Scott County
Planning Advisory Commission
September 9, 2019
6:30PM

Scott County Government Center
County Board Room
200 Fourth Avenue West
Shakopee, MN
Scott County
September 09, 2019
Planning Advisory Commission Meeting

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SCOTT COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES

Scott County Government Center
200 Fourth Avenue West
Shakopee, Minnesota

Monday, August 12, 2019
County Board Room at 6:30 PM

I. ROLL CALL AND INTRODUCTIONS
   Chair Vonhof opened the meeting at 6:30 pm with the following members present, Donna Hentges, Lee Watson, Barbara Johnson, Gary Hartmann, Ed Hrabe, and Ray Huber.

   County Staff Present: Brad Davis, Planning Manager; Marty Schmitz, Zoning Administrator; Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF JULY 8, 2019 MINUTES
   Motion by Commissioner Johnson; second by Commissioner Hrabe to approve the minutes of July 8, 2019 Planning Advisory meeting. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM: MAGGIE LANE FARM (PL#2018-106)
   A. Request for Approval of Maggie Lane Farm Preliminary and Final Plat Consisting of 3 lots on 51.33 Acres.
      Location: Section 27
      Township: Credit River
      Current Zoning: RR-2

   Nathan Hall presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: August 12, 2019 Planning Advisory Commission Agenda Packet. (To view the staff report on the county website link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Maggie Lane Farm project name.)

   Commissioner Comments and Questions:

   Commissioner Hartmann asked about the shared driveway access for lots 1 & 2 and whether this was common to have shared access on the particular highway. Planner Hall explained that the driveway plan has been reviewed by the county highway department and meets the minimum access requirements for the roadway.

   Planning Manager Davis further commented about the driveway access issue and the need for one shared driveway. Two separate driveways would be too close together thus not meet the minimum spacing between highway access points. Shared driveways may be recommended or required depending on the roadway, the township and other particular aspects that may affect driveway access and spacing.

   Commissioner Johnson noted the shared driveway does not appear to be defined on the plat drawings.

   Commissioner Hentges commented on the number of recommendations submitted on the project from the different departments, asking the other Commissioners if this number of recommendations is unusual. She made the suggestion to consider having the plans redone so that is meets all the recommendations of the other
departments and then brought back for approval.

Commissioner Vonoff offered an explanation of the process involving other departments, such as the highway department, who review the project plans and make recommendations along the way.

Planner Greg Wagner explained, commonly, there is staff review from others such as Natural Resources, Environmental Services and Highway Department who review the plans and may make recommendations that include requirements which must be met prior to county board approval. The Planners determine the significance of the comments and changes to evaluate if it will dramatically change the proposed plat or prevent the project from moving forward. Planning meets with the other departments on the regular basis to review specifics of projects and recommended changes. The project is not brought before the Planning Commission until the planners have determined the project is in a format ready for approval, outside of minor changes which can be made prior to board approval. In this case with Maggie Lane Farm, the applicant re-submitted their plans. In regards to the shared driveway questions, the goal and preference is to not add more accesses to any highway but if it cannot be avoided then a shared driveway is recommended.

Commissioner Johnson inquired about the comments made in the memo from Environmental Services staffer Jesse Krzenski in which he stateed the application was incomplete. She also noted the driveways are not indicated on the plans. She asked if the changes will be made so that the plats may be approved or should the item be tabled? Planner Wagner explained and pointed out the driveways on the plans as they were along the property lines and difficult to see. He confirmed, with the help of Planner Hall, the environmental issues that remain have solutions and will be addressed.

The public hearing was opened for public comment; however no one approached the podium to comment.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Huber to close the public hearing. The motion carried unanimously.

Motion by Commissioner Huber; second by Commissioner Hentges based on the criteria for approval listed in the staff report, to recommend approval of the preliminary and final plat of Maggie Lane Farm, consisting of 3 lots on 51.33 acres, noting this recommendation is subject to th approval of the conditions listed in the staff report that must be satisfactorily addressed prior to County Board consideration of the project and noting Credit River Town Board has recommended approval. Chair Vonhof asked for any further discussion on the application.

Commissioner Vonhof commented Highway 68 at that location is curved and 55 mph and supports one driveway as it is a challenging road.

Commissioner Hrabe inquired if the Commissioner Johnson concerns about the incomplete application comments from Environmental Services were satisfactorily addressed.

Commissioner Vonhof stated the concerns and recommendations will be addressed prior to board consideration.

A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 2 & 42):

1. **Adequate Drainage** – the proposed plat meets all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance.

2. **Adequate Potable Water Supply** – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.
3. **Adequate Roads or Highways to Serve the Subdivision** – the proposed lots have frontage and driveway access to Credit River Boulevard, a paved County Road.

4. **Adequate Waste Disposal Systems** – the proposed lots meet all requirements of the individual sewage treatment system ordinance.

