

Carver County Planning Commission
Regular Meeting - **Tuesday, September 20, 2022**
Commissioners' Meeting Room
2nd Floor Human Services Bldg
Government Center – Chaska, Mn

AGENDA

7:00 P.M.

- 1.) Approve minutes of August 16, 2022, regular meeting
Pages 1-1 through 1-3

- 2.) **File #PZ20220035** – Public hearing on application by Suz Stiyer for a
Conditional Use Permit amendment.
(Public Equestrian Facility)
Benton Township Pages 2-1 through 2-29

Other Business

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – August 16, 2022
Minutes

Members Present: Scott Wakefield, Frank Mendez, Roger Storms, Matt Kerber, Greg Grazzini, John P Fahey

Members Late: None

Members Absent: Scott Hoes

Staff Present: Jason Mielke, Donovan Hart, Jennifer Tichey

Pursuant to due call and published notice thereof, the August 16, 2022, regular meeting of the Carver County Planning Commission was called to order by Chairman Wakefield at 7:00 p.m.

Chairman Wakefield conducted roll call which showed six board members present, with Hoes absent.

Agenda – Chairman Wakefield announced a change to the agenda, moving the Scream Town continued public hearing as the first item and hearing the Crown College request as the second item. A motion was made by Grazzini to approve the agenda changes as explained. Kerber seconded the motion to accept the noted agenda order change. All voted aye. Motion carried. The agenda was approved as amended.

Minutes – A motion was made by Fahey and seconded by Mendez to approve the minutes from the July 19, 2022, regular meeting. All voted aye. Motion carried.

File #PZ20220024 – Scream Town – Chairman Wakefield called the continued public hearing to order at 7:02 p.m. to consider a request by Mitch Michaelson. The purpose of the public hearing was to consider a request for an amendment to a CUP for a Large-Scale Activity (Recreational) pursuant to Chapter 152 of the County Code. The property is in Section 9 of Dahlgren Township.

The following were present: Kellen Schmidt, Jim Mieseler, Theresa Mieseler, Brian Gennrich, Jeff Thompson, Kevin Mijal, Terry Thelemann, Mitch Michaelson, Dennis Rollins, Sarah Dundee

Hart addressed the Chairman and Planning Commission and read an email received this afternoon from Mitch Michaelson and addressed to Land Management staff and the Planning Commission, which announced the official withdrawal of the application of SSP Land Holdings/Scream Town for CUP amendments. The existing CUP #PZ20080001 will remain in effect on the property and will allow activity as permitted by the conditions of that CUP.

Mielke added there may be concerns about the driveway access (northwest corner of operational area), which was a part of previous discussions. Mr. Michaelson and others are aware that they

will still be working through the WMO process to construct the driveway access and impervious surface review approvals completed. The WMO has received an application and fee along with updated site plan information, which will follow the normal review, comment and approval process.

A motion was made by Grazzini to close the public hearing. The motion was seconded by Mendez. Chairman Wakefield call for a vote on the motion. All voted aye. Motion carried. The public hearing was closed at 7:04 p.m.

A motion was made by Grazzini to accept the withdrawal of the CUP amendment application by SSP Holdings/Scream Town. The motion for withdrawal was seconded by Storms. Chairman Wakefield call for a vote on the motion. All voted aye. Motion carried.

File #-PZ20220035 – Amanda Aspenson/Crown College – Chairman Wakefield called the public hearing to order at 7:05 p.m. to consider a request by Amanda Aspenson, on behalf of Crown College. The purpose of the public hearing was to consider a request for amendments to a CUP for a Large Scale Activity (Educational) & Public/Quasi Public Facility (School) pursuant to Chapter 152 of the County Code. The property is in Sections 5 & 6 of Laketown Township.

The following were present: Amanda Aspenson, Michael Price, Pete Parris, Kellen Schmidt

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant received June 23, 2022

Exhibit F – Staff Report addressed to the Planning Commission and Laketown Township dated August 8, 2022, and all attachments

Mielke gave a brief history of the college and noted it has been in existence at this location since 1969. Minor amendments to the operational plan and site improvements have taken place over the years. The aerial photo indicates the site consists of 171 acres of land improved with an educational institution (college campus) with multiple administration, classroom, and maintenance buildings, as well as several athletic facilities and parking lots, encompassing approximately 72 acres. The proposed amendment to the Master Plan is for construction of a new 144-suite dormitory for students. The proposed 34,500 square foot, 3-level building would be located between the Athletic Center and another dormitory (Miller Hall). The Master Plan amendment also includes a Signage Plan. The property is in the Minnehaha Creek Watershed District which means that the County WMO will not be requiring the storm water application, review, and approval process. The applicant has submitted a plan to Minnehaha Creek (watershed authority) that has received conditional approval. Crown College is connected to the metro sewer line, so on-site sewer management is not a concern for Environmental Services. The septic information and has been submitted to the Metropolitan Council for their permitting review and approval. This request is to update the Master Plan from 2001 to its current standards and include the construction of the new dormitory. All prior information, Master Plans and CUP

amendments, will be terminated and replaced with this CUP amendment, which is the common procedure with CUP amendments. The water supply for the college is from an on-site well which is regulated by the Mn Dept of Health. Carver County Public Works has reviewed the application with regard to the college's access from a County Rd and determined that no improvements are required. Laketown Town Board heard and reviewed the request at their August 8, 2022, meeting and recommended approval. Mielke noted the recommendation form was not available at the time of the staff report, so that finding will be updated to reflect the recommendation for approval in the County Board Order. He read the proposed conditions for consideration if the request is approved and stated if the current application is withdrawn or fails, the existing CUP would remain in full force and effect.

Amanda Aspenson, representing Crown College, had no additional comments.

Chairman Wakefield asked the applicant if she had read and agrees with the proposed conditions.

Ms. Aspenson stated she agrees with the proposed conditions.

Pete Parris, Laketown Township Supervisor, stated the Town Board voted unanimously to approve the request. The college has been a good fit in the township and they would welcome the improvements for the campus.

A motion was made by Fahey to close the public hearing. Mendez seconded the motion. All voted aye. The public hearing was closed at 7:19 p.m.

Grazzini asked the anticipated timeline for construction of the dormitory.

Michael Price, Crown College, stated construction would begin in September and anticipated completion of the facility would be August 2023, in time for the next school year.

A motion was made by Fahey to **approve and adopt Resolution #22-13** incorporating the findings of fact and staff recommendations approving the CUP amendments for a large-scale educational activity and public/quasi-public facility. Mendez seconded the motion for approval. All voted aye. Motion carried.

Adjournment

A motion was made by Grazzini and seconded by Storms to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.

