnificent wind. Currently, the historic wood barn and one wooden shed that was used for storage of equipment were torn down for safety reasons. The historic wood barn also contained an office, sitting or conference area, a public restroom, storage for equestrian equipment and numerous stalls. The fourth barn (“Dutch Barn”) has been converted from stalls to indoor storage for farm equipment.

Currently, there are therefore two barns – the Steel Barn and the Stone Barn – which have individual stalls for up to 36 horses. The acreage is largely flat with some undulating hills but without wetlands and is divided into numbered pastures. [There is one watershed area which is the drainage ditch that was built alongside Julianne Ave N and extends some distance next to the access road before going underneath to the east. The pastures are supplied with water from the well located near the Steel Barn. There are several wooden sheds to provide shade and protection from weather within the pastures. There are three main pastures of many acres for horses with a number of smaller pastures for horses that are required to pasture alone or with limited access to other horses. There is a parking lot for employees with approximately four spaces adjoining customer parking with approximately six spaces. There is overflow parking as the roadways are wide enough to accommodate parking and still permit passage of other vehicles.

There is a fenced outdoor arena and grazing area in front of the Steel Barn and to the east of the Stone Barn. The entry road passes around the outdoor arena and grazing area past the Stone Barn and then past the Steel Barn to customer parking. There is then a private road to the owner/resident manager housing. The owner/resident housing has a one acre front yard that is visible from the entry way.

The entire property is fenced. Other than the front pasture, outdoor arena, grazing area, and the owner/resident manager housing, the farm is not visible to passersby or to neighbors. A rehabilitation facility is located to the front and west of the property adjacent to the large fenced front pasture. The rest of the west end is bordered by a lake or pond belonging to neighboring property. The pond does not extend onto Idylwood property. The east end is bordered by an individual residence which is largely undeveloped woodlands. Individuals in the rehabilitation facility cannot see beyond the employee housing. The north end of the property contains a right-of-way for the Soo Railroad (formerly, Minneapolis, St. Paul, and Sault St. Marie Railroad) which runs the length of the north end.

There are currently two dogs on the property of which one is undergoing training as a search and rescue dog which includes agility training, tracking, obedience, and protection. The property is ideally suited for search and rescue training.

Equestrian training is undertaken on a daily basis both with horses that are owned by customers and boarded at the facility and with the owner/resident managers horses. There is one goat.

Plans include the construction of an A-Frame type building containing an office, restroom, and small conference, classroom, or teaching area to replace the facilities formerly located in the historic wood barn. The building will be separate from the owner/resident manager housing but located nearby to facilitate instruction and otherwise support the business operations in a locked and protected environment. The current owner/resident manager housing is in the reconstructed original farm house dating from the 19th Century and has only two bedrooms. An additional one or two bedrooms may be necessary to accommodate a larger owner family. Plans also include addition of an equine and canine hydrotherapy

facility (pool) with access designed to accommodate equestrian use. Replacement barns may also be added in the future.

Finally, in keeping with national trends to foster clean energy, the plan is to incorporate clean energy generating equipment (solar, wind, thermal) on the roof of the Steel Barn or other suitable and appropriate locations to reduce and potentially eliminate the need for propane heating and carbon depleting energy use with installation of heat pumps and DC power storage to address occasional and transient weather induced loss of electrical service. This will also permit the installation of charging stations at the owner/resident manager house and the public parking for charging of electrical vehicles. None of the equipment would be visible to neighboring properties or passersby given the terrain and surrounding properties.

•
Number of employees (if applicable, if not state why)

The number of employees varies by the size of the operation. When fully stocked with 62 horses, the current employee three-bedroom housing is fully occupied with three employees. During the pandemic, with reduced utilization, the number of employees varied from 1 to 2. As of June 10, 2023, there is one employee, an owner/resident manager, and family of the owner/resident manager who manage the property and animals full time. There are other occasional employees including a carpenter, who resides off property, and other occasional workers as needed, such as a veterinarian and ferrier.

•
Sewer and water flow/user rates (if applicable, if not state why)

The property relies on four wells for water supply to the employee housing, the two barns and horses therein, and the owner/resident manager housing. With the removal of the historic wood barn, one of the wells has been capped off. There are correspondingly two sewer mounds and, near the SOO line railway right-of-way, an area devoted to manure recycling. Decomposed manure is used to fertilize trees on the property. Given the absence of wetlands, decomposed manure does not enter any waterway.