5. **Consistency with the Comprehensive Plan** – the proposed plat conforms to the goals and policies contained in the 2030 Comprehensive Plan for the development in the Rural Residential Growth Staged Area.

6. **Public Service Capacity** – the proposed development does not adversely impact the public service capacity of local service providers as it is adding one additional lot.

7. **Consistency with the Minnesota Environmental Quality Board’s Policies** – the proposal does not require any environmental review and is therefore consistent with the policies of the Minnesota Environmental Quality Board.

8. **Consistency with Capital Improvement Plans** – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan.

IV. **PUBLIC HEARING 6:35 PM CONTINUED FROM JULY 2019: CRESCENT CURVE (PL#2019-0024)**

A. Request for Approval of Preliminary Plat of Crescent Curve Consisting of 23 lots on 85.89 Acres.

<table>
<thead>
<tr>
<th>Location</th>
<th>Section 27 &amp; 34</th>
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</thead>
<tbody>
<tr>
<td>Township</td>
<td>Credit River</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>RR-2</td>
</tr>
</tbody>
</table>

Principal Planner Greg Wagner presented the staff report for this application. The specific details within the staff report and a video are available on the Scott County Website link: [August 12, 2019 Planning Advisory Commission Agenda Packet](#). (To view the staff report on the county website link, click on the download arrow and click on Agenda, then Save and then Open. Next open the bookmark at the top of the page and click on the Gednalske project name.)

Commissioner Comments and Questions:

Commissioner Watson inquired of staff review and thoughts on the road length and terminating in cul de sacs with regards to emergency vehicle access. **Planner Wagner replied stating this concern is addressed in ordinance by limiting the length of the roads/cul de sacs and the number of lots to be served.**

Commissioner Huber commented on street B on the plat with a cul de sac at the end and asked if it could eventually be connected to the south to France Court. **Planner Wagner explained the challenge of incorporating developments and roads designed prior to when connectivity was considered. Neighboring developments were designed in the 1970’s or 80’s, without consideration of future road connections. Whenever possible and when it makes sense, they do recommend future road connections in current planning processes. The lots south of the proposed development are 2.5 acres lots and are not subdivideable in order to make a future road.**

Commissioner Johnson inquired about the topography of the area and the protection from flooding for the lots near the collections ponds, in particular, lots 7 & 8. **Planner Wagner provided a description of the topography. Also explained the requirements to meet 100 year flood elevations. When lots 7 & 8 get developed, their plans will need to meet certain requirements as well to meet Ordinance elevations, the lowest floor by design will need to be 1 foot above the 100 year flood level.**

3
Commissioner Vonhof commented on the topography and the steep slopes on the property. The rate of flow on the the 80 acres will be high from south to north. The engineering will need to be done well to ensure the management of the flow of stormwater.

Commissioner Huber suggested having the acting Engineer on the project talk about the plan for water flow. Jason Mccarthy, Engineer for Crescent Curve LLC, explained the plan for the flow of stormwater including the use and expansion of the collection ponds. In a bigger event, the water will flow down south of the road in the county ditch system and cross an emergency overflow.

The public hearing was opened for public comment.

Resident Francis McDonough (9621 Frontier Ln) approached the podium and is concerned about:
- Traffic flow into the project area, primarily the single egress into the property
- Are there plans for a temporary construction entrance
- What is the estimated timeframe for the project? Wondering if there will be construction equipment traveling in around his home for an indeterminant period of time.
- Currently paying an assessment on the residential road, will the construction traffic significantly degrade the road
- His residence will be directly impacted by the project

Planner Wagner explained the plan for access into the property. The access space requirements do not allow for a permanent second egress onto the property. The existing driveway is via easement and does not allow use for construction access. Construction traffic for the individual homes will come through on Frontier Lane. The 3 way development agreement does address the handling of potential construction damage to the existing roads.

Jason Mccarthy, Engineer for Crescent Curve, further commented on the egress situation and also explained they have agreed to do a mill and overlay on the roadway once the project is done as part of the 3-way development agreement. The timeline for the development is expected 2-3 years to complete.

No other individuals approached the podium for comment.

Motion by Commissioner Watson to close the public hearing; second by Commissioner Huber to close the public hearing. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Hrabe based on the criteria for approval listed in the staff report, to recommend approval of the preliminary plat of Crescent Curve consisting of 23 lots on 85.89 acres noting that this recommendation is subject to the conditions listed that must be satisfactorily addressed prior to County Board consideration of the preliminary plat. A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 42):

1. Adequate Drainage – the proposed plat will meet all storm water drainage requirements as identified in Chapter 6 of the zoning ordinance prior to County Board consideration.

2. Adequate Potable Water Supply – the proposed plat, utilizing individual wells, meets the requirements of the zoning and subdivision ordinances.

3. Adequate Roads or Highways to Serve the Subdivision – The proposed lots will have frontage and access off of the new Township roads, specifically an extension of Frontier Lane, and future township roads as shown on the project plans.
4. *Adequate Waste Disposal Systems* – the proposed lots will meet all requirements of the individual sewage treatment system ordinance prior to County Board consideration.