COUNTY OF CARVER
PUBLIC SERVICES DIVISION
Department of Land Management

September 14, 2022

TO: Carver County Planning Commission & Benton Town Board

FROM: The Land Management Department

SUBJECT: Application for a Conditional Use Permit (Public Equestrian Facility)

FILE #: PZ20220038

APPLICANT: Suz Stiyer

OWNER: Suz Stiyer Pinnerud & Daniel Pinnerud

SITE ADDRESS: 9650 134th St, Cologne, MN 55322

PERMIT TYPE: Public Equestrian Facility

PURSUANT TO: Carver County Code Section 152.079 (C)(5)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-013-1000

BACKGROUND:

1. Suz Stiyer & Dan Pinnerud own an approximately 20.43-acre parcel located in the Southeast Quarter of the Southeast Quarter (SE¼ of SE¼) of Section 13, Benton Township. The property is improved with an existing farmstead consisting of a hay storage shed, two barns, an indoor and outdoor riding arena, and a house allowed by a 1 per 40 building eligibility. A wooded area encompasses a significant portion of the parcel. The property is located within the Agricultural Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicant is requesting a Conditional Use Permit to operate a commercial equestrian boarding facility that would accommodate up to twenty horses. The previous owner of the property received a CUP #PZ20020076 (attached) to build a private riding arena, which the proposed boarding operation, named Saddlewood Stables, would utilize. The CUP request is pursuant to Section 152.079 (C)(5) of the Carver County Code, which reads as follows:

LEGAL BACKGROUND:

§ 152.079 CONDITIONAL USES—ACTIVITIES CENTERED AROUND A HOME OR A HOME/FARM COMBINATION.

(A) Minimum criteria for issuance of permit:

- (1) Minimum five-acre lot size; unless another size is specified under a particular provision;
- (2) Sewage can be managed in accordance with Chapter 52 of this code of ordinances;
- (3) Land is not subject to the land use restrictions of an AG preserve covenant;
- (4) The activity shall be located on a hard surfaced (blacktop or concrete) road unless written approval for location on a township road is given by the affected township or townships. The town board may condition its approval of access to a gravel road on agreements with the applicant regarding dust control, maintenance, or similar issues. The terms of the agreement shall be such that the agreement is in force so long as the permit is in effect;
- (5) There is a single-family home on the parcel occupied as a homestead by a principal of the activity; or a single-family home will be constructed or homesteaded before the CUP for the activity is issued;
- (6) The scale and operational characteristics of the proposed activity shall be such that it can be operated on the proposed site and within the current levels of support services and infrastructure. Activities that will have service needs—traffic capacity or roads, waste disposal or management, fire or police protection, sewage disposal—that will exceed those available in the area should locate in municipalities where the services are available.

(B) Minimum conditions:

- (1) Permit shall be subject to administrative review or compliance review as set by the permit. A change in ownership, operations or operator shall be cause for the permit to be reviewed to determine whether an application for an amendment or similar consideration is necessary.
- (2) The activity must operate in conformance with the approved site plan and operational plan and other provisions of this chapter. The operational plan and site plan shall become part of the permit.
- (3) Outside storage is prohibited unless the storage area is adequately screened from nearby roads and residences.
- (4) The operational plan and site plan shall become part of the permit.
- (5) The applicant must submit a copy of workers' compensation insurance or sign an affidavit stating that he or she will not have any employees.
- (6) All buildings utilized by the operation must meet the State Building Code.

(C) Activities.

(5) Equestrian facilities

- (a) This subsection is intended to provide for equestrian-related facilities, such as, a riding academy, stable, personal riding arena or other similar use.
- (b) The use must be located on a minimum of ten acres. The number of animal units permitted will be regulated by the permit.
- (c) A facility having ten or more horses shall be required to obtain a feedlot certificate of compliance or as administered through the feedlot regulations.
- (d) A facility having nine or fewer horses shall provide evidence of acceptable manure management.
- (e) Permits involving personal riding arenas are exempt from the prohibition on permit issuance on AG preserve land provided the approved operation is accessory to the residence and there will be no commercial boarding, training or other use for pay or similar remuneration.

STAFF ANALYSIS:

1. Suz Stiyer, the applicant, along with Daniel Pinnerud, purchased the property in 2014 to reside in the existing residence and utilize the property for horse boarding and other equine purposes. The property was purchased with existing feedlot components (fenced-in paddocks) that are located within 200 feet of existing property lines. The applicant applied for and received a Variance (#PZ20220033, attached) to allow the existing paddocks within the required setbacks to remain. The current operation consists of 11 horses and the applicant is currently boarding 10 of the horses on site. Mrs. Stiyer has not erected any new structures on the property and does not intend to in the future.
2. The applicant's letter (dated August 25, 2022) by Allison Eklund of Eklund Law, on behalf of Mrs. Stiyer, provides background information and operations plan for the application. A site plan (dated June 16, 2022) identifies structures and paddocks on the property. In her letter, Ms. Eklund states that the owners "did not know the property had a Conditional Use Permit at the time of purchase and assumed they could board horses because the previous owners had boarded horses." The County Zoning Code categorizes a horse boarding facility as commercial or public when three or more horses are kept for pay for boarding and/or instructional purposes. A CUP is required for public equestrian boarding facilities.
3. The applicant requests to board up to 20 horses owned by the applicant or others. The operations plan states: "The property is not intended as a public livery or riding stable but only used by applicants, private boarders, their horse care professionals and occasional guests. No commercial services will be offer to the general public." Saddlewood Stables employs no workers besides the property owners. The applicants expect that horse owners "would generally visit their horses between 7am and midnight and otherwise would be present only in case of a veterinary emergency."
4. The applicants expect the boarding operation to generate 6 – 10 vehicle trips to the property per day, with ten parking spaces available near the horse barn (Building P). Vehicle access is from 134th Street, a township road. The applicant proposes no additional outdoor storage, and the existing outdoor storage is screened from neighbor and public view. No signage is proposed. The application mentions the possibility of a future sign on the barn. All signage must comply with Chapter 154 of County Sign Regulations.