There are no wetlands or water shed areas other than a drainage ditch along the Julianne Ave North frontage which partly parallels and then goes under the entry driveway. The addition of the office/instructional area and restroom are not anticipated to impact water usage since water will come from the current well serving the owner/resident manager housing and septic will be diverted to the large sewer mound current used by the owner/resident manager housing.

•
Any soil limitations for the intended use, and plan indicating conservation/BMP's

None.

•
Hours of operations, including days and times (if applicable)

The facility is generally open by appointment or pre-arrangement to customers Tuesday through Sunday from daylight to shortly after sunset.

•
Describe how you believe the requested conditional use fits the City's Comprehensive Plan.

Ultimately, the City's Comprehensive Plan of 2005 demonstrates, as does this amended Conditional Use Permit, a dedication and commitment to the rural residential lifestyle. While the majority of Grant has been converted to developed home sites, Idylwood Equestrian Center remains true to its historic purpose as a nationally recognized horse boarding and training facility on its almost 36 acres of pasture with only a few structures – and those entirely dedicated to equestrian and canine training. Less than 5% of the

property is classified as “improved” or containing structures both before and after the planned addition. The original property was selected for this purpose based on the property being naturally nearly level prairie without wetlands or mixed hardwood forest – ideal for equestrian pasture and equestrian safety. There remain a few original elm and oak trees – mostly along the Julianne Ave right of way. Groundwater was and is abundant and the source of well water for the animals and human occupants. The soil is particularly suitable for on-site septic systems, basements (the original farm house has a basement as will the new office building for the placement of electrical and heating equipment).

The planned improvements are designed to maintain this agricultural use as the City of Grant enters into the 21st Century. Agricultural use has decreased substantially in Grant over the last century. Improvements such as electrification of heating and cooling, AC and DC power generation, are essential to maintaining the rural character of Grant. To that end, the Mahtomedi Office Building has an EV charging station. Residents and visitors to Grant are dependent on automobiles for shopping, community, and recreation. As the nation makes a mandatory transition to electric vehicles, rural recreational facilities will be challenged to continue to provide recreational and agricultural services to commuters and residents who are dependent on automobiles. We should have the ability to assure that visitors and residents are not stranded. Generation of electricity using Minnesota’s abundant resources of wind, sun, and thermally stable underground will enhance the ability to maintain the 36 acre property as an environment for equestrian and canine training for nearby city dwellers and for those residents who are dependent on employment outside the community but seek recreational and farm activities within the community that can remain undiminished for future generations. This sort of low density agricultural development fits squarely within the Comprehensive Plan. Grant currently has the highest density of horses in Washington County and these 21st century upgrades will permit Idylwood Equestrian Center to operate safely into the 22nd Century while modernization and updating the Center to 21st Century equestrian care. I am committed to assuring that innovation in equestrian management will nonetheless maintain the rural character of the property and believe that these plans promote flexibility, economy, and creativity in this agricultural use that naturally conforms to the dictates of the land and achieves the overall community benefits outlined in the Comprehensive Plan.

4

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA

CONDITIONAL USE PERMIT
FOR
PAMELA M. MAGADANCE

Date: November 12, 1997

Washington County Property I.D. No.: 0303021130003

Street Address of Subject Property: 11490 Julianne Avenue North
Stillwater, Minnesota 55082

Legal Description: See attached Exhibit "A"

Owner: Pamela M. Magadance

Present Zoning District: A-1

Permitted Uses Set Forth in Ordinance 50, Section 604.

I. CONDITIONAL USE PERMIT FOR: Pamela M. Magadance

All uses shall be subject to the following conditions and/or restrictions imposed by the City Council of the City of Grant.

A. General Description. A Conditional Use Permit for a horse boarding and training facility, for a dog kennel permit, for dog training and sheep herding trials, for duck herding trials, and for live-in apartments.

II. ADDITIONAL RESTRICTIONS AND PROVISIONS:

In addition to all of the requirements of City of Grant Ordinances and any applicable County, regional or State requirements, the property is also subject to the additional restrictions and provisions specified herein:

A. Limits on Number of Animals on Site. The following shall be the maximum number of each type of animal which shall be allowed on the subject property:

1. Horses - 62 (A larger number of horses may be present on-site during horse shows.)
2. Sheep or goats - 100 (total)
3. Ducks - 100
4. Dogs - 6 (A larger number of dogs will obviously be present on-site during dog training or trial sessions. However, the maximum number of dogs which may be permanently boarded, harbored or kept on the property, by the owner, is 6.)