5. *Consistency with the Comprehensive Plan* – the proposed plat conforms to the goals and policies contained in the 2040 Comprehensive Plan for the development in the Rural Residential Growth Area.

6. *Public Service Capacity* – the proposed development does not adversely impact the public service capacity of local service providers as the lots will utilize the existing Township road for access.

7. *Consistency with the Minnesota Environmental Quality Board’s Policies* – with the large wetland areas being preserved or undeveloped the project falls below the 80 acres of changed land use threshold for requiring an Environmental Assessment Worksheet. In addition this property was included in the Alternative Urban Areawide Review (AUAR) that studied land use, transportation, and environmental issues for the southern portion of Credit River Township.

8. *Consistency with Capital Improvement Plans* – the proposed plat is not requiring any county funded road improvements; therefore it is consistent with the County’s capital improvement plan.

**V. PLANNING MANAGER UPDATE-Presented by Brad Davis**

**VI. GENERAL & ADJOURN**

Motion by Commissioner Johnson; second by Commissioner Huber to adjourn the meeting at 7:17 PM. The motion carried unanimously.

**VII. WORKSHOP FOR ORDINANCE TRAINING WAS HELD WITH THE COMMISSIONERS AFTER ADJOURNMENT.**

__________________________________________________________  _______________________
Tom Vonhoff  
Chair, Planning Advisory Commission  

__________________________________________________________  
Barbara Simonson  
Deputy Clerk to the Board
Interim Use Permit for Bruce & Jodi Bartusek

Interim Use Permit for Bruce & Jodi Bartusek to add a detached Accessory Dwelling Unit (ADU) in the Rural Residential Reserve (RR-1) Zoning District.

Marty Schmitz, Zoning Administrator, is the project manager and available for questions at 952-496-8653.

General Information:

<table>
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<tr>
<th>Applicant</th>
<th>Site Location</th>
<th>Property Owners</th>
<th>Township</th>
<th>Public Hearing Date</th>
<th>Action Deadline</th>
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<tbody>
<tr>
<td>Bruce &amp; Jodi Bartusek</td>
<td>27751 Panama Avenue</td>
<td>Bruce &amp; Jodi Bartusek</td>
<td>Cedar Lake, Section 35</td>
<td>September 9, 2019</td>
<td>September 21, 2019 (60 day)</td>
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</tbody>
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Zoning/Comprehensive Plan Information:

<table>
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<tr>
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<tbody>
<tr>
<td>RR-1, Rural Residential Reserve</td>
<td>Rural Residential Reserve</td>
<td>None</td>
<td>New Prague District 721</td>
<td>Scott WMO</td>
<td>Elko New Market</td>
<td>Chapters 2, 7 &amp; 40</td>
<td>North Memorial</td>
</tr>
</tbody>
</table>

Report Attachments:
1. Site Location Map
2. Aerial Photo
3. Application Narrative
4. Building Floor Plan
5. Building Photos
6. Applicants’ Site Plan
7. Environmental Services Department Memo Dated 8/26/19
Request- An Interim Use Permit (IUP) for Bruce & Jodi Bartusek to add a detached Accessory Dwelling Unit (ADU) in the Rural Residential Reserve (RR-1) Zoning District.

Comprehensive Plan- The proposed use is in conformance with the general goals and policies for the Rural Residential Reserve Area identified in the 2040 Comprehensive Plan.

Adjacent Land Use/Zoning- 
North – 60 acre farmstead parcel, zoned RR-1
South – 76 acre farmstead parcel, zoned RR-1
East – 10 to 20 acre residential parcels, zoned RR-1
West – 10 to 20 acre residential parcels, zoned RR-1

Existing Conditions- The 41 acre parcel includes a home and farmstead, most of the remainder of the parcel is used for agricultural crop production. The southern and eastern portions of the property include wetlands and woodlands.

Existing Roads- The property fronts and has driveway access onto Panama Avenue, a paved county arterial roadway.

Road Improvements- No road improvements are proposed.

Public Notice- Required public hearing notices were sent to all property owners within one-quarter (¼) mile.

Background:
Bruce & Jodi Bartusek are requesting an Interim Use Permit (IUP) to add a detached Accessory Dwelling Unit to their property located at 27751 Panama Avenue. Their
parcel includes 41 acres located in section 35, Cedar Lake Township, zoned Rural Residential Reserve (RR-1). An Accessory Dwelling Unit (ADU) is a secondary living unit that can be located on a parcel for a family member. The applicants are requesting the ADU as a living space for their relatives to live and help with the animals and upkeep of the farm.

The Accessory Dwelling Unit regulations were adopted in the 2010 Zoning Ordinance update after research, discussion, and workshops with the 11 townships and the Planning Advisory Commission. Residents had requested some alternative living arrangements both for elderly parents and for their newly graduated children that may have financial constraints on other living arrangements. The ADU options allow for family living options through an Administrative Permit (staff and Township review) for an attached ADU or an Interim Use Permit (IUP) for a detached ADU (public hearing).