5. In 2002, the previous owners received a public horse boarding facility (CUP #PZ20020041), which included the ability to build the approx. 69' x 159' (10,971 square-foot) riding arena currently on the property, labeled as building "A" in the site plan dated June 16, 2022. However, apparently due to cost considerations of complying with building and septic code standards for a public building, the owners applied for a private equestrian facility CUP and requested that the public equestrian CUP be terminated. The current CUP on the property (#PZ20020076) is for the private riding arena. Sometime after the spring 2003 construction of the riding arena, the previous owners violated County Code by operating a commercial boarding facility and not registering a feedlot. If approved, Ms. Stiyr's application would bring the property back into compliance with County Code regarding the commercial horse boarding operation. The proposal appears to meet the public equestrian facility standards of the Zoning Code.
6. The applicant removes manure from the arenas, barns, and paddocks daily. Manure is stockpiled, composted, and transferred to neighboring farmers to fertilize their cropland. A site visit by the County Feedlot Officer, Matt Steele, on September 2, 2022, confirmed the manure pile is in a conforming location. A review letter from Mr. Steele to Ms. Stiyr (attached) states that the feedlot is compliant with County and local ordinances and MN Feedlot Rules.
7. Kristen Larson, Water Resources Program Specialist, of the Carver County Planning and Water Management Department, conducted a wetland review of the property on July 12, 2022, and did not identify any wetlands classified as Type III or greater (circular 39 wetland classification system) or a special protection area where setbacks would apply for a new feedlot.
8. The applicant has submitted letters of support for the applicant's CUP request from the following homeowners:
 - a) Russell Sauter – 9970 134th St, Cologne, MN 55322
 - b) Ricky Sauter – 9985 134th St, Cologne, MN 55322
 - c) Tim and Lisa Sauer – 9675 134th St, Cologne, MN 55322
 - d) Kimberly Way – 13295 Market Ave, Cologne, MN 55322
 - e) Mike Braun – 9655 134th St, Cologne, MN 55322
 - f) Michael Samuelson – 13685 Market Ave, Cologne, MN 55322
 - g) Brenda and Paul Yager – 13735 Market Ave, Cologne, MN 55322
 - h) Mark Stacken – 9705 134th St, Cologne, MN 55322
9. The Benton Town Board reviewed and recommended approval of the request at their September 8, 2022, Town Board meeting without any additional conditions and/or concerns.

BOARD CONSIDERATION:

If the Planning Commission recommends approval of the CUP application for a Public Equestrian Facility, the previous CUP (#PZ20020076 and any other prior permits, amendments or renewals for an Equestrian Facility), would be terminated upon final approval (and recording) of the new CUP #PZ20220038. The following conditions should be attached to the new CUP:

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Land Management for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Land Management as early on in the timeline of the proposed change as possible.
2. The Public Equestrian Facility shall operate in accordance with the operational plan (dated: August 25, 2022) and site plan (dated: June 16, 2022). These plans shall be attached to and become part of this permit. This Equestrian Facility request only allows for up to a total of 20 horses, and the use of the existing barns as part of the activity. Changes in the use of existing structures or the construction of new buildings or any plans to enlarge the facility in the future, would require the applicant to apply and receive a new Conditional Use Permit.

3. The existing structure(s), not utilized for the business, shall be used only by the occupant(s) of the residence and/or property owner for agriculture, personal storage, hobbies, personal recreation and entertainment, family uses, private maintenance and repair activities, and for the keeping of animals and appurtenant equipment and supplies, and as otherwise regulated by this Ordinance.
4. The facility would continue to operate year-round, seven (7) days a week and maintain its current hours of operation open to the public (7:00AM to 12:00AM) and otherwise would be present only in the case of a veterinary emergency. Changes to the months, days and/or hours of operation would require the submittal of a new CUP application.
5. Any Special Events “public activities” taking place on the property must be reviewed and approved by the Land Management Department prior to commencing the activities.
6. Any grading and/or filling activity on the property shall be completed in accordance with the Carver County Water Management Organization (CCWMO) and the Wetland Conservation Act (WCA), if applicable. Any site improvements shall be completed pursuant to Chapter 153 – Water Resource Management. Stormwater Management review and approvals are required prior to the issuance of construction and/or building permits.
7. The Permittee shall comply with the road authority’s (Benton Township) access requirements, improvements and/or standards, if any. Parking along Township right-of-way shall be prohibited.
8. Permittee shall submit Certificate of Workers’ Compensation Insurance to the Land Management Department annually when there are additional employees beyond the owner/operator. The insurance shall be maintained for the duration of the CUP.
9. The permittee shall comply with all Carver County Shoreland Regulations and Feedlot Ordinance requirements. A manure management plan pursuant to Minn. Rules 7020.2225 Subd. 4 shall be prepared and submitted to the County Feedlot Officer, annually.
10. The feedlot shall not exceed 29.99 animal units unless a variance to the Feedlot Ordinance is obtained to allow for a new feedlot of 30 animal units or more within 1,000-feet of a residence.
11. The Permittee shall at all times comply with the County standards as detailed in Chapter 152 – Zoning Code, Chapter 154 – Sign Regulations, Chapter 52 - Subsurface Sewage Treatment System (SSTS) regulations, Chapter 54 – Feedlot regulations, MN State Building Code requirements, and all other applicable local, state, and federal regulations.

OR

If the Planning Commission recommends denial of the permit application, the deficiencies found in Section 152.251 (Required Findings) of the Carver County Zoning Code, should be referenced, as follows:

§ 152.251 REQUIRED FINDINGS.

An order for the issuance of a CUP or IUP can be adopted only if all of the following are found as fact. Any conditions imposed by the permit or actions required as part of the order shall be considered in making findings:

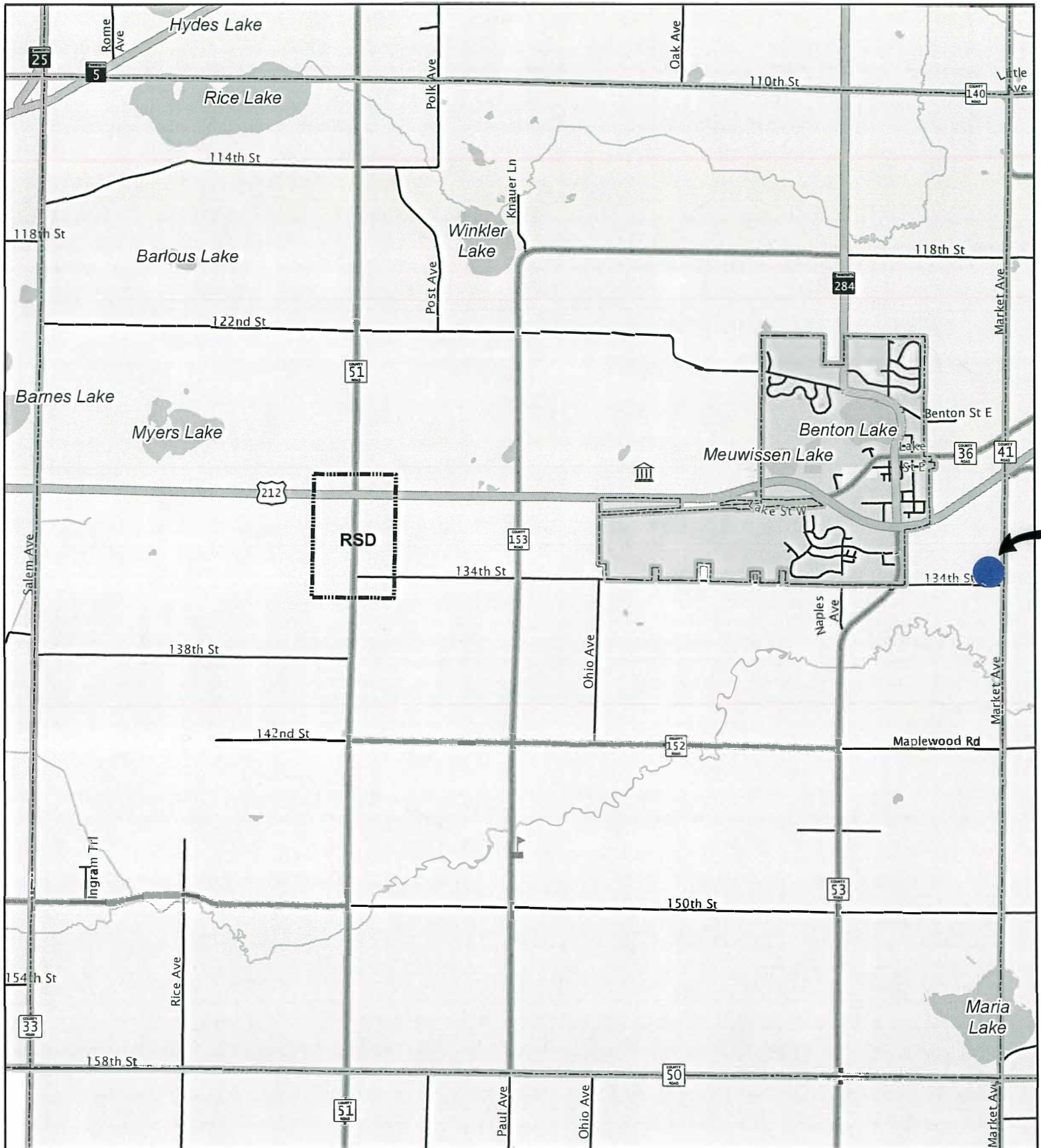
- (A) The conditional or interim use is permitted as a permitted conditional or interim use within the zoning district, and meets all requirements of this chapter and any other county, regional, state, or federal laws, ordinances, rules or regulations.
- (B) The conditional or interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (C) The establishment of a conditional or interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (D) The effects of the proposed use will not be detrimental to the health, safety and welfare of Carver County or to the occupants of the immediate neighborhood.
- (E) That adequate utilities, access roads, drainage and other facilities have been or are being provided.
- (F) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use if these measures are applicable.

- (G) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance if these measures are applicable.
- (H) The use or development conforms to the County Comprehensive Plan.
- (I) The use or development is compatible with the land uses in the neighborhood.
- (J) A public hearing was held pursuant to § 152.285 and M.S. § 394.26, as it may be amended from time to time.

OR

If the current application fails, or it is withdrawn, the private Equestrian Facility CUP (#PZ20020076) would remain in full force and effect. The existing use (private riding arena) runs with the land, regardless of the property ownership, unless the operator violates the terms and conditions (and subsequent action is taken).

BENTON TOWNSHIP

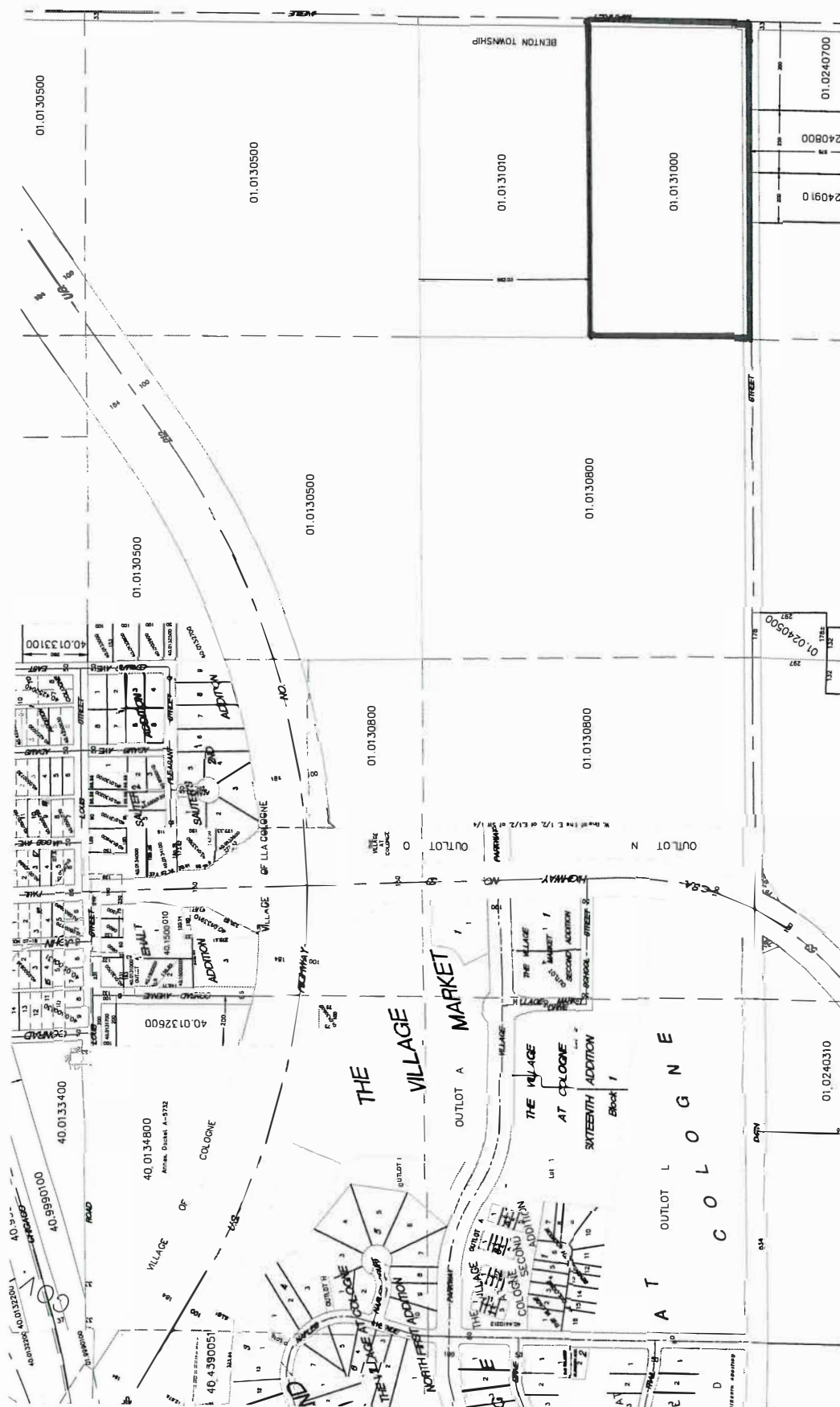


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Map Created by Carver County GIS

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ALLISON F. EKLUND, M.A., J.D.
ATTORNEY AT LAW

August 25, 2022

Donovan Hart, Senior Planner
Carver County Public Services Division
Land Management Department
Government Center, Admin Bldg
600 East 4th Street
Chaska, MN 55318-2101

Re: Application of Suz Stiyer and Dan Pinnerud for a new Conditional Use Permit (CUP) for 9650 134th Street, Cologne MN 55322

Dear Mr. Hart:

This letter of explanation is intended to accompany and support the accompanying application for a new CUP for the above property. This application is submitted together with supporting documents for initial consideration at the September 20, 2022 meeting of the Carver County Planning Commission.

