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; Greg Wagner, Senior Planner, Nathan Hall, Associate Planner, Deb Brazil, Administration; Tom Wolf, County Board Commissioner; and Barb Simonson, Deputy Clerk to the Board.

II. APPROVAL OF AUGUST 12, 2019 PLANNING ADVISORY COMMISSION MINUTES

Motion by Commissioner Watson; second by Commissioner Huber to approve the minutes of August 12, 2019 Planning Advisory meeting. The motion carried unanimously.

III. PUBLIC HEARING 6:30 PM: BARTUSEK ADU (PL#2019-059)

A. Request for Approval of an Interim Use Permitt to Add an Accessory Dwelling Unit (ADU)

<table>
<thead>
<tr>
<th>Location:</th>
<th>Section 35</th>
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<tbody>
<tr>
<td>Township:</td>
<td>Cedar Lake</td>
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<tr>
<td>Current Zoning:</td>
<td>RR-1</td>
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Staff Marty Schmitz 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: September 9, 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 Bartusek ADU project name.)

Commissioner Comments and Questions:

Commissioner Hrabe: Inquired about the 150ft distance requirement of the ADU from the main structure and whether the includes the whole unit or just a portion of it. Mr. Schmitz clarified the requirement is interpreted as any portion of the ADU, not the whole structure, needs to be within 150ft from the main structure.

Commissioner Johnson: Inquired about how the county is ensured the ADU does not become a rental unit. Mr. Schmitz stated the conditions set forth in the permit guide the use of the dwelling unit and the applicant must submit an annual statement of who is occupying the accessory dwelling unit. If it is used in a manner not allowed by the Interim Use Permit, the permit will be canceled.

Commissioner Hartmann: Inquired about the monitoring of the use of the extra spaces in the dwelling unit to ensure they are utilized within the conditions of the permit. He asked if there are inspections. Mr. Schmitz replied the county and the township do have the ability to inspect the property. For the most part, the agency
relies on the word of the applicant that they will operate the unit within the conditions of the permit and the annual reporting from the applicant.

Commissioner Hentges: Complimented the Staff on the consideration and comprise given to ADU applications especially where an existing building can be used versus building a new one. Mr. Schmitz replied that ADU ordinances were adopted in 2010 to address the growing demand for these types of structures and uses.

Commissioner Hrabe: Inquired about what happens to the approved permit use should the property sell and if new owners would have to apply for an Interim Use Permit as well in order to use the extra home as an ADU. Mr. Schmitz confirmed new owners would have to apply for an IUP as well.

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 Hartmann to close the public hearing. The motion carried unanimously.

Motion by Commissioner Watson; second by Commissioner Hentges based on the criteria for approval listed in the staff report, to recommend approval of the Interim Use Permit for Bruce and Jodi Bartusek to use the existing home as a detached Accessory Dwelling Unit noting the Town Board expressed support for the Planning Commission making a decision on the item. Chair Vonhof asked for any further discussion on the application. A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 2, 7 & 40):
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 ¼ 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.

**IV. PUBLIC HEARING 6:35 PM: BUNGERT INDOOR RIDING ARENA (PL#2019-057)**

A. Request for Approval to Construct a Private Indoor Horse Riding Arena.

- **Location:** Section 17
- **Township:** New Market
- **Current Zoning:** RR-1

Staff 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: September 9, 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 Bungert Riding Arena project name.)

Commissioner Comments and Questions:

Commissioner Johnson: Requested clarification on the plan drawing with regards to a large undefined space on the plan.

Applicants Wendy and Dan Bungert approached the podium and explained the open space will be used for hay storage and that a door will need to be in the area in order to bring hay into the building.

The public hearing was opened for public comment, however, no individuals approached the podium for comment.
Motion by Commissioner Watson to close the public hearing; second by Commissioner Hentges to close the public hearing. The motion carried unanimously.

Motion by Commissioner Huber; second by Commissioner Hrabe based on the criteria for approval listed in the staff report, to recommend approval of the Conditional Use Permit for Wendy and Dan Bungert to construct a private indoor riding arena and noting the New MarketTown Board has recommended approval. A voted was called. The motion carried unanimously.

Criteria for Approval (Chapters 2, 9, & 40):

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.
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.

V. PLANNING MANAGER UPDATE-Presented by Brad Davis

VI. GENERAL & ADJOURN
    Motion by Commissioner Hartmann; second by Commissioner Johnson to adjourn the meeting at 7:51 PM. The motion carried unanimously.

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

[Signatures]

Tom Vonhoff
Chair, Planning Advisory Commission

Barbara Simonson
Deputy Clerk to the Board

Oct 14, 2019