The RR-1 zoning district allows detached ADU’s through issuance of an IUP provided that the ADU meets the performance standards listed in Chapter 7-4-4 of the Zoning Ordinance. ADU’s are limited to 800 sq. ft. of habitable living space, which includes the spaces for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage, or utility areas are not considered habitable spaces. The detached ADU must also be on a parcel 5 acres or larger, must be located in a rear or side yard, and must be within 150 feet of the main home.

Analysis:
The Bartuseks are in the process of constructing a new home on the property and are proposing to use the exiting home as an ADU. From the applicants letter the home was originally constructed by Bruce Bartusek’s grandfather in 1919. The applicants have made a number of updates to the home including new siding, windows and roof. The lower level includes a porch, kitchen, dining, living, two bedrooms and two bathrooms. One of the bathrooms is proposed to be converted to a laundry room or pantry. The second level of the structure has only one heat duct and few outlets. The applicants have stated this area gets quite hot in the summer and is not being used. They are proposing to use the area only for storage. The lower level includes laundry and mechanicals with no living area. (See applicant’s photos)

As proposed the ADU portion of the main floor living area meets the requirements of Chapter 7-4-4 in regards to size (800 sq. ft. or less) when the bathrooms, closets, stairs and utility areas are removed. As proposed the ADU will include kitchen, dining, living, two bedrooms and a bathroom. Staff is agreeable to the use of this structure as an ADU. This request makes use of an existing structure, the upper and lower levels of the home are not well suited for living areas, and the home has historic significance to the applicants.

The ADU is proposed to be connected to the septic system being installed for the new home. This system is designed to accommodate both structures. Scott County Environmental Health has reviewed the request and indicated they have no issues with the proposed IUP. Scott County Building staff has no concerns with the proposed ADU.

Township Recommendation:
The applicants attended the August, 2019 Cedar Lake Township Board meeting. The Town Board indicated no issues with the request but did not provide the applicant with a
recommendation. Staff has forwarded the staff report to the Township and will provide any new Township comment at the public hearing.

**Staff Recommendation:**
Based on the information submitted by the applicants and subject to the conditions of approval, the proposed Interim Use Permit conforms to the Zoning Ordinance; therefore, staff recommends approval of the Interim Use Permit based on the six criteria for approval listed below:

**Criteria for Approval:**

1. *The use will not create a burden on public facilities and utilities, which serve or are proposed to serve the area.*

   The proposed use will not have a significant impact to the public facilities that serve the property and the surrounding area.

2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*

   The structure has existed in this location for 100 years. The applicants are constructing a new home on the property. The building location is over ¾ mile from Panama Avenue.

3. *If improvements are made, they shall be so designated and constructed that they are not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

   As indicated the applicants have made a number of updates to the structure including new siding, windows and roof. The structure has existed at this location for 100 years and conforms with the rural character of the surrounding properties and within the RR-1 zoning district in Cedar Lake Township.

4. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide on-site parking.*

   The property will continue to use the existing driveway to Panama Avenue.

5. *Adequate water supply, Individual Sewage Treatment System facilities, erosion control, and stormwater management are provided in accordance with applicable standards.*

   Adequate water supply and sewage treatment are available on site. The ADU will be connected to an existing well and will be connected to the new septic drainfield system being installed for the new home on the property.

6. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*
The proposed ADU has been the primary residence on the property for the past 100 years. Any change of modifications will require building permits and be constructed to all state and county codes.

**Conditions of Approval:**

1. This IUP is issued to Bruce & Jodi Bartusek for a detached Accessory Dwelling Unit (ADU) to be added to their property. This ADU shall only be occupied by a family member related by blood, marriage, or adoption.

2. The applicants are to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of this Interim Use Permit. This shall include an annual verification that the persons living in the ADU are family members.

3. This IUP may be annually reviewed by the Township at a time and in a manner as prescribed by the Cedar Lake Township Board.

4. The applicants shall pay an annual inspection fee for the IUP, if and when the County adopts an inspection fee ordinance.

5. The ADU shall be connected to a compliant septic drain field system as required by County Ordinance and Scott County Environmental Health.

6. The structure utilized for the ADU shall meet the requirements of the Scott County Building Official and the State Building Code.

7. The IUP shall be reviewed for termination when the property is sold, further subdivided, rezoned, or upon notification that the ADU is no longer occupied by a family member as outlined in condition #1 above.

8. Upon termination of the IUP the structure shall be removed from the property or converted to a storage building.

**Planning Advisory Commission/Township Alternatives:**

1. Approve the request as recommended by Planning Staff with the specified conditions.

2. Approve the request as recommended by the Planning Staff with amendments to the conditions.

3. Table the request for a specific reason.

4. Deny the request for a specific reason.

**Suggested Motion for Planning Advisory Commission or Township Board:**

Based on the criteria for approval listed in the staff report, I recommend approval of the Interim Use Permit for Bruce & Jodi Bartusek to use the existing home as a detached Accessory Dwelling Unit.
CEDAR LAKE TOWNSHIP
SECTION 35
BRUCE & JODI BARTUSEK
REQUEST FOR
INTERIM USE PERMIT
July 23, 2019

To Whom It May Concern:

My husband and I are applying for a building permit at 27751 Panama Ave, Webster. We will live in the existing home until the house is finished being built. We are applying for a conditional use permit to keep the existing home for an accessory dwelling unit.

We would love to keep the existing home because it has a lot of meaning to my husband Bruce Bartusek. His grandfather built this home, his father was born here and Bruce has lived here for 54 years. We have replaced the siding, roof, windows and have done a lot of updating to the interior of the home. This home was built in 1919. We plan on taking out the old bathroom and turning it into a pantry. We will use the upstairs for storage because it only has one heat duct which we can block off and very few outlets. It gets pretty hot up there in the summer. We currently do not use the upper level. It would great if we could keep this home and have one of our relatives live here and help with the upkeep of the farm and the animals.

Thank you

[Signature]
Jodi Bartusek
Subject Photo Page

Borrower/Client: Bruce Bartusek
Property Address: 27751 Panama Ave
City: Webster
County: Rice
State: MN
Zip Code: 55088
Lender: Wells Fargo Bank, N.A. - 0034628

Subject Side

27751 Panama Ave
Sales Price
Gross Living Area: 1,702
Total Rooms: 6
Total Bedrooms: 4
Total Bathrooms: 2.0
Location: B:Rural;
View: B:Patrl;
Site: 41.38 ac
Quality: Q4
Age: 116

Kitchen/Dining
Subject Photo Page

Borrower/Client: Bruce Bartusek
Property Address: 27751 Panama Ave
City: Webster
County: Rice
State: MN
Zip Code: 55088
Lender: Wells Fargo Bank, N.A. - 0034628

Subject Front

27751 Panama Ave
Sales Price
Gross Living Area: 1,702
Total Rooms: 6
Total Bedrooms: 4
Total Bathrooms: 2.0
Location: B: Rural;
View: B: Pctrol;
Site: 41.38 ac
Quality: O4
Age: 116

Subject Rear

Subject Street
Living
27751 Panama Ave
Sater Price
Gross Living Area 1,702
Total Rooms 6
Total Bedrooms 4
Total Bathrooms 2.0
Location B:Rural;
View B:Pstrl;
Site 41.38 ac
Quality Q4
Age 116

Bedroom

Bedroom
Basement Laundry
27751 Panama Ave
Sales Price
Gross Living Area 1,702
Total Rooms 6
Total Bedrooms 4
Total Bathrooms 2.0
Location R; Rural;
View R; Pvt;
Site 41.38 ac
Quality 04
Age 116

Electric Panel

Furnace
Bath

27751 Panama Ave
Sales Price
Gross Living Area 1,702
Total Rooms 6
Total Bedrooms 4
Total Bathrooms 2.0
Location B: Rural;
View B: Pastel;
Site 41.38 ac
Quality Q4
Age 116

Den

old Bath will be turned into laundry

Form PICOX.SI - "TOTAL" appraisal software by a la mode, inc. - 1-800-ALAMODE
Scott County Property Information

The flood elevation information and the proposed structured lowest floor elevation have been provided by the applicant. Scott County does not warranty the accuracy of that information nor guarantee that flood elevations will not increase in the future. The applicant is advised that meeting Zoning Ord. 4-3.7 minimum standards does not guarantee the structure is not subject to a risk from flooding and is strongly advised to raise the lowest floor elevation to the highest elevation achievable on the site to reduce that risk.

**NOTICE**
Additional erosion control measures may be required due to changing site conditions, plan modifications or changes in Local, State or Federal regulations.

<table>
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<tr>
<th>Parcel Information - PID: 39350040</th>
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<tbody>
<tr>
<td>Property Address: 27751 PANAMA AVE</td>
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<tr>
<td>Taxpayer Information: BARTUSEK BRUCE GLENN</td>
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<tr>
<td>27751 PANAMA AVE</td>
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<tr>
<td>WEBSTER MN 55088</td>
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<tr>
<td>Parcel Properties</td>
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<td>Tax Acres: 41.01</td>
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<td>City/Township: CEDARLAKE</td>
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<td>Parcel Location</td>
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<td>PLSS: T113, R022, S35</td>
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**Legend**
Aerial View Active

Disclaimer: This information is to be used for reference purposes only. Scott County does not guarantee accuracy of the material contained herein and is not responsible for misuse or misinterpretation. The preceding disclaimer is provided pursuant to Minnesota Statutes 466.03, Subd. 24 (2000), and the user of this service acknowledges that the County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the County from any and all claims brought by User, its employees or agents, or third parties which arise out of the User's access or use of this provided.
Memo

Date: August 26, 2019
To: Marty Schmitz, Zoning Administrator
From: Mary VonEschen, Environmental Services Department
Subject: PL2019-0059 Bartusek IUP – Detached Accessory Dwelling Unit

The Scott County Environmental Services Department has completed the review of the septic system information for the existing home (detached accessory dwelling unit) and the proposed new home at 27751 Panama Ave in Cedar Lake Township. The new home and the existing home will share one septic system designed for five (5) bedrooms. The new home will have four (4) bedrooms and the existing home will have only one (1) bedroom. The existing home must only have one (1) bedroom; the upstairs of the home can only be used for storage and cannot be used for bedrooms. Any expansion of bedrooms in the existing house the septic system size will be to be increased. All the septic system information and soil information provided (dated 07/16/2019) appears to be in conformance with the Scott County Subsurface Sewage Treatment System Ordinance #4 and Minn. Rules Chapter 7080.
Bungert Private Indoor Riding Arena

Request:
Conditional Use Permit (CUP) to construct a private indoor horse riding arena.
Nathan Hall, Associate Planner is the project manager and is available for questions at 952-496-8892.

General Information:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Site Location</th>
</tr>
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<tbody>
<tr>
<td>Wendy &amp; Dan Bungert</td>
<td>24228 Dakota Ave</td>
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</table>

<table>
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<th>Township</th>
</tr>
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<tr>
<td>Wendy &amp; Dan Bungert</td>
<td>Section 17, New Market</td>
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<tr>
<th>Public Hearing Date</th>
<th>Action Deadline</th>
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<tbody>
<tr>
<td>Sept. 9, 2019</td>
<td>Sept. 16, 2019 (60 Day)</td>
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Zoning/Comprehensive Plan Information:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Comprehensive Land Use Plan</th>
</tr>
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<tbody>
<tr>
<td>Rural Residential Reserve District, RR-1</td>
<td>Rural Residential Reserve (2040)</td>
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<table>
<thead>
<tr>
<th>Overlay Zoning District</th>
<th>School District</th>
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<tbody>
<tr>
<td>None</td>
<td>New Prague #721</td>
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<tr>
<th>Watershed District</th>
<th>Fire District</th>
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<tr>
<td>Scott WMO</td>
<td>Elko New Market FD</td>
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<tr>
<th>Ordinance Sections</th>
<th>Ambulance District</th>
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<tbody>
<tr>
<td>Chapters 2, 9, &amp; 40</td>
<td>Allina Ambulance</td>
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</table>

Report Attachments:
1. Site Location Map
2. Site Aerial Photo
3. Project Narrative
4. Site Plan
5. Architectural Elevations & Floor Plan
6. Scott SWCD Memo & Attachement
7. Natural Resources Memo
8. Environmental Services Memo
Request- Conditional Use Permit to construct a private indoor horse riding arena.

Comprehensive Plan- The proposal is in conformance with the goals and policies of the Rural Residential Reserve area identified in the 2040 Scott County Comprehensive Plan.

Adjacent Land Use/Zoning- North – 10 acre residential parcel, zoned RR-1
South – 10 acre residential parcel, zoned RR-1
East – 5 – 30 acre agricultural parcels, zoned RR-1
West – 10 acre residential parcel, zoned RR-1

Existing Conditions- The parcel includes an existing home and two detached accessory buildings located in the southeast part of the property. An animal shelter is also present. The property is primarily open with mature shelter belt along the southern property line and surrounding the home site.

Ordinance Requirements- Lot Size – 10 acres

Structure Setbacks:
Front: 150’ from the centerline of the Township Road
(Town of New Market standard)
Side: 30’
Rear: 60’

Proposed Development- Lot Size – 10 acres

Setbacks – The arena is proposed west of the home. Per the site plan, it will be approximately 60’ from the south property line and approximately 65’ from the west property line.

Existing Roads- The property has driveway access onto Dakota Avenue, a Township roadway.

Road Improvements- No road improvements have been proposed.

Public Notice- Required public hearing notices were sent to all property owners within one-quarter (1/4) mile.
**Analysis:**

Wendy and Dan Bungert are requesting a Conditional Use Permit (CUP) to construct a private indoor riding arena. Parcels having 10 acres are allowed up to 4,000 sq. ft. of detached accessory building area, and through a CUP can add up to an additional 10,000 sq. ft. private horse riding arena. In the Rural Residential Reserve (RR-1) Zoning District, horses are allowed on parcels provided the property has 2 productive acres for the first horse (1 animal unit) and 1 productive acre for each additional horse.

The Bungerts’ are proposing to build a 7,200 sq. ft. (60'x120') indoor riding arena. The building would include four (4) box stables and a tack room. Chapter 9 of the Zoning Ordinance allows a maximum of 20% of the structure to be used for stalls and horse related storage.

The proposed arena would be located west of the home and existing accessory buildings in the southwest corner of the property. The proposed structure would be 60 ft. from the south property line and 65 ft. from the western property line. The applicant has stated that they will keep four (4) horses on the property.

Scott Soil and Water Conservation District (SWCD) staff has reviewed the request for manure and pasture management. It was determined that the property has six (6) productive acres that allow for five (5) animal units to be kept year round provided that all productive acreage is used for manure spreading.
The construction of the building will require a building permit and compliance with the Minnesota State Building Code. Natural Resources staff has noted that an erosion and sediment control plan will be required at the time a building permit is applied for. Environmental Services staff has reviewed the request and has no opposition or additional requirements related to the project as is currently proposed.

Township Recommendation:
The New Market Town Board will be making a recommendation at their September, 2019 monthly meeting. A copy of the recommendation will be provided at the public hearing.

Staff Recommendation:
Based on the project information submitted by the applicants and subject to the conditions of approval, the proposed indoor riding arena conforms to the Zoning Ordinance; therefore, staff recommends approval of the Conditional Use Permit based on the eight criteria for approval listed below:

Conditions of Approval:
1. The applicant is to file with the Scott County Planning Office in January of each year a statement indicating that they are in compliance with the conditions of the Conditional Use Permit (CUP).

2. The New Market Town Board may conduct an annual review of the CUP to ensure that the applicants are in compliance with the conditions of the CUP.

3. The applicants shall pay an annual CUP inspection fee, if and when the County adopts an inspection fee ordinance.

4. If ownership changes, the new owner shall contact the New Market Town Board and Scott County Zoning Administration to review the conditions of the CUP.

5. The maximum number of animal units shall be limited by the productive acreage of the property. The Scott SWCD may conduct an annual review to verify that the pasture management and manure management are in compliance with the approved plan.

6. Any future improvements to the proposed private riding arena shall meet all requirements of the State Building Code and all applicable codes as required by the Scott County Building Official.

7. The riding arena shall be used only as a private horse riding arena; no commercial boarding shall be allowed. Any other use of the structure is a violation of the CUP and the Scott County Zoning Ordinance.

8. The applicant shall provide a Stormwater Pollution Prevention Plan in accordance with 6A-3-3 prior to the issuance of grading or building permits.

Criteria for Approval (2-6-1):
1. The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.
The proposed use will not have any impact on public facilities that are serving the property.

2. **The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.**

   As proposed, the location of the indoor riding arena exceeds the required property line setbacks. The arena will be more than 60 feet from the nearest property boundary.

3. **Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.**

   The indoor riding arena is designed of materials that are not unsightly in appearance, and will be typical of a rural accessory building.

4. **The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.**

   The proposed indoor riding arena is consistent with the intentions of Chapter 9 of the Zoning Ordinance and with uses allowed on 10 acre parcels in the RR-1 zoning district.

5. **The use is not in conflict with the Scott County 2040 Comprehensive Plan.**

   The proposal is in conformance with the 2040 Comprehensive Plan and the keeping and enjoyment of animals such as horses.

6. **Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.**

   Access will be via the existing residential driveway access to Dakota Avenue.

7. **Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.**

   Any water would be obtained via a private well; wells are permitted by the MN Department of Health. No restroom is proposed in the building. Erosion and sediment control will be reviewed with the building permit for the arena.

8. **All building/structures meet the intent of the State Building Code and/or fire codes.**

   A building permit will be required for the indoor riding arena. County Staff will review the building permit application to verify that the structure meets the intent of the State Building and/or fire codes.
Planning Advisory Commission/Township Board Alternatives:
1. Approve the request as recommended by Zoning Staff with the specified conditions.
2. Approve the request as recommended by the Zoning Staff with amendments to the conditions.
3. Table the request for a specific reason.
4. Deny the request for a specific reason.

Suggested Planning Commission/Township Board Motion:
Based on the criteria for approval listed in the staff report, I recommend approval of the Conditional Use Permit for Wendy and Dan Bungert to construct a private indoor riding arena.
NEW MARKET TOWNSHIP
SECTION 17
DANIEL & WENDY BUNGERT
REQUEST FOR
CONDITIONAL USE PERMIT
NEW MARKET TOWNSHIP
SECTION 17
DANIEL & WENDY BUNGERT
REQUEST FOR
CONDITIONAL USE PERMIT
24228 Dakota ave. Lakeville, MN

Grading/Drainage/Erosion Control:

We will be using Freeborn Construction for the grading. The plan will be that the grading will allow the building to be built up approximately 18 inches above grade to allow drainage. The drainage will be flowed toward the back of our property which is a natural drainage grade area.

This proposal is for a private use indoor arena with four box stalls and a side lean to for round bale storage. It is explicitly for my family to ride horses indoors in inclement weather.

Feedlot/Pasture Information:

1. We have four horses on a 10 acre parcel.
2. The manure is taken OFF the premises 2x a year to a family that has large garden beds that they incorporate the old hay and manure into. The yard where the animals are dry lotted in the winter is scraped biweekly and the manure piled until removal. We drag and mow our pastures monthly to ensure there are no piles and to eliminate any odors. **No manure is spread** on the property, all is removed.
3. The odor is minimal because of the scraping and removal. It is piled to dry until removal and the areas surrounding the barn/lot area are treed and grassy. We are nowhere near any water source such as a lake or creek.
4. In the event of an animal passing away, disposal is done by Leroy Jobe, rendering service, not buried on the property
5. We will have the building 60 feet from the lot line on the south side and 65 on the West side
Building will be 60 feet from the lot line on the South and 65 feet from the lot line on the West. The building will be 18 inches above ground level.
Size: 60' w x 120' l x 16' h

Hay Storage

STALL 10x10  STALL 10x10  STALL 10x10  STALL 10x10

Tack Room
12x12

Hay Storage

Riding Area
Memorandum

August 21, 2019

To: Scott County Planning and Zoning Department

From: Diann Korbel, Ag Program Specialist
Scott Soil and Water Conservation District (SWCD)

Subject: Dan and Wendy Bungert Conditional Use Permit application (CUP)

This memorandum is being sent to clarify some of the review aspects of the Bungert CUP application.

First, a productive acreage\(^1\) determination was conducted in August of 2019 to identify what animal unit densities would be allowed on the Bungert property per chapter nine of the Scott County Zoning Ordinance. The aerial photo investigation utilized 2018 photography and revealed an estimate of 6.0 productive acres which inferred all pastures\(^2\) were to be considered productive acres without feedlot\(^3\) condition and would qualify as areas for pasturing\(^4\). The 6.0 productive acres would allow Bungert to house 5.0 animal units year round if all productive acreage is utilized for manure spreading.

The narrative submitted for the CUP application addresses all of the requirements necessary to receive a CUP.

Finally, Chapter 9-4-4 Standards for Conditional Use Permits, Item 4 requires acquisition of an MPCA permit. This requirement is up to the discretion of Scott County as the Minnesota Pollution Control Agency (MPCA) would not require an operation of this size (less than 50 animal units outside shore land) to get registered/permitted.

In summary, Scott SWCD recommends approval of the Bungert CUP application.

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\(^1\) Productive Acreage - An area of land used for Crop Production or Pasturing, measured in acres. Lawns and other landscaped areas may be included as Productive Acreage provided they will be used for Crop Production or Pasturing purposes, as attested to in an affidavit signed by the applicant. Lands that are not currently used for Pasturing may be included as Productive Acreage provide: a) the minimum living and residual vegetative cover requirements under the Pasturing definition is maintained, and b) the land is not enrolled in a conservation program that prohibits it from being used for cropping, grazing and/or animal waste disposal. Wetlands and areas being grazed but which do not meet the minimum living and residential vegetative cover requirements for the Pasturing definition (i.e. feedlots) shall not qualify as Productive Acreage.

\(^2\) Pastures - Areas where grass or other sod-forming vegetation is grown for the purpose of Pasturing.

\(^3\) Feedlot – A lot or building, or combination of lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

\(^4\) Pasturing – The grazing of animals in an area of land where the residence time and concentration of animals is such that no less than 80% living or residual vegetative cover is maintained at all times, except that up to 10% of the total pasture area may have coverage less than 80% for supplemental feeding and or watering purposes. Tree and shrub canopy may be counted at a ratio of one half to one towards meeting the minimum vegetative cover requirements. Percent cover shall be determined by the Scott Soil and Water Conservation District using standard transect-line and aerial photo interpretation methodologies.
Memo

Date: 08/19/19
To: Marty Schmitz, Zoning Administrator
From: Megan Tasca, P.E., Natural Resources Department
Subject: PL 2019-0057 Bungert Riding Arena CUP

The Scott County Natural Resources Department has completed a review of a conditional use permit application for an indoor riding area referred to as the Bungert Riding Arena for conformance with the regulations of the Scott County Zoning Ordinance #3, Chapter 6 requirements. As presented, the plans appear to meet Scott County zoning Ordinance #3, Chapter 6 requirements.

The applicant will be required to submit an erosion and sediment control plan at the time a building permit is applied for.

Please note the review of any woodland preservation, wetland issues and/or review comments by the Township are not included.

Note that it is the applicant’s responsibility to apply for and obtain an MPCA NPDES Construction Stormwater permit if one is needed.

If you have any questions or need clarification of these comments, please feel free to contact me at (952) 496-8881.

Cc: Nathan Hall - Scott County Planning
Date:    July 26th, 2019
To:      Nathan Hall, Zoning Department
From:    David Guenther, Environmental Services Department
Subject: PL2019-0057 Bungert Riding Arena

The Scott County Environmental Services Department has completed a review of the IUP conditions for the Bungert Private Riding Arena located at 24228 Dakota Ave in New Market Twp.

We recommend approval of the IUP with the condition that if there are any changes in use that the Scott County Environmental Services Department be notified as soon as possible.

If you have any questions or comments, please feel free to contact me at 952-496-8354.