Background

Applicants purchased the subject property in 2014 for the purpose of residing in the home, stabling their own horses, and boarding horses for others. They did not know the property had a Conditional Use Permit at the time of purchase and assumed they could board horses because the previous owners had boarded horses. The applicable Conditional Use Permit #PZ20020076 references boarding under the following paragraph:

2. The structure shall be used only by the occupant(s) of the residence. The structure shall be utilized for: a personal riding arena and boarding facility, hay storage and shavings storage structure, keeping of animals and appurtenant equipment and supplies, as otherwise permitted as an accessory structure.

The applicants have not built any new structures on the property, which includes a residence, horse barn with 10 stalls and storage for tack, separate indoor riding arena, a barn for machinery storage and a small accessory "pony barn" for occasional emergency quarantine of individual animals. For applicants to use their property as intended, a feedlot variance has been approved as required due to the proximity of existing feedlot structures to the property line. (See accompanying site map.) Applicants now submit an application

for a new CUP to allow stabling up to 20 horses on the property, including the applicants' horses and boarded horses.

Itemized Requirements

A description of the activity/operation that is being proposed and related section of the Land Use Ordinance:

The applicants request a CUP under Section 152.079 (C)5 permitting use of the subject property to stable up to 20 horses owned by applicants and/or boarded commercially under private contract. Equestrian facilities include an indoor riding arena used for exercising horses, a horse barn with 10 stalls, and an accessory "pony barn" for occasional quarantine use. Outdoor enclosures include four paddocks with sun/wind shelters and a small enclosure near the pony barn.

The property is not intended as a public livery or riding stable but only used by applicants, private boarders, their horse care professionals and occasional guests. No commercial services will be offered to the general public. Only equine professionals such as veterinarians, farriers, privately retained trainers, and other horse care professionals required for optimum care of privately boarded horses would regularly visit the property.

Hours of operation

The property owners have no paid staff. Applicants expect that boarders would generally visit their horses between 7am and midnight and otherwise would be present only in case of a veterinary emergency.

Employees/Family members working in operation

Applicants are the only persons working in the operation.

Number of trips generated in & out of site each day

On average, the boarding operation will generate 3-5 round trip visits (6-10 trips) each day.

Number of parking spaces available on site

10 spaces near the horse barn for boarders are available. Applicants' vehicles may be parked next to their house or in their garage.

Use of new and existing structures including type and size (See Site Map):

No new structures have been built by applicants. The riding arena (A:159x69) is used for exercising horses. The horse barn (B:31x80) is used for stabling and grooming horses and for storing feed and tack. Three main paddocks (1, 2, 3: 48x365) and another L-shaped enclosure (0: 86x177x39x139x47x28) are used for

daily turnout. The hay pole shed (H: 68x36) is used for storing farm equipment and hay. The pony barn (P:48x24) with small outdoor enclosure (Q:12x12) is not in use except as needed for quarantine of individual animals. The applicant's house (R) and garage (G) are used for personal residence and vehicles.

Storage needed as part of operation (indoor & outdoor) and location of operational area(s):

No additional storage is required. The boarding operation has sufficient storage in the horse barn for boarders' tack and grooming equipment.

Materials stored on the site (list types and indicate storage area on the site plan):

See description of storage above, regarding storage of farm equipment and hay in the pole shed and storage of horse tack and grooming supplies in the horse barn.

Water services, sewage disposal and waste management used:

The horse barn has running water to a wash stall for horses and a utility sink for handwashing and other cleaning. There is no running water to the riding arena or pole shed. There is also a water spigot at the pony barn. For waste management, the applicants' horse barn has a flush toilet in the horse barn. They also own a portable toilet located next to the pole shed that is serviced as needed, and they have a manure management plan with a composting manure pile that is spread as fertilizer.

Area & capacity of parking area, access to site:

Boarders access parking at the horse barn and arena from a driveway on Market Avenue. Ten parking spots are available for boarders at the horse barn. Applicants access their house and garage from a driveway on 134th Street.

Screening proposed:

N/A

Signage being utilized including size, type, locations:

None currently, but a "Saddlewood Stables" sign could be posted on the horse barn.

Describe in detail, person(s) other than owners that would access the site (i.e., customers, employees, public):

As described above, only boarders would visit the property regularly. Occasionally a boarder's friend or family member might come and watch. Veterinarians, horse trainers, a farrier, and other horse care professionals may visit the property as needed. Twice annual vaccinations and farrier services every six weeks are predicted and are otherwise only anticipated as needed.

Applicants propose the following language for the requested new CUP:

The property may be used for keeping up to 20 personally owned and/or commercially boarded equines. Other domestic animals are allowed as provided in the applicable Zoning Ordinance. Public events are allowed under interim conditional use requirements imposed by the Zoning Ordinance.

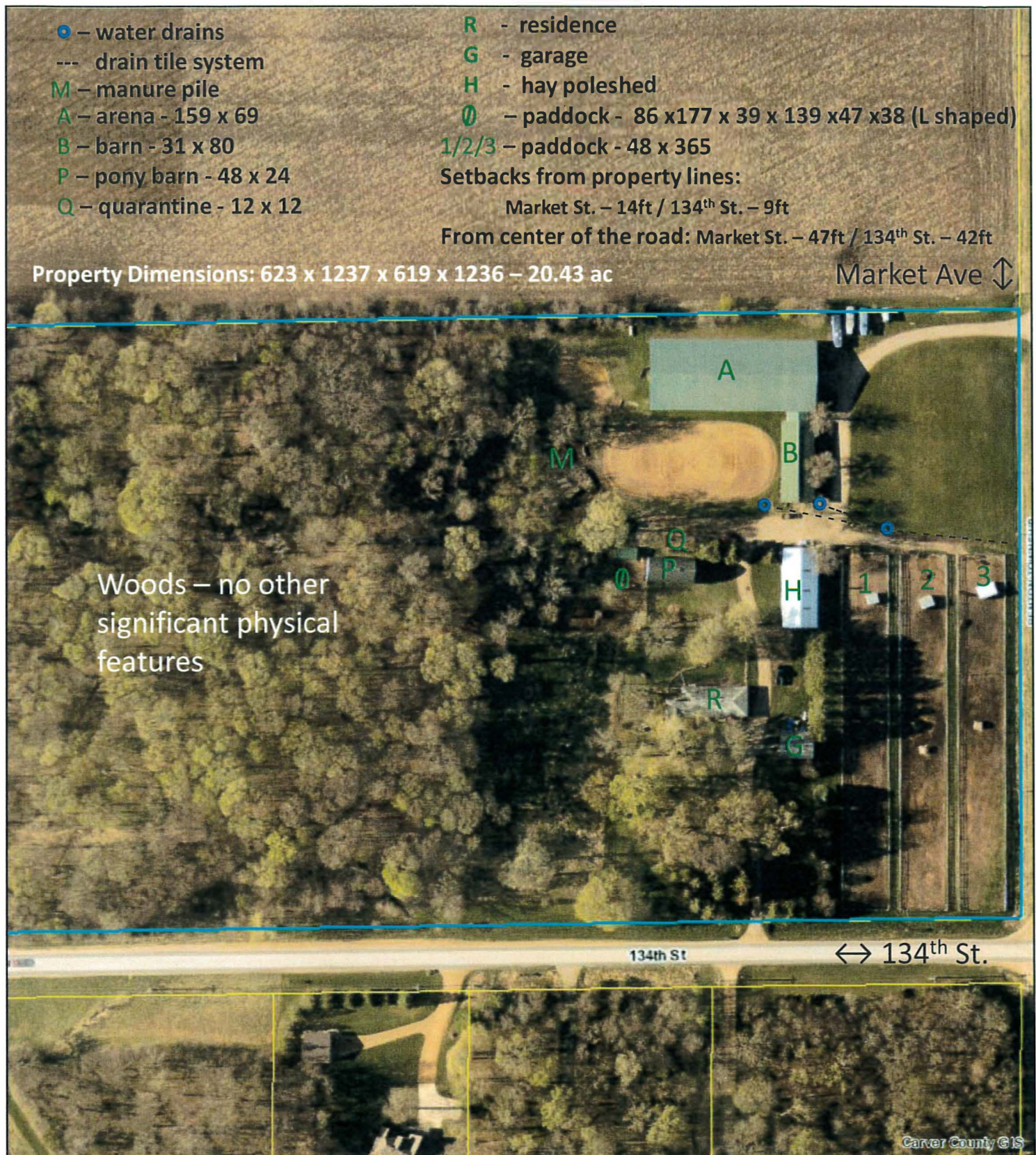
Sincerely,

A handwritten signature in cursive script, reading "Allison F. Eklund".

Allison F. Eklund

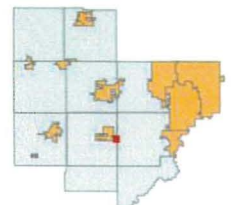
Cc: Suz Stiyer

SUZ STIYER SITE MAP



Date: 6/16/2022

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.





Public Services Division
Carver County Government Center
600 East 4th Street
Chaska, MN 55318-2102

**CARVER
COUNTY**

September 2, 2022

Suz Stiyer
9650 134th St
Cologne, MN 55322

REF: Results of your Feedlot Inspection with Registration No. 019-127824

Dear Mrs. Stiyer:

Carver County Environmental Services staff conducted a compliance inspection of your feedlot with Registration No. 019-127824 in Carver County on August 29, 2022. The purpose of the inspection was to evaluate the feedlot for compliance with applicable County and local ordinances and Minnesota Feedlot Rules chapter 7020.2003.

County staff have determined that your feedlot **was in compliance** with County and local ordinances and Minnesota Feedlot Rules based on staff's observation and review made at the time of the inspection. Staff's findings are indicated on the enclosed Feedlot Inspection Form.

Feedlot owners are required to update their feedlot registration once every four years by submitting a feedlot registration form, a feedlot application, or a site inspection conducted by County staff. This feedlot inspection constitutes your feedlot being re-registered. Carver County will notify you prior to the next registration update deadline.

If you have any questions regarding this letter or note any discrepancies in the factual data and information contained in the enclosed Feedlot Inspection Form, please do not hesitate to call me at (952) 361-1808.

Matt Steele
Carver County Feedlot Officer

Enclosures: Feedlot Inspection Form & Registration Receipt Record



COUNTY OF CARVER
State of Minnesota

FILE #: PZ20220033

APPLICANT: Suz Stiyr

PROPERTY OWNER: Suz Stiyr Pinnerud & Daniel Pinnerud

SITE ADDRESS: 9650 134th St, Cologne, MN 55322

VARIANCE TYPE: Reduced Setback to Property Lines for a New Feedlot

PURSUANT TO: Carver County Code Section 54.46 (C)(1)

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-013-1000

Drafted by: Environmental Services

Return to: Land Management

BOARD OF ADJUSTMENT FINDINGS OF FACT AND ORDER

A public hearing was held on this matter on August 3, 2022, by the Carver County Board of Adjustment. Upon the evidence presented at said hearing by the applicant and other persons named and all the files, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Suz Stiyr owns an approximately 20.43-acre parcel located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 13, Benton Township. The property is improved with an existing farmstead consisting of a hay storage shed, two barns, an indoor and outdoor riding arena, and a house allowed by a 1 per 40 building eligibility. A wooded area encompasses a significant portion of the parcel. The property is located within the Agricultural Zoning District and the CCWMO (Bevens Creek Watershed).
2. The applicant is requesting a variance that would allow her to register and operate a new feedlot of 10 animal units or more (horses) approximately 110 feet from the north property line, 9 feet from the south property line, and 14 feet from east property line. Chapter 54 of the County Code requires new feedlots of 10 animal units or more to be located a minimum of 200 feet from any property line. Therefore, a variance for reduced setbacks pursuant to Chapter 54 – Section 54.46 (C)(1) has been requested.
3. Suz Stiyr, the applicant, along with Daniel Pinnerud, purchased the property in 2014 to reside in the existing residence and utilize the property for horse boarding and other equine purposes. The property was purchased with existing feedlot components that are located within 200 feet of existing property lines. The applicant would like to expand the operation to have up to 13 horses (13 animal units), 3 personal horses, and 10 board horses to sustainably fund the equestrian facilities. The current operation consists of 11 horses and the applicant is currently boarding 10 of the horses on site. Mrs. Stiyr has not erected any new structures on the property and does not intend to in the future.
4. The applicant's letter dated July 7, 2022, by Allison Eklund of Eklund Law, on behalf of Mrs. Stiyr, describes a practical difficulty that exists based on locations of the existing feedlot components. Paddocks 1,2,3, and the existing barn (Barn B) identified on the site map cannot reasonably be moved or modified to comply with the minimum required setbacks. In her letter, Ms. Eklund states, "*The property was purchased for use as a horse boarding equestrian facility, and it would be unsustainably uneconomical for applicants to board fewer than 10 horses.*" Chapter 54 of the County

Code requires new feedlots of 10 animal units or more to be located a minimum of 200 feet from all property lines. Approval of the variance would allow Mrs. Stiyr to operate a new feedlot within an approximate 110-foot setback to the north property line, reflecting an approximate 90-foot variance, 9-foot setback to the south property line, reflecting an approximate 191-foot variance, and an approximate 14-foot setback to the east property line, reflecting an approximate 186-foot variance.

5. The applicant removes manure from the arenas, barns, and paddocks daily. Manure is stockpiled, composted, and transferred to neighboring farmers to fertilize their cropland.
6. Kristen Larson, Water Resources Program Specialist, of the Carver County Planning and Water Management Department, conducted a wetland review of the property on July 12, 2022, and did not identify any wetlands classified as type III or greater (circular 39 wetland classification system) or a special protection area where setbacks would apply for a new feedlot.
7. On June 18, June 19, and June 21, 2022, staff received letters of support for the applicant's variance request from the following homeowners:
 - a) Tim and Lisa Sauer – 9675 134th St, Cologne, MN 55322
 - b) Ricky Sauter – 9985 134th St, Cologne, MN 55322
 - c) Russell Sauter – 9970 134th St, Cologne, MN 55322
 - d) Kimberly Way – 13295 Market Ave, Cologne, MN 55322
 - e) Mike Braun – 9655 134th St, Cologne, MN 55322
 - f) Michael Samuelson – 13685 Market Ave, Cologne, MN 55322
 - g) Brenda and Paul Yager – 13735 Market Ave, Cologne, MN 55322
 - h) Mark Stacken – 9705 134th St, Cologne, MN 55322
8. On July 27, 2022, staff received an email letter of opposition for the applicant's variance request from Barbara Samuelson located at 13445 Market Ave, Cologne, MN, 55322.
9. The granting of the variance would not conflict with the intent of the Comprehensive Plan and/or County Ordinances and would not alter the character of the neighborhood.
10. The granting of the variance would not materially, adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicants and would not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the properties.
11. The Benton Town Board reviewed and recommended approval of the request at their July 14, 2022, Town Board meeting without any additional conditions.
12. The Board of Adjustment has considered all the factors required by Section 152.215 of the Carver County Code and finds that the grounds for a variance are hereby satisfied.

ORDER #PZ20220033

IT IS HEREBY ORDERED: That the application of Suz Stiyr for a variance to register and operate a new feedlot of 10 animal units or more approximately 110 feet from the north property line, 9 feet from the south property line, and 14 feet from the east property line pursuant to Section 54.46 (C)(1) of the Carver County Code, for property legally described on the attached Exhibit "A", is hereby **approved**. The Board of Adjustment further orders approval with the following conditions:

1. The current Conditional Use Permit (CUP #PZ20020076) shall be amended for an Equestrian Facility - Public Use pursuant to Section 152.079(C)(5), for a commercial horse boarding and a riding facility.

2. The feedlot shall not exceed 29.99 animal units unless a variance is obtained to allow for a new feedlot of 30 animal units or more within 1,000-feet of a residence.
3. The applicant shall submit a feedlot registration form to be processed by the County Feedlot Officer if the request is approved.
4. The applicant must operate and maintain the short-term manure stockpile such that the manure is removed from the site and land applied in accordance with Minn. Rules 7020.2225, within one year of the date when the stockpile was initially established pursuant to Minn. Rules 7020.2125 (A). A vegetative cover must be established on the site for at least one full growing season prior to reuse as a short-term stockpiling site.
5. Pursuant to Minn. Rules 7020.2125 (C), the manure stockpile site must not be located within 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages.
6. All feedlot activities shall be done in accordance with the submitted site plan(s). The new feedlot shall not encroach any closer to property lines than as approved as part of this permit application (Approx. 110 feet from the north, 9 feet from the south, and 14 feet from the east).

Gerald Bruner

Gerald Bruner (Aug 4, 2022 12:53 CDT)

Gerald Bruner, Chairman
Carver County Board of Adjustment

08/04/22

**IF ANY WORK OR ACTION, AS PERMITTED BY THIS ORDER IS NOT COMPLETED WITHIN ONE YEAR OF THE
ISSUANCE OF THIS ORDER, THEN THIS ORDER SHALL BECOME NULL AND VOID UNLESS AN EXTENSION OF
TIME IN WHICH TO COMPLETE THE WORK IS GRANTED BY THE BOARD OF ADJUSTMENT.**



COUNTY OF CARVER
State of Minnesota

Document No.
A 340325

OFFICE OF THE
COUNTY RECORDER
CARVER COUNTY, MINNESOTA



Filing Fee: \$

Check#

Certified filed and recorded on 02-10-2003 at 01:00 ☐ AM ☒ PM



2003-02-10

C I Varfanson, Jr.
County Recorder

FILE #: CU-PZ20020076

APPLICANT: David & Katy Holub

SITE ADDRESS: 9650 134th St., Cologne

PERMIT TYPE: Equestrian Facility (Indoor Riding Arena/

PURSUANT TO: Ordinance No. 47, Section(s) 151.75 D5

LEGAL DESCRIPTION: See attached Exhibit "A"

PARCEL #: 01-013-1000

Drafted by } Planning & Zoning

Return to } Planning & Zoning

CONDITIONAL USE PERMIT #PZ20020076

PLANNING COMMISSION RESOLUTION #:03-02

ORDER #: PZ20020076

DATE ISSUED: February 3, 2003

This permit is issued for property legally described on the attached Exhibit "A", pursuant to Carver County Ordinance #47.

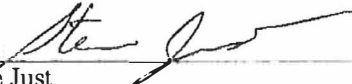
THE PERSONAL RIDING ARENA IS AUTHORIZED BY COUNTY BOARD ORDER # PZ20020076, AS FOLLOWS:

IT IS HEREBY ORDERED THAT THE CARVER COUNTY ZONING ADMINISTRATOR SHALL ISSUE CONDITIONAL USE PERMIT #PZ20020076, THEREBY SUPERCEDING CONDITIONAL USE PERMIT #PZ20020041, AND ANY OTHER PERMITS OR RENAVALS FOR AN EQUINE FACILITY (COMMERCIAL RIDING ARENA) ON PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A". FURTHER, ALL PRIOR PERMITS, RENEWALS AND/OR ORDERS ARE HEREBY TERMINATED. THIS PERMIT IS ISSUED PURSUANT TO CARVER COUNTY ORDINANCE #47, SECTION(S) 151.75 D5 FOR A PERSONAL RIDING ARENA. THE FOLLOWING CONDITIONS SHALL BE ATTACHED TO THE PERMIT:

(NOTE:) If permit is terminating a previous permit, that language needs to be included in the above order.

1. The permit is subject to administrative review. A change in ownership, operations or operator shall be cause for the permit to be reviewed by Planning & Zoning for a determination as to whether an application for an amendment or similar consideration is necessary. Proposed owners and/or operators are encouraged to contact Planning & Zoning as early on in the timeline of the proposed change as possible.
2. The structure shall be used only by the occupant(s) of the residence. The structure shall be utilized for: a personal riding arena and boarding facility, hay storage and shavings storage structure, keeping of animals and appurtenant equipment and supplies, as otherwise permitted as an accessory structure.
3. No future additions to existing structures and/or new accessory structures will be allowed on the site.
4. Any future remodeling shall require that a building permit must be applied for and issued prior to construction.
5. A maximum of 9 animal units (horses) shall be allowed on the site without a feedlot permit. A manure management plan must be submitted by the applicant and must be approved by the Environmental Services (E.S.) Department prior to the issuance of a building permit for the personal riding arena. Any change in the animal unit numbers will require a new manure management plan to be submitted and approved by E.S.

6. This permit would terminate and supercede CU-PZ20020041 and all prior permits, renewals and/or orders for an Equestrian Facility on the property.



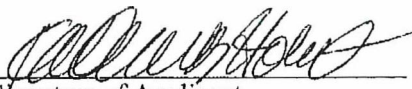
Steve Just
Deputy Planning Director

THIS PERMIT IS NOT EFFECTIVE UNTIL SIGNED BY THE APPLICANT

Applicant signature block

I HAVE READ THE ABOVE CONDITIONS AND AGREE TO FOLLOW THEM. I REALIZE THAT FAILURE TO ABIDE BY THE CONDITIONS IS A VIOLATION OF THE ZONING ORDINANCE. I AGREE THAT THE ZONING ADMINISTRATOR OR A DESIGNATED REPRESENTATIVE MAY ENTER UPON THE SUBJECT PROPERTY TO CHECK FOR COMPLIANCE OR FOR REVIEW PURPOSES. I ALSO UNDERSTAND THAT UNLESS SUBSTANTIAL ACTION IS TAKEN PURSUANT TO THIS PERMIT WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THE BOARD ORDER THE PERMIT SHALL AUTOMATICALLY BE NULL AND VOID. THE TIME PERIOD CAN BE EXTENDED ONLY BY ACTION OF THE COUNTY BOARD OF COMMISSIONERS. A PETITION FOR EXTENSION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE.

I ALSO UNDERSTAND THAT THIS IS NOT A BUILDING PERMIT AND THAT OTHER PERMITS MAY BE REQUIRED.



Signature of Applicant



Date



Township Presentation & Recommendation Form

PARCEL # 01-013-1000	Permit # PZ 20220038	
Owner's Name: Suz Stiyer	Owner's Mailing Address: 9650 134th Street	
City: Cologne	Owner State: MN	Owner Zip: 55322
Applicant (if other than owner):	Site Address: 9650 134th Street	

Type of Request: ☒ CUP ☐ IUP ☐ Preliminary Plat ☐ Final Plat ☐ Variance ☐ Appeal	
Description of Request: Applicant requests a new Conditional Use Permit to allow for public horse boarding facility. The stable would allow up to 20 horses owned by the property owner and/or boarded commercially under private contract.	
Date of County Public Hearing: 9/20/22	Date of Township Meeting: 9-8-22

Actions:

Township Action Taken:	
☒ Recommends approval and use of the Township Road (if applicable) with the following comments: ☐ Recommends denial for the following reasons: ☐ No recommendation, but will comment on the request at the Planning Commission or Board of Adjustment hearing:	
No conditions	

****Important:** I understand that I must appear at the Town Board meeting to present my request and obtain their recommendation prior to appearing before the County Planning Commission or Board of Adjustment.

Suz M. Stiyer	Digitally signed by Suz M. Stiyer Date: 2022.08.25 11:08:38 -05'00'	Date 8/25/22
Signature of Applicant		
<i>Jason Mielke pursuant to discussion w/Andy (9-13-22) Steinhagen</i>		Date 9-8-22
Signature of Township Official		

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Russell J. Juntunen

Homeowner - Benton Township/Carver County

6-18-22

Date

9970 134th St

Cologne, MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.



Homeowner – Benton Township/Carver County

4-18-2022

Date

9985 134 St

COLO ONE MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Jin A. Amer

Homeowner - Benton Township/Carver County

6-18-2022

Date

9675 134th St.

Cologne, MN 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Suz Stiyer
Homeowner - Benton Township/Carver County

4/10/22
Date

91675-1345
Cologne 55322
Homeowner - Address

6-18-2022

I, Kim Way, neighbor of Saddlewood Stables owned by Suz Stifter and Dan Pinnerud, am fine with how they run their horse boarding business and have no issues with them.

Kimberly Way

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.



Homeowner - Benton Township/Carver County

6-19-22
Date

9655 13th St
Cologne 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Mite Samuln

Homeowner - Benton Township/Carver County

6-19-22

Date

13685 market ave Cologne mn 55322

Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Brenda & Paul Yager
Homeowner - Benton Township/Carver County

6/19/22
Date

13735 Market Ave
Cologne, MN 55322
Homeowner - Address

As a homeowner near Saddlewood Stables, I support Suz Stiyer & Dan Pinnerud's horse boarding stable. They run it well and we have never had any issues with them or their few boarders.

Mark C. Starker

Homeowner - Benton Township/Carver County

6-21-22

Date

7705 134th Street

Cologne, MN 55322

Homeowner - Address

EXHIBIT "A" – LEGAL DESCRIPTION

PID NUMBER: 01-013-1000

File# PZ20220038

APPLICANT/OWNER: Suz M Stiyr & Daniel M Pinnerud

* * * * *

The Southeast Quarter of the Southeast Quarter (SE¼ of SE¼) of Section Thirteen (13), Township One Hundred Fifteen (115) North, Range Twenty-five (25) West, Carver County, Minnesota.

EXCEPTING THEREFROM the North 682.03 feet of said Southeast Quarter of the Southeast Quarter of Section 13, Township 115, Range 25, according to the plat thereof on file or of record in the office of the County Recorder, Carver County, Minnesota.