- B. A maximum of six (6) horse shows per year are permitted.
- C. A maximum of two (2) sheep herding trials per year are permitted. Additionally, six (6) "fun days" are permitted annually. Additionally, dog training may take place upon the property during the entire year.
- D. Residential living quarters on the property are as follows:
 - 1. One (1) single-family residential home
 - 2. One (1) three-bedroom apartment
 - 3. Four (4) efficiency apartments
- E. Applicant is hereby granted a kennel permit (private kennel) for up to six (6) dogs.
- F. All land legally described in the Application is included in this Permit. No land covered by this Permit shall be subdivided unless the size and number of accessory buildings is consistent with City Ordinances.
- G. Any change in the plans or construction of any other facility not specifically permitted in this Permit shall require an Amended Conditional Use Permit.
- H. This Permit shall be recorded against the property in the office of the Washington County Recorder.
- I. A permit must be obtained from the Minnesota Pollution Control Agency prior to any animals being boarded on this property. This Conditional Use Permit is not valid until evidence is shown to the City Council that this Permit has been obtained.
- J. This Permit shall be reviewed on an annual basis by the City of Grant. It should also be reviewed each time the property is sold. The City Council or its designated agents shall have the right of access to all facilities on this property during daytime hours.
- K. The Applicant must comply with all conditions of the Minnesota Pollution Control Agency Feed Lot Permit.
- L. The owner of the subject property shall keep in full force and effect general liability insurance covering personal injury and property damage arising out of the operation of the activities allowed pursuant to this Permit.
- M. No more than sixty-two (62) horses may be boarded on the property at any time. If the number of horses creates a nuisance as defined by State Statute or City Ordinance,

then the City may order a reduction in the number of horses.

- N. Manure shall be spread or removed from the property in accordance with Pollution Control Agency standards.
- O. Adequate parking must be provided on the site for horse and/or dog shows.
- P. Additional conditions may be added to this Permit if deemed necessary.
- Q. Buildings and septic systems shall be in proper working order at all times.
- R. In relation to the horses kept on-site, and in consideration of past uses of the property, this Permit also authorizes boarding, training, riding lessons, horse shows, breeding, children's riding camp, and other normally associated horse activities which have historically occurred on the property.

III. REVIEW.

Pursuant to Section 505.08 of the Zoning Ordinance of the City of Grant, periodic review of this Conditional Use Permit is imposed as a condition of its approval. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission, which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

IN WITNESS WHEREOF, the parties hereto have signed and agreed to the terms of this Conditional Use Permit.

City of Grant

By _____
Gary Erichson, Mayor

By _____
Stephanie Marty, City Clerk

STATE OF MINNESOTA)
) ss
COUNTY OF WASHINGTON)

On this _____ day of _____, 1997, before me, a Notary Public, personally appeared GARY ERICHSON and STEPHANIE MARTY, the Mayor and City Clerk of the City of Grant, a Minnesota municipality within the State of Minnesota, and that said



MEMO

To: Planning Commission

CC: Kim Points, City Administrator/Clerk
Nick Vivian, City Attorney

From: Jennifer Haskamp, City Planner

RE: Draft Ordinance for Outdoor Storage

Date: August 8, 2023

Summary

In February 2023 the City adopted a moratorium with the purpose of allowing for study and potential revision to the Exterior Storage regulations contained in the City's Code of Ordinances. Included in the packet is a draft ordinance for review and consideration. City Staff researched ordinances in other communities with similar lot configurations and sizes and conducted a survey with the City Council to solicit direction and feedback.

There are many ways in which exterior (outdoor) storage can be addressed within the ordinance, but there are certain common themes in most. A summary is provided for your reference:

- Most ordinances separate regulations by “personal” and “commercial.” These terms do not necessarily correspond with the zoning district.
- Most ordinances require screening and/or increased yard setbacks.
- Ordinances regulate the area by percent of a lot and/or maximum square feet.
- Ordinances generally require outdoor storage areas to be located on improved surfaces.

The following ordinance is a first draft for your consideration and discussion.

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2023-__

**An Ordinance Amending the Grant Code of Ordinances
Amending Sections 32-1 Definitions, 32-245 Table of Uses and 32-316 Exterior Storage**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-1, "Definitions" is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Outdoor Storage, Personal means exterior storage of materials, equipment, and products that are accessory to a principal residential use.

Outdoor Storage, Commercial means exterior storage of materials, equipment and products. Such definition does not include outdoor display of items that are for sale.

SECTION 2. AMENDMENT OF CHAPTER 32, SECTION 32-245 TABLE OF USES, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickthrough~~ :

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) P = Permitted C = Conditional Use Permit and public hearing I=Interim Use Permit and public hearing CC=Certificate of Compliance A = Permitted accessory use N = Not Permitted					
<u>Outdoor Storage, Commercial or Personal</u> —as a principal use. (see section 32-316)	N	<u>€N</u>	<u>€N</u>	<u>€N</u>	C or <u>I</u>
<u>Outdoor Storage, Commercial – accessory use, to permitted principal use.</u> (see section 32-316)	<u>N</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>I</u>
<u>Outdoor Storage, personal</u> —as accessory use to permitted principal use. (See section 32-316.)	A CC	A CC	A CC	A CC	A CC
Storage not accessory to a permitted principal use. (See section 32-316.)	N	€	€	€	N

SECTION 3. AMENDMENT OF CHAPTER 32, SECTION 32-316 EXTERIOR STORAGE, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-316, “Exterior Storage” is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickthrough~~ :

Sec. 32-316. ~~Exterior~~ Outdoor storage.

(a) General Purpose. The purpose of this section is to regulate outdoor and/or exterior storage uses on all properties in the City. The regulations established herein are established by the principal land use of a property. The following standards shall apply to all Outdoor Storage uses:

- 1) The items in the area designated for outdoor storage must be completely screened from view at ground level from adjacent public right-of-way and adjacent residential uses.
- 2) The storage area may not be used for the storage of junk vehicles, trash, debris, or other nuisance items.
- 3) The storage area must be clearly defined and screened by fencing, structures, vegetation or other physical means to screen the delineated the storage area.
- 4) The storage area must be an improved surface which may include gravel, pavement, or similar.

- 5) ~~In all districts,~~ All waste, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with the provision within 90 days following the effective date of the ordinance from which this article is derived.
- 6) Unlicensed passenger vehicles and trucks shall not be parked ~~in residential districts~~ for a period exceeding seven days.
- 7) All exterior storage not included as a permitted accessory use or permitted use, or included as part of a conditional or interim use permit or otherwise permitted by provisions of this chapter, shall be considered as refuse.

(b) Outdoor storage that is for personal use is a permitted accessory use provided such use is identified as permitted, conditionally permitted or an interim use. Such storage area may not be placed within any required yard setback and must be located behind the principal structure. Exempt from this provision is:

- 1) Up to two personal vehicles provided such vehicles are licensed and road worthy.
- 2) Up to two recreational vehicles.

(c) ~~In nonresidential districts,~~ Exterior storage ~~for commercial purposes of personal property~~ may be permitted by ~~conditional~~ interim use permit provided ~~any such that the property is so stored is for purposes of relating that relate to a permitted or conditionally permitted use of the property as regulated on Table 32-245 Table of Uses, permitted by this chapter and the storage will not be contrary to the intent and purpose of this chapter.~~

(d) The following performance standards shall apply to all commercial exterior storage areas:

<u>Requirement/Standard</u>	<u>Conservancy</u>	<u>Agricultural A1</u>	<u>Agricultural A2</u>	<u>Residential R1</u>	<u>General Business (GB)</u>
<u>Minimum Lot Area to allow exterior storage, commercial</u>	<u>20 Acres</u>	<u>20 Acres</u>	<u>20 Acres</u>	<u>20 Acres</u>	<u>30,000 SF</u>
<u>Area limit on commercial exterior storage area allowed</u>	<u>10% or X acres whichever is less</u>	<u>10% or X acres whichever is less</u>	<u>10% or X acres whichever is less</u>	<u>5% or X acres whichever is less</u>	<u>70% or X acres whichever is less</u>
<u>Location</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Behind principal structure</u>	<u>Must meet setbacks</u>
<u>Setbacks</u>					
• <u>Front Yard (right-of-way)</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>200'</u>	<u>65' or 150' if Arterial</u>
• <u>Side Yard</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>20'</u>
• <u>Rear Yard</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>100'</u>	<u>30'</u>

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2023